

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Buffalo, N.Y.,

Debtor.

Case No. 20-10322

Chapter 11

ORDER ESTABLISHING SUPPLEMENTAL BAR DATE FOR ADULT CLAIMS

Upon the motion [Docket No. 2067] (the “Motion”) of The Diocese of Buffalo, N.Y. (the “Diocese”), for entry of an order establishing a supplemental bar date for Adult Claims (defined below) and granting related relief; and all objections to the Motion having been resolved or overruled; and upon finding that: (a) the Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (b) that venue of this Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (c) that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); (d) the relief requested in the Motion is in the best interests of the Diocese, its estate, creditors and other parties in interest; and (e) proper and adequate notice of the Motion has been given under the circumstances and, 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.
2. Notwithstanding any deadlines set forth in the *Order Establishing August 14, 2021 Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Docket No. 729] (the “Bar Date Order”),¹ any Sexual Abuse Proof of Claim which asserts a

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

Sexual Abuse Claim against the Diocese arising from abuse which is alleged to have occurred on or after the date on which the Sexual Abuse Claimant achieved the age of eighteen (18) years and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A), would have been subject to a statute of limitations defense under New York law (an “Adult Claim”), may be filed, with respect to such Adult Claim only, if it is actually received by Stretto, the Diocese’s Claim and Noticing Agent, or filed with the Court, on or before **April 17, 2023, at 11:59 P.M. (prevailing Eastern time)** (the “Supplemental Bar Date”). The Diocese shall deliver notice by mail and publication of this Order on or before February 1, 2023. For the avoidance of doubt, the Supplemental Bar Date shall be without prejudice to the rights of any other party in interest to assert objections to any claims filed, including objections with regard to the timeliness of any claims.

3. Except to the extent modified by paragraph 2 above, all terms and provisions of the Bar Date Order (including, without limitation, those provisions of the Bar Date Order relating to the Confidentiality Protocol and the form and manner of submission of Sexual Abuse Proofs of Claim) shall remain in effect and shall apply with respect to all Adult Claims. Nothing in this Order shall be deemed to modify the Bar Date Order in any way with respect to any claims which are not Adult Claims.

4. For the avoidance of doubt, nothing in this Order shall require any Sexual Abuse Claimant who has previously submitted a Sexual Abuse Proof of Claim asserting an Adult Claim in accordance with the Bar Date Order to file any additional proofs of claim.

5. The form of Supplemental Bar Date Notice attached to this Order as *Exhibit A* is hereby approved.

6. The form of Publication Notice attached to this Order as ***Exhibit B*** is hereby approved.

7. As promptly as possible following entry of this Order, the Diocese shall serve (i) the Supplemental Bar Date Notice, (ii) a copy of this Order (without exhibits or schedules), (iii) a copy of Official Form 410, and (iv) a Confidential Sexual Abuse Claim Supplement by first class mail upon each person, or their respective counsel, who the Diocese knows to have asserted a possible Adult Claim and who has not already filed a proof of claim in this Chapter 11 Case.² The Diocese shall also serve a copy of the Supplemental Bar Date Notice upon the Office of the United States Trustee, counsel to the Committee, and any person who has filed a notice of appearance and requested service of papers in this Chapter 11 Case pursuant to Bankruptcy Rule 2002.

8. The Diocese shall cause Stretto to maintain a telephone number which may be used by claimants to ask questions or to request copies of the Supplemental Bar Date Notice.

9. In addition to providing direct notice as set forth above, subject to applicable publication guidelines and submission deadlines, the Diocese shall cause a notice in substantially the form attached to this Order as ***Exhibit B*** (the “Publication Notice”) to be published twice in each of *The Buffalo News*, *The Rochester Democrat and Chronicle* and *The Erie Time-News*, with the first such publication to occur as promptly as practicable and the second such publication to occur at least 30 days prior to the Supplemental Bar Date. The Diocese shall also cause a link to the Supplemental Bar Date Notice to be posted to its website and the case management website maintained by Stretto.

10. In addition to the foregoing publication, the Diocese shall mail a copy of the Publication Notice to each parish overseen by the Bishop of the Diocese with a request and

² In accordance with prior orders of the Court, the Diocese is authorized to file under seal any certificates of service to the extent they may identify possible holders of Adult Claims.


recommendation to publish a copy of the Publication Notice in parish bulletins not less than three times prior to the Supplemental Bar Date.

11. The Court finds that the form and manner of giving notice of the Supplemental Bar Date as approved herein fulfills the notice requirements of the Bankruptcy Code and Bankruptcy Rules and is reasonably calculated under the circumstances to comply with the due process rights of all parties under the standards established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012) and that no other or further notice of the Supplemental Bar Date is required.

12. 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, timeliness of claim, or otherwise, and to subsequently designate any claim as contingent, unliquidated or disputed.

13. 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: JANUARY 13, 2023
Buffalo, New York



Hon. Carl L. Bucki
Chief United States Bankruptcy Judge

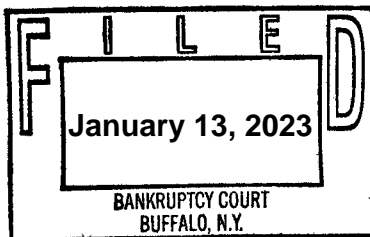


EXHIBIT A

Form of Supplemental 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

Chapter 11

NOTICE OF SUPPLEMENTAL BAR DATE FOR ADULT CLAIMS

**TO ALL PERSONS AND ENTITIES WITH ADULT SEXUAL ABUSE 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 by visiting the following case management website maintained by Stretto, the Diocese’s Claims and Noticing Agent at: <https://case.stretto.com/dioceesofbuffalo>.

PLEASE TAKE FURTHER NOTICE that, on December 11, 2020, the Bankruptcy Court entered an order [Docket No. 729] (the “Bar Date Order”)¹ 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,² to file prepetition claims in this Chapter 11 Case (the “Bar Date”).

PLEASE TAKE FURTHER NOTICE that, pursuant to an order entered on January __, 2023 [Docket No. ____] (the “Supplemental Bar Date Order”), and notwithstanding any deadlines set forth in the Bankruptcy Court’s Bar Date Order, any Sexual Abuse Proof of Claim which asserts a Sexual Abuse Claim against the Diocese arising from abuse which is alleged to have occurred

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

² Pursuant to the Bar Date 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 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.

on or after the date on which the Sexual Abuse Claimant achieved the age of eighteen (18) years and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A), would have been subject to a statute of limitations defense under New York law (an “Adult Claim”), may be filed with respect to such Adult Claim only, if it is actually received by Stretto, the Diocese’s Claim and Noticing Agent, or filed with the Court, on or before **April 17, 2023, at 11:59 P.M. (prevailing Eastern time)** (the “Supplemental Bar Date”).

PLEASE TAKE FURTHER NOTICE that, except as modified by the Supplemental Bar Date Order, all terms and provisions of the Bar Date Order with respect to the form and manner of submission of Sexual Abuse Claim Proofs of Claim (including, without limitation, those provisions of the Bar Date Order relating to the Confidentiality Protocol and the Confidential Sexual Abuse Claim Supplement) shall remain in effect and shall apply with respect to all Adult Claims.

PLEASE TAKE FURTHER NOTICE that, all Sexual Abuse Claimants asserting an Adult Claim should submit their completed proof of claim in substantial conformity with Official Form 410 together with a completed Confidential Sexual Abuse Claim Supplement. The failure to include the Confidential Sexual Abuse Claim Supplement with your proof of claim may be the basis for a valid objection to your claim. Copies of Official Form 410 and the Confidential Sexual Abuse Claim Supplement may be obtained by visiting <https://case.stretto.com/diocesefbuffalo> or may be requested by calling (855) 292-7696.

PLEASE TAKE FURTHER NOTICE that, Sexual Abuse Proofs of Claim asserting Adult Claims may be submitted to Stretto, the Diocese’s Claims and Noticing Agent, either (i) electronically using the interface available 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. Proofs of claim will be deemed filed only when actually received by Stretto, or when filed with the Court. Proofs of claim submitted to Stretto 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.

PLEASE TAKE FURTHER NOTICE that, all Sexual Abuse Proofs of Claim filed with Stretto will be treated confidentially in this Chapter 11 Case unless the Sexual Abuse Claimant elects to have his or her claim publicly disclosed. Any Sexual Abuse Proof of Claim that you file with the Court will be available to the general public, and will not be confidential. Information from Sexual Abuse Proofs of Claim will be provided to certain 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 unless you have elected not to have your claim treated as confidential.

PLEASE TAKE FURTHER NOTICE, THAT IF YOU HAVE ALREADY FILED A SEXUAL ABUSE PROOF OF CLAIM ASSERTING AN ADULT CLAIM YOU ARE NOT REQUIRED TO TAKE ANY ADDITIONAL ACTION AT THIS TIME.

PLEASE TAKE FURTHER NOTICE THAT ANY CLAIM FILED PURSUANT TO THE SUPPLEMENTAL BAR DATE ORDER SHALL BE WITHOUT PREJUDICE TO THE RIGHT OF ANY PARTY IN INTEREST TO ASSERT OBJECTIONS TO ANY CLAIMS FILED, INCLUDING OBJECTIONS WITH REGARD TO THE TIMELINESS OF ANY CLAIMS.

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 (855) 292-7696.

NOTHING IN THIS NOTICE 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, TIMELINESS OF CLAIM, OR OTHERWISE; AND (II) SUBSEQUENTLY DESIGNATE ANY CLAIM AS DISPUTED, CONTINGENT OR UNLIQUIDATED.

Dated: January 13, 2023

BOND, SCHOENECK & KING, PLLC

By: /s/ Stephen A. Donato

Stephen A. Donato

Charles J. Sullivan

Grayson T. Walter

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Syracuse, NY 13202-1355

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csullivan@bsk.com
gwalter@bsk.com

Attorneys for The Diocese of Buffalo, N.Y.

EXHIBIT B

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 Court entered an Order (the "Supplemental Bar Date Order") setting April 17, 2023, at 11:59 P.M. (prevailing Eastern time) (the "Supplemental Bar Date") as the deadline to assert claims against the Diocese arising from or relating to abuse that occurred when the survivor was 18 years of age or older, and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A) would have been subject to a statute of limitations defense ("Adult Claims").

If you have an Adult Claim against the Diocese you must file a claim on or before the Supplemental Bar Date.

ANY CLAIM FILED PURSUANT TO THE SUPPLEMENTAL BAR DATE ORDER SHALL BE WITHOUT PREJUDICE TO THE RIGHT OF ANY PARTY IN INTEREST TO ASSERT OBJECTIONS TO ANY CLAIM OR ITS TIMELINESS.

Please visit <https://case.stretto.com/dioceseofbuffalo> 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
Case: 1-20-10322-CLB

User: admin
Form ID: pdforder

Date Created: 1/13/2023
Total: 7

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
aty	Gleichenhaus, Marchese & Weishaar, PC	43 Court Street	Suite 930 Buffalo, NY 14202
aty	Pachulski Stang Ziehl & Jones LLP	780 Third Avenue, 34th Floor	New York, NY 10017
smg	Office of the U.S. Trustee	300 Pearl Street, Suite 401	Olympic Towers Buffalo, NY 14202

TOTAL: 6

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

In Re:

The Diocese of Buffalo, N.Y.

Debtor(s)

Case No.: 1–20–10322–CLB

Chapter: 11

Tax ID: 16–0743984

NOTICE OF ENTRY

PLEASE TAKE NOTICE of the entry of the Order referenced below, duly entered in the within action in the Clerk's Office of the United States Bankruptcy Court, Western District of New York on **January 13, 2023**. The Clerk of Court of the United States Bankruptcy Court, Western District of New York, hereby certifies that a copy of the subject Order was sent to all parties in interest herein as required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

Docket #2202: Order Establishing Supplemental Bar Date for Adult Claims (RE: related doc(s) 2067 Generic Motion). Signed on 1/13/2023. NOTICE OF ENTRY. (LaBelle, L.)

Date: January 13, 2023

Lisa Bertino Beaser
Clerk of Court

Form ntcentry/Doc 2202
www.nywb.uscourts.gov

Notice Recipients

District/Off: 0209-1
Case: 1-20-10322-CLB

User: admin
Form ID: ntcentry

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