

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,

Debtor.

**NOTICE OF HEARING AND MOTION FOR AN ORDER (I) GRANTING EXPEDITED
RELIEF, (II) APPROVING CLAIM FORMS, (III) APPROVING MANNER AND FORM
OF NOTICE, AND (IV) APPROVING CONFIDENTIALITY PROCEDURES**

TO: The United States Bankruptcy Judge, the United States Trustee, and other parties in
interest as specified in Local Rule 9013-3(a)(2).

The Diocese of St. Cloud, the debtor and debtor in possession, moves the court for the
relief requested below and gives notice of hearing:

NOTICE OF HEARING AND MOTION

1. The court will hold a hearing on this motion at **9:30 a.m. (CDT) on July 2, 2020.**
Parties interested in attending the hearing should contact Judge Kressel's calendar clerk at (612)
664-5250 for the call-in information.

2. Given the expedited nature of this motion, Local Rule 9006-1(e) governs the
deadline for responding to this motion and provides that responses may be filed no later than two
hours before the scheduled time for the hearing, unless otherwise ordered by the court.

**PURSUANT TO LOCAL RULE 9013-2, UNLESS A RESPONSE OPPOSING THE
MOTION IS TIMELY FILED, THE COURT MAY GRANT THE RELIEF REQUESTED
IN THE MOTION WITHOUT A HEARING.**

3. The court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157(b)(2) and 1334, Bankruptcy Rule 5005, and Local Rule 1070-1. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The debtor filed the petition commencing this chapter 11 case on June 15, 2020.

4. The debtor files this motion under 11 U.S.C. §§ 105, 107, 501, and 502, as well as Bankruptcy Rules 2002(a)(7), 2002(f), 2002(l), 3003(c), 9009, 9018 and Local Rules 3002-1 and 9029-1(b). The debtor requests expedited relief pursuant to Bankruptcy Rule 9006(c) and Local Rule 9006-1(e). The debtor gives notice of the hearing on this motion pursuant to Bankruptcy Rule 2002(a) and Local Rules 9013-3 and 2002-1(b).

5. The debtor respectfully requests entry of an order: (i) granting expedited relief, (ii) approving the proof of claim forms; (iii) approving the form and manner for giving notice of the proof of claim deadlines; and (iv) approving the proposed confidentiality procedures for the sex abuse claims.

I. BACKGROUND

On June 15, 2020, the debtor commenced this case by filing a voluntary Chapter 11 petition. The debtor is a debtor in possession under 11 U.S.C. §§ 1107 and 1108. The history, organization, and background of the debtor, the reasons for filing this case, the sex abuse claims, and the debtor's mission and programs are described in the *Declaration of Bishop Donald J. Kettler in Support of Chapter 11 Petition and First Day Motions* (the "**Kettler Declaration**"), which is incorporated herein by this reference. Joseph Spaniol, Finance Officer, also verified the additional facts set forth below, as evidenced by the attached verification.

II. FILING OF PROOFS OF CLAIM

A. Deadline to File Timely Proof of Claim

Local Rule 3002-1 provides that “[i]n a Chapter 11 case, the last day to timely file a proof of claim is fixed at 90 days after the date first set for the meeting of creditors.” In this case, the date for the first meeting of creditors is July 23, 2020, and the deadline for creditors other than governmental units to file proofs of claim pursuant to the local rule is October 21, 2020 (the “**Proof of Claim Deadline**”). The court also set December 14, 2020 as the deadline for governmental units to file proofs of claim (the “**Governmental Claim Deadline**”). *See* Docket No. 15. As noted in the Kettler Declaration, the debtor and the primary sex abuse claimants have agreed on a framework for a consensual plan of reorganization. It is the desire and goal of the debtor and the survivors that a plan be confirmed as soon as feasible, consistent with the Bankruptcy Code and the Bankruptcy Rules. The Proof of Claim Deadline and Governmental Claim Deadline are therefore represent an appropriate amount of time for claimants to file proofs of claim in this case.

B. Individuals Required to File Proofs of Claim

The proposed order approving this motion (the “**Proof of Claim Deadline Order**”) provides that all persons and entities holding prepetition claims must file proofs of claim on or before the Proof of Claim Deadline or the Governmental Claim Deadline (as applicable), including:

- i. Any person or entity whose prepetition claim against the debtor is not listed in the debtor’s schedules or whose prepetition claim is listed in the schedules but is listed as disputed, contingent, or liquidated, and desires to participate in this case or share in any distributions;
- ii. Any person or entity that believes its prepetition claim is improperly classified in the schedules or is listed in an incorrect amount and desires to have its claim allowed in a classification or amount other than that identified in the schedules; and
- iii. Any person who believes he or she has or may have a claim against the debtor related to sexual abuse, defined below as a “**Tort Claim**”.

Pursuant to the Proof of Claim Deadline Order, the following persons or entities are not required to file a proof of claim on or before the deadline:

- i. Any person or entity that has already properly filed a proof of claim against the debtor with the Clerk of Court for the United States Bankruptcy Court for the District of Minnesota, except that if such person is a Tort Claimant (defined below), the debtor reserves the right to request that such Tort Claimant submit a Tort Claim Form (defined below), which for timing purposes would relate back to the date of the filing of the already properly filed proof of claim;
- ii. Any person or entity: (a) whose claim is listed in the schedules or any amendment 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. Any person or entity, including professionals retained by the debtor or the official committee of unsecured creditors appointed by the United States Trustee and approved by the court, who asserts an administrative claim against the debtor pursuant to 11 U.S.C. §§ 503(b) and 507(a)(2);
- iv. Any person or entity whose claim against the debtor has been allowed by an order of the court entered on or before the applicable proof of claim deadline; and
- v. Any person or entity whose claim has previously been paid in full.

III. SEXUAL ABUSE TORT CLAIMANTS

The universe of potential claims against the debtor includes, without limitation, (a) unsecured claims of trade creditors, vendors, and other persons or entities who provide goods or services to the debtor, and (b) unsecured claims (the “**Tort Claims**”) of persons who assert sexual abuse by priests, clergymen, or other persons affiliated with the debtor (the “**Tort Claimants**”) for which such claimants contend that the debtor is liable under various theories. These sexual abuse Tort Claims consist of (i) claims of claimants who have filed lawsuits against the debtor, (ii) claims of claimants who have come forward and informed the debtor of potential claims but who have not filed any legal actions, (iii) claims of claimants who settled their tort claims prior to the petition date but who are, nevertheless, included in the confidential master mailing list in this case, and (iv) potential claims of those who have never come forward and are not presently known to the debtor. Other categories of sexual abuse Tort Claims not identified above may exist. To move forward with a plan of

reorganization and implement the framework developed with stakeholders for resolution of the sexual abuse Tort Claims and confirmation of a consensual plan, the debtor must determine the universe of all claims. All potential claimants require notice of the process and time for filing proofs of claim.

In addition to providing notice of the Proof of Claim Deadline, the debtor desires to streamline the claim filing process, particularly for Tort Claimants, as described in more detail below. The debtor also seeks to obtain sufficient information from Tort Claimants, as set forth in the proposed Tort Claim Form (defined below and attached hereto as **Exhibit A**), to allow permitted parties (*see* § VI(d) below), subject to appropriate confidentiality protections, to make an initial assessment regarding the validity of a particular claim, including whether the claim might be time barred.¹ This process is crucial for purposes of plan confirmation. The proposed noticing procedures satisfy the due process requirements for notice to all potential claimants, while also preserving the debtor's limited plan funding resources. The time periods proposed in this motion give all creditors, including Tort Claimants, sufficient time to review the notices, determine whether to file a claim, and to complete and return the claim form.

IV. PROOF OF CLAIM FORMS

Although Official Bankruptcy Form No. 410 provides the general proof of claim form, as this court is aware, these religious entity cases are unique and require a modified claim form that requests additional information that will allow the debtor, the unsecured creditors' committee, and other permitted parties to evaluate the Tort Claims (the "**Tort Claim Form**"). The Tort Claim Form must also be simple and streamlined enough for a Tort Claimant to complete without the assistance of

¹ In addition, the information contained in the claim form for sex abuse claimants will be used by an independent claims reviewer appointed to allocate the amounts under the plan for payment of such claims.

counsel, if he or she so chooses. A copy of the proposed Tort Claim Form is attached hereto as **Exhibit A**.²

The debtor further proposes that the court slightly modify the official form for other creditors' claims, (the "**Non-Tort Claims Form**") to clearly advise such claimants that they should only use the Non-Tort Claims Form if they assert claims other than Tort Claims. Accordingly, the proposed Non-Tort Claims Form deviates slightly from the Official Form 410. A copy of the proposed Non-Tort Claims Form is attached hereto as **Exhibit B**.

V. PROPOSED NOTICING PROCEDURES

A. Actual Notice

The purpose of this case, among other things, is to provide a framework to fairly, justly, and equitably compensate Tort Claimants (and other creditors) under a resolution agreed to by the primary stakeholders. The broad notice proposed herein is necessary to protect Tort Claimants' due process rights and privacy, while satisfying the framework requirements of stakeholders. Accordingly, the debtor proposes mailing the following documents (the "**Tort Claim Filing Package**") to its confidential master mailing list:³ (i) the Tort Claim Form (Exhibit A hereto); and (ii) the Notice of the Time for Timely Filing Proofs of Claim Relating To, or Arising From, Sexual Abuse (**Exhibit C** hereto).

The debtor proposes sending the Tort Claim Filing Package to the entire confidential master mailing list, consisting of: (i) Tort Claimants with currently pending lawsuits against the debtor (or their attorneys, if represented); (ii) individuals who have previously asserted Tort Claims but whose

² The Tort Claim Form is similar to the tort claim forms used successfully in other religious entity reorganization cases and previously approved by this court.

³ The debtor will periodically update the confidential master mailing list, as necessary.

claims were settled prepetition (or their attorneys, if represented); and (iii) individuals who might have a Tort Claim but who have not yet asserted such claim.

To give notice of the Proof of Claim Deadline to all other known claimants, the debtor proposes mailing the following (the “**Generic Claims Filing Package**”) to its master mailing list: (i) Non-Tort Claims Form (Exhibit B hereto); and (ii) Notice of Proof of Claim Deadline (**Exhibit D** hereto) (together with the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse, the “**Proof of Claim Deadline Notices**”).

B. Proposed Public Noticing Methods

To give the broadest notice practicable to potential Tort Claimants, the debtor proposes giving notice in multiple cities located within the Diocese’s territory, as follows:

i. Posting of Proof of Claim Deadline.

The debtor proposes giving notice by posting a court-approved notice in the form attached hereto as **Exhibit E** (the “**Posted Notice**”) in all administrative offices of the Diocese. The debtor will post the Posted Notice in a prominent space at each location within five (5) business days after an order is entered approving the Proof of Claim Deadline. The Posted Notice will remain posted continuously from the date initially posted through the expiration of the Proof of Claim Deadline. The debtor will also send (i) the Posted Notice, (ii) a copy of the order approving this motion, and (iii) a letter requesting posting, to the following entities:

- Other Catholic dioceses located in Minnesota;
- The principals of Cathedral High School and St. Johns Preparatory School, to be posted in in an appropriate place;
- Various facilities operating within the Diocese listed on Exhibit F, including the St. John’s Liturgical Press; and
- All pastors at each of the 131 parishes within the territory of the Diocese to post at their parish churches and to provide to any principal of a parish-affiliated school. With respect to such parishes, the debtor will send a letter, on the debtor’s letterhead and signed by an officer of the debtor, to each parish located in the Diocese’s

geographical area requesting that such parish display the Publication Notice (defined below), the Posted Notice, and the Notice of the Time for Timely Filing Proofs of Claim Relating To, or Arising From, Sexual Abuse in a prominent location within the church or school. The letter will also request that notices be published once a month in the parishes' weekly bulletins until the Proof of Claim Deadline. The letter will also request that each pastor, canonical administrator, or parochial vicar remind parishioners of the availability of information concerning the Proof of Claim Deadline. The letter will also request that parishes disseminate the notices by e-mail to their respective distribution lists. The letter will request confirmation as to whether the parish has complied with the publication request and will request (i) the dates of publication of the notices in the parish's bulletin and (ii) a copy of the parish bulletin including such notice.

A list of the proposed posting locations is set forth on **Exhibit F** (the "**Requested Posting Locations**").

ii. Publication of the Proof of Claim Deadline.

The debtor further proposes to publish a court-approved notice in the form attached hereto as **Exhibit G** (the "**Publication Notice**") by paid advertisements in the local and statewide print publications and media outlets listed on **Exhibit H**. The debtor will request that the Publication Notice appear as other advertisements and not among standard legal notices in the publications. The location and circulation of the publications in which the debtor proposes to publish the Publication Notice take into account the debtor's geographical reach, while attempting to keep such publication cost reasonable under the circumstances. The debtor estimates that the total cost of the publications will be approximately \$17,000 to \$22,000.

In addition to the Publication Notice, the debtor proposes issuing a press release in the form attached hereto as **Exhibit I** (the "**Press Release**") requesting that radio stations, television stations, and print publications in certain markets, as set forth in Exhibit H, run the Press Release free of charge. Within one week after entry of an order approving this motion, the debtor will issue the Press Release with a request that it be issued or read once a week for the first three (3) weeks after entry of the order approving this motion, then once in the second calendar month after

approval of this motion, and again two weeks prior to the Proof of Claim Deadline. Although the debtor will request that the Press Release be read or published, such action (unlike purchased space) will be at the discretion of the particular publications or media outlets.

iii. Additional Measures to Provide Notice of Tort Claim Deadline.

The debtor will also provide additional notice of the Proof of Claim Deadline by taking the following measures:

- a. Within five (5) business days of the entry of an order approving this motion, the debtor will post the component parts of the Tort Claim Filing Package and the Generic Claims Filing Package on its public website: <http://stcdio.org/>.
- b. Within five (5) business days of the entry of the order approving this motion, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the Survivors Network of those Abused by Priests and request that it post the same on its website: <https://www.snapnetwork.org>.
- c. Within five (5) business days of the entry of an order approving this motion, the debtor will provide a copy of the Posted Notice and the component parts of the Tort Claim Filing Package to Jeff Anderson & Associates P.A. and counsel for the unsecured creditors' committee appointed in this case, and request that they post the same on their websites: www.andersonadvocates.com, and www.stinson.com. (With respect to counsel for the unsecured creditors' committee, the debtor will provide a copy of the Posted Notice and the Tort Claim Filing Package within five (5) business days after such counsel is appointed).
- d. The debtor will maintain a telephone number published on its website, www.stcdio.org, that may be used to ask general administrative questions and request copies of the Tort Claim Filing Package; *provided, however, that* the debtor is not required to give legal advice or assist parties in completing the Tort Claim Filing Package. The debtor will direct any legal questions to counsel for the unsecured creditors' committee.
- e. The debtor will mail a copy of the Proof of Claim Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the unsecured creditors' committee, and to persons identified by counsel for the unsecured creditors' committee as licensed therapists presently working with sexual abuse claimants.
- f. Within two (2) weeks of the service of the Tort Claim Filing Package, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Proof of Claim

Deadline: (1) the Minnesota Attorney General, (2) the county attorney, the county administrator, and sheriff's department for each of the counties within the Diocese's geographical area, (3) the Minnesota Department of Health's locations within the Diocese's geographical area, and (4) each hospital in the Diocese's geographical area.

- g. The Bishop will request that each pastor, canonical administrator, or parochial vicar read a letter from the Bishop at least two (2) times before the Proof of Claim Deadline. The letter from the Bishop will state that the Bishop requested that the letter be read, that the Proof of Claim Deadline is October 21, 2020, that the Bishop requests that people inform their family members about the Proof of Claim Deadline, and that the filing of a claim may be done confidentially.

By these efforts, the debtor will attempt to reach as many potential claimants as possible.

VI. PROPOSED CONFIDENTIALITY PROCEDURES

Due to the sensitive nature of the information requested in the Tort Claim Form, the debtor seeks approval of the following confidentiality procedures:

- a. Tort Claimants are directed to mail or deliver the original of each Tort Claim Form to the Clerk of the United States Bankruptcy Court for the District of Minnesota, Attention: Heidi Jackson at the following address: 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.
- b. Tort Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless the court orders otherwise. This confidentiality procedure is for the benefit and privacy of the Tort Claimants. If a Tort Claimant affirmatively indicates by checking a box in Part 1 of the Tort Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Tort Claim Form, that Tort Claim Form will not be made public.
- c. Tort Claim Forms submitted by Tort Claimants must be held and treated as confidential by the debtor, its counsel, the permitted parties listed below (subject to each permitted party executing and returning to the debtor's counsel a confidentiality agreement), and to such other persons as the court determines; *provided, however, that* all parties with access to the Tort Claim Forms must keep the information provided in the Tort Claim Forms confidential (unless the Tort Claimant elects otherwise in Part 1 of the Tort Claim Form). Permitted parties may obtain copies of the Tort Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the debtor and shall not seek or obtain such documents from the Clerk of Court.
- d. Permitted parties include: (a) counsel for the debtor; (b) officers and employees of the debtor who are necessary to assist the debtor and its counsel in addressing

issues related to the Tort Claims; (c) counsel for the committee of unsecured creditors; (d) applicable 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; (e) the unknown claims representative in this case; (f) any mediator, special arbitrator, or claims reviewer appointed by the court to review and resolve the Tort Claims; (g) any trustee appointed to administer payments to Tort Claimants; (h) authorized representatives of a department of corrections with respect to a Tort Claim made by a Tort Claimant who is incarcerated, but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their individual counsel (after the Tort Claim Form has been redacted to remove the Tort Claimant's name, address, signature, and any other information identified in Part 2(A) or 3 of the Tort Claim Form); (j) law enforcement in the city or county where the Tort Claim arose; and (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of compliance with the Charter for the Protection of Children and Young People; (l) such other persons that become permitted parties under the confidentiality agreement; and (m) such other persons that the court determines should have access to such information in order to evaluate Tort Claims but only upon a motion by the debtor or the committee of unsecured creditors.

In addition, the debtor requests authorization for its counsel and the unsecured creditors' committee's counsel to provide copies of an individual claimant's Tort Claim Form and any other documents filed in connection with such Tort Claim Form to counsel representing such individual claimant. The debtor requests that the court authorize permitted parties and their attorneys to review proofs of claim only after execution of a confidentiality agreement agreed upon by the debtor and the unsecured creditors' committee, or pursuant to further court order.

The proposed Proof of Claim Deadline Order provides that each Tort Claim Form filed must be originally executed and mailed or delivered to the Clerk of the United States Bankruptcy Court for the District of Minnesota at the following address: 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, Attention: Heidi Jackson, on or before the Proof of Claim Deadline. The Clerk of Court will provide copies of the Tort Claim Forms to counsel for the debtor on a regular basis. The proposed Proof of Claim Deadline Order

further provides that Tort Claim Forms must be mailed or delivered. Tort Claim Forms should not be sent by facsimile or email and as such, will not be accepted.

The debtor submits that the confidentiality procedures set forth above are necessary and appropriate in this case. The debtor is sensitive to the privacy issues that may arise when Tort Claimants assert Tort Claims related to sexual abuse. Through the confidentiality procedures and the Tort Claim Form, the debtor can obtain the information necessary to evaluate the Tort Claims, while also protecting Tort Claimants' privacy.

VII. OTHER RELATED RELIEF REQUESTED

With respect to claims concerning executory contracts, unexpired leases, or avoidance actions, the debtor requests that the court set a deadline for the filing of such claims, pursuant to 11 U.S.C. § 502(g) and (h), as the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after a notice of entry of an order approving the rejection of such executory contract, unexpired lease, or the avoidance of such transfer is mailed to the claimant with a copy of the Proof of Claim Deadline Notice.

If the debtor amends its bankruptcy schedules to reduce the liquidated amount of a scheduled claim, or reclassifies a scheduled claim as disputed, unliquidated, or contingent, the debtor requests that each such claimant be permitted to file the Tort Claim Form or Non-Tort Claims Form (as applicable) on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after mailing notice of such amendment to such claimant with a copy of the Proof of Claim Deadline Notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended deadline for filing proofs of claim should not apply if an amendment to the schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Non-Tort Claims Form on or before the Proof of Claim Deadline.

The debtor also requests that the Proof of Claim Deadline not apply to claims for which payment is authorized by an order entered before the Proof of Claim Deadline, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b).

WHEREFORE, the debtor requests entry of an order substantially in the form of the Proof of Claim Deadline Order attached hereto as **Exhibit J**:

- A. Granting the expedited relief sought in the motion;
- B. Granting the motion on the terms set forth in the Proof of Claim Deadline Order;
- C. Approving the Tort Claim Form (including the instructions), Non-Tort Claims Form, Proof of Claim Deadline Notices, Posted Notice, Publication Notice, and Press Release as attached as Exhibits A-E, G, and I respectively;
- D. Approving the proposed noticing methods set forth herein and in Exhibits F and H as providing good and adequate notice under the circumstances of this reorganization case;
- E. Approving the procedures to allow Tort Claimants to file confidential proofs of claim;
- F. Directing the Clerk of the Court to post the Tort Claim Form, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse, and the Publication Notice on the website of the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page (www.mnb.uscourts.gov) to provide easy access of the filing deadline information.
- G. Directing the Clerk of the Court to (i) maintain a copy of each Tort Claim Form in electronic form in accordance with the confidentiality procedures outlined in the motion, (ii) assign each Tort Claim Form a number and list that number on the public docket without a link to the

Tort Claim Form and without the name of the claimant, and (iii) turn over all original Tort Claim Forms to the attorneys for the debtor at regular intervals.

H. Ordering that, if the debtor amends its schedules reducing the liquidated amount of a scheduled claim, or reclassifies a claim as disputed, unliquidated, or contingent, then each claimant affected by such amendment be permitted to file the Tort Claim Form or Non-Tort Claims Form relating to such claim on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of the appropriate Proof of Claim Deadline Notice and a disputed claim notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline will not apply if an amendment to the schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Non-Tort Claims Form on or before the Proof of Claim Deadline;

I. Ordering that the Proof of Claim Deadline does not apply to claims for which payment is authorized by an order entered before the Proof of Claim Deadline, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b);

J. Ordering that the deadline for filing claims concerning executory contracts or unexpired leases, or the recovery of a voidable transfer, be set for the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after mailing notice to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the appropriate Proof of Claim Deadline Notice; and

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K. Granting such other relief as the court deems just and proper under the circumstances.

Dated: June 26, 2020.

QUARLES & BRADY LLP

/s/ Jason D. Curry

Susan G. Boswell (AZ Bar No. 004791)

Jason D. Curry (AZ Bar No. 026511)

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Proposed Counsel for the Debtor


**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,
Debtor.

VERIFICATION OF JOSEPH SPANIOL

I, Joseph Spaniol, Finance Officer for The Diocese of St. Cloud, declare under penalty of perjury that the facts in the motion and the memorandum are true and correct to the best of my knowledge, information, and belief.

Executed on: June 26, 2020



Joseph Spaniol

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota religious corporation,

Case No. 20-60337

Debtor.

CONFIDENTIAL PROOF OF CLAIM (SEXUAL ABUSE)

**IMPORTANT: THIS FORM MUST BE RECEIVED
NO LATER THAN 5:00 P.M. CT, OCTOBER 21, 2020**

Carefully read the Notice and Instructions that are included with this CONFIDENTIAL PROOF OF CLAIM and complete ALL applicable questions. Send the original to: **Office of the Clerk of the Court, Attention Heidi Jackson, U.S. Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.** If you mail or deliver the Confidential Proof of Claim form it must be received by the Clerk no later than 5:00 p.m. Central Time on October 21, 2020.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

UNLESS YOU EXPRESSLY REQUEST THAT YOUR PROOF OF CLAIM BE MADE PUBLIC, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD BY THE UNITED STATES BANKRUPTCY COURT. INFORMATION IN THIS CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE DEBTOR, DEBTOR'S COUNSEL, COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, AND TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

TO BE VALID, THIS CONFIDENTIAL PROOF OF CLAIM MUST BE SIGNED BY THE CLAIMANT, A PERSON SUBMITTING THE CLAIM ON BEHALF OF A CLAIMANT, OR THE CLAIMANT'S ATTORNEY.
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Please print clearly and use blue or black ink.

PART 1: CONFIDENTIALITY

THIS PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.

☐ I want my Proof of Claim (along with any accompanying exhibits and attachments) to be made **public**.

Please verify this election by signing directly below.

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Claimant

First Name Middle Initial Last Name Jr/Sr/III

Street Address: (If party is incapacitated, provide the address of the party submitting the claim.)

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

Telephone No.

Home: _____ Work: _____ Cell: _____

Birth Date - - ☐ Male ☐ Female
Month Day Year

Last Four Digits of Social Security Number: XXX-XX-_____

Any other name or names by which Claimant has been known: _____

B. Claimant's Attorney (if any):

Law Firm Name

Attorney's First Name Middle Initial Last Name

Street Address

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

Telephone No. Fax No. E-mail address

PART 3: BACKGROUND INFORMATION

1. Are you currently married?

☐ Yes ☐ No (If "Yes," please identify the name of your spouse and marriage date.)

2. Have you been previously married?

☐ Yes ☐ No (If "Yes," please identify the name of your former spouse and, as applicable, the date(s) of any dissolution, divorce, separation, or widowhood.)

3. Do you have children?

☐ Yes ☐ No (If "Yes," please identify their names and birthdates. If any children have died, please provide their date of death.)

4. Part 4 below will ask you about the nature of your complaint against The Diocese of St. Cloud. Other than the incident(s) of sexual abuse described in Part 4, have you ever been sexually abused by anyone else? If "Yes," please describe this abuse, including the date of the abuse and identify the abuser.

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

1. Who committed the acts of sexual abuse? _____

2. Position, Title or Relationship to You (if known).

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

4. When did the sexual abuse take place?

- a. If the sexual abuse took place over a period of time (months or years) please state when it started, when it stopped, and if it happened all during that time.

- b. Please also state your age(s) and your grade(s) in school at the time the sexual abuse took place.

5. What happened (describe what happened):

6. Did you tell anyone about the sexual abuse (this would include parents, relatives, friends, the Diocese, attorneys, counselors, and law enforcement authorities)?

- a. If "Yes," who did you tell? Please list the name(s) and any contact information you have.

- b. What did you say?

- c. When did you tell this person or persons about the abuse?

PART 5: IMPACT OF COMPLAINT
(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to the first question in this Part 5, you presently may leave the first question in this Part 5 blank, but you will be required to complete the first question in this Part 5 within thirty (30) days after a written request is made for the information requested in the first question of this Part 5.)

1. What injuries have occurred to you because of the act or acts of sexual abuse that resulted in the claim (for example, the effect on your education, employment, personal relationships, and health)?

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

PART 6: ADDITIONAL INFORMATION

1. Prior Non-Bankruptcy Claims: Have you previously filed any lawsuit seeking damages for the sexual abuse described in this claim?

☐ Yes ☐ No (If "Yes," please answer the questions below.)

- a. Where and when did you file the lawsuit?

- b. Who were the parties to the lawsuit and what was the case number?

- c. What was the result of that lawsuit?

2. Prior or Current Bankruptcy 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 filed in any other bankruptcy case.)

a. Did you receive any money on the claim you filed in any other bankruptcy case for sexual abuse?

☐ Yes ☐ No

b. If "Yes" how much did you receive and when.

c. If you have not received any money on the claim you filed in any other bankruptcy, have you been told you will receive money?

☐ Yes ☐ No (if "Yes" how much do you expect to receive? _____)

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

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

Date: _____

Sign and print the name and title, if any, of the Claimant or other person authorized to file this claim. If you are signing this claim on behalf of a Claimant you must list your relationship to the Claimant.

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

Signature: _____

Print Name: _____

Relationship to Claimant (if not signed by Claimant): _____

EXHIBIT B

Fill in this information to identify the case:
Debtor <u>The Diocese of St. Cloud</u>
United States Bankruptcy Court for the: District of <u>Minnesota</u> (State)
Case number <u>20-60337</u>

DO NOT USE THIS FORM IF YOUR CLAIM IS BASED ON SEXUAL ABUSE BY CLERGY, WORKERS, OR OTHER PERSONS OR ENTITIES ASSOCIATED WITH THE DIOCESE OF ST. CLOUD

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor? Name of the current creditor (the person or entity to be paid for this claim) _____ Other names the creditor used with the debtor _____		
2. Has this claim been acquired from someone else? <input type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____		
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Contact phone _____ Contact email _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Contact phone _____ Contact email _____
	4. Does this claim amend one already filed? <input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
	5. Do you know if anyone else has filed a proof of claim for this claim? <input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2:

Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$_____. Does this amount include interest or other charges?
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☐ No
☐ Yes. The claim is secured by a lien on property.

Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____

Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) ____%
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☐ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☐ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. *Check one:*

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

☐ Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

☐ Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Part 3:

Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State Zip Code

Contact phone _____ Email _____

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

(SEE ALSO THE NOTICE OF PROOF OF CLAIM DEADLINE ACCOMPANYING THIS PROOF OF CLAIM FORM)

DO NOT USE THIS FORM IF YOUR CLAIM IS BASED ON SEXUAL ABUSE BY CLERGY, WORKERS, OR OTHER PERSONS OR ENTITIES ASSOCIATED WITH THE DIOCESE OF ST. CLOUD

USE THIS FORM IF YOUR CLAIM IS NOT BASED ON SEXUAL ABUSE

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up To \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. § 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

- **Attach any supporting documents to this form.**

Attached redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court's PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date that the debtor filed for bankruptcy. 11 U.S.C. § 101(5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101(10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101(13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. § 507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include, alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. § 506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et. seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instruction with your form.

EXHIBIT C

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,

Debtor.

**NOTICE OF THE TIME FOR TIMELY FILING PROOFS OF CLAIM RELATING TO,
OR ARISING FROM, SEXUAL ABUSE**

**THIS IS AN IMPORTANT NOTICE REGARDING ALL SEXUAL ABUSE CLAIMS
AGAINST THE ABOVE-NAMED ENTITY—YOUR RIGHTS MAY BE AFFECTED
TO ALL PERSONS WITH CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH
THE DIOCESE OF ST. CLOUD MAY BE LIABLE:**

**OCTOBER 21, 2020 IS THE LAST DATE TO TIMELY FILE PROOFS OF CLAIM FOR
SEXUAL ABUSE**

The Diocese of St. Cloud (the “**Debtor**”) filed a Chapter 11 reorganization case on June 15, 2020, in the United States Bankruptcy Court for the District of Minnesota (the “**Court**”). Numerous individuals have asserted sexual abuse claims against the Debtor. Such claims allege sexual abuse by priests, clergymen, and others connected with the parishes or other institutions within the territory of The Diocese of St. Cloud. Any person who believes that he or she has, or may have, a claim against the Debtor arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe that the Debtor may be liable should carefully read this notice.

**YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS,
INCLUDING WHETHER YOU SHOULD FILE A PROOF OF CLAIM.**

LAST DATE FOR TIMELY CLAIM FILING

The Court entered an order (the “**Proof of Claim Deadline Order**”) in the Chapter 11 reorganization case of the Debtor setting **October 21, 2020** (the “**Proof of Claim Deadline**”) as the last date by which Proofs of Claim may be filed against the Debtor.

WHO MUST FILE A PROOF OF CLAIM

If you believe that you have a claim relating to sexual abuse, you should file a Confidential Proof of Claim to maintain and preserve any claims that you have against the Debtor. Even if you have already filed a lawsuit against the Debtor alleging sexual abuse prior to June 15, 2020, you must still file a Confidential Proof of Claim to maintain and preserve your rights in the Debtor’s Chapter 11 case.

WHO SHOULD NOT FILE A PROOF OF CLAIM

You should **not** file a Proof of Claim if:

- Your claim has already been paid in full.
- You hold a claim that has been allowed by an order of the Court on or before the Proof of Claim Deadline.

YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR.

WHAT TO FILE

YOU MUST FILE A CONFIDENTIAL PROOF OF CLAIM ON THE FORM THAT ACCOMPANIES THIS NOTICE.

INSTRUCTIONS FOR FILLING OUT THE PROOF OF CLAIM FORM

You must complete the entire Confidential Proof of Claim form that accompanies this notice.

For additional copies of the Confidential Proof of Claim form: (a) photocopy the Confidential Proof of Claim form; (b) contact the Debtor's attorneys at (520) 770-8712; (c) visit the Debtor's website at: <http://stedio.org/>; or (d) visit the website of the United States Bankruptcy Court for the District of Minnesota at www.mnb.uscourts.gov.

Please note that the Court's Clerk staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding such inquiries.

WHEN AND WHERE TO FILE

A signed original of a completed Tort Claimant's Confidential Proof of Claim form must be delivered or mailed to the address below so as to be **actually received** no later than **5:00 p.m. (Central Time), on October 21, 2020** by:

**Office of the Clerk of Court
Attention: Heidi Jackson
U.S. Bankruptcy Court District of Minnesota
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415**

If you are returning the Confidential Proof of Claim form by mail, allow sufficient mailing time so that the Confidential Proof of Claim form **is received** on or before 5:00 p.m. (Central Time) on October 21, 2020. Confidential Proof of Claim forms that are postmarked before that date, but are received by the Clerk of the Court after that date, will be considered late. **Please note that Confidential Proof of Claim forms submitted by facsimile or e-mail will not be accepted.** Also please note that if you are going to personally deliver the Confidential Proof of Claim to the Clerk's office or have someone deliver it on your behalf, the filing window is only open on Court days until 5:00 p.m. Central Time, and you may need to arrive at the Clerk's office earlier due to wait times in order for your Confidential Proof of Claim to be timely filed. These times are subject to change.

Confidential Proofs of Claim should not be electronically filed with the Court. Doing so will make these documents available online for public viewing. For Confidential Proofs of Claim to remain confidential, a hard copy of such claim must be mailed directly to the Clerk of the Court at the address above.

CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

There may be consequences for failing to file a claim. Please consult your attorney.

CONFIDENTIALITY

The Court has determined that filed Confidential Proofs of Claim will remain **confidential** unless you elect otherwise in Part 1 of the Confidential Proof of Claim form. Therefore, the Confidential Proof of Claim you file will not be available to the general public but will be kept confidential, except that the information may be provided, under Court-approved guidelines, to the Debtor and the attorneys for its insurers, attorneys for the Official Committee of Unsecured Creditors and its members, the unknown claims representative appointed in this Chapter 11 case, and such other persons as the Court determines should have the information in order to evaluate the claim, all of whom will agree to keep the information provided by you **confidential**.

ADDITIONAL INFORMATION

Attached are the names of the parishes, missions, and schools of the Debtor as they existed from time to time. If you need additional information regarding the parishes, missions, and schools as they existed from time to time, you can obtain that information by calling the Debtor at (520) 770-8712. If you have questions or want information about the Debtor's reorganization, you can call counsel for the Official Committee of Unsecured Creditors at (612) 335-1645.

PARISHES, MISSIONS AND SCHOOLS OF THE DIOCESE OF ST. CLOUD

CURRENT PARISHES:

<u>Parish Name</u>	<u>City (Location)</u>
Seven Dolors	Albany, MN
St. Anthony	Albany, MN (St. Anthony)
St. Mary	Alexandria, MN
St. Benedict	Avon, MN
Immaculate Conception	Avon, MN (St. Anna)
St. Columbkille	Avon, MN (St. Wendel)
Our Lady of the Lake	Battle Lake, MN
Church of Mary of the Visitation	Becker, MN & Big Lake, MN
St. Francis de Sales	Belgrade, MN
St. Joseph	Bertha, MN
St. John the Baptist	Bluffton, MN
St. Stanislaus Kostka	Bowlus, MN
St. Edward	Bowlus, MN (Elmdale)
Ss. Peter and Paul	Braham, MN
St. Ann	Brandon, MN
Our Lady of Seven Dolors	Brandon, MN (Millerville)
St. Mary of the Presentation	Breckenridge, MN
St. Donatus	Brooten, MN
Christ the King	Browerville, MN
St. Anthony	Browns Valley, MN
St. Michael	Buckman, MN
Christ the King	Cambridge, MN
St. Nicholas	Carlos, MN (Belle River Township)
St. Mary	Chokio, MN
St. Joseph	Clarissa, MN
St. Marcus	Clear Lake, MN
St. Boniface	Cold Spring, MN
St. James	Cold Spring, MN (Jacob's Prairie)
Sacred Heart	Dent, MN
Assumption	Eden Valley, MN
St. Olaf	Elbow Lake, MN
St. Elizabeth	Elizabeth, MN
St. Andrew	Elk River, MN
Ss. Peter & Paul	Elrosa, MN
Our Lady of Victory	Fergus Falls, MN
Sacred Heart	Flensburg, MN
St. John	Foley, MN
St. Elizabeth of Hungary	Foley, MN (Brennyville)

St. Lawrence	Foley, MN (Duelm)
St. Joseph	Foley, MN (Morill)
St. Louis Bertrand	Foreston, MN
Sacred Heart	Freeport, MN
St. Francis of Assisi	Freeport, MN (St. Francis)
St. Rosa of Lima	Freeport, MN (St. Rosa)
Ss. Peter and Paul	Gilman, MN
Sacred Heart	Glenwood, MN
St. Andrew	Greenwald, MN
St. Joseph	Grey Eagle, MN
St. Edward	Henning, MN
St. Charles	Herman, MN
St. Rita	Hillman, MN
Church of All Saints	Holdingford, MN
Our Lady of Mt. Carmel	Holdingford, MN (Opole)
St. Elizabeth Ann Seton	Isanti, MN
Our Lady of the Runestone	Kensington, MN
St. Thomas	Kent, MN
St. Anne	Kimball, MN
Holy Cross	Kimball, MN (Pearl Lake)
St. Margaret	Lake Henry, MN
St. John Nepomuk	Lastrup, MN
Our Lady of Lourdes	Little Falls, MN
St. Mary	Little Falls, MN
Holy Family	Little Falls, MN (Belle Prairie)
St. Stanislaus	Little Falls, MN (Sobieski)
St. Mary of Mt. Carmel	Long Prairie, MN
St. John Nepomuk	Lowry, MN (Lake Reno)
St. Mary	Melrose, MN
St. John the Baptist	Melrose, MN (Meire Grove)
St. Michael	Melrose, MN (Spring Hill)
Assumption of Our Lady	Menahga, MN
St. Mary	Milaca, MN
St. Mary	Mora, MN
St. Kathryn	Mora, MN (Ogilvie)
Assumption	Morris, MN
Newman Center	Morris, MN
St. Michael	Motley, MN
Immaculate Conception	New Munich, MN
Holy Cross	New York Mills, MN (Butler)
Holy Cross	Onamia, MN
St. Therese of Vineland	Onamia, MN (Vineland)
Immaculate Conception	Osakis, MN

St. William	Parkers Prairie, MN
Sacred Heart	Parkers Prairie, MN (Urbank)
St. Louis	Paynesville, MN
St. Joseph	Peirz, MN
St. Leonard of Port Mauritius	Pelican Rapids, MN
St. Henry	Perham, MN
St. Lawrence	Perham, MN (Rush Lake)
Holy Cross	Pierz, MN (Harding)
Christ Our Light	Princeton, MN (Zimmerman)
St. James	Randall, MN
Immaculate Conception	Rice, MN
Ss. Peter & Paul	Richmond, MN
Mary of the Immaculate Conception	Rockville, MN
St. Agnes	Roscoe, MN
Holt Trinity	Royalton, MN
Holy Cross	Royalton, MN (North Prairie)
St. Francis Xavier	Sartell, MN
Our Lady of the Angels	Sauk Centre, MN
St. Paul	Sauk Centre, MN
Sacred Heart	Sauk Rapids, MN
Annunciation	Sauk Rapids, MN (Mayhew Lake)
St. Patrick	Sauk Rapids, MN (Minden Township)
Christ Church Newman Center	St. Cloud, MN
Holy Spirit	St. Cloud, MN
St. Anthony of Padua	St. Cloud, MN
St. Augustine	St. Cloud, MN
St. John Cantius	St. Cloud, MN
St. Mary Cathedral	St. Cloud, MN
St. Michael	St. Cloud, MN
St. Paul	St. Cloud, MN
St. Peter	St. Cloud, MN
St. Wendelin	St. Cloud, MN (Luxemburg)
St. Mary Help of Christians	St. Cloud, MN (St. Augusta)
St. Joseph	St. Joseph, MN
St. John the Baptist	St. Joseph, MN (Collegeville)
St. Martin	St. Martin, MN
St. Stephen	St. Stephen, MN
Sacred Heart	Staples, MN
St. John the Baptist	Swanville, MN
St. Gall	Tintah, MN
St. James	Underwood, MN (Maine Township)
St. Mary	Upsala, MN
St. Frederick	Verndale, MN

St. Hubert	Verndale, MN (Blue Grass)
St. Bartholomew	Villard, MN
St. Ann	Wadena, MN
Sacred Heart	Wahkon, MN
St. Joseph	Waite Park, MN
St. Nicholas	Watkins, MN (St. Nicholas)
St. Alexius	West Union, MN
Ave Maria	Wheaton, MN
Christ Our Light	Zimmerman, MN

CURRENT SCHOOLS:

<u>School Name</u>	<u>City (Location)</u>
Holy Family School	Albany, MN
St. Mary School	Alexandria, MN
St. Mary School	Breckenridge, MN
Christ the King School	Browerville, MN
St. Boniface School	Cold Spring, MN
Saint John's Preparatory School	Collegeville, MN
St. Andrew School	Elk River, MN
Our Lady of Victory School	Fergus Falls, MN
St. John's Area School	Foley, MN
Sacred Heart School	Freeport, MN
St. John - St. Andrew School	Greenwald, MN
Holy Cross School	Kimball, MN
Mary of Lourdes Elementary School	Little Falls, MN
Mary of Lourdes Middle School	Little Falls, MN
St. Mary of Mt. Carmel School	Long Prairie, MN
St. Mary School	Melrose, MN
St. Mary School	Morris, MN
St. Agnes School	Osakis, MN
St. Henry's Area School	Perham, MN
Fr. Pierz School of Religion	Pierz, MN
Holy Trinity School	Pierz, MN
Ss. Peter & Paul School	Richmond, MN
St. Francis Xavier School	Sartell, MN
Holy Family School (Sauk Centre Area School)	Sauk Centre, MN
St. Mary Help of Christians School	St. Augusta, MN
St. Wendelin School	St. Cloud, MN
All Saints Academy	St. Cloud, MN
St. Cloud Campus	
Cathedral High School	St. Cloud, MN
Catholic Community Schools	St. Cloud, MN
St. Elizabeth Ann Seton School	St. Cloud, MN
St. Katharine Drexel School	St. Cloud, MN

All Saints Academy	St. Joseph, MN
St. Joseph Campus	
St. Joseph Catholic School	St. Joseph, MN
Sacred Heart School	Staples, MN

FORMER PARISHES:

<u>Parish Name</u>	<u>City (Location)</u>
Our Mother of Sorrows	Aldrich, MN
Sacred Heart	Arban, MN
Immaculate Conception	Becker, MN
Our Lady of the Lake	Big Lake, MN
St. Joseph and St. Peter	Browerville, MN
St. Joseph	Brushvale, MN
St. Patrick	Collis, MN
St. Theresia	Donnelly, MN
St. Peter	Dumont, MN
St. Catherine	Farming, MN
St. Joseph	Foxhome, MN
St. Hedwig	Holdingford, MN
St. Mary	Holdingford, MN
Sacred Heart	Little Falls, MN
St. Francis Xavier	Little Falls, MN
St. Adelbert	Little Falls, MN
St. Boniface	Melrose, MN
St. Patrick	Melrose, MN
St. Isidore	Moran, MN
St. Anthony	Padua, MN
St. Joseph	Perham, MN
St. Stanislaus	Perham, MN
St. James	Philbrook, MN
St. Edward	Princeton, MN
Immaculate Conception	Sedan, MN
Holy Angels	St. Cloud, MN
St. Bernard	Ward Springs, MN
St. Pius X	Zimmerman, MN

EXHIBIT D

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,

Debtor.

NOTICE OF PROOF OF CLAIM DEADLINE

**THIS IS AN IMPORTANT NOTICE – YOUR RIGHTS MAY BE AFFECTED.
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

**NOTICE OF PROOF OF CLAIM DEADLINE OF OCTOBER 21, 2020
FOR FILING PROOFS OF CLAIM**

TO ANY CREDITORS OF THE DEBTOR IN THE ABOVE-CAPTIONED CASE WHO ARE NOT ASSERTING CLAIMS FOR SEXUAL ABUSE BY A CLERIC, WORKER, OR OTHER PERSON OR ENTITY ASSOCIATED WITH THE DIOCESE OF ST. CLOUD:

On [REDACTED], 2020, the United States Bankruptcy Court for the District of Minnesota (the “**Court**”) entered an order (the “**Proof of Claim Deadline Order**”) in the above-captioned Chapter 11 case setting **October 21, 2020** (the “**Proof of Claim Deadline**”) as the last date by which proofs of claim (“**Proof of Claim**”) may be filed against The Diocese of St. Cloud (the “**Debtor**”). The Proof of Claim Deadline applies to all Entities (as defined below), except Governmental Units (defined below).

The last date by which Proofs of Claim may be filed against the Debtor by a Governmental Unit is **December 14, 2020**.

KEY DEFINITIONS

As used in this Notice, the term “Claim” or “claim” shall mean, as to or against the Debtor and in accordance with Section 101(5), 11 U.S.C. §§ 101 et seq.: (A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (B) 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 is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

As used in this Notice, the term “Entity” has the meaning given to it in 11 U.S.C. § 101(15), and includes person, estate, trust, governmental unit, and the United States trustee.

As used in this Notice, the term “Governmental Unit” has the meaning given to it in 11 U.S.C. § 101(27) and includes the United States; State; Commonwealth; District; Territory; municipality; foreign state; department, agency, or instrumentality of the United States (but not a United States trustee while serving as a trustee under the Bankruptcy Code).

WHO MUST FILE A PROOF OF CLAIM AND THE DEADLINE TO FILE

1. Proof of Claim Deadline. If you assert a claim against or interest in the Debtor, to preserve your right to be treated as a creditor or interest holder with respect to such claim or interest, for the purposes of voting and distribution, you must file a Proof of Claim by **October 21, 2020** in the following circumstances:

- (i) If the Debtor did not list your claim or interest in its bankruptcy schedules (the “**Schedules**”);
- (ii) If you disagree with the amount of the claim or interest set forth in the Schedules;
- (iii) If the Debtor scheduled your claim as disputed, contingent, or unliquidated;
- (iv) To preserve an unsecured deficiency claim if such claim is not scheduled or is scheduled as disputed, contingent, or unliquidated;
- (v) If you believe your claim is entitled to priority under the Bankruptcy Code, and the Debtor did not so schedule your claim.

Any Proof of Claim or interest timely filed by a creditor or interest holder will supersede any scheduled claim or interest. If your claim is scheduled as disputed, contingent, or unliquidated, the Debtor is required to so notify you.

2. Claims Filed After Amended Schedules Are Filed. If the Debtor amends its Schedules and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a scheduled undisputed, liquidated, or non-contingent claim to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of this notice, but only to the extent such Proof of Claim, if filed after the Proof of Claim Deadline, does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline does not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Proof of Claim before the Proof of Claim Deadline.

3. Claims Arising from Rejection of a Contract or Lease or Avoidance of a Transfer. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code §§ 502(g) and 502(h) respectively, is the later of: (i) the Proof of Claim Deadline; or (ii) thirty (30) days

after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of this notice.

4. Governmental Units. The last date by which Proofs of Claim may be filed against the Debtor by a Governmental Unit is **December 14, 2020.**

CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

If you are required but fail to file a Proof of Claim or interest timely, and your claim or interest is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, contingent or unliquidated in the Schedules, with very limited exceptions: (a) your claim or interest will be barred and you will not participate in the Debtor's estate or receive any distribution under any plan or plans of reorganization filed in this Chapter 11 case; (b) you shall be forever barred from voting with respect to any such plan or plans of reorganization; and (c) you shall be bound by the terms of any such plan or plans of reorganization, if confirmed by the Court.

RESPONSIBILITY TO REVIEW THE SCHEDULES

You are responsible for determining that your claim or interest, including its amount, is accurately scheduled by the Debtor. This determination may be made by: (a) reviewing the Schedules online at www.mnb.uscourts.gov by using a PACER account; (b) reviewing the Schedules in the Office of the Clerk of Court, U.S. Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, between 8:00 a.m. and 5:00 p.m.; or (c) by contacting the Debtor's attorney: Quarles & Brady LLP, One S. Church Ave., Suite 1700, Tucson, AZ 85701, (520) 770-8712.

PREVIOUSLY FILED CLAIMS

Creditors who have already filed Proofs of Claims or interests need not file them again.

PROCEDURE FOR FILING PROOFS OF CLAIM

If you wish to assert a Claim, you are required to use the form that has been approved by the Court for use by creditors who are **not** asserting claims based upon sexual abuse (the "**Non-Tort Claims Form**"). If you did not receive the Non-Tort Claims Form with this notice, it can be downloaded from the Debtor's website at <http://stcdio.org/> by following the link on the homepage. If you need additional information regarding the Non-Tort Claims Form or other matters associated with the Proof of Claim Deadline, you can also call the Debtor's attorneys, at (520) 770-8712; however, please note that the Debtor's attorneys **cannot give you legal advice**. Failure to use the Non-Tort Claims Form to assert a Claim may lead to such Claim being barred even if it was otherwise properly filed.

If you are a creditor asserting a Claim for sexual abuse by a cleric, worker or other person or entity associated with the Debtor, there is a special Proof of Claim form that you should use which can also be obtained at <http://stcdio.org/>.

A signed original of a completed Non-Tort Claims Form, together with any accompanying or supporting documentation, if not filed electronically, must be delivered by hand delivery, United

States Mail or other delivery means to the address below so as to be received no later than **October 21, 2020** (or **December 14, 2020** only for a Governmental Units).

A signed completed Non-Tort Claims Form, together with any accompanying or support documentation, must be filed electronically, submitted in person or by courier service, hand delivery or mail addressed to the Clerk of the Court at the following address:

**Office of the Clerk of Court
Attention: Heidi Jackson
U.S. Bankruptcy Court District of Minnesota
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415**

Proofs of Claim submitted by facsimile or e-mail (other than electronic filing in accordance with electronic filing procedures) will not be accepted and will not be deemed filed until the Proof of Claim is submitted by one of the methods described in the foregoing sentence. Proofs of Claim will be deemed filed only when actually received by the Clerk of the Court. If you wish to receive acknowledgement of the Court's receipt of your Proof of Claim, you must also submit, by the Proof of Claim Deadline and concurrently with submitting your original Proof of Claim, (a) a copy of your original Proof of Claim and (b) a self-addressed, stamped return envelope. Non-Tort Claims Forms must include all documentation required by Federal Rules of Bankruptcy Procedure 3001(c) and 3001(d) and the Non-Tort Claims Form, including a copy of any written document that forms the basis of the Claim.

(Please Note: If you are going to personally deliver the Non-Tort Claims Form to the Clerk's office or have someone deliver it on your behalf, the filing window is only open until 5:00 p.m. Central Time, and you may need to arrive at the Clerk's office earlier due to wait times in order for your Proof of Claim to be timely filed. The Clerk's office hours are subject to change.)

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

EXHIBIT E

POSTED NOTICE

THE DIOCESE OF ST. CLOUD, HAS FILED FOR BANKRUPTCY REORGANIZATION IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MINNESOTA. IF YOU WERE ABUSED OR SUFFERED INJURY BY A PRIEST, CLERGYMAN, OR OTHER PERSONS WORKING FOR THE DIOCESE OF ST. CLOUD AND YOU CONTEND THE DIOCESE IS RESPONSIBLE, YOU MUST ACT NOW TO FILE YOUR CLAIM.

THE LAST DAY TO FILE CLAIMS IS OCTOBER 21, 2020.

The United States Bankruptcy Court has ordered that all persons claiming injury against The Diocese of St. Cloud for acts of sexual abuse must file a claim **on or before October 21, 2020**.

YOU MUST COMPLETE A PROOF OF CLAIM IF YOU CONTEND THAT THE DIOCESE OF ST. CLOUD IS RESPONSIBLE FOR ANY INJURY OR OTHER DAMAGES CAUSED TO YOU BECAUSE YOU CLAIM THAT YOU WERE SEXUALLY ABUSED BY A PRIEST, CLERGYMAN, A WORKER, A VOLUNTEER, AN EMPLOYEE OR OTHER PERSON OR ENTITY ASSOCIATED WITH THE DIOCESE OF ST. CLOUD.

For additional information or to obtain a proof of claim form please call (520) 770-8712 (however, please note that the Debtor's attorneys cannot give you legal advice). You can also download the form by visiting <http://stedio.org/> and clicking on the link to the bankruptcy forms and instructions.

EXHIBIT F

REQUESTED POSTING LOCATIONS

CHANCERY:

214 3rd Ave S., St. Cloud, MN 56301

PASTORAL CENTER:

305 7th Ave. N., St. Cloud, MN 56303

MISSION OFFICE:

11 - 8th Ave. S., St. Cloud, MN 56301

SOCIAL CONCERNS/RURAL LIFE OFFICE:

911 18th St. N., St. Cloud, MN 56302

PARISHES:

PARISH NAME

CITY (LOCATION)

Seven Dolors	Albany, MN
St. Anthony	Albany, MN (St. Anthony)
St. Mary	Alexandria, MN
St. Benedict	Avon, MN
Immaculate Conception	Avon, MN (St. Anna)
St. Columbkille	Avon, MN (St. Wendel)
Our Lady of the Lake	Battle Lake, MN
Church of Mary of the Visitation	Becker, MN & Big Lake, MN
St. Francis de Sales	Belgrade, MN
St. Joseph	Bertha, MN
St. John the Baptist	Bluffton, MN
St. Stanislaus Kostka	Bowlus, MN
St. Edward	Bowlus, MN (Elmdale)
Ss. Peter and Paul	Braham, MN
St. Ann	Brandon, MN
Our Lady of Seven Dolors	Brandon, MN (Millerville)
St. Mary of the Presentation	Breckenridge, MN
St. Donatus	Brooten, MN
Christ the King	Browerville, MN
St. Anthony	Browns Valley, MN
St. Michael	Buckman, MN
Christ the King	Cambridge, MN
St. Nicholas	Carlos, MN (Belle River Township)
St. Mary	Chokio, MN
St. Joseph	Clarissa, MN
St. Marcus	Clear Lake, MN
St. Boniface	Cold Spring, MN

St. James	Cold Spring, MN (Jacob's Prairie)
Sacred Heart	Dent, MN
Assumption	Eden Valley, MN
St. Olaf	Elbow Lake, MN
St. Elizabeth	Elizabeth, MN
St. Andrew	Elk River, MN
Ss. Peter & Paul	Elrosa, MN
Our Lady of Victory	Fergus Falls, MN
Sacred Heart	Flensburg, MN
St. John	Foley, MN
St. Elizabeth of Hungary	Foley, MN (Brennyville)
St. Lawrence	Foley, MN (Duelm)
St. Joseph	Foley, MN (Morill)
St. Louis Bertrand	Foreston, MN
Sacred Heart	Freeport, MN
St. Francis of Assisi	Freeport, MN (St. Francis)
St. Rosa of Lima	Freeport, MN (St. Rosa)
Ss. Peter and Paul	Gilman, MN
Sacred Heart	Glenwood, MN
St. Andrew	Greenwald, MN
St. Joseph	Grey Eagle, MN
St. Edward	Henning, MN
St. Charles	Herman, MN
St. Rita	Hillman, MN
Church of All Saints	Holdingford, MN
Our Lady of Mt. Carmel	Holdingford, MN (Opole)
St. Elizabeth Ann Seton	Isanti, MN
Our Lady of the Runestone	Kensington, MN
St. Thomas	Kent, MN
St. Anne	Kimball, MN
Holy Cross	Kimball, MN (Pearl Lake)
St. Margaret	Lake Henry, MN
St. John Nepomuk	Lastrup, MN
Our Lady of Lourdes	Little Falls, MN
St. Mary	Little Falls, MN
Holy Family	Little Falls, MN (Belle Prairie)
St. Stanislaus	Little Falls, MN (Sobieski)
St. Mary of Mt. Carmel	Long Prairie, MN
St. John Nepomuk	Lowry, MN (Lake Reno)
St. Mary	Melrose, MN
St. John the Baptist	Melrose, MN (Meire Grove)
St. Michael	Melrose, MN (Spring Hill)
Assumption of Our Lady	Menahga, MN

St. Mary	Milaca, MN
St. Mary	Mora, MN
St. Kathryn	Mora, MN (Ogilvie)
Assumption	Morris, MN
Newman Center	Morris, MN
St. Michael	Motley, MN
Immaculate Conception	New Munich, MN
Holy Cross	New York Mills, MN (Butler)
Holy Cross	Onamia, MN
St. Therese of Vineland	Onamia, MN (Vineland)
Immaculate Conception	Osakis, MN
St. William	Parkers Prairie, MN
Sacred Heart	Parkers Prairie, MN (Urbank)
St. Louis	Paynesville, MN
St. Joseph	Peirz, MN
St. Leonard of Port Mauritius	Pelican Rapids, MN
St. Henry	Perham, MN
St. Lawrence	Perham, MN (Rush Lake)
Holy Cross	Pierz, MN (Harding)
Christ Our Light	Princeton, MN (Zimmerman)
St. James	Randall, MN
Immaculate Conception	Rice, MN
Ss. Peter & Paul	Richmond, MN
Mary of the Immaculate Conception	Rockville, MN
St. Agnes	Roscoe, MN
Holt Trinity	Royalton, MN
Holy Cross	Royalton, MN (North Prairie)
St. Francis Xavier	Sartell, MN
Our Lady of the Angels	Sauk Centre, MN
St. Paul	Sauk Centre, MN
Sacred Heart	Sauk Rapids, MN
Annunciation	Sauk Rapids, MN (Mayhew Lake)
St. Patrick	Sauk Rapids, MN (Minden Township)
Christ Church Newman Center	St. Cloud, MN
Holy Spirit	St. Cloud, MN
St. Anthony of Padua	St. Cloud, MN
St. Augustine	St. Cloud, MN
St. John Cantius	St. Cloud, MN
St. Mary Cathedral	St. Cloud, MN
St. Michael	St. Cloud, MN
St. Paul	St. Cloud, MN
St. Peter	St. Cloud, MN
St. Wendelin	St. Cloud, MN (Luxemburg)

St. Mary Help of Christians	St. Cloud, MN (St. Augusta)
St. Joseph	St. Joseph, MN
St. John the Baptist	St. Joseph, MN (Collegeville)
St. Martin	St. Martin, MN
St. Stephen	St. Stephen, MN
Sacred Heart	Staples, MN
St. John the Baptist	Swanville, MN
St. Gall	Tintah, MN
St. James	Underwood, MN (Maine Township)
St. Mary	Upsala, MN
St. Frederick	Verndale, MN
St. Hubert	Verndale, MN (Blue Grass)
St. Bartholomew	Villard, MN
St. Ann	Wadena, MN
Sacred Heart	Wahkon, MN
St. Joseph	Waite Park, MN
St. Nicholas	Watkins, MN (St. Nicholas)
St. Alexius	West Union, MN
Ave Maria	Wheaton, MN
Christ Our Light	Zimmerman, MN

REQUESTED LOCATIONS:

Archdiocese of St. Paul and Minneapolis
 Diocese of Crookston
 Diocese of Duluth
 Diocese of New Ulm
 Diocese of Winona-Rochester

Cathedral High School (St. Cloud, MN)
 St. Katherine Drexel School (St. Cloud, MN)
 All Saints Academy (St. Cloud, MN)
 St. Elizabeth Ann Seton School (St. Cloud, MN)
 Catholic Community Schools (St. Cloud, MN)
 Holy Family School (Sauk Centre, MN)
 St. John's Area School (Foley, MN)
 Mary of Lourdes School (Little Falls, MN)
 Holy Trinity School (Pierz, MN)
 St. John's University (Collegeville, MN)
 St. John's Preparatory School (Collegeville, MN)
 St. John's School of Theology and Seminary (Collegeville, MN)
 College of St. Benedict (St. Joseph, MN)

Catholic Charities (St. Cloud, MN)
 St. John's Abbey (Collegeville, MN)

Propagation of the Faith (St. Cloud, MN)
Crosier Priory (Onamia, MN)
St. Francis Convent (Little Falls, MN)
St. Benedict Monastery (St. Joseph, MN)
St. Clare's Monastery (Sauk Rapids, MN)
Central Minnesota Residents Encountering Christ (St. Cloud, MN)
Domus Transitional Housing (St. Cloud, MN)

EXHIBIT G

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re: The Diocese of St. Cloud, Case No. 20-60337

If you were sexually or physically abused by any priest, clergyman, or other person connected with the Diocese, or have any other claim against the Diocese, you must file a claim by **OCTOBER 21, 2020**.

For more information, visit <http://stedio.org/> or call 520-770-8712.
For U.S. Bankruptcy Court for the District of Minnesota information, visit www.mnb.uscourts.gov.

For advice about your rights, contact an attorney.

EXHIBIT H

**PAID PUBLICATIONS AND MEDIA OUTLETS FOR REQUESTED
PUBLIC SERVICE ANNOUNCEMENTS**

Newspaper

Location

St. Cloud Times	St. Cloud (Stearns County)
Star Tribune	St. Paul/Minneapolis (Ramsey/Hennepin Counties)
Elk River Star News	Elk River (Sherburne County)
Morrison County Recorder	Little Falls (Morrison County)
Fergus Falls Daily Journal	Fergus Falls (Otter Tail County)
County News	Cambridge (Isanti County)
Long Prairie Leader	Long Prairie (Todd County)
Wahpeton Daily News	Breckenridge (Wilkin County)
Union Times	Milaca (Mille Lacs County)
Wadena Pioneer Journal	Wadena (Wadena County)
Pope County Tribune	Glenwood (Pope County)
Echo Press	Alexandria (Douglas County)
Duluth News Tribune	Duluth (St. Louis County)
Post-Bulletin	Rochester (Olmstead County)
USA Today	National

Media Outlets - Requested Public Service Announcements

Associated Press of Minnesota

Minnesota Public Radio

WCCO (830 AM)	St. Paul/Minneapolis, MN
KKJM (92.9 FM)	St. Cloud, MN
K-YES (1180 AM/93.5 FM)	St. Cloud, MN
WJON (1240 AM/95.3 FM)	St. Cloud, MN
KNSI (1450 AM/99.3 FM)	St. Cloud, MN

KARE-TV	Minnesota's NBC-affiliate
KMSP-TV	Minnesota's FOX-affiliate
KSTP-TV	Minnesota's ABC-affiliate
WCCO-TV	Minnesota's CBS-affiliate

EXHIBIT I

PRESS RELEASE

(Public Service Announcement)

The United States Bankruptcy Court for the District of Minnesota ordered that all persons claiming injury against The Diocese of St. Cloud for acts of sexual abuse must file a claim with the Bankruptcy Court so that it is received by the Bankruptcy Court **on or before 5:00 p.m. Central Time on October 21, 2020.**

The Bankruptcy Court's order requires individuals to file a claim with the Bankruptcy Court in order to be considered for compensation if they believe The Diocese of St. Cloud is responsible for any injury or other damages to them because they claim that they were sexually abused by a priest, a clergyman, a worker, a volunteer, an employee, or other person or entity associated with the Diocese.

Individuals who desire to obtain additional information or to obtain a claim form may visit <http://stcdio.org/> and click on the link to the bankruptcy forms and instructions. Or, they can call 520-770-8712.

Individuals who believe they have claims for compensation against The Diocese of St. Cloud may forever lose their ability to assert their claims if they fail to submit a claim to the Bankruptcy Court so that it is received on or before 5:00 p.m. Central Time on October 21, 2020.

EXHIBIT J

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,
Debtor.

**ORDER (I) GRANTING EXPEDITED RELIEF, (II) APPROVING CLAIM FORMS,
(III) APPROVING MANNER AND FORM OF NOTICE, AND (IV) APPROVING
CONFIDENTIALITY PROCEDURES**

This matter is before the court on the debtor's motion seeking an order (i) granting expedited relief, (ii) approving claim forms; (iii) approving manner and form of notice; and (iv) approving confidentiality procedures.

Based upon the motion and the file,

IT IS ORDERED:

1. The expedited relief sought in the motion is granted.
2. The debtor's motion for an order approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures is granted, as set forth in this order.

DEADLINE FOR TIMELY FILING CLAIMS

3. The last day to timely file a proof of claim against the debtor on behalf of any person (other than governmental units) is **October 21, 2020**. The last day to timely file a proof of claim against the debtor on behalf of any governmental unit is **December 14, 2020**.

FORM

4. The Tort Claim Form (including the instructions), Non-Tort Claim Form, Proof of Claim Deadline Notices, Posted Notice, Publication Notice, and Press Release in the forms attached as Exhibits A-E, G, and I to the motion are approved.

NOTICE

5. The form and manner of notice, as approved in this order, fulfill the notice requirement of the Federal Rules of Bankruptcy Procedure and the local rules of this court. Notice of the filing deadlines in the form and manner attached is fair and reasonable and will provide sufficient notice to all creditors of their rights and obligations in connection with claims they may assert in this case. Accordingly, the debtor is authorized and directed to serve, publish, and post the notices in the manner described in this order, and, to the extent necessary, the Bankruptcy Rules and Local Rules are modified as provided herein.

REQUIREMENTS FOR SEXUAL ABUSE PROOF OF CLAIM FORMS

6. Persons asserting claims arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe the debtor may be responsible must file a Tort Claim Form (Exhibit A).

7. The Clerk of Court is directed to maintain a copy of each Tort Claim Form in electronic form in accordance with the confidentiality procedures outlined below. The Clerk of Court will assign each Tort Claim Form a number and shall list that number on the public docket without a link to the Tort Claim Form and without the name of the claimant. The Clerk of the

Court is directed to turn over all original Tort Claim Forms to the attorneys for the debtor at regular intervals.

8. Tort Claim Forms must be submitted pursuant to the following confidentiality procedures:

i. Tort Claimants must mail or deliver the original of a Tort Claim Form to the Office of the Clerk of Court, Attention: Heidi Jackson, United States Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

ii. Tort Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless otherwise ordered by the Court. This confidentiality procedure is for the benefit of the Tort Claimants. If a Tort Claimant affirmatively indicates by checking the box in Part 1 of the Tort Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Tort Claim Form, that form will not be made public.

iii. Tort Claim Forms submitted by Tort Claimants must be held and treated as confidential by the debtor, its counsel, and the permitted parties listed below, subject to each party executing and returning to the debtor's counsel a confidentiality agreement, and to such other persons as the court determines; *provided, however*, that all parties with access to the Tort Claim Forms must keep the information provided in a Tort Claim Form confidential (unless the Tort Claimant elects otherwise in Part 1 of the Tort Claim Form). Permitted parties may obtain copies of the Tort Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the debtor and shall not seek or obtain such documents from the Clerk of Court.

iv. Permitted parties include: (a) counsel for the debtor; (b) officers and employees of the debtor who are necessary to assist the debtor and its counsel in addressing issues related to the Tort Claims; (c) counsel for the committee of unsecured creditors; (d) applicable 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; (e) the unknown claims representative in this case; (f) any mediator, special arbitrator, or claims reviewer appointed by the court to review and resolve the Tort Claims; (g) any trustee appointed to administer payments to Tort Claimants; (h) authorized representatives of a department of corrections with respect to a Tort Claim by a Tort Claimant who is incarcerated, but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their individual counsel (after the Tort Claim Form has been redacted to remove the Tort Claimant's name, address, signature, and any other information identified in Part 2(A) or 3 of the Tort Claim Form); (j) law enforcement in the city or

county where the Tort Claim arose; (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of compliance with the Charter for the Protection of Children and Young People; (l) such other persons that become permitted parties under the confidentiality agreement; and (m) such other persons as the Court determines should have access to the information in order to evaluate Tort Claims but only upon a motion by the debtor or the committee of unsecured creditors.

9. In addition to the foregoing, counsel for the debtor and the official committee of unsecured creditors are authorized to provide copies of an individual claimant's Tort Claim Form and any other documents filed in connection with the individual claimant's Tort Claim Form to counsel representing such individual claimant.

10. Access to the Tort Claim Form extends only to the individual who executes the confidentiality agreement. Each individual who seeks access to the records on behalf of a permitted party must sign the confidentiality agreement.

TIME AND FORM OF NOTICE

11. As soon as reasonably practicable after the entry of this order, the Clerk of the Court will give notice by United States mail, first class postage prepaid, or by electronic means, of the Proof of Claim Deadline to (a) the United States Trustee for the District of Minnesota; (b) counsel for the committee of unsecured creditors; (c) all persons and entities that have filed a notice of appearance in this case; and (d) all persons and entities that have previously filed proofs of claim.

12. As soon as reasonably practicable, but in any event not later than five (5) business days after the entry of this order, the debtor will serve by United States mail, first-class postage prepaid, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse (Exhibit C to the motion) and the Tort Claim Form (Exhibit A to the motion) on the United States Trustee, and on all persons on the confidential master mailing list, which includes all known Tort Claimants.

13. The service of the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse and Tort Claim Form on Tort Claimants will be accomplished through such Tort Claimants' attorneys, if previously identified as counsel for such Tort Claimant in connection with a Tort Claim, and directly on all other known potential Tort Claimants that have been identified and located by the debtor through reasonably diligent efforts.

14. The service outlined above constitutes service on all of the debtor's known creditors. All other creditors of the debtor are deemed to be unknown for purposes of service of the Proof of Claim Deadline Notices.

15. The proposed noticing methods set forth in the motion and in Exhibits F and H thereto provide good and adequate notice under the circumstances of this reorganization case;

16. The debtor will provide further notice of the Proof of Claim Deadline by taking the following measures:

i. Within five (5) business days of the entry of the order approving this motion, the debtor will post the component parts of the Tort Claim Filing Package and the Other Claims Filing Package on its public website: <http://stcdio.org/>.

ii. Within five (5) business days of the entry of the order approving this motion, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the Survivors Network of those Abused by Priests and request that it post the same on its website: <https://www.snapnetwork.org>.

iii. Within five (5) business days of the entry of an order approving this motion, the debtor will provide a copy of the Posted Notice and the component parts of the Tort Claim Filing Package to Jeff Anderson & Associates P.A. and counsel for the unsecured creditors' committee appointed in this case, and request that they post the same on their websites: www.andersonadvocates.com, and www.stinson.com. (With respect to counsel for the unsecured creditors' committee, the debtor will provide a copy of the Posted Notice and the Tort Claim Filing Package within five (5) business days after such counsel is appointed).

iv. The debtor will maintain a telephone number published on its website, www.stcdio.org, that may be used to ask general administrative questions and request copies of the Tort Claim Filing Package; *provided, however, that* the debtor is not required to give legal advice or assist parties in completing the Tort

Claim Filing Package. The debtor will direct any legal questions to counsel for the unsecured creditors' committee.

v. The debtor will mail a copy of the Proof of Claim Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the unsecured creditors' committee, and to persons identified by counsel for the unsecured creditors' committee as licensed therapists presently working with sexual abuse claimants.

vi. Within two (2) weeks of the service of the Tort Claim Filing Package, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Proof of Claim Deadline: (1) the Minnesota Attorney General, (2) the county attorney, the county administrator, and sheriff's department for each of the counties within the Diocese's geographical area, (3) the Minnesota Department of Health's locations within the Diocese's geographical area, and (4) each hospital in the Diocese's geographical area.

vii. The Bishop will request that each pastor, canonical administrator, or parochial vicar read a letter from the Bishop at least two (2) times before the Proof of Claim Deadline. The letter from the Bishop will state that the Bishop requested that the letter be read, that the Proof of Claim Deadline is October 21, 2020, that the Bishop requests that people inform their family members about the Proof of Claim Deadline, and that the filing of a claim may be done confidentially.

17. Additionally, the Clerk of Court will post the Tort Claim Form, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse, and the Publication Notice on the website of the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page (www.mnb.uscourts.gov) to provide easy access of the filing deadline information and where all claim forms will be made available.

18. If the debtor amends its bankruptcy schedules and the amendment reduces the liquidated amount of a scheduled claim, or reclassifies a claim scheduled as undisputed, liquidated, and non-contingent to a disputed, unliquidated, and/or contingent claim, then each claimant affected by such amendment shall be permitted to file the Tort Claim Form or Non-Tort Claims Form relating to such claim on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of the

appropriate Proof of Claim Deadline Notice and a disputed claim notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline will not apply if an amendment to the schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Non-Tort Claims Form on or before the Proof of Claim Deadline.

OTHER CLAIMS

19. The Proof of Claim Deadline does not apply to claims for which payment is authorized by an order entered before the Proof of Claim Deadline, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b).

20. The deadline for filing claims concerning executory contracts or unexpired leases, and/or the recovery of a voidable transfer, shall be the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the appropriate Proof of Claim Deadline Notice.

DATED:

ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota religious corporation,

Case No. 20-60337

Debtor.

**MEMORANDUM IN SUPPORT OF MOTION FOR AN ORDER (I) GRANTING
EXPEDITED RELIEF, (II) APPROVING CLAIM FORMS, (III) APPROVING
MANNER AND FORM OF NOTICE, AND (IV) APPROVING CONFIDENTIALITY
PROCEDURES**

The debtor respectfully submits this memorandum in support of its motion seeking an order (i) granting expedited relief, (ii) approving the proof of claim forms for creditors to use in filing a claim; (iii) approving the form and manner for giving notice of the proof of claim deadline; and (iv) approving the proposed confidentiality procedures. The circumstances of this case warrant the relief that the debtor requests in the motion.

I. BACKGROUND

The facts relevant to this memorandum are set forth in the Kettler Declaration.

II. LEGAL ANALYSIS

A. The Court Should Grant the Debtor's Request for Expedited Relief.

The debtor requests expedited relief under Bankruptcy Rule 9006(c) and Local Rule 9006-1(e). Cause exists to reduce notice of the hearing on the motion. As noted in the Kettler Declaration, the debtor and the primary sex abuse claimants have agreed on a framework for a consensual plan of reorganization. It is the desire and goal of the debtor and the survivors that a plan be confirmed as soon as feasible, consistent with the Bankruptcy Code and the Bankruptcy

Rules. A required step in this process is providing notice to creditors (including sex abuse survivors) of the process and time to file claims against the debtor so that all parties in interest are apprised of the universe of such claims. The debtor seeks to provide such notice as soon as possible to give claimants sufficient time to file their claims.

B. The Deadline for Filing Proofs of Claim is Appropriate.

In a Chapter 11 case, a creditor must file a proof of claim (i) if its claim is listed in the debtor's bankruptcy schedules as disputed, contingent, or unliquidated, (ii) if its claim has not been listed at all, or (iii) if it is not satisfied to rely on the scheduled amount of its claim. *See* 11 U.S.C. §§ 1111(a) and 501(a); Fed. R. Bankr. P. 3003(c). Under Local Rule 3002-1, "[i]n a Chapter 11 case, the last day to timely file a proof of claim is fixed at 90 days after the date first set for the meeting of creditors." Under the circumstances of this case, the Proof of Claim Deadline and the Governmental Claim Deadline set by the court represent an appropriate amount of time for claimants to file proofs of claim in this case.

C. The Court Should Approve the Proposed Modifications to the Tort Claim Form.

It is well established that the court, in appropriate circumstances, has the authority to modify Official Bankruptcy Form No. 410. *See In re A.H. Robins Co.*, 862 F.2d 1092 (4th Cir. 1988). Furthermore, Bankruptcy Rule 9009 authorizes appropriate and necessary alterations in the Official Forms as follows:

[T]he Official Forms prescribed by the Judicial Conference of the United States shall be used without alteration, except as otherwise provided in these rules, in a particular Official Form, or in the national instructions for a particular Official Form. Official Forms may be modified to permit minor changes not affecting wording or the order of presenting information The forms shall be construed to be consistent with these rules and the Code.

The information that will be requested from the Tort Claimants in the Tort Claim Form is critical to evaluate and analyze the debtor's liability for the alleged Tort Claims. The proposed Tort Claim

Form will ensure that Tort Claimants provide sufficient information for the debtor to determine the nature, extent, and validity of the Tort Claims asserted, while encouraging Tort Claimants' to submit the Tort Claims in light of their unique needs.

The Non-Tort Claims Form deviates from the universal Claim Form by clarifying that it is not to be used for Tort Claims. This deviation is minimal, and is designed to prevent confusion and to promote use of the correct form.

D. The Proposed Notice and Publication Methods Should be Approved.

Bankruptcy Rule 2002(f) requires that the debtor provide notice by mail of the “time allowed for filing claims pursuant to Rule 3002” Nevertheless, “[t]he court may order notice by publication if it finds that notice by mail is impracticable or that it is desirable to supplement the notice.” Fed. R. Bankr. P. 2002(l). Courts have generally held that “known” creditors must receive actual written notice of the claims bar date. *See, Dahlin v. Lyondell Chem. Co.*, 881 F.3d 599, 604 (8th Cir. 2018); *Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995). A “known” creditor is one whose identity is either known or “reasonably ascertainable by the debtor.” *Id.*; *Tulsa Prof'l Collection Servs., Inc. v. Pope*, 485 U.S. 478, 490 (1988). Although a debtor need not engage in “impracticable and extended searches,” a creditor’s identity is “reasonably ascertainable” if it can be identified through “reasonably diligent efforts.” *Id.*

For “unknown” creditors, it is well settled that constructive notice of the claims bar date satisfies the requirements of due process. *See, e.g., Pope*, 485 U.S. at 490 (“For creditors who are not ‘reasonably ascertainable,’ publication notice can suffice.”); *Jones*, 72 F.3d at 348; *Wright v. Corning*, 679 F.3d 101, 107–08 (3d Cir. 2012). Protection of “[d]ue process requires ‘notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” *Dahlin v. Lyondell Chem.*

Co., 881 F.3d at 604 (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)).

After an extensive review of its own books and records, the debtor has identified all of the creditors known at this time, including creditors with potential contingent, unliquidated, or disputed claims. The three-year statute of limitations established by the 2013 Minnesota Child Victims Act has run. As of the filing of this case, there were 73 unresolved claims, 71 of which were filed in response to the Act's window and alleged abuse that occurred decades ago. Of those unresolved claims, 4 were in active litigation in the state court. The debtor's other creditors identified in its schedules are relatively minimal. All known creditors will receive actual written notice of the claims bar date as required by Bankruptcy Rule 2002(f). Therefore, the proposed noticing procedures for known creditors satisfy due process requirements and should be approved.

Although the statute of limitations for filing abuse claims has run, the universe of claims against the debtor may not yet have been identified. Accordingly, the debtor proposes to reach the broadest possible audience through local and statewide dissemination of the Posted Notice, Publication Notice, and Press Release, including (i) publication in leading local newspapers in areas where abusers served or abuse occurred; (ii) publication in one national publication, (iii) local media outlets to which the Press Release will be provided; (iv) posting of the Posted Notice in certain locations; and (vi) requesting that the Posted Notice be posted in certain locations. The proposed public noticing methods provide far-reaching, calculated notice of the Proof of Claim Deadline to all potentially interested parties without incurring unreasonable costs. Accordingly, the proposed noticing campaign satisfies due process demands and should be approved.

E. The Confidentiality Procedures Should be Approved.

Bankruptcy Code § 107(b)(2) provides that a court is required to “protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title.” 11 U.S.C. § 107(b)(2). Under Bankruptcy Rule 9018, “[o]n motion or its own initiative, with or without notice, the court may make any order which justice requires . . . to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code” Fed. R. Bankr. P. 9018.

The identities of the Tort Claimants have been shared or made known to the debtor in confidence or through counsel and should remain confidential. The debtor will keep the Tort Claimants’ proofs of claims confidential and only disseminate their information to permitted parties who agree to be bound by the confidentiality requirements agreed to by the debtor and the unsecured creditors’ committee.

III. CONCLUSION

For the reasons set forth above, the debtor respectfully requests that the court enter an order:

- A. Granting the expedited relief sought in the motion;
- B. Granting the motion on the terms set forth in the Proof of Claim Deadline Order;
- C. Approving the Tort Claim Form (including the instructions), Non-Tort Claims Form, Proof of Claim Deadline Notices, Posted Notice, Publication Notice, and Press Release as attached as Exhibits A-E, G, and I respectively;
- D. Approving the proposed noticing methods set forth herein and in Exhibits F and H as providing good and adequate notice under the circumstances of this reorganization case;

E. Approving the procedures to allow Tort Claimants to file confidential proofs of claim;

F. Directing the Clerk of the Court to post the Tort Claim Form, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse, and the Publication Notice on the website of the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page (www.mnb.uscourts.gov) to provide easy access of the filing deadline information.

G. Directing the Clerk of the Court to (i) maintain a copy of each Tort Claim Form in electronic form in accordance with the confidentiality procedures outlined in the motion, (ii) assign each Tort Claim Form a number and list that number on the public docket without a link to the Tort Claim Form and without the name of the claimant, and (iii) turn over all original Tort Claim Forms to the attorneys for the debtor at regular intervals.

H. Ordering that, if the debtor amends its schedules reducing the liquidated amount of a scheduled claim, or reclassifies a claim as disputed, unliquidated, or contingent, then each claimant affected by such amendment be permitted to file the Tort Claim Form or Non-Tort Claims Form relating to such claim on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of the appropriate Proof of Claim Deadline Notice and a disputed claim notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline will not apply if an amendment to the schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Non-Tort Claims Form on or before the Proof of Claim Deadline;

I. Ordering that the Proof of Claim Deadline does not apply to claims for which payment is authorized by an order entered before the Proof of Claim Deadline, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b);

J. Ordering that the deadline for filing claims concerning executory contracts or unexpired leases, or the recovery of a voidable transfer, be set for the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after mailing notice to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the appropriate Proof of Claim Deadline Notice; and

K. Granting such other relief as the court deems just and proper under the circumstances.

Dated: June 26, 2020.

QUARLES & BRADY LLP

/s/ Jason D. Curry

Susan G. Boswell (AZ Bar No. 004791)

Jason D. Curry (AZ Bar No. 026511)

Michael Galen (AZ Bar No. 035044)

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Proposed Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,

Debtor.

**ORDER (I) GRANTING EXPEDITED RELIEF, (II) APPROVING CLAIM FORMS,
(III) APPROVING MANNER AND FORM OF NOTICE, AND (IV) APPROVING
CONFIDENTIALITY PROCEDURES**

This matter is before the court on the debtor's motion seeking an order (i) granting expedited relief, (ii) approving claim forms; (iii) approving manner and form of notice; and (iv) approving confidentiality procedures.

Based upon the motion and the file,

IT IS ORDERED:

1. The expedited relief sought in the motion is granted.
2. The debtor's motion for an order approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures is granted, as set forth in this order.

DEADLINE FOR TIMELY FILING CLAIMS

3. The last day to timely file a proof of claim against the debtor on behalf of any person (other than governmental units) is **October 21, 2020**. The last day to timely file a proof of claim against the debtor on behalf of any governmental unit is **December 14, 2020**.

FORM

4. The Tort Claim Form (including the instructions), Non-Tort Claim Form, Proof of Claim Deadline Notices, Posted Notice, Publication Notice, and Press Release in the forms attached as Exhibits A-E, G, and I to the motion are approved.

NOTICE

5. The form and manner of notice, as approved in this order, fulfill the notice requirement of the Federal Rules of Bankruptcy Procedure and the local rules of this court. Notice of the filing deadlines in the form and manner attached is fair and reasonable and will provide sufficient notice to all creditors of their rights and obligations in connection with claims they may assert in this case. Accordingly, the debtor is authorized and directed to serve, publish, and post the notices in the manner described in this order, and, to the extent necessary, the Bankruptcy Rules and Local Rules are modified as provided herein.

REQUIREMENTS FOR SEXUAL ABUSE PROOF OF CLAIM FORMS

6. Persons asserting claims arising from sexual abuse as that term is defined in Minnesota Statutes § 541.073(1), as well as molestation, rape, undue familiarity, sexually-related physical, psychological or emotional harm, or contacts or interactions of a sexual nature between a child and an adult, or a non-consenting adult and another adult for which such persons believe the debtor may be responsible must file a Tort Claim Form (Exhibit A).

7. The Clerk of Court is directed to maintain a copy of each Tort Claim Form in electronic form in accordance with the confidentiality procedures outlined below. The Clerk of Court will assign each Tort Claim Form a number and shall list that number on the public docket without a link to the Tort Claim Form and without the name of the claimant. The Clerk of the

Court is directed to turn over all original Tort Claim Forms to the attorneys for the debtor at regular intervals.

8. Tort Claim Forms must be submitted pursuant to the following confidentiality procedures:

i. Tort Claimants must mail or deliver the original of a Tort Claim Form to the Office of the Clerk of Court, Attention: Heidi Jackson, United States Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415.

ii. Tort Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless otherwise ordered by the Court. This confidentiality procedure is for the benefit of the Tort Claimants. If a Tort Claimant affirmatively indicates by checking the box in Part 1 of the Tort Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Tort Claim Form, that form will not be made public.

iii. Tort Claim Forms submitted by Tort Claimants must be held and treated as confidential by the debtor, its counsel, and the permitted parties listed below, subject to each party executing and returning to the debtor's counsel a confidentiality agreement, and to such other persons as the court determines; *provided, however*, that all parties with access to the Tort Claim Forms must keep the information provided in a Tort Claim Form confidential (unless the Tort Claimant elects otherwise in Part 1 of the Tort Claim Form). Permitted parties may obtain copies of the Tort Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the debtor and shall not seek or obtain such documents from the Clerk of Court.

iv. Permitted parties include: (a) counsel for the debtor; (b) officers and employees of the debtor who are necessary to assist the debtor and its counsel in addressing issues related to the Tort Claims; (c) counsel for the committee of unsecured creditors; (d) applicable 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; (e) the unknown claims representative in this case; (f) any mediator, special arbitrator, or claims reviewer appointed by the court to review and resolve the Tort Claims; (g) any trustee appointed to administer payments to Tort Claimants; (h) authorized representatives of a department of corrections with respect to a Tort Claim by a Tort Claimant who is incarcerated, but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their individual counsel (after the Tort Claim Form has been redacted to remove the Tort Claimant's name, address, signature, and any other information identified in Part 2(A) or 3 of the Tort Claim Form); (j) law enforcement in the city or

county where the Tort Claim arose; (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of compliance with the Charter for the Protection of Children and Young People; (l) such other persons that become permitted parties under the confidentiality agreement; and (m) such other persons as the Court determines should have access to the information in order to evaluate Tort Claims but only upon a motion by the debtor or the committee of unsecured creditors.

9. In addition to the foregoing, counsel for the debtor and the official committee of unsecured creditors are authorized to provide copies of an individual claimant's Tort Claim Form and any other documents filed in connection with the individual claimant's Tort Claim Form to counsel representing such individual claimant.

10. Access to the Tort Claim Form extends only to the individual who executes the confidentiality agreement. Each individual who seeks access to the records on behalf of a permitted party must sign the confidentiality agreement.

TIME AND FORM OF NOTICE

11. As soon as reasonably practicable after the entry of this order, the Clerk of the Court will give notice by United States mail, first class postage prepaid, or by electronic means, of the Proof of Claim Deadline to (a) the United States Trustee for the District of Minnesota; (b) counsel for the committee of unsecured creditors; (c) all persons and entities that have filed a notice of appearance in this case; and (d) all persons and entities that have previously filed proofs of claim.

12. As soon as reasonably practicable, but in any event not later than five (5) business days after the entry of this order, the debtor will serve by United States mail, first-class postage prepaid, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse (Exhibit C to the motion) and the Tort Claim Form (Exhibit A to the motion) on the United States Trustee, and on all persons on the confidential master mailing list, which includes all known Tort Claimants.

13. The service of the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse and Tort Claim Form on Tort Claimants will be accomplished through such Tort Claimants' attorneys, if previously identified as counsel for such Tort Claimant in connection with a Tort Claim, and directly on all other known potential Tort Claimants that have been identified and located by the debtor through reasonably diligent efforts.

14. The service outlined above constitutes service on all of the debtor's known creditors. All other creditors of the debtor are deemed to be unknown for purposes of service of the Proof of Claim Deadline Notices.

15. The proposed noticing methods set forth in the motion and in Exhibits F and H thereto provide good and adequate notice under the circumstances of this reorganization case;

16. The debtor will provide further notice of the Proof of Claim Deadline by taking the following measures:

i. Within five (5) business days of the entry of the order approving this motion, the debtor will post the component parts of the Tort Claim Filing Package and the Other Claims Filing Package on its public website: <http://stcdio.org/>.

ii. Within five (5) business days of the entry of the order approving this motion, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the Survivors Network of those Abused by Priests and request that it post the same on its website: <https://www.snapnetwork.org>.

iii. Within five (5) business days of the entry of an order approving this motion, the debtor will provide a copy of the Posted Notice and the component parts of the Tort Claim Filing Package to Jeff Anderson & Associates P.A. and counsel for the unsecured creditors' committee appointed in this case, and request that they post the same on their websites: www.andersonadvocates.com, and www.stinson.com. (With respect to counsel for the unsecured creditors' committee, the debtor will provide a copy of the Posted Notice and the Tort Claim Filing Package within five (5) business days after such counsel is appointed).

iv. The debtor will maintain a telephone number published on its website, www.stcdio.org, that may be used to ask general administrative questions and request copies of the Tort Claim Filing Package; *provided, however, that* the debtor is not required to give legal advice or assist parties in completing the Tort

Claim Filing Package. The debtor will direct any legal questions to counsel for the unsecured creditors' committee.

v. The debtor will mail a copy of the Proof of Claim Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the unsecured creditors' committee, and to persons identified by counsel for the unsecured creditors' committee as licensed therapists presently working with sexual abuse claimants.

vi. Within two (2) weeks of the service of the Tort Claim Filing Package, the debtor will provide a copy of the Publication Notice and the component parts of the Tort Claim Filing Package to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Proof of Claim Deadline: (1) the Minnesota Attorney General, (2) the county attorney, the county administrator, and sheriff's department for each of the counties within the Diocese's geographical area, (3) the Minnesota Department of Health's locations within the Diocese's geographical area, and (4) each hospital in the Diocese's geographical area.

vii. The Bishop will request that each pastor, canonical administrator, or parochial vicar read a letter from the Bishop at least two (2) times before the Proof of Claim Deadline. The letter from the Bishop will state that the Bishop requested that the letter be read, that the Proof of Claim Deadline is October 21, 2020, that the Bishop requests that people inform their family members about the Proof of Claim Deadline, and that the filing of a claim may be done confidentially.

17. Additionally, the Clerk of Court will post the Tort Claim Form, the Notice of the Time for Timely Filing Proofs of Claim Relating to, or Arising From, Sexual Abuse, and the Publication Notice on the website of the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page (www.mnb.uscourts.gov) to provide easy access of the filing deadline information and where all claim forms will be made available.

18. If the debtor amends its bankruptcy schedules and the amendment reduces the liquidated amount of a scheduled claim, or reclassifies a claim scheduled as undisputed, liquidated, and non-contingent to a disputed, unliquidated, and/or contingent claim, then each claimant affected by such amendment shall be permitted to file the Tort Claim Form or Non-Tort Claims Form relating to such claim on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of the

appropriate Proof of Claim Deadline Notice and a disputed claim notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline will not apply if an amendment to the schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Non-Tort Claims Form on or before the Proof of Claim Deadline.

OTHER CLAIMS

19. The Proof of Claim Deadline does not apply to claims for which payment is authorized by an order entered before the Proof of Claim Deadline, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b).

20. The deadline for filing claims concerning executory contracts or unexpired leases, and/or the recovery of a voidable transfer, shall be the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the appropriate Proof of Claim Deadline Notice.

DATED:

ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Chapter 11

THE DIOCESE OF ST. CLOUD, a Minnesota religious corporation,

Case No. 20-60337

Debtor.

CERTIFICATE OF SERVICE

I, Jason D. Curry, declare under penalty of perjury that on June 26, 2020, I caused to be served the foregoing *Notice Of Hearing And Motion For An Order (I) Granting Expedited Relief, (II) Approving Claim Forms, (III) Approving Manner And Form Of Notice, And (IV) Approving Confidentiality Procedures* to each party named below at the e-mail address or mailing address stated for each party:

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