

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE DISTRICT COURT OF GUAM

In re:

Bankruptcy Case No. 19-00010
Chapter 11

ARCHBISHOP OF AGAÑA,
a Corporation Sole,

Debtor.

ORDER FIXING TIME FOR FILING PROOFS OF CLAIMS;
APPROVING PROOF OF CLAIM FORMS;
PROVIDING FOR CONFIDENTIALITY PROTOCOLS;
AND APPROVING FORM AND MANNER OF NOTICE

Before the Court is the motion of the Archbishop of Agaña, Debtor-In-Possession ("Debtor"), entitled "Motion for an Order Establishing Deadlines for Filing Proofs of Claims; Approving Proof of Claim Form; and Approving Form and Manner of Notice Thereof" (the "Motion"). *See* ECF No. 122. It appears that the Motion was brought in compliance with the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules") and Guam Local Bankruptcy Rules ("BKLR"); that no objections have been filed; that the Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and § 157, and this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); that notice of the Motion is appropriate and no other or further notice is required; that the relief requested in the Motion and granted herein is in the best interest of the Debtor's estate, its creditors and other parties-in-interest, and necessary and appropriate for establishing procedures; and that sufficient cause exists.

1 Therefore,

2 **IT IS HEREBY ORDERED** that:

3 1. The Motion is **GRANTED** as set forth in the Order.

4
5 **FORMS**

6 2. The Sexual Abuse Proof of Claim Form, the General Claims Bar Date Notice,
7 the Permitted Party Confidentiality Agreement, the Sexual Abuse Claims Bar Date Notice,
8 and the Publication Notice, in the forms annexed hereto as Exhibits "A," "B," "C," "D," and
9 "E,"¹ respectively, are **APPROVED**.

10
11 **NOTICE**

12 3. The form and manner of notice as approved herein fulfill the notice requirements
13 of the Bankruptcy Rules and the Guam BKLRs, and notice of the bar dates in the form and
14 manner as approved herein is fair and reasonable and will provide sufficient and due notice
15 to all creditors of their rights and obligations in connection with claims they may assert
16 against the Debtor's estate in this Chapter 11 case. Accordingly, the Debtor is authorized
17 and directed to serve and/or publish the notices in the manner described herein.

18
19
20 **BAR DATES**

21 4. Except as provided in paragraph 6 of this Order, any entity holding a pre-petition
22 claim against the Debtor must file a proof of claim in accordance with the procedures
23 described herein **on or before August 15, 2019, 5:00p.m. (ChST-Chamorro Standard**
24 **Time)** (the "General Claims Bar Date"). The General Claims Bar Date applies to all persons
25

26
27
28 _____
¹ Debtor shall properly fill out the forms with missing information, *e.g.*, the toll free number for the Official Committee of Unsecured Creditors.

1 and entities (including governmental units), other than Sexual Abuse Claimants addressed
2 in paragraph 5, that assert claims, as defined in § 101(5) of the Bankruptcy Code, against
3 the Debtor (whether secured, unsecured priority or unsecured non-priority) that arose prior
4 to or on the petition date. The General Claims Bar Date shall be identified in the General
5 Claims Bar Date Notice and the Publication Notice.
6

7 5. Except as provided in paragraph 6 of this Order, any entity holding a prepetition
8 claim arising from sexual abuse for which the individual believes the Debtor may be liable,
9 must file a proof of claim in accordance with the procedures described herein **on or before**
10 **August 15, 2019, 5:00 p.m. (ChST-Chamorro Standard Time)** (the "Sexual Abuse
11 Claims Bar Date"). The Sexual Abuse Claims Bar Date shall be identified in the Sexual
12 Abuse Claims Bar Date Notice and the Publication Notice. A Sexual Abuse Claim is:
13
14

15 Any Claim (as defined in section 101(5) of the Bankruptcy Code) against the
16 Archbishop resulting or arising in whole or in part, directly or indirectly from any
17 actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent
18 assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical,
19 psychological, or emotional harm, or contacts, or interactions of a sexual nature
20 between a child and an adult, or a nonconsenting adult and another adult, sexual
21 assault, sexual battery, sexual psychological or emotional abuse, humiliation, or
22 intimidation, or any other sexual misconduct, and seeking monetary damages or any
23 other relief, under any theory of liability, including vicarious liability, any
24 negligence-based theory, contribution, indemnity, or any other theory based on any
25 acts or failures to act by the Archbishop or any other person or entity for whose acts
26 or failures to act the Archbishop is or was allegedly responsible.

23 **WHO MUST FILE PROOFS OF CLAIM**

24 6. The following entities, whose claims otherwise would be subject to the General
25 Claims Bar Date or the Sex Abuse Claims Bar Date, shall **not** be required to file proofs of
26 claim in this Chapter 11 case:
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. Any person or entity that has already properly filed a proof of claim against the Debtor with the Clerk of the Court for the District Court of Guam (the "Court");
- b. A person or entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not described therein as "disputed," "contingent," or "unliquidated;" and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
- c. Any person or entity that asserts an administrative expense claim against the Debtor pursuant to § 503(b) and § 507(a)(2) of the Bankruptcy Code;
- d. Any person or entity whose claim against the Debtor has been allowed by an order of the Court entered on or before the applicable Bar Date; and
- e. Any person or entity whose claim has been paid in full.

7. By virtue of the foregoing, the following entities must file a proof of claim on or before the applicable bar date:

- a. Any person or entity whose pre-petition claim against the Debtor that is not listed in the Debtor's Schedules or whose pre-petition claim is listed in the Schedules but is listed as disputed, contingent or unliquidated, and that desires to participate in this case or share in a distribution in this case;
- b. Any person or entity that believes that its pre-petition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than that identified in the Schedules; and
- c. Any Sexual Abuse Claimant who believes that he or she has a claim against the Debtor, including but not limited to, Sexual Abuse Claimants who have previously filed lawsuits against the Debtor, Sexual Abuse Claimants who previously gave notice to the Debtor and/or the Archbishop (including any Parishes or Schools of the Archbishop) of their abuse (including informal notice thereof), and Sexual Abuse Claimants who have never filed a lawsuit, entered into a settlement or reported their abuse to the Debtor and/or the Archbishop (including any Parishes or School of the Archbishop).

1 8. Any entity that is required to file a proof of claim in this Chapter 11 case
2 pursuant to the Bankruptcy Code, the Bankruptcy Rules, or this Order with respect
3 to a particular claim against the Debtor, but that fails to do so by the applicable bar
4 date, may not be treated as a creditor with respect to such claim for the purposes of
5 voting on and distribution under any Chapter 11 plan proposed and/or confirmed in
6 this case.
7

8 9. The Debtor shall retain the right to: (i) dispute, or assert offsets or defenses,
9 including statute of limitations, against any filed claim or any claim listed or reflected in the
10 schedules as to nature, amount, liability, classification or otherwise; and (ii) subsequently
11 designate any claim as disputed, contingent or unliquidated.
12

13
14 **REQUIREMENTS FOR PROOF OF CLAIM FORMS**

15 10. Each general creditor proof of claim form must: (a) be written in English; (b)
16 be denominated in lawful currency of the United States as of the petition date; (c) have
17 attached copies of any writings upon which the claim is based, including evidence that a
18 security interest has been perfected for any secured claims; and (d) be originally executed
19 and delivered to District Court of Guam, at the following address: Office of the Clerk of
20 Court, District Court of Guam, U.S. Courthouse, 520 W Soledad Avenue, 4th Floor,
21 Hagåtña, 96910, Guam. All general creditor proof of claim forms must be received by the
22 District Court Clerk by the General Claims Bar Date (proofs of claim sent by facsimile or
23 e-mail will not be accepted).
24
25

26 11. Each Sexual Abuse Proof of Claim Form filed must: (a) be written in English;
27 and (b) be originally executed and delivered, along with two (2) copies, to: Office of the
28

1 Clerk of Court-ATTN SEALED DOCUMENTS, District Court of Guam, U.S. Courthouse,
2 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910, Guam, on or before the Sexual Abuse
3 Claims Bar Date. All Sexual Abuse Proof of Claim Forms must be received by the Sexual
4 Abuse Claims Bar Date (proofs of claim sent by facsimile or e-mail will not be accepted).
5 The Clerk of Court will provide a copy of the Sexual Abuse Proof of Claims to the Debtor
6 on a weekly basis. However, if a Sexual Abuse Claimant files a claim using the Official
7 Bankruptcy Form 410 on or before the Sexual Abuse Bar Date, it will be considered a timely
8 filed claim.
9

10 **CONFIDENTIALITY PROTOCOLS**

11
12 12. Sexual Abuse Proof of Claim Forms shall be submitted pursuant to the
13 following Confidentiality Protocol:
14

- 15 a. Sexual Abuse Claimants are directed to mail or deliver the original and two (2)
16 copies of each Sexual Abuse Proof of Claim Form to Clerk at the following
17 address: Office of the Clerk of Court-SEALED DOCUMENTS, District Court
18 of Guam, U.S. Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910,
19 Guam.
- 20 b. Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Claimants will
21 not be available to the general public unless a Sexual Abuse Claimant
22 affirmatively indicates his or her desire that the proof of claim be made public in
23 Part 1 of the Sexual Abuse Proof of Claim Form. The Confidentiality Protocol is
24 for the benefit of the Sexual Abuse Claimants. Accordingly, Sexual Abuse
25 Claimants may elect to make any of the information contained in their own Sexual
26 Abuse Proof of Claim Form public, even if they elected to file the Proof of Claim
27 confidentially; provided, however, that notwithstanding that a Sexual Abuse
28 Claimant may disclose information on such claimant's Sexual Abuse Proof of
Claim, such disclosure shall not constitute a waiver of confidentiality and no other
party may disclose any information from such Sexual Abuse Proof of Claim,
except as allowed by Permitted Parties, as defined below.
- c. Sexual Abuse Proof of Claim Forms submitted by a Sexual Abuse Claimant shall
be held and treated as confidential by the Debtor and Debtor's counsel and copies

1 thereof may be provided to the parties listed below (the “**Permitted Parties**”) and
2 to such other persons that may be granted access to the Sexual Abuse Proofs of
3 Claim by order of the Court. No party (included a Permitted Party) may obtain
4 copies of Sexual Abuse Proofs of Claim unless such party executes a
5 confidentiality agreement substantially in the form attached hereto as **Exhibit C**
6 (the “**Confidentiality Agreement**”). All parties with access to the Sexual Abuse
7 Proof of Claim Forms shall keep the information provided in a Sexual Abuse
8 Proof of Claim Form confidential (unless the Sexual Abuse Claimant elects
9 otherwise in Part 1 of the Sexual Abuse Proof of Claim Form).² Executed
10 Confidentiality Agreements shall be provided to counsel to the Debtor and
11 counsel to the Committee. Permitted Parties shall not disclose the contents of any
12 Sexual Abuse Claim Form unless expressly authorized pursuant to Part 1 of the
13 Sexual Abuse Claim Form, even if the Sexual Abuse disclosed some or all of the
14 information contained in the form. Counsel to the Debtor and counsel to the
15 Committee shall only be required to execute a single Confidentiality Agreement
16 per law firm.

11 d. The Permitted Parties (the “**Permitted Party List**”) include:

- 12
- 13 (i) Counsel to the Debtor retained pursuant to an order of the Bankruptcy
14 Court, including partners, counsel, associates, and employees of such
15 counsel;
- 16 (ii) The Archbishop of Agaña (the “**Archbishop**”) and employees of the
17 Debtor who are necessary to assist the Archbishop in reviewing and
18 analyzing the Sexual Abuse Claims;
- 19 (iii) Counsel for the Committee, including partners, counsel, associates, and
20 employees of such counsel;
- 21 (iv) Any insurance company that provided insurance that may cover the
22 claims described in the Sexual Abuse Proof of Claim Forms upon consent
23 of the Debtor and the Committee;
- 24 (v) Any unknown claims representative appointed pursuant to an order of the
25 Court in this case;
- 26 (vi) Any mediator appointed pursuant to an order of this Court to mediate the
27 terms of a settlement or Plan of reorganization in this case;

27 ² Unless otherwise specified herein, access to the Sexual Abuse Proof of Claim Forms extends only to
28 the natural person who executes the Confidentiality Agreement. A separate Confidentiality Agreement must be
signed by each natural person who seeks access to the records on behalf of a Permitted Party.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (vii) Any special arbitrator/claims reviewer appointed to review and resolve the claims of Sexual Abuse Claimants;
- (viii) Any trustee, or functional equivalent thereof, appointed to administer payments to Sexual Abuse Claimants including pursuant to a plan of reorganization or a proposed plan of reorganization;
- (ix) Authorized representatives of a department of corrections if the Sexual Abuse Claimant is incarcerated but only to the extent disclosure is authorized or required under applicable non-bankruptcy law;
- (x) Members of the Committee and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse Claimant's name, address, and any other information identified in Part 2(A) of the Sexual Abuse Proof of Claim Form and the signature block);
- (xi) Any Person with the express written consent of the Debtor and the Committee upon 10 business days' notice to Sexual Abuse Claimants;
- (xii) Insurance companies or their successors, including any authorized claim administrators of such insurance companies, that issued or allegedly issued policies to the Debtor and their reinsurers and attorneys;
- (xiii) Such other persons as the Court determines should have the information in order to evaluate Sexual Abuse Claims; provided, however, that any such determination shall be made on no less than 7 days' notice to Sexual Abuse Claimants.

TIMING AND FORM OF NOTICE

13. Within five (5) days of the entry of this Order, the Debtor shall serve by United States mail, first-class postage prepaid, the General Claims Bar Date Notice on (a) the Office of the United States Trustee; (b) counsel to the Committee; (c) all entities who have filed a notice of appearance in the Debtor's case; (d) all entities listed in

1 Debtor's schedules; (e) all parties to executory contracts and unexpired leases of the
2 Debtor; (f) all entities that have previously filed proofs of claim in this case; (g) any other
3 entities or their counsel, including governmental units, known to the Debtor as entities
4 who may have claims against the estate; and (h) such additional persons and entities as
5 deemed appropriate by the Debtor.
6

7 14. Within five (5) days of entry of this Order, the Debtor shall also serve by
8 United States mail, first-class postage prepaid, the Sexual Abuse Claims Bar Date Notice
9 on the parties identified in paragraph 13(a), (b), (c), (d) and (h), and on known Sexual
10 Abuse Claimants who:
11

- 12 a. filed, or threatened to file, lawsuits against the Debtor that allege
13 they were abused; and
14
- 15 b. contacted the Debtor to report that they were Claimants of abuse,
16 whether or not that individual's claim was considered to be
17 substantiated and whether or not the report was written or verbal.

18 15. The Debtor shall also provide notice of the Sexual Abuse Claims Bar Date and
19 the General Claims Bar Date by causing a copy of the Publication Notice to be published as
20 follows:
21

- 22 (i) Publication twice (in English) in each of the following
23 publications; the first publication to occur within two weeks of
24 the service of the Bar Date Notice Package and the second
25 publication to occur thirty (30) days prior to the expiration of
26 the General and Sexual Abuse Bar Date.³

27
28

³ The debtor reserves the right to modify the publication list.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

U.S. Publications and Entities

GUAM
Pacific Daily News (Gannett.com)
Guam Daily Post

SAIPAN
Marianas Variety
Saipan Tribune

HAWAII
Honolulu Star Advertiser
Midweek Oahu

CALIFORNIA
San Jose Mercury-News
Los Angeles Times
San Francisco Examiner
The San Diego Union-Tribune

NEVADA
Las Vegas Sun
Las Vegas Review-Journal

Reno Gazette-Journal
Reno News & Review

ARIZONA
The Arizona Republic, Phoenix (Gannett.com)
Arizona Daily Star, Tucson

OREGON
The Oregonian, Portland
The Register-Guard, Eugene
Statesman Journal, Salem (Gannett.com)

COLORADO
The Denver Post
The Colorado Springs Gazette
Pueblo Chieftain

WASHINGTON STATE
Seattle Times
Spokane Spokesman-Review
The Herald

1 **CATHOLIC PUBLICATIONS OR SITES**

2 National Catholic Reporter (National)
3 The National Catholic Register (National)

4 **GUAM**

5 Umatuna Si Yu'os Catholic newspaper
6 Umatuna Si Yu'os website
7 Archbishop of Agaña website

8 **SAIPAN**

9 The North Star, newspaper of Chalan Kanoa Diocese

10 **HAWAII**

11 Hawaii Catholic Herald
12 (Every two weeks)

13 USA Today (shall be published one time only at least thirty (30) days prior to
14 the expiration of the Bar Dates)

15 16. Within five (5) days of entry of this Order, the Debtor shall also provide
16 the Sexual Abuse Claims Bar Date Notice and the General Claims Bar Date Notice
17 to the District Court of Guam for posting on the court's website at
18 <http://www.gud.uscourts.gov>.

19 17. In addition, the Debtor intends to provide further notice of the Sexual
20 Abuse Bar Date by taking the following measures:

- 21
- 22 (i) Upon entry of the Order, the Debtor will post the Sexual Abuse Bar Date
23 Notice Package on the following website: <https://aganaarch.org/> and will
24 request the Parishes post on the website of each Parish that maintains a
25 website.
- 26 (ii) The Debtor will maintain a telephone number which may be used by
27 Sexual Abuse Claimants to ask questions or obtain copies of the Sexual
28 Abuse Bar Date Notice Package or parts thereof;

1 (iii) Within one (1) week of the service of the Sexual Abuse Bar Date Notice
2 Package, the Debtor will mail a copy of the Sexual Abuse Bar Date Notice
3 to the following:

- 4 a. the attorney general for Guam;
- 5 b. each Parish and mission that is a part of the Archbishop;
- 6 c. the public health agency, if any, for each county where the
7 Archbishop has a parish or mission;
- 8 d. a substance abuse agency, if any, in each county where the
9 Archbishop has a parish or mission;
- 10 e. the police department for each locality where the Archbishop has
11 a parish or mission;
- 12 f. the hospital(s) for each county where the Archbishop has a parish
13 or mission;
- 14 g. the following entities:

15 **GUAM GROUPS OFF-ISLAND**

- 16 1. The Sons and Daughters of Guam (San Diego)
- 17 2. Chamorro Optimist Club (San Diego)
- 18 3. CNMI Club San Diego
- 19 4. Guam Society of America (Washington D.C.)
- 20 5. National Organization of Chamorro Veterans
- 21 6. Cal Islanders Humanitarian Assn. (CIHA)
- 22 7. Guam Catholics in Washington (Lacey, Olympia, Port Orchard)

23 **NEWS GROUPS TO RECEIVE THE NOTICE**

- 24 8. KUAM Radio and TV
- 25 9. K57 & Sorenson radio stations
- 26 10. KSTO
- 27 11. The Points, KUSG
- 28 12. Hit Radio 100
13. KPRG
14. Pacific News Center
15. Guam Daily Post
16. Pacific Island Times
17. KOLG (Archdiocesan radio station of Guam)

18 (iv) Each request to each recipient listed above shall request that the party post
19 or publish such Notice in a prominent place until the expiration of the
20 Sexual Abuse Bar Date.

21 (v) Each request described above shall be on the Debtor's stationery,
22 personally signed by the Archbishop. The request shall include a statement
23 at the bottom for the recipient to indicate whether it will comply with the
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

request and the request shall include a stamped self-addressed return envelope.

18. The Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order.

19. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

The court vacates the hearing date of May 3, 2019, on this matter.

SO ORDERED.



**/s/ Frances M. Tydingco-Gatewood
Chief Judge
Dated: May 01, 2019**

SUBMITTED AND APPROVED BY:

/s/ Bruce A. Anderson
Ford Elsaesser
Bruce A. Anderson
ELSAESSER ANDERSON, CHTD.
320 East Neider Avenue, Suite 102
Coeur d'Alene, ID 83815
208) 667-2900
Fax: (208) 667-2150
ford@eaidaho.com
brucea@eaidaho.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ John C. Terlaje
John C. Terlaje
LAW OFFICE OF JOHN C. TERLAJE
Terlaje Professional Bldg., Suite 216
194 Hernan Cortez Ave.
Hagåtña, Guam 96910
Telephone: (671) 477-8894/5
john@terlaje.net

Counsel for Debtor

1 EXHIBIT A

2 Ford Elsaesser, ISB #2205
3 Bruce A. Anderson, ISB #3392
4 ELSAESSER ANDERSON, CHTD.
5 320 East Neider Avenue, Suite 102
6 Coeur d'Alene, ID 83815
7 Tel: (208) 667-2900
8 Fax: (208) 667-2150
9 ford@eaidaho.com
10 brucea@eaidaho.com

11 John C. Terlaje
12 LAW OFFICE OF JOHN C. TERLAJE
13 Terlaje Professional Bldg., Suite 216
14 194 Hernan Cortez Ave.
15 Hagåtña, Guam 96910
16 Telephone: (671) 477-8894/5
17 john@terlaje.net

18 *Counsel for Debtor-in-Possession*

19 **IN THE DISTRICT COURT OF GUAM**
20 **TERRITORY OF GUAM**
21 **BANKRUPTCY DIVISION**

22 In re:

Chapter 11 Bankruptcy

Case No. 19-00010

23 ARCHBISHOP OF AGAÑA,
24 a Corporation Sole,

25 Debtor.

26 **SEXUAL ABUSE PROOF OF CLAIM**

27 **IMPORTANT:**

28 **THIS FORM MUST BE RECEIVED NO LATER THAN AUGUST 15, 2019 AT 5:00 P.M.**
(PREVAILING CHST-CHAMORRO STANDARD TIME)

Carefully read the Notice and Instructions that are included with this **CONFIDENTIAL PROOF OF CLAIM** and complete all applicable questions. Send together with one copy to: Clerk of the Court, District of Guam at the following address: Office of the Clerk of Court- ATTN SEALED DOCUMENTS, District Court of Guam, U.S. Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910, Guam. If you prefer to hand deliver the completed Confidential Proof of Claim form to the Clerk, the physical address for hand delivery is Clerk of

1 the District Court of Guam, U.S. Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña,
2 96910, Guam.

3 **If you mail or delivery the Confidential Proof of Claim form it must be received by the**
4 **Clerk no later than 5:00 p.m. (prevailing ChST-Chamorro Standard Time) on August 15,**
5 **2019.**

6 **YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

7 **AND YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL**
8 **COMMITTEE OF UNSECURED CREDITORS BY CALLING TOLL FREE AT**
9 _____.

10 **FAILURE TO COMPLETE AND RETURN THIS FORM MAY RESULT IN YOUR**
11 **INABILITY TO VOTE ON A PLAN OF REORGANIZATION AND RECEIVE A**
12 **DISTRIBUTION FROM THE ARCHBISHOP OF AGAÑA, (THE “ARCHBISHOP”).**

13 **UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL**
14 **BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC**
15 **RECORD OF THE BANKRUPTCY COURT. HOWEVER, THIS PROOF OF CLAIM**
16 **AND THE INFORMATION IN THIS PROOF OF CLAIM WILL BE PROVIDED**
17 **PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE**
18 **ARCHBISHOP, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND**
19 **TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED**
20 **THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.**

21 **THIS PROOF OF CLAIM IS FOR SEXUAL ABUSE CLAIMANTS ONLY.**

22 For the purposes of filing a Sexual Abuse Proof of Claim, a **Sexual Abuse Claim** is defined as
23 any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archbishop
24 resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual
25 conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape,
26 pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or
27 contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult
28 and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse,
humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or
any other relief, under any theory of liability, including vicarious liability, any negligence-based
theory, contribution, indemnity, or any other theory based on any acts or failures to act by the
Archbishop or any other person or entity for whose acts or failures to act the Archbishop is or
was allegedly responsible.

For Purposes of this Proof of Claim, a **Sexual Abuse Claimant** is defined as the person asserting
a Sexual Abuse Claim against the Archbishop, or if a minor, then his parent or legal guardian.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR
ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR

1 **INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE**
2 **CLAIMANT'S REPRESENTATIVE, EXECUTOR OF THE ESTATE OR THE**
3 **ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR,**
4 **THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR**
5 **LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY.**

6 Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5
7 years, or both. 18 U.S.C. §§ 152 and 3571.

8 **PART 1: CONFIDENTIALITY**

9 **THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING**
10 **EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL**
11 **PURSUANT TO COURT-APPROVED GUIDELINES UNLESS YOU EXPRESSLY**
12 **REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND**
13 **SIGNING BELOW. ONLY THE SEXUAL ABUSE CLAIMANT MAY WAIVE**
14 **CONFIDENTIALITY IN THIS PART 1.**

15 I do not want this Proof of Claim (along with any accompanying exhibits and
16 attachments) to be kept confidential. Please verify this election by signing directly below.

17 Signature: _____

18 Print Name: _____

19 **PART 2: IDENTIFYING INFORMATION**

20 **A. Sexual Abuse Claimant**

21 _____
22 First Name Middle Initial Last Name Jr/Sr/III

23 _____
24 Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address
25 of the individual submitting the claim. If you are in jail or prison, your current address).

26 _____
27 City State/Prov. Zip Code (Postal Code) Country
28 (if other than U.S.A.)

Telephone No(s):
Home: _____ Work: _____ Cell: _____

Email address: _____

Social Security Number: _____

If you are in jail or prison, your identification number: _____

1 May we leave voicemails for you regarding your claim? Yes No

2 May we send confidential information to your email: Yes No

3 Birth Date: _____ Male Female
4 Month Day Year

5 Any other name, or names, by which the Sexual Abuse Claimant has been known:

6 _____

7 **B. Sexual Abuse Claimant's Attorney (if any):**

8 _____

9 Law Firm Name

10 _____
11 Attorney's First Name Middle Initial Last Name

12 _____
13 Street Address

14 _____
15 City State/ Prov. Zip Code (Postal Code) Country
(if other than U.S.A.)

16 _____
17 Telephone No. Fax No. E-mail address

18 **PART 3: NATURE OF COMPLAINT**
(Attach additional separate sheets if necessary)

19 **NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE**
20 **ARCHBISHOP IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE**
21 **COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES**
22 **NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST**
23 **PROVIDE THE INFORMATION BELOW.**

24 a. Who committed the acts of sexual abuse or other wrongful conduct?
25 _____
26 _____
27 _____
28 _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

b. What is the position, title or relationship to you (if known) of the abuser or individual who committed these acts?

c. Where did the sexual abuse or other wrongful conduct take place? Please be specific and complete all relevant information that you know, including the City and State, name of the School (if applicable) and/or the name of any other location.

d. When did the sexual abuse or other wrongful conduct take place?

1. If the sexual abuse or other wrongful conduct took place over a period of time (months or years), please state when it started, when it stopped, and how many times it occurred.

2. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse or other wrongful conduct took place.

e. What happened (describe what happened):

f. Did you tell anyone about the sexual abuse or other wrongful conduct and, if so, who did you tell and when (this would include parents; relatives; friends; the Archbishop; attorneys; counselors; and law enforcement authorities)?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

g. Identify any church or religious organization you have belonged to or have been affiliated with.

h. State whether there were any witnesses to the abuse. If there were any witnesses, please list their name(s) and any contact information you have.

PART 4: IMPACT OF COMPLAINT
(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to this Part 4, you may leave this Part 4 blank, but you will be required to complete this Part 4 within thirty (30) days after a written request is made for the information requested in this Part 4)

1. What injuries (including physical, mental and/or emotional) have occurred to you because of the act or acts of sexual abuse or other wrongful conduct that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PART 5: ADDITIONAL INFORMATION

1. Prior Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim.

Yes No (If "Yes," you are required to attach a copy of any completed claim form.)

If "Yes," which case(s):

2. Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse or other wrongful conduct, have you settled any claim relating to the sexual abuse or other wrongful conduct described in this claim?

Yes No (If "Yes," please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

3. Bankruptcy. Have you ever filed bankruptcy? Yes No (If "Yes," please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 11 12 13 Name of Trustee: _____

4. State whether you have previously commenced any lawsuit seeking damages for the identified sexual abuse. If yes, please state:

a. Where and when you commenced the lawsuit:

b. The parties to the lawsuit:

c. The case number if any:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

d. The result of the lawsuit:

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

Under penalty of perjury, I declare the foregoing statements to be true and correct.

Date: _____

Signature: _____

Print Name: _____

Relationship to Sexual Abuse Claimant: _____

EXHIBIT B

Ford Elsaesser, ISB #2205
Bruce A. Anderson, ISB #3392
ELSAESSER ANDERSON, CHTD.
320 East Neider Avenue, Suite 102
Coeur d'Alene, ID 83815
Tel: (208) 667-2900
Fax: (208) 667-2150
ford@eaidaho.com
brucea@eaidaho.com

John C. Terlaje
LAW OFFICE OF JOHN C. TERLAJE
Terlaje Professional Bldg., Suite 216
194 Hernan Cortez Ave.
Hagåtña, Guam 96910
Telephone: (671) 477-8894/5
john@terlaje.net

Counsel for Debtor-in-Possession

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
BANKRUPTCY DIVISION

In re:

Chapter 11 Bankruptcy

Case No. 19-00010

ARCHBISHOP OF AGAÑA,
a Corporation Sole,

Debtor.

NOTICE OF BAR DATES FOR FILING OF GENERAL PROOFS OF CLAIM

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE ARCHBISHOP OF AGAÑA:

PLEASE TAKE NOTICE that on January 16, 2019 (the “Petition Date”) The Archbishop of Agaña, Debtor and Debtor-in-Possession in the above-captioned case filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the United State Bankruptcy Court for the District of Guam (the “Court”). The Debtor, its address, case number, proof of claim forms and other relevant information related to this Chapter 11 case may be obtained at: <https://aganaarch.org>.

1 **PLEASE TAKE FURTHER NOTICE** that on May ____, 2019, the Court entered an
2 order (the “Bar Date Order”) establishing certain claims bar dates in the Debtor’s Chapter 11
3 case. By the Bar Date Order, the Court established **August 15, 2019 at 5:00 p.m. (prevailing**
4 **ChST-Chamorro Standard Time)**, as the date by which general claims must be filed (the
5 “General Bar Date”). Except as described below, the Bar Date Order requires all Entities,
6 including Governmental Units, that have or may assert any prepetition Claims against the Debtor
7 to file proofs of claim with the District Court of Guam, U.S. Courthouse, 520 W Soledad
8 Avenue, 4th Floor, Hagåtña, 96910, Guam, so that their proofs of claim are received by the Clerk
of the Court on or before 5:00 p.m. (prevailing ChST-Chamorro Standard Time) on the
applicable bar date set forth herein. Please note that the terms “Entity,” “Governmental Unit” and
“Claim” are defined below.

9 **PLEASE TAKE FURTHER NOTICE** that for your convenience, enclosed with this
10 notice (the “General Creditor Bar Date Notice”) is a proof of claim form (the “General Creditor
11 Proof of Claim Form”). If this notice does not include a proof of claim form, a proof of claim
form may be obtained from Debtor at: <https://aganaarch.org>.

12 **KEY DEFINITIONS**

- 13 • As used in this Notice, the term “Entity” has the meaning given to it in section 101(15) of
14 the Bankruptcy Code, and includes all persons (individuals, partnerships and
corporations), estates, trusts, Governmental Units and the United States Trustee.
- 15 • As used in this Notice, the term “Governmental Unit” has the meaning given to it in
16 section 101(27) of the Bankruptcy Code and includes the United States, States,
17 commonwealths, districts, territories, municipalities, foreign states, or departments,
agencies or instrumentalities of the foregoing.
- 18 • As used in this Notice, the term “Claim” shall mean, as to or against the Debtor and in
19 accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment,
whether or not such right is reduced to judgment, liquidated, unliquidated, fixed,
20 contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or
21 unsecured; or (ii) any right to an equitable remedy for breach of performance if such
breach gives rise to a right to payment, whether or not such right to an equitable remedy
22 is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed,
23 secured or unsecured.

24 **A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS**
25 **ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT MUST FILE A**
26 **PROOF OF CLAIM. A CLAIMANT MAY ALSO OBTAIN INFORMATION**
FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY
CALLING [REDACTED].

27 **I. WHO MUST FILE A PROOF OF CLAIM AND THE APPLICABLE BAR DATES**

1 a. **The Bar Dates:** The Bar Date Order establishes the following applicable bar dates
2 for filing proofs of claim in this case:

3 i. **The General Bar Date.** Except as set forth below, pursuant to the Bar Date
4 Order, all Entities, including Governmental Units, holding Claims against
5 the Debtor (whether secured, unsecured priority, or unsecured nonpriority)
6 that arose prior to or on January 16, 2019, are required to file proofs of
7 claim by the General Bar Date – **August 15, 2019 at 5:00 p.m.**
8 **(prevailing ChST-Chamorro Standard Time).**

9 b. **Entities that MUST File Proofs of Claims by the General Bar Date:** Except as
10 set forth in paragraph “C” below, the following Entities (including Governmental
11 Units) must file proofs of claim on or before the General Bar Date:

12 i. Any person or entity whose pre-petition claim against the Debtor is not
13 listed in the Debtor’s Schedules or whose pre-petition claim is listed in the
14 Schedules but is listed as disputed, contingent or unliquidated and that
15 desires to participate in this case or share in any distribution in this case;
16 and

17 ii. Any person or entity that believes that its pre-petition claim is improperly
18 classified in the Schedules or is listed in an incorrect amount and that
19 desires to have its claim allowed in a classification or amount other than
20 that identified in the Schedules.

21 **PLEASE NOTE THAT INDIVIDUALS ASSERTING CLAIMS ARISING FROM
22 SEXUAL ABUSE FOR WHICH SUCH INDIVIDUALS BELIEVE THE
23 ARCHBISHOP OF AGAÑA MAY BE LIABLE ARE INSTRUCTED TO FILE A
24 SEXUAL ABUSE PROOF OF CLAIM FORM, CONSISTENT WITH THE BAR
25 DATE ORDER AND THE SEXUAL ABUSE BAR DATE NOTICE. CLAIMANTS
26 MAY OBTAIN COPIES OF THESE FORMS FROM THE DEBTOR OR THE
27 CLERK OF THE BANKRUPTCY COURT, AT THE ADDRESSES SET FORTH
28 HEREIN.**

c. **Entities NOT Required to File Proofs of Claim by the General Bar Date:** The
Bar Date Order further provides that the following Entities need not file proofs of
claim by the General Bar Date:

i. Any person or entity that has already properly filed a proof of claim
against the Debtor with the Clerk of the Court;

ii. Any person or entity: (a) whose claim is listed in the Schedules or any
amendments thereto, and (b) whose claim is not described therein as
“disputed,” “contingent,” or “unliquidated,” and (c) who does not dispute
the amount or classification of its claim as set forth in the Schedules;

iii. Professionals retained by the Debtor or the Committee pursuant to orders
of this Court, who assert administrative claims for payment of fees and

1 expenses subject to the Court's approval pursuant to §§ 330, 331, and
2 503(b) of the Bankruptcy Code;

- 3 iv. Any person or entity that asserts an administrative expense claim against
4 the Debtor pursuant to §§ 503(b)(1) through (9) of the Bankruptcy Code;
- 5 v. Any person or entity whose claim against the Debtor has been allowed by
6 an order of the Court entered on or before the applicable Bar Date; and
- 7 vi. Any person or entity whose claim has been paid in full.

8 **II. CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM**

9 **Any Entity that is required to file a proof of claim, but fails to do so by the**
10 **applicable Bar Date described in this General Bar Date Notice: (i) may NOT be**
11 **treated as a creditor with respect to such Claim for the purposes of voting on and**
12 **distribution under any Chapter 11 plan proposed and/or confirmed in this case; and**
13 **(ii) may be forever barred, estopped, and enjoined from asserting such Claim**
14 **against the Debtor (or filing a proof of claim with respect thereto), and the Debtor**
15 **and its property may be forever discharged from any and all indebtedness or**
16 **liability with respect to such Claim.**

17 **If it is unclear from the Schedules whether your Claim is disputed, contingent or**
18 **unliquidated as to amount or is otherwise properly listed and classified, you must**
19 **file a proof of claim on or before the applicable Bar Date. Any Entity that relies on**
20 **the information in the Schedules bears responsibility for determining that its Claim**
21 **is accurately listed therein.**

22 **RESERVATION OF RIGHTS**

23 The Debtor reserves the right to: (i) dispute, or to assert offsets or defenses against, any filed
24 Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability,
25 classification or otherwise; and (ii) subsequently designate any Claim as disputed, contingent or
26 unliquidated. Nothing contained in this Notice shall preclude the Debtor from objecting to any
27 Claim, whether scheduled or filed, on any grounds.

28 **PROCEDURE FOR FILING PROOFS OF CLAIM**

1. One original proof of claim and one copy must be sent by mail, overnight delivery,
courier or hand delivery to the U.S. Bankruptcy Court Clerk at the following address:
Office of the Clerk of Court, District Court of Guam, U.S. Courthouse, 520 W Soledad
Avenue, 4th Floor, Hagåtña, 96910, Guam, so that their proofs of claim are received by
the Clerk of the Court no later than 5:00 p.m. (prevailing Chamorro Standard Time) on
the General Bar Date. ***Any proof of claim submitted by facsimile or e-mail will not be
accepted and will not be deemed filed until the proof of claim is submitted by the
method described in the foregoing sentence.*** Proofs of claim will be deemed filed only

1 when actually received by the Clerk of the Court. If you wish to receive
2 acknowledgement of the Clerk of the Court's receipt of your proof of claim, you must
3 also submit by the General Bar Date and concurrently with submitting your original proof
4 of claim: (i) one additional copy of your original proof of claim; and (ii) a self-addressed,
5 postage pre-paid return envelope.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
2. Proofs of claim must include all documentation required by Bankruptcy Rules 3001(c) and 3001(d), including an original or a copy of any written document that forms the basis of the Claim or, for secured Claims, evidence that the alleged security interest has been perfected.

ADDITIONAL INFORMATION

1. You may be listed as the holder of a Claim against the Debtor's in the Schedules. If you hold or assert a Claim that is not listed in the Schedules or if you disagree with the amount or priority of your Claim as listed in the Schedules, or your Claim is listed in the Schedules as contingent, unliquidated, or disputed, you must file a proof of claim. Copies of the Schedules and the Bar Date Order are available for inspection during regular business hours at the office of the Office of the Clerk of Court, District Court of Guam, U.S. Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910, Guam. In addition, copies of the Debtor's Schedules and Bar Date Order may be viewed on the Internet at the Court's website (<http://nmb.uscourts.gov/>) by following the directions for accessing the ECF system on such website (a PACER password is required).
2. Questions concerning the contents of this Notice and requests for proofs of claim should be directed Bruce A. Anderson, an attorney representing the Debtor, at 1-208-667-2900, between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Pacific Time), Monday through Friday. Please note that Bruce A. Anderson is not permitted to give you legal advice and will not discuss the merits of the claim with any represented party. You should consult your own attorney for assistance regarding any other inquiries, such as questions concerning the completion or filing of a proof of claim.

Dated: _____, 2019

BY ORDER OF THE HONORABLE FRANCES M. TYDINGCO-GATEWOOD
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
BANKRUPTCY DIVISION**

In re:

Chapter 11 Bankruptcy

Case No. 19-00010

ARCHBISHOP OF AGAÑA,
a Corporation Sole,

Debtor.

PERMITTED PARTY CONFIDENTIALITY AGREEMENT

This Agreement ("**Agreement**") is entered into as of _____, 2019

By _____ (the "**Recipient**"), a Permitted Party pursuant to paragraph _____ of the *Order Fixing Time for Filing Proofs of Claims; Approving Proofs of Claim Forms; Providing for Confidentiality Protocols; and Approving Form and Manner of Notice* (the "**Order**") [Docket No. _____] on _____, 2019 by the District Court of Guam, Territory of Guam, Bankruptcy Division (the "**Court**") in case no. 19-00010, *In Re: Archbishop of Agaña, a Corporation Sole* (the "**Case**").

WHEREAS, the Recipient will be granted access to confidential Sexual Abuse Proof of Claim Forms¹ filed in the Case after execution of this Agreement pursuant to and in accordance with the terms of the Order;

WHEREAS, Recipient agrees to keep the information provided in any and all Sexual Abuse Proof of Claim Form confidential pursuant to and in accordance with the terms of the Order and this Agreement; and

¹Capitalized terms used but not defined herein shall have the meaning and definitions ascribed to them in the Order.

1 WHEREAS, with the exception of the parties identified in paragraph 12.c. of the Order,
2 access to the Sexual Abuse Proof of Claim Forms extends only to the natural person who
3 executes this Agreement. A separate confidentially agreement must be signed by each
4 natural person who seeks access to the sexual abuse Proof of Claim Forms on behalf of a
5 Permitted Party.

6 NOW THEREFORE, IT IS AGREED AS FOLLOWS:

- 7 1. Recipient agrees to keep the information provided in the Sexual Abuse Proof of
8 Claim Forms confidential pursuant to and in accordance with the terms of the Order
9 and this Agreement;
- 10 2. Recipient agrees to not distribute any Sexual Abuse Proof of Claim Forms or
11 information provided in the Proof of Claim Forms in violation of the Confidential
12 Protocol in the Order and this Agreement.
- 13 3. Recipient may use the information provided in any and all Sexual Abuse Proof of
14 Claims Forms only in connection with the Case, any related adversary proceedings or
15 contested matters in the Case, any related insurance or reinsurance coverage demands,
16 claims, disputes, or litigation, any settlement negotiation or mediation regarding all of
17 the foregoing, and as otherwise required by federal or state laws or regulations
18 ("Permitted Use(s)").
- 19 4. In the event a Permitted Use requires Recipient to disclose to a court information
20 provided in any and all Sexual Abuse Proof of Claims Forms, Recipient will file the
21 Sexual Abuse Proof of Claim Forms under seal or in accordance with any subsequent
22 order entered by the Bankruptcy Court in the Case regarding such disclosure after
23 request by Recipient and/or other parties in interest in the Case.
- 24 5. Except as provided herein, Recipient agrees that only the natural person who executes
25 this Agreement, will have access to the Sexual Abuse Proof of Claim Forms unless a
26 Permitted Party pursuant to paragraph 12.d. of the Order.
- 27 6. Except as provided herein, Recipient will only communicate information from the
28 confidential Sexual Abuse Proof of Claim Forms with other Permitted Parties who have
executed a confidentiality agreement pursuant to the Order.
7. Recipient consents to the jurisdiction of the Court to adjudicate any violation of this
Agreement or the Order.
8. Recipient shall promptly report any disclosure of information from a confidential
Sexual Abuse Claim to the Debtor and the Committee, and shall cooperate with efforts
to recover the information and/or mitigate the effects of the disclosure.

//

//

//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. Nothing in this Agreement imposes any restrictions on the use or disclosure of any information that is obtained from a source other than the Sexual Abuse Proof of Claim of Forms, nor precludes Recipient from petitioning the Court in the Case regarding modification of the Order and this Agreement as to disclosure of the information contained in the Sexual Abuse Proof of Claim Forms.

Dated this ____ day of _____, 2019

By: _____
Signature

Print Name

EXHIBIT D

Ford Elsaesser, ISB #2205
Bruce A. Anderson, ISB #3392
ELSAESSER ANDERSON, CHTD.
320 East Neider Avenue, Suite 102
Coeur d'Alene, ID 83815
Tel: (208) 667-2900
Fax: (208) 667-2150
ford@eaidaho.com
brucea@eaidaho.com

John C. Terlaje
LAW OFFICE OF JOHN C. TERLAJE
Terlaje Professional Bldg., Suite 216
194 Hernan Cortez Ave.
Hagåtña, Guam 96910
Telephone: (671) 477-8894/5
john@terlaje.net

Counsel for Debtor-in-Possession

**IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
BANKRUPTCY DIVISION**

In re:

Chapter 11 Bankruptcy

Case No. 19-00010

ARCHBISHOP OF AGAÑA,
a Corporation Sole,

Debtor.

**NOTICE OF DEADLINE FOR FILING CLAIMS
RELATING TO OR ARISING FROM SEXUAL ABUSE**

**TO ALL PERSONS WITH CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH
THE ARCHBISHOP OF AGAÑA MAY BE LIABLE.**

**AUGUST 15, 2019 AT 5:00 P.M. (PREVAILING CHST-CHAMORRO STANDARD
TIME) IS THE LAST DATE TO FILE PROOFS OF CLAIM FOR SEXUAL ABUSE**

On January 16, 2019 (the “Petition Date”) The Archbishop of Agaña (“Debtor”) Debtor and Debtor-in-possession in the above-captioned case filed voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the District Court of Guam, Bankruptcy

1 Division (the “Court”). The Debtor, its address, case number, proof of claim forms and other
2 relevant information related to this Chapter 11 case may be obtained at: <https://aganaarch.org>
3 Individuals may assert a Sexual Abuse Claim (as defined in the next paragraph) against the
4 Debtor. Any person who believes that he or she has, or may have, a Sexual Abuse Claim should
5 carefully read this notice.

6 For the purposes of filing a Sexual Abuse Proof of Claim, a **Sexual Abuse Claim** is defined as
7 any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archbishop
8 resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual
9 conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape,
10 pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or
11 contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult
12 and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse,
13 humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or
14 any other relief, under any theory of liability, including vicarious liability, any negligence-based
15 theory, contribution, indemnity, or any other theory based on any acts or failures to act by the
16 Archbishop or any other person or entity for whose acts or failures to act the Archbishop is or
17 was allegedly responsible.

18 Any individual asserting a Sexual Abuse Claim is referred to in this form as a **Sexual Abuse
19 Claimant**.

20 **A SEXUAL ABUSE CLAIMANT REPRESENTED BY COUNSEL SHOULD
21 CONSULT HIS OR HER OWN ATTORNEY IF THE SEXUAL ABUSE
22 CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH SEXUAL
23 ABUSE CLAIMANT MUST FILE A PROOF OF CLAIM. A SEXUAL ABUSE
24 CLAIMANT MAY ALSO OBTAIN INFORMATION (BUT NOT LEGAL
25 ADVICE) FROM THE OFFICIAL COMMITTEE OF UNSECURED
26 CREDITORS BY CALLING [REDACTED].**

27 **YOU MAY WANT TO CONSULT WITH AN ATTORNEY BEFORE FILING A
28 SEXUAL ABUSE PROOF OF CLAIM AGAINST THE DEBTOR.**

FILING DEADLINE

29 The District Court of Guam, Bankruptcy Division entered an order (the “Bar Date
30 Order”) establishing **August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard
31 Time)**, as the last date and time (the “Sexual Abuse Bar Date”) for each Sexual Abuse Claimant
32 to file a proof of claim form (the “Sexual Abuse Proof of Claim Form”). The Sexual Abuse Bar
33 Date and the procedures set forth below for filing proofs of claim apply to all Sexual Abuse
34 Claims against the Debtor, based upon acts of sexual abuse occurring prior to January 16, 2019.

1 **WHO MUST FILE**

2 If you believe that you have a Sexual Abuse Claim, you must file a Sexual Abuse Proof
3 of Claim Form to maintain and/or preserve any claims that you have against the Debtor. Even if
4 you have already filed a lawsuit against the Debtor alleging sexual abuse prior to January 16,
5 2019 you must still file a Sexual Abuse Proof of Claim Form to maintain and/or preserve your
6 rights in the Debtor’s Chapter 11 case.

7 **WHO SHOULD NOT FILE**

8 You should not file a Sexual Abuse Proof of Claim Form if:

- 9 • Your Sexual Abuse Claim has already been paid in full;
- 10 • You hold a claim that has been allowed by an order of the District Court, Bankruptcy
11 Division, on or before the Sexual Abuse Bar Date;
- 12 • You do not have a claim against the Debtor.

13 **WHAT TO FILE**

14 **YOU MUST FILE A SEXUAL ABUSE PROOF OF CLAIM FORM, A COPY OF
15 WHICH IS ENCLOSED. YOU MAY ALSO OBTAIN A COPY OF THE SEXUAL
16 ABUSE PROOF OF CLAIM FORM BY FOLLOWING THE INSTRUCTIONS BELOW.**

17 **PROCEDURES FOR FILING A SEXUAL ABUSE PROOF OF CLAIM FORM**

18 To file a Sexual Abuse Proof of Claim Form, you must take the following steps:

- 19 • Fill out the Sexual Abuse Proof of Claim Form.
- 20 • For additional copies of the Sexual Abuse Proof of Claim Form: (a) photocopy the
21 Sexual Abuse Proof of Claim Form; (b) contact the Debtor between the hours of 9:00
22 a.m. and 5:00 p.m. (prevailing ChST-Chamorro Standard Time), Monday through Friday,
23 at _____, or (c) visit the Debtor’s website at: **<https://aganaarch.org>**.
- 24 • **Please note that the Debtor’s staff is not permitted to give you legal advice. You
25 should consult your own attorney for assistance regarding any other inquiries, such
26 as questions concerning the completion or filing of a proof of claim.**
- 27 • Return the completed Sexual Abuse Proof of Claim Form, together with one (1) copy, to
28 the Clerk's Office-ATTN SEALED DOCUMENTS, District Court of Guam, U.S.
Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910, Guam, no later than
August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard Time). Sexual
Abuse Proof of Claim Forms will be deemed timely filed only when they are **actually
received** by the Clerk of the Court by **August 15, 2019 at 5:00 p.m. (prevailing ChST-
Chamorro Standard Time)**.

- 1 • **Please note that a Sexual Abuse Proof of Claim Form submitted by facsimile,**
2 **teletype or electronic mail transmission will not be accepted and may not be deemed**
3 **filed.** If you are returning a Sexual Abuse Proof of Claim Form by mail, allow sufficient
4 mailing time so that the Sexual Abuse Proof of Claim Form is received on or before
5 **August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard Time).** Sexual
6 Abuse Proof of Claim Forms that are postmarked before the Sexual Abuse Bar Date, but
7 which are received by the Clerk of the Court after the Sexual Abuse Bar Date, will be
8 considered late.
- 9 • If a Sexual Abuse Claimant returns a Sexual Abuse Proof of Claim Form in person, by
10 overnight mail or by courier service, or by mail the Sexual Abuse Proof of Claim Form
11 should be delivered to the following address, between the hours of 9:00 a.m. and 5:00
12 p.m. (prevailing ChST-Chamorro Standard Time), Monday through Friday:

13 Clerk's Office - ATTN SEALED DOCUMENTS
14 District Court of Guam
15 U.S. Courthouse
16 520 W Soledad Avenue, 4th Floor
17 Hagåtña, 96910, Guam

18 CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

19 The deadline for filing a Sexual Abuse Proof of Claim Form is **August 15, 2019 at 5:00**
20 **p.m.** (prevailing ChST-Chamorro Standard Time). Any person who has a Sexual Abuse Claim
21 and does not file a Sexual Abuse Claim by that date may **not** be treated as a creditor for voting or
22 distribution purposes under any plan of reorganization and such claim may be subject to
23 discharge. Failure to file a Sexual Abuse Claim may prevent such person from voting on any
24 plan of reorganization in this case. Further, if such Sexual Abuse Claim is discharged, the Sexual
25 Abuse Claimant may be forever barred and prevented from asserting his or her Sexual Abuse
26 Claim against the Debtor or its property, and may not receive any payment or distribution in
27 connection with such Sexual Abuse Claim.

28 CONFIDENTIALITY

 Pursuant to the Bar Date Order, filed Sexual Abuse Proofs of Claim Forms will remain
confidential in this bankruptcy case, unless you elect otherwise in Part 1 of the Sexual Abuse
Proof of Claim Form. Therefore, the Sexual Abuse Proof of Claim Form that you file will not be
available to the general public, but will be kept confidential, except that information will be
provided to the Debtor, the Debtor's attorneys, the United States Trustee's Office, the Debtor's
insurers, attorneys for the official committee of unsecured creditors and its members, any
unknown claims representative appointed under a plan of reorganization, any settlement trustee
appointed to administer payments to Sexual Abuse Claimants, prison authorities for incarcerated
Sexual Abuse Claimants and such other persons as the Court determines should have the
information in order to evaluate the Sexual Abuse Claim, all of whom will agree to keep the
information provided by you confidential.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: _____, 2019

BY ORDER OF THE HONORABLE FRANCES M. TYDINGCO-GATEWOOD
UNITED STATES BANKRUPTCY JUDGE

**DISTRICT COURT OF GUAM, TERRITORY OF GUAM,
BANKRUPTCY DIVISION**

**In re: The Archbishop of Agaña, a Corporation Sole (Archbishop
of Agaña)
Case No. 19-00010**

**YOU MAY HAVE A SEXUAL ABUSE CLAIM OR GENERAL
CLAIM AGAINST THE ARCHBISHOP OF AGAÑA**

On January 16, 2019, The Archbishop of Agaña (“Debtor”) filed for protection under Chapter 11 of Title 11 of the United States Code.

**THE LAST DAY TO FILE A SEXUAL ABUSE CLAIM OR
GENERAL CLAIM AGAINST THE DEBTOR IS August 15,
2019 AT 5:00 P.M. (PREVAILING CHST-CHAMORRO
STANDARD TIME).**

**IF YOU WERE SEXUALLY ABUSED BY ANY PERSON
CONNECTED WITH THE DEBTOR OR HAVE AN
UNSECURED CLAIM AGAINST THE DEBTOR, YOU MUST
FILE A CLAIM BY AUGUST 15, 2019 AT 5:00 P.M.
(PREVAILING CHST-CHAMORRO STANDARD TIME).**

For more information on how to obtain and file a proof of claim for and associated documents please (a) visit the Debtor’s website at <https://aganaarch.org>; (b) call the Debtor’s hotline at _____; or (c) call the Official Committee of Unsecured Creditors appointed in this case at [REDACTED].

EXHIBIT E