

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Buffalo, N.Y.,  
Debtor.

Case No. 20-10322 (CLB)

Chapter 11

**ORDER ESTABLISHING AUGUST 14, 2021 DEADLINE FOR FILING PROOFS OF  
CLAIM AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the motion of The Diocese of Buffalo, N.Y. (the “Diocese”), for entry of an order (a) establishing a deadline by which proofs of claim against the Diocese’s bankruptcy estate must be filed; (b) approving the forms of proofs of claim; (c) approving procedures for maintaining the confidentiality of certain claims; (d) approving the form and manner of notice of the deadline to file proofs of claim; and (e) granting related relief [Docket No. 432] (the “Motion”);<sup>1</sup> the Decision and Order dated September 11, 2020 [Docket No. 546] (the “Published Bar Date Decision”), the Motion for Reconsideration of Bar Date and Mediation Order [Docket No. 574] (“Motion to Reconsider”) as such Motion to Reconsider was considered a request for alternative request to authorize an expanded questionnaire for certain claimants [Docket No. 625], and all objections to the Motion having been resolved or overruled; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of this Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief herein granted is in the best interests of the Diocese, its estate, creditors and other parties in interest; and it appearing that proper and adequate notice of

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

the Motion has been given under the circumstances and that, except as otherwise ordered herein, no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is hereby GRANTED as set forth herein.

**Establishment of Bar Date**

2. August 14, 2021, at 11:59 P.M. (prevailing Eastern time) is the deadline for all persons and entities, including governmental units and Sexual Abuse Claimants, to file prepetition claims in this Chapter 11 Case (the "Bar Date").

**Approval of Proposed Forms**

3. The Confidential Sexual Abuse Claim Supplement, Confidentiality Agreement, Bar Date Notice, Committee Letter, and the Publication Notice, in the forms annexed hereto as **Schedules 1, 2, 3, 4, and 5**, respectively, are hereby approved.

**Who Must File Proofs of Claim**

4. Except as provided in paragraph 7 of this Order, any person or entity holding a prepetition claim against the Diocese must file a proof of claim in accordance with the procedures described herein by the Bar Date. The Bar Date applies to all persons and entities (including governmental units), that assert Claims, as defined in § 101(5) of the Bankruptcy Code, against the Diocese (whether secured, unsecured priority or unsecured non-priority) that arose prior to or on the Petition Date, including, without limitation, any Sexual Abuse Claims<sup>2</sup>.

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<sup>2</sup> For purposes of this Order, the term "Sexual Abuse Claim" means any claim (as defined in section 101(5) of the Bankruptcy Code) against the Diocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, sexually-related psychological, or sexually-related emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in

5. Any person or entity who is required to file a proof of claim pursuant to this Order but fails to do so on or before the Bar Date may not be treated as a creditor with respect to such Claim and may not be entitled to vote to accept or reject, or to share in any distribution under any Chapter 11 plan proposed and/or confirmed in this Chapter 11 Case.

6. **The following persons or entities must file a proof of claim on or before the Bar Date:**

- (a) Any person or entity who believes its prepetition claim was omitted from the Diocese's Schedules of Assets and Liabilities (as amended) filed in this Chapter 11 Case (the "Schedules"), or whose prepetition claim is listed in the Schedules, but is designated as being "contingent," "unliquidated," or "disputed," and who may be entitled to any distributions to creditors that may be made in this Chapter 11 Case;
- (b) Any person or entity who believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than as identified in the Schedules; and
- (c) Any person who wishes to assert a Sexual Abuse Claim against the Diocese, regardless of whether such person has previously filed a lawsuit against the Diocese or otherwise has given formal or informal notice of such claims to the Diocese, including any person whose claim may be barred by a statute of limitations or repose in effect as of the Bar Date.

7. **The following persons or entities are not required to file proofs of claim at this time:**

- (a) Any person or entity that has already properly filed a proof of claim against the Diocese with the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Buffalo Division, except that, subject to Paragraph 11 of this Order, any person who has asserted a Sexual Abuse Claim must submit a completed Sexual Abuse Proof of Claim;
- (b) Any person or entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not identified therein as

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the New York Penal Law), and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Diocese or any other person or entity for whose acts or failures to act the Diocese is or was allegedly responsible. A "Sexual Abuse Claimant" is any person asserting a Sexual Abuse Claim.

“contingent,” “unliquidated,” or “disputed,” and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;

- (c) Any professionals retained by the Diocese or the Committee pursuant to orders of this Court, who assert administrative claims for payment of fees and expenses subject to the Court’s approval, pursuant to sections 330, 331(a) and 503(b) of the Bankruptcy Code;
- (d) Any person or entity that asserts an administrative expense claim against the Diocese pursuant to sections 503(b) or 507(a)(2) of the Bankruptcy Code;
- (e) Any person or entity whose claim against the Diocese is allowed by an order of the Court entered on or before the Bar Date; and
- (f) Any person or entity whose claim has been previously settled or paid in full.

#### **Procedure for Filing Proofs of Claim**

8. **Proofs of claim should be submitted directly to Stretto**, the Diocese’s Claims and Noticing Agent, as set forth in paragraphs 9 through 11 below. For the avoidance of doubt, a proof of claim may be filed with the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Buffalo Division (the “Clerk”). Any proof of claim filed with the Clerk shall be considered part of the public record and the confidentiality protocol set forth in paragraph 12 of this Order shall not apply to such claims.

9. In order to be considered valid, each proof of claim submitted in this Chapter 11 Case must: (a) conform substantially to Official Form 410, (b) be denominated in lawful currency of the United States as of the Petition Date, (c) have attached copies of any writings upon which the claim is based in accordance with bankruptcy Rules 3001(c) and 3001(d) (including for secured claims, evidence that the security interest has been perfected) unless such writings are voluminous or confidential, in which case a summary must be attached or an explanation provided as to why such writings are not available and such writings will be provided to the Diocese and/or the Committee upon request, and (d) be actually received by Stretto, the Diocese’s Claims and

Noticing Agent, or the Clerk, as of the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/dioceseofbuffalo> or (ii) by delivering an original copy by hand delivery, first class mail or overnight courier to The Diocese of Buffalo, N.Y., Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238 or (iii) filed electronically with the Clerk; or (iv) by delivering an original copy by hand delivery, first class mail or overnight courier to the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Buffalo Division, 2 Niagara Square, Buffalo, NY 14202. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted.

10. All claimants shall submit their proof of claim using the Official Form 410.

11. Any proof of claim asserting a Sexual Abuse Claim (each, a "Sexual Abuse Proof of Claim") may be accompanied by a completed Confidential Sexual Abuse Claim Supplement. A copy of the Confidential Sexual Abuse Claim Supplement is attached hereto as **Schedule 1**. **The failure to submit a completed Confidential Sexual Abuse Claim Supplement with any proof of claim asserting a Sexual Abuse Claim may be a basis for an objection to such claim and/or request for discovery. However, the completion of the Confidential Sexual Abuse Claim Supplement does not foreclose the filing of other objections or requests for discovery.**

**Establishment of Confidentiality Protocol**

12. Due to the nature of the information requested in the Sexual Abuse Proof of Claim Form, the following confidentiality protocol ("Confidentiality Protocol") shall apply to all Sexual Abuse Proofs of Claim submitted by Sexual Abuse Claimants to Stretto, but shall not apply to any Sexual Abuse Proofs of Claim submitted directly to the Clerk:

- (a) In order to take advantage of the Confidentiality Protocol, all claimants asserting a Sexual Abuse Claim are directed to submit such claims directly to Stretto, the Diocese's Claims and Noticing Agent, using the Sexual Abuse Proof of Claim Form. Such claims should not be filed with the Clerk.

In the event that a Sexual Abuse Proof of Claim is submitted directly to the Clerk, such Sexual Abuse Proof of Claim shall be part of the public record and shall not be treated as confidential.

- (b) Sexual Abuse Proofs of Claim including any Confidential Sexual Abuse Claim Supplement received by Stretto will be treated as confidential and will be made available only to Authorized Parties (as defined below). Any claim that appears to be a Sexual Abuse Proof of Claim that is filed as without the Confidential Sexual Abuse Claim Supplement shall be treated by Stretto as a confidential claim. The Confidentiality Protocol is for the sole and exclusive benefit of the persons asserting a Sexual Abuse Claim. Accordingly, any claimant may elect to make information contained in his or her personal Confidential Sexual Abuse Claim Supplement public. For the avoidance of doubt, Sexual Abuse Claimants are not bound by the confidentiality provisions of this Order with respect to disclosures regarding their own sexual abuse or any information disclosed by a Sexual Abuse Claimant in his or her Sexual Abuse Proof of Claim.
- (c) Sexual Abuse Proofs of Claim received by Stretto shall be held and treated as confidential by Stretto, and copies thereof shall be provided or made available only to the following parties (the “Authorized Parties”):
  - i. The Bishop of the Diocese, officers of the Diocese, and such other current or former employees of the Diocese who are necessary to assist the Diocese in reviewing and analyzing the Sexual Abuse Proofs of Claim. For the avoidance of doubt, any person that was disclosed to the Diocese as an individual who had allegedly committed an act of sexual abuse, as well as any person identified as an alleged abuser in a Confidential Sexual Abuse Claim Supplement or who is otherwise acknowledged by the Diocese as someone who committed Sexual Abuse, shall not be an Authorized Person pursuant to this Paragraph 12(c)(i); provided, however, the Diocese is authorized to discuss the contents of any Sexual Abuse Proof of Claim with a person identified as an alleged abuser who was not previously disclosed to the Diocese as an individual who had committed an act of sexual abuse for the purpose of conducting an internal investigation and assessing the actual claim by providing any affected Sexual Abuse Claimant, such affected Sexual Abuse Claimant’s counsel (if any), and counsel to the Committee, with notice delivered via overnight delivery and e-mail of such planned disclosure (a “Disclosure Notice”) and an opportunity to object to such disclosure. If the Diocese receives a written objection to such disclosure (an “Objection Notice”) on or before 5 p.m. (Eastern) on the fifth (5<sup>th</sup>) day following its receipt of the Disclosure Notice (the “Objection Deadline”), (a) the Diocese may not make the disclosure set forth in the Disclosure Notice until such time as the Court permits such disclosure or the Committee consents to such

disclosure, and (b) the Diocese may make an application to the Court on no less than 24 hours' notice seeking authorization to make such disclosure over the Committee's objection. In the event that no Objection Notice is received prior to the Objection Deadline, the Diocese may make the disclosure set forth in the Disclosure Notice;

- ii. Counsel to the Diocese or the Committee retained pursuant to an order of the Bankruptcy Court, including partners, counsel, associates, and employees of such counsel;
- iii. Members of the Committee and their individual counsel (after the Sexual Abuse Proof of Claim has been redacted to remove the claimant's name, address, and other information identified in Parts 1 and 2(a) of the Sexual Abuse Proof of Claim Form, the signature block and any other information which could reasonably be used to personally identify a Sexual Abuse Claimant);
- iv. Any "Authorized Recipient" under the November 18, 2020 Confidentiality Agreement (the "Carrier NDA") among the Diocese and the other parties thereto that provided insurance or reinsurance that may cover the claims described in any Sexual Abuse Proof of Claim, and the related persons or entities executing joinders to the Carrier NDA;
- v. Any person appointed pursuant to an order of the Bankruptcy Court to serve as a mediator, as a representative for unknown or future claimants, or as a special arbitrator/claims reviewer appointed to review and resolve Sexual Abuse Claims, in this Chapter 11 Case or any adversary proceeding filed in this Chapter 11 Case;
- vi. Any trustee, or functional equivalent thereof, appointed to administer payments to Sexual Abuse Claimants, including pursuant to a plan of reorganization or a proposed plan of reorganization;
- vii. Any person upon express written consent of the affected Sexual Abuse Claimant, *provided, however*, that if the Sexual Abuse Claimant filed his or her claim *pro se*, then consent of the Sexual Abuse Claimant and counsel to the Committee shall be obtained before disclosing such claimant's proof of claim to any person pursuant to this Paragraph 12(c)(vii);
- viii. Any person with the express written consent of the Diocese and the Committee, upon 10 business days' notice to the affected Sexual Abuse Claimant(s);
- ix. Such other persons as the Court may authorize to access to one or more of the Sexual Abuse Proofs of Claim pursuant to subsequent order; *provided, however*, that any such determination shall be made

on no less than 7 days' notice to the affected Sexual Abuse Claimant(s), the Committee and the Diocese; and

- x. Counsel of record to any Authorized Party not covered by the preceding subsections (i) through (ix) upon execution of a Confidentiality Agreement by such counsel.
- (d) Notwithstanding the designation of Authorized Parties above, no person or entity may obtain copies of any Sexual Abuse Proof of Claim prior to the execution of the Carrier NDA or a confidentiality agreement substantially in the form attached hereto as **Schedule 2** (the "Confidentiality Agreement"); provided, however that a mediator appointed in the case shall not be required to execute a confidentiality agreement if such mediator is currently a Bankruptcy Judge or District Court Judge. Counsel of record to any Authorized Party shall only be required to execute a single Confidentiality Agreement, which shall be deemed binding on their entire firm. Access to the Sexual Abuse Proofs of Claim for all other Authorized Parties shall be restricted to the natural person who executes a Confidentiality Agreement, and a separate Confidentiality Agreement must be signed by each natural person seeking access to the Sexual Abuse Proofs of Claim on behalf of an Authorized Party. Copies of all Confidentiality Agreements shall be provided to the Diocese and the Committee through their respective counsel.
- (e) Authorized Parties in possession of any Sexual Abuse Proof(s) of Claim shall keep such Sexual Abuse Proof(s) of Claim confidential and shall not use or disclose any information provided in any Sexual Abuse Proof(s) of Claim except in accordance with the terms of this Order, the Confidentiality Agreement or pursuant to an order of this Court, unless the Sexual Abuse Claimant has elected to make his or her Sexual Abuse Proof of Claim public. Authorized Parties may not contact a witness identified in a Sexual Abuse Proof of Claim Form based upon information obtained solely from the Sexual Abuse Proof of Claim Form;
- (f) Stretto shall assign to each claimant asserting a Sexual Abuse Claim a unique identifier code and shall maintain a confidential list of the identities of the Sexual Abuse Claimants, their corresponding identifier code, and their respective Sexual Abuse Proof(s) of Claim. The confidential list of the identities of Sexual Abuse Claimants shall be provided only to such parties that are Authorized Parties entitled to the personally identifying information of Sexual Abuse Claimants pursuant to this Order.

### **Notice of Bar Date**

13. Within forty-five (45) days following entry of the Bar Date Order, the Diocese shall serve by United States mail, first-class postage prepaid: (i) notice of the Bar Date, substantially in



the form attached hereto as **Schedule 3** and incorporated herein by reference (the “**Bar Date Notice**”); and (ii) a copy of Official Form 410 (together with the Bar Date Notice, the “**General Claim Notice Package**”), upon (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) all entities who have filed a notice of appearance in the Diocese’s case; (d) all creditors listed in the Diocese’s Schedules (except those creditors listed on the portions of Schedule F filed under seal relating to Abuse Claimants); (e) all parties to executory contracts and unexpired leases of the Diocese; (f) all entities that have previously filed proofs of claim in the Diocese’s Chapter 11 Case; (g) any other persons and entities or their counsel, including governmental units, known to the Diocese as entities who may reasonably be expected to have claims against the estate; and (h) such additional persons and entities as deemed appropriate by the Diocese. The Bar Date Notice shall provide an internet link to a list of all entities within the territory of the Diocese that may be implicated by the Diocese’s chapter 11 case, including Parishes, Schools, entities for which the Bishop is the President, and sole member entities for which the Bishop is the sole member.

14. Within forty-five (45) days following entry of the Bar Date Order, the Diocese shall serve by United States mail, first-class postage prepaid: (i) the Bar Date Notice; (ii) a copy of Official Form 410; (iii) a Confidential Sexual Abuse Claim Supplement; and (iv) a letter from counsel to the Committee, substantially in the form attached hereto as **Schedule 4**, recommending that the Confidential Sexual Abuse Claim Supplement be completed and submitted with the proof of claim (together with the Bar Date Notice and Bar Date Order, the “**Sexual Abuse Claim Notice Package**”), upon each person, or their respective counsel, who, (a) is listed on that portion of the Diocese’s Schedule F filed under seal, or (b) to the knowledge of the Diocese as determined after a review of the Diocese’s books and records (including documents maintained as confidential files

by the Diocese) has (w) filed, or threatened to file, a lawsuit against the Diocese alleging that such Sexual Abuse Claimant was subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible; (x) otherwise contacted the Diocese to report that they were subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible, whether or not that individual's claim was considered to be substantiated and whether or not the report was written or verbal, in either case where contact information for such person or his or her attorney is included in the Diocese's books and records; (y) been identified to the Diocese as an individual who was subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible to the extent contact information for such person or his or her attorney is included in the Diocese's books and records; or (z) previously filed a proof of claim in the Diocese's Chapter 11 Case asserting a claim based on Sexual Abuse. Notwithstanding the foregoing, the Diocese shall not be required to send a Sexual Abuse Claim Notice Package to any person who has previously entered into a settlement with the Diocese regarding a claim based on Sexual Abuse if the Diocese has performed all of its obligations under the terms of such settlement.

15. In addition to providing direct notice to known creditors as set forth above, subject to applicable publication guidelines and submission deadlines, the Diocese shall cause a notice in substantially the form attached hereto as **Schedule 5** (the "Publication Notice") to be published as follows:

- i. Twice, with the first publication no later than 60 days prior to the Bar Date and the second publication no later than 30 days prior to the Bar Date in, *The Buffalo News, The Rochester Democrat and Chronicle and The Erie Time-News.*

16. In addition to the foregoing publication, the Diocese shall use reasonable efforts to take the following additional measures to disseminate information relating to the Bar Date as soon as practicable following entry of this Order:

- i. Beginning within ninety (90) days of the entry of the Bar Date Order and at least through the Bar Date, the Diocese will cause prominent, one-click links to the General Claim Notice Package and the Sexual Abuse Claim Notice Package to be posted on the case management website maintained by Stretto with such links to be pinned at the top of the website.
- ii. The Diocese will establish and maintain, or cause Stretto to establish and maintain, a telephone number which may be used by claimants to ask questions or to request copies of the General Claim Notice Package, the Sexual Abuse Claim Notice Package, or parts thereof;
- iii. Beginning within ninety (90) days of the entry of the Bar Date Order and at least through the Bar Date, the Diocese will cause links to the General Claim Notice Package and the Sexual Abuse Claims Notice Package to be posted on the Diocese's website homepage with such links to be pinned at the top of the website. Beginning within ninety (90) days of the entry of the Bar Date Order and every thirty (30) days until the occurrence of the Bar Date, the Diocese shall post notice of the Bar Date on its Facebook and Twitter accounts.
- iv. Within thirty (30) days of entry of the Bar Date Order and approximately thirty (30) days prior to the Bar Date, the Diocese will issue a press release regarding the Bar Date. The Diocese shall consult with the Committee regarding the media outlets to be provided the press release.
- v. The Diocese will mail a copy of the Publication Notice to each Parish and ministry (except primary and secondary schools) overseen by the Bishop of Buffalo with a request to display the Publication Notice in a prominent place until expiration of the Bar Date and to publish a copy of the Publication Notice in parish bulletins. As directed by the Court, the parish bulletins shall include a copy of the Publication Notice for at least eight (8) Sundays prior to August 14, 2021, with at least three (3) of these bulletin distributions to occur on the Sunday before Christmas (December 20, 2020), on Palm Sunday (March 28, 2021), and Easter (April 4, 2021).
- vi. The Diocese will mail a copy of the Bar Date Notice to the following on the Diocese's stationary and shall request that the party post the Bar Date Notice in a prominent place until the expiration of the Bar Date:
  - a. the Attorney General of the State of New York; and
  - b. For each of the counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming:
    - i. the district attorney's office;
    - ii. sheriff's office;


- iii. at least one public health agency (if any); and
- iv. at least one substance abuse agency or hospital (if any).

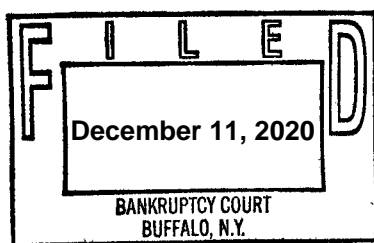
17. The Court finds that the form and manner of giving notice of the Bar Date as approved herein fulfills the notice requirements of the Bankruptcy Rules and is reasonably calculated under the circumstances to apprise both known and potential unknown creditors of the establishment of the Bar Date and the need to file a proof of claim, consistent with the due process rights of all parties under the standards established in *Mullane v. Central Hannover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012). Accordingly, the Diocese is authorized and directed to serve and/or publish notice of the Bar Date in the manner described herein.

18. Nothing contained in this Order is intended or should be construed as a finding as to the validity of any claim against the Diocese, and all parties retain all rights to dispute any claim on any grounds. All parties retain the right to dispute, or to assert offsets or defenses to, any claim (whether or not reflected on the Schedules or any amendments thereto) as to amount, liability, classification, or otherwise, and to subsequently designate any claim as contingent, unliquidated or disputed.

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

Dated: December 11, 2020  
Buffalo, New York

  
Hon. Carl L. Bucki  
Chief United States Bankruptcy Judge



**Schedule 1**

**Confidential Sexual Abuse Claim Supplement**

In re The Diocese of Buffalo, N.Y.  
Case Number 20-10322

**Confidential Sexual Abuse Claim Supplement**

When submitting your Proof of Claim in this case, you are strongly encouraged to complete this supplemental form, and include it as an attachment to your claim. Submitting this supplemental form at the outset will help streamline the process of identifying claims and all applicable insurance coverage and expedite a distribution to creditors.

Please read all questions and instructions carefully, and answer to the best of your ability.

**If you have an attorney, you should complete this form with the assistance of counsel.**

This supplement applies to claims based on Sexual Abuse, which is defined as:

Any claim (as defined in section 101(5) of the Bankruptcy Code) against The Diocese of Buffalo, N.Y. (the "Diocese") resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, sexually-related psychological, or sexually-related emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in the New York Penal Law), and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Diocese or any other person or

entity for whose acts or failures to act the Diocese is or was allegedly responsible.

A "Sexual Abuse Claimant" is the person asserting a Sexual Abuse Claim against the Diocese. If the Sexual Abuse Claimant is a minor, a parent or legal guardian may complete this Sexual Abuse Proof of Claim on the minor's behalf. If the Sexual Abuse Claimant is deceased or incapacitated, the Sexual Abuse Claimant's legal representative or executor of the decedent's estate may complete this Sexual Abuse Proof of Claim on their behalf.

Counsel may sign this Questionnaire on behalf of their clients.

*(Form begins on the next page)*

## PART 1: CONFIDENTIALITY

The information you share in this Questionnaire will be kept strictly confidential if it is submitted to Stretto, the Diocese's claims agent at the following address:

**The Diocese of Buffalo N.Y., Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238**

Only parties authorized by the Court, including the Diocese, the Official Committee of Unsecured Creditors (comprised of survivors of sexual abuse), insurers, and counsel to these parties, will be authorized to review the forms on a confidential basis.

## PART 2: IDENTIFYING INFORMATION

### Sexual Abuse Claimant

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First Name	Middle Initial	Last Name	Suffix (if any)
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Mailing Address

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City	State/Province	Zip Code (Postal Code)
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(If party is incapacitated, is a minor or is deceased, please provide the address of the legal representative submitting the claim. If you are in jail or prison, list your current address).

Telephone No(s):

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Cell: \_\_\_\_\_



(If you are represented by counsel, you may provide your attorney's work phone number instead of your own.)

Email address: \_\_\_\_\_

(If you are represented by counsel, you may provide your attorney's email instead of your own.)

Social Security Number (last four digits only): \_\_\_\_\_

If you are in jail or prison, your identification number and location of incarceration:

\_\_\_\_\_

May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case leave voicemails for you regarding your claim? ☐ Yes ☐ No

May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case send confidential information to your email? ☐ Yes ☐ No

Birth Date: \_\_\_\_\_

Have you been known by any other names (including maiden name, if applicable)?

\_\_\_\_\_

*(Form continues on the next page)*

**b. Sexual Abuse Claimant's Attorney (if any)**

Attorney & Law Firm Name:

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Address:

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Telephone & Email Address:

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*(Form continues on the next page)*

**PART 3: INFORMATION REGARDING SEXUAL ABUSE**  
**(Attach additional separate sheets if necessary)**

**NOTE:** *If you have previously filed a lawsuit against the Diocese in State or Federal Court, please attach the complaint or provide the name of the court and case number. Also please respond to the questions below.*

a. Who committed the acts of Sexual Abuse against you? Individuals identified in this section will be referred to as the “abuser” in questions below. If applicable, you may identify more than one abuser. Please provide the complete name(s) of each abuser to the best of your recollection. If you do not know the name(s) of each abuser, please identify them by title, position or other description.

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b. How did you know the abuser? For example, was the abuser at your church, school or part of another group with which you were involved? Was the abuser a relative or family friend?

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c. If the abuser was affiliated with a parish, please identify the parish.

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d. If the abuser was affiliated with a church, school, or Diocesan organization, please identify such church, parish, school or organization.

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e. Where did the Sexual Abuse take place? Please be specific and complete all relevant information to the best of your recollection, including the names of locations and addresses, if known.

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f. When did the Sexual Abuse take place? Please be as specific as possible. If you do not recall the exact date, provide as much information as possible, including the year and season (fall, winter, spring, or summer, or school year and grade).

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g. How old you were when the Sexual Abuse began and ended? If you do not recall the exact date, please try to provide as much information as possible, such as the year and season (fall, winter, spring, or summer, or school year and grade).

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h. Please describe the nature of the abuse. If you are able, please specify what happened (e.g., the circumstances, approximate number of occurrences, frequency, duration, and type(s) of Sexual Abuse).

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i. What injuries and/or damages have you experienced because of the act or acts of Sexual Abuse described above? Please provide as much detail as possible. For example, describe any injuries or damages, as well as any effect on your emotions, education, employment, personal relationships, health, or faith.

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j. Have you sought counseling or other medical or mental health treatment for your injuries? If so, with whom, and when?

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k. Have you ever asserted a claim against the Diocese, or against any entity

or individual other than the Diocese (including, but not limited to, any parish, church, school, or other organization) relating to the Sexual Abuse described in this claim? If you have please describe, in as much detail as possible, who the claim was asserted against, when the claim was asserted, and the result of such claim?

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1. Did you tell anyone about the Sexual Abuse (including parents, relatives, friends, counselors, teachers, doctors, therapists, law enforcement, or representatives of the Diocese or any school or parish) and, if so, whom did you tell? If you did tell anyone, what did you tell that person? You do not need to disclose any communications you had with an attorney.

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**PART 4: BACKGROUND INFORMATION**

a. Education – Please list all educational institutions you have attended including the names of the school, city and state.

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- b. Marital History – Please describe your marital history, including the date(s) you were married, and provide your current marital status. You do not need to identify the name(s) of your spouse(s) unless you want to.

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- c. Employment – Please list your employment history for the past 10 years including name of employer and position.

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*(Form continues on the next page)*

## PART 5: CERTIFICATION

Under penalty of perjury, I declare the foregoing statements to be true and correct to the best of my knowledge. Counsel may sign this Questionnaire on behalf of a client.

Print Name: \_\_\_\_\_

Sign Name: \_\_\_\_\_

Print Date: \_\_\_\_\_

**If you are signing the claim on behalf of a minor, decedent or incapacitated person, please state your relationship to the Sexual Abuse Claimant below:**

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**Schedule 2**

**Confidentiality Agreement**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Buffalo, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

**AUTHORIZED PARTY CONFIDENTIALITY AGREEMENT  
REGARDING SEXUAL ABUSE PROOFS OF CLAIM**

This Authorized Party Confidentiality Agreement Regarding Sexual Abuse Proofs of Claim ("Agreement") is entered into as of [\_\_\_\_], 202\_\_.

By [\_\_\_\_\_] (the "Recipient"), an Authorized Party pursuant to paragraph 12(c) of the *Order Establishing a Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* (the "Bar Date Order")<sup>1</sup> [Docket No. \_\_\_\_] entered by the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court") in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case") on \_\_\_\_\_, 2020.

WHEREAS, the Recipient will be granted access to Sexual Abuse Proofs of Claim filed in the Chapter 11 Case after execution of this Agreement pursuant to and in accordance with the terms of the Bar Date Order and this Agreement;

WHEREAS, Recipient acknowledges that the Sexual Abuse Proofs of Claim contain sensitive, non-public information, which is to remain confidential pursuant to the Bar Date Order and the terms of this Agreement; and

WHEREAS, with the exception of counsel of record to Authorized Parties, access to the Sexual Abuse Proof of Claim Forms extends only to the natural person who executes this Agreement and a separate copy of this Agreement must be signed by each natural person who seeks access to the Abuse Proofs of Claim on behalf of an Authorized or Permitted Party. Counsel of Record to Authorized Parties may sign one form on behalf of their firm, and the terms of this Agreement and the Bar Date Order shall apply to each member, partner, shareholder, counsel, associate, paraprofessional and employee of the Recipient firm, and all such individuals shall be subject to the terms of this Agreement and the Bar Date Order as though they had signed it on their own behalf.

<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Bar Date Order.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. Recipient agrees that the Sexual Abuse Proofs of Claim and any Confidential Information (as such term is defined below) contained therein shall be kept confidential pursuant to and in accordance with the terms of the Bar Date Order and this Agreement;
2. For purposes of this Agreement, the term “Confidential Information” means each Sexual Abuse Proof of Claim itself, and any information contained in a Sexual Abuse Proof of Claim, except to the extent (a) that the Sexual Abuse Claimant elects to permit disclosure of the information contained in the Sexual Abuse Proof of Claim by authorizing such disclosure pursuant to the terms of the Confidential Sexual Abuse Claim Supplement or (b) such information (i) was known to the Recipient prior to being disclosed in a Sexual Abuse Proof of Claim, (ii) is or becomes generally available to the public through no act or failure on the part of the Recipient, (iii) is obtained from a third party under no obligation to maintain its confidentiality; or (iv) is developed by the Recipient independently without reference to any Sexual Abuse Proof of Claim.
3. Recipient agrees not to use or distribute any Sexual Abuse Proof of Claim or Confidential Information in violation of this Agreement.
4. Recipient may use Sexual Abuse Proofs of Claim, and any Confidential Information contained therein, only in connection with the evaluation, prosecution or defense of the claims asserted in such Sexual Abuse Proofs of Claim in the Diocese’s Chapter 11 Case, any related adversary proceedings or contested matters in the Chapter 11 Case, any related insurance or reinsurance coverage demands, claims, disputes, or litigation, and settlement negotiations or mediations regarding all of the foregoing, and as otherwise required by applicable federal or state laws or regulations (each, a “Permitted Use”).
5. Recipient shall not disclose any Confidential Information to any other person or entity except that Recipient may disclose Confidential Information (i) to any person or entity that is an Authorized Party who may receive such information pursuant to the Bar Date Order and has executed a copy of this Agreement, (ii) to the Bankruptcy Court or any other tribunal of competent jurisdiction so long as such disclosure is made pursuant to a Permitted Use and under seal, or (iii) pursuant to an order of the Bankruptcy Court after a hearing and upon notice to the affected claimant(s), the Committee and the Diocese.
6. Recipient consents to the exclusive jurisdiction of the Bankruptcy Court to adjudicate any disputes with respect to any terms, condition or alleged violations of this Agreement or the Bar Date Order.
7. Recipient shall promptly report any disclosure of Confidential Information in violation or breach of this Agreement to the Diocese and the Committee and shall cooperate with efforts to recover and secure any such Confidential Information and/or to mitigate the effects of any such disclosure.
8. Nothing in this Agreement precludes Recipient from seeking a modification of the Bar Date Order or the terms of this Agreement with respect to any proposed disclosure of Confidential Information contained in any Sexual Abuse Proof of Claim, *provided*,

*however*, that (a) any motion for such modification shall be on notice to all Sexual Abuse Claimants, the Committee and the Diocese and (b) Recipient shall not disclose any Confidential Information in connection with any such petition unless such disclosure is restricted to the Bankruptcy Court, the Diocese, the Committee, the affected claimant(s) and made under seal.

9. This Agreement shall become effective as of the date it is delivered to counsel for the Diocese and counsel for the Committee.

Dated: \_\_\_\_\_, 202\_\_

By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**Schedule 3**

**Form of Bar Date Notice**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Buffalo, N.Y.,

Debtor.

Case No. 20-10322 (CLB)

Chapter 11

**NOTICE OF AUGUST 14, 2021 DEADLINE FOR FILING PROOFS OF CLAIM**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE DIOCESE OF BUFFALO, N.Y.:

PLEASE TAKE NOTICE that on February 28, 2020 (the “Petition Date”) The Diocese of Buffalo, N.Y. (the “Diocese”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 *et seq.*, the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of New York (the “Bankruptcy Court”). Information regarding the Diocese, its business, and other relevant information related to this chapter 11 case (the “Chapter 11 Case”) may be obtained at the case management website maintained by Stretto, the Diocese’s Claims and Noticing Agent at: <https://case.stretto.com/dioceaseofbuffalo>.

PLEASE TAKE FURTHER NOTICE that on \_\_\_\_\_, 2020, the Bankruptcy Court entered an order (the “Bar Date Order”)<sup>1</sup> establishing August 14, 2021 at 11:59 p.m. (prevailing Eastern time), as the deadline for all persons and entities, including Governmental Units and persons asserting Sexual Abuse Claims, to file prepetition claims in this Chapter 11 Case (the “Bar Date”).

Except as described below, the Bar Date Order requires all persons or Entities, including Governmental Units, that have or may assert prepetition claims of any nature against the Diocese, including Sexual Abuse Claims, to submit proofs of claim so that they are received by Stretto on or before the Bar Date. Please note that the terms “Entity,” “Governmental Unit,” “Claim,” and “Sexual Abuse Claim” are defined below.

PLEASE TAKE FURTHER NOTICE that all claimants shall submit a proof of claim in substantial conformity with Official Form 410. If the Diocese has identified you as having a potential Claim, a copy of Official Form 410 is enclosed with this Notice. The Court has allowed a Confidential Sexual Abuse Claim Supplement to be adopted in order to assist the Diocese, the Court, and other parties in interest in evaluating any claims premised upon the allegations of sexual abuse. All claimants wishing to assert Sexual Abuse Claims are encouraged to submit with their proof of claim a completed copy of the Confidential Sexual Abuse Claim Supplement. If the Diocese has identified you as having a potential Sexual Abuse Claim, a copy of the Confidential Sexual Abuse Claim Supplement is enclosed with this Notice. Failure to submit a completed

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Bar Date Order.

Confidential Sexual Abuse Claim Supplement with any proof of claim asserting a Sexual Abuse Claim may be a basis for an objection to such claim and/or request for discovery. However, the completion of the Confidential Sexual Abuse Claim Supplement does not foreclose the filing of other objections or requests for discovery. If no proof of claim form accompanies this Notice, or if you did not receive the correct proof of claim form, copies of both Official Form 410 and the Confidential Sexual Abuse Claim Supplement may be obtained online by visiting <https://case.stretto.com/dioceseofbuffalo>, or may be requested by calling (855) 292-7696.

### **KEY DEFINITIONS**

As used in this Notice, the term “Entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons (individuals, partnerships and corporations), estates, trusts, Governmental Units and the United States Trustee.

As used in this Notice, the term “Governmental Unit” has the meaning given to it in section 101(27) of the Bankruptcy Code and includes the United States, States, commonwealths, districts, territories, municipalities, foreign states, or departments, agencies or instrumentalities of the foregoing.

As used in this Notice, the term “Claim” shall mean, as to or against the Diocese and in accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (ii) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

As used in this Notice, the term “Sexual Abuse Claim” shall mean any Claim against the Diocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in the New York Penal Law), and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Diocese or any other person or entity for whose acts or failures to act the Diocese is or was allegedly responsible.

**YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU HAVE A CLAIM OR WHETHER YOU MUST FILE A PROOF OF CLAIM. YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING (888)667-4266.**

**I. WHO MUST FILE A PROOF OF CLAIM PRIOR TO THE BAR DATE**

a. ***The Bar Date:*** The Bar Date Order establishes August 14, 2021 at 11:59 p.m. (prevailing Eastern time) as the Bar Date for filing proofs of claim in this case.

b. ***The Following Persons or Entities Must File a Proof of Claim on or Before the Bar Date:***

- i. Any person or Entity who believes its prepetition claim was omitted from the Diocese's Schedules of Assets and Liabilities (as amended) filed in this Chapter 11 Case (the "Schedules"), or whose prepetition claim is listed in the Schedules, but is designated as being "contingent," "unliquidated," or "disputed," and who desires to participate in this Chapter 11 Case or to share in any distributions to creditors that may be made in this Chapter 11 Case;
- ii. Any person or Entity who believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than as identified in the Schedules; and
- iii. Any person who wishes to assert a Sexual Abuse Claim against the Diocese, regardless of whether such person has previously filed a lawsuit against the Diocese or otherwise has given formal or informal notice of such claims to the Diocese.

c. ***The Following Persons or Entities are Not Required to File Proofs of Claim at this Time:***

- i. Any person or Entity that has already properly filed a proof of claim against the Diocese with the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Buffalo Division, except that any person who has asserted a Sexual Abuse Claim should submit a completed Confidential Sexual Abuse Claim Supplement;
- ii. Any person or Entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not identified therein as "contingent," "unliquidated," or "disputed," and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
- iii. Any professionals retained by the Diocese or the Committee pursuant to orders of this Court, who assert administrative claims for payment of fees and expenses subject to the Court's approval, pursuant to sections 330, 331(a) and 503(b) of the Bankruptcy Code;
- iv. Any person or Entity that asserts an administrative expense claim against the Diocese pursuant to sections 503(b) or 507(a)(2) of the Bankruptcy Code;



- v. Any person or Entity whose claim against the Diocese is allowed by an order of the Court entered on or before the Bar Date; and
- vi. Any person or Entity whose claim has been previously settled or paid in full.

## **II. CONFIDENTIALITY OF ABUSE CLAIMS**

Pursuant to the Bar Date Order, filed Sexual Abuse Proofs of Claim (including Confidential Sexual Abuse Claim Supplements) will be treated confidentially in this Chapter 11 Case if filed with Stretto, unless the Sexual Abuse Claimant elects to have his or her claim publicly disclosed. Any Sexual Abuse Proof of Claim that you file will not be available to the general public, and will be kept confidential, except that information will be provided to Authorized Parties under the Bar Date Order, all of whom will agree to keep the information provided by you confidential pursuant to the Bar Date Order. Please note that any person who files a Sexual Abuse Proof of Claim with the Clerk of the Bankruptcy Court shall not be entitled to the benefits of the confidentiality protocol and such proofs of claim shall be part of the public record.

## **III. CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM**

**Any person or Entity that is required to file a proof of claim, but fails to do so on or before the Bar Date may NOT be treated as a creditor with respect to such Claim and may not be entitled to vote to accept or reject, or to share in any distribution under, any Chapter 11 plan proposed and/or confirmed in this Chapter 11 Case. If it is unclear from the Schedules whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the Bar Date. Any party that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein.**

### **RESERVATION OF RIGHTS**

Nothing in the Bar Date Order shall be construed as limiting any party's rights to: (i) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification or otherwise; and (ii) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing contained in this Notice shall preclude any party from objecting to any Claim, whether scheduled or filed, on any grounds.

### **PROCEDURE FOR FILING PROOFS OF CLAIM**

**All claimants should submit their proofs of claim to Stretto**, the Diocese's Claims and Noticing Agent, as set forth below:

To be considered valid, each proof of claim submitted in this Chapter 11 Case must: (a) be written in English, (b) be denominated in lawful currency of the United States as of the Petition Date, (c) have attached copies of any writings upon which the claim is based in accordance with bankruptcy Rules 3001(c) and 3001(d) (including for secured claims, evidence that the security interest has been perfected), and (d) be actually received. Claims should be sent to Stretto, the Diocese's

Claims and Noticing Agent, on or prior to the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/diocesefbuffalo> or (ii) by delivering an original copy by hand, mail, or overnight courier to The Diocese of Buffalo N.Y., Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. In the event that a completed proof of claim is mailed to or personally delivered to the Clerk of Court for the Western District of New York, Buffalo Division, such proofs of claim will be accepted but shall not be kept confidential, and shall be part of the public record.

All claimants shall submit their proof of claim in substantial conformity with Official Form 410. All claimants asserting Sexual Abuse Claims are encouraged to submit with their completed proof of claim, a completed Confidential Sexual Abuse Claim Supplement. Failure to submit a completed Confidential Sexual Abuse Claim Supplement with any proof of claim asserting a Sexual Abuse Claim may be a basis for an objection to such claim and/or request for discovery. However, the completion of the Confidential Sexual Abuse Claim Supplement does not foreclose the filing of other objections or requests for discovery. A Sexual Abuse Proof of Claim may only be made on account of Sexual Abuse of an individual. Any other claim may be asserted as general proof of claim.

Proofs of claim will be deemed filed when actually received by Stretto or the Clerk. Proofs of claim submitted electronically will be acknowledged via electronic mail or confirmation number from Stretto at the time of submission. If you wish to receive acknowledgement of Stretto's receipt of a proof of claim submitted in paper format, you must also submit with your original proof of claim: (i) one additional copy of your original proof of claim; and (ii) a self-addressed, postage pre-paid return envelope.

### **ADDITIONAL INFORMATION**

You may be listed as the holder of a Claim in the Diocese's Schedules. If you hold or assert a Claim that is not listed in the Schedules, or if you disagree with the amount or priority of your Claim as listed in the Schedules, or your Claim is listed in the Schedules as contingent, unliquidated, or disputed, you must file a proof of claim. Copies of the Schedules and the Bar Date Order are available for inspection during regular business hours at the office of the Office of the Clerk of Court, United States Bankruptcy Court for the Western District of New York, 2 Niagara Square, Buffalo, New York 14202. In addition, copies of the Diocese's Schedules and the Bar Date Order are available on the Stretto case management website at <https://case.stretto.com/diocesefbuffalo> for free, or on the Court's website (<http://nywb.uscourts.gov/>) by following the directions for accessing the ECF system on such website (a PACER password is required). A list of entities within the territory of the Diocese that may be implicated by the Diocese's chapter 11 case, including Parishes, Schools, entities for which the Bishop is the President, and sole member entities for which the Bishop is the sole member, is available on the Stretto case management website at <https://case.stretto.com/diocesefbuffalo>.

Requests for proofs of claim should be directed to Stretto, the Diocese's Claims and Noticing Agent at (855) 292-7696. Stretto is not permitted to give you legal advice. You should consult

your own attorney for assistance regarding any other inquiries, such as questions concerning the contents of this notice or the completion or filing of a proof of claim.

Dated: \_\_\_\_\_, 2020

BY ORDER OF THE HONORABLE CARL L. BUCKI  
CHIEF UNITED STATES BANKRUPTCY JUDGE

**Schedule 4**

Letter from Committee Counsel

Re: In re The Diocese of Buffalo, N.Y., Case No. 20-10322

Dear Survivor:

On February 28, 2020, the Diocese of Buffalo, N.Y. (the “Diocese”) filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Western District of New York (the “Court”), commencing the Diocese’s chapter 11 case (this “Chapter 11 Case”). The Official Committee of Unsecured Creditors (the “Committee”) represents the interests of all of the Diocese’s unsecured creditors in the Chapter 11 Case, including any person who may be entitled to assert a sexual abuse claim against the Diocese.

You are receiving this letter because the Diocese has identified you as a survivor who may be entitled to assert a sexual abuse claim against the Diocese in the Chapter 11 Case. The Court has required that all persons holding claims against the Diocese must submit proofs of claim so that they are received no later than **11:59 p.m. (prevailing Eastern time) on August 14, 2021**.

This letter is being delivered to you as part of a claims package which includes a notice of the claims bar date, a copy of Official Form 410, and a Confidential Sexual Abuse Claim Supplement. In order to assert a claim against the Diocese, you are required to fill out Official Form 410 and submit that form. While you are not specifically required to fill out and submit the Confidential Sexual Abuse Claim Supplement to assert a claim against the Diocese, the Committee strongly recommends that any person asserting a sexual abuse claim fill out the Confidential Sexual Abuse Claim Supplement in full and submit it with the Official Form 410. Filling out the Confidential Sexual Abuse Claim Supplement in full will allow the Diocese, the Committee, and various insurance companies involved in the Chapter 11 Case to obtain a clear picture as to the specific nature, and the underlying facts supporting your sexual abuse claim against the Diocese. It will also significantly reduce the likelihood that the Diocese or one of the insurance companies involved in the Chapter 11 Case would need to seek additional information from you through a deposition, written interrogatories, or other methods of discovery.

Please note that any information you provide on the Confidential Sexual Abuse Claim Supplement will be kept confidential, being shared pursuant to confidentiality procedures approved by the Bankruptcy Court, to the Diocese, certain insurers of the Diocese, the Committee, their respective counsel, the United States Trustee, and to such other persons as the Bankruptcy Court may authorize.

Should you have any questions regarding the Confidential Sexual Abuse Claim Supplement, please do not hesitate to contact the Committee at the following toll-free number: **(888)667-4266**.

Sincerely,

Ilan D. Scharf

**Schedule 5**

**Form of Publication Notice**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

***In re The Diocese of Buffalo N.Y.***  
**Case No. 20-10322**

**PLEASE TAKE NOTICE THAT,** On February 28, 2020, The Diocese of Buffalo N.Y., ("Diocese") filed for protection under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

**The Bankruptcy Court has established August 14, 2021 at 11:59 p.m. (prevailing Eastern time) as the deadline to file proofs of claim against the Diocese (the "Bar Date").**

**If you have a claim against the Diocese, including, without limitation, a claim related to sexual abuse committed by any person connected with the Diocese, you must file a claim on or before the Bar Date.**

Please visit <https://case.stretto.com/diocesefbuffalo> or call (855) 292-7696 for more information on how to file your proof of claim.

**IF YOU DO NOT TIMELY FILE A PROOF OF CLAIM, YOU MAY FORFEIT YOUR RIGHT TO VOTE ON ANY PLAN OF REORGANIZATION AND TO SHARE IN ANY DISTRIBUTIONS TO CREDITORS IN CONNECTION WITH THE DIOCESE'S CHAPTER 11 CASE.**

## Notice Recipients

District/Off: 0209-1

User: admin

Date Created: 12/11/2020

Case: 1-20-10322-CLB

Form ID: pdforder

Total: 4

### Recipients of Notice of Electronic Filing:

aty Stephen A. Donato sdonato@bsk.com

TOTAL: 1

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

db The Diocese of Buffalo, N.Y. 795 Main Street Buffalo, NY 14203  
pr Charles Mendolera c/o The Diocese of Buffalo, N.Y. 795 Main Street Buffalo, NY 14203  
ntcapr Official Committee of Unsecured Creditors c/o Pachulski Stang Ziehl & Jones LLP Attn: J. Stang, I.  
Scharf, S. Golden 780 Third Avenue, 34th Floor New York, NY 10017

TOTAL: 3