

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota BKY 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 case 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 on 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**.

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 07/02/2020 Lori Vosejpka, Clerk, by LH

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://stedio.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.stedio.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: July 2, 2020

/e/ Robert J. Kressel
ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE