

The Honorable Patricia C. Williams
Chapter 11

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

In re

Case No. 04-08822

THE CATHOLIC BISHOP OF SPOKANE
a/k/a The Catholic Diocese of Spokane,

Debtor.

**NOTICE OF DEADLINE FOR CLAIMS RELATING TO SEXUAL ABUSE, INCLUDING
IF ANY PRIEST OR ANY OTHER PERSON CONNECTED WITH THE CATHOLIC
DIOCESE OF SPOKANE, ITS PARISHES, SCHOOLS OR OTHER INSTITUTIONS:**

- DID ANYTHING TO YOU OR HAD YOU DO ANYTHING SEXUAL OR INAPPROPRIATE,
- TOUCHED YOU OR HAD YOU TOUCH HIM OR HER OR YOURSELF SEXUALLY, WHETHER CLOTHED OR UNCLOTHED,
- LOOKED AT YOUR SEXUAL OR INTIMATE PARTS,
- SHOWED HIS OR HER SEXUAL OR INTIMATE PARTS TO YOU,
- TOOK A PHOTOGRAPH OR VIDEO OF YOU,
- SHOWED YOU ANYTHING SEXUAL, SUCH AS PHOTOGRAPHS, MAGAZINES OR BOOKS,
- HAD SEXUAL INTERCOURSE WITH YOU OR YOU WITH HIM OR HER, WHETHER ORAL, ANAL OR VAGINAL, OR
- HAD ANY SEXUAL CONTACT WITH YOU OF ANY KIND WHATSOEVER.

**THIS IS AN IMPORTANT NOTICE
YOUR RIGHTS MAY BE AFFECTED**

The Confidential Proof of Claim for Sexual Abuse Must be Filed by Mailing it to:

BMC Group, Inc.
PO Box 990
El Segundo CA 90245-0990

It must be postmarked no later than _____, 2005

TO ALL PERSONS OR ENTITIES WITH CLAIMS AGAINST THE CATHOLIC
DIOCESE OF SPOKANE RELATING TO SEXUAL ABUSE:

The Catholic Bishop of Spokane, a/k/a The Catholic Diocese of Spokane, a Washington corporation sole (the “**Debtor**” or the “**Diocese of Spokane**”), filed a bankruptcy petition under Chapter 11 of the United States Code on December 6, 2004. Since 1988, the Diocese of Spokane has had sexual abuse claims asserted against it by over 120 individuals. Such claims contain allegations of sexual abuse by Catholic priests and others connected with the Diocese of Spokane occurring as long ago as the 1940s. Any person who believes that he or she has or may have a claim against the Diocese of Spokane, relating to sexual abuse, should carefully read this notice (the “**Notice**”).

I. Filing Deadline

The United States Bankruptcy Court for the Eastern District of Washington at Spokane has entered an order establishing _____, 2005, as the last date for each person with claims against the Diocese of Spokane to file a Confidential Proof of Claim form (hereafter referred to as the “**Bar Date**”).

II. Who Must File

In order to preserve your rights, you must file a Confidential Proof of Claim if:

You were sexually abused by any priest or any other person connected with the Diocese of Spokane, its parishes, schools or other institutions, including if any priest or any other person connected with the Diocese Of Spokane, its parishes, schools or other institutions:

- Did anything to you or had you do anything sexual or inappropriate,
- Touched you or had you touch him or her or yourself sexually, whether clothed or unclothed,
- Looked at your sexual or intimate parts,
- Showed his or her sexual or intimate parts to you,
- Took a photograph or video of you,
- Showed you anything sexual, such as photographs, magazines or books,
- Had sexual intercourse with you or you with him or her, whether oral, anal or vaginal, or
- Had any sexual contact with you of any kind whatsoever.

III. Who are Priests or Persons Connected with the Diocese of Spokane

The Bar Date and the procedures set forth below for filing proofs of claim apply to claims against the Diocese of Spokane relating to sexual abuse by **any priest** or **any**

other person connected with the Catholic Diocese of Spokane, its parishes, schools, or other institutions. For your information, attached to this Notice is a list of the parishes, schools, and other institutions connected with the Diocese of Spokane.

The following priests have been credibly accused of sexual abuse:

- | | |
|--------------------|---------------------|
| • Reinard Beaver | • Patrick O'Donnell |
| • Theodore Bradley | • James O'Malley |
| • Joseph Knecht | • Benno Oosterman |
| • Arthur Mertens | • Joseph Peneau |

There may be other priests or persons whose names do not appear above.

IV. What to File

Confidential Proof of Claim form For Sexual Abuse Claims. The Confidential Proof of Claim form is enclosed with this Notice and is to be used by people who want to assert a claim based on sexual abuse by any priest or any other person connected with the Catholic Diocese of Spokane, its parishes, schools or other institutions. If you believe that you have a sexual abuse claim, **you must file a Confidential Proof of Claim form For Sexual Abuse** to maintain (preserve) any claims you have against the Diocese of Spokane. Even if you already filed a lawsuit prior to December 6, 2004 against the Diocese of Spokane based on sexual abuse, you must still file a **Confidential Proof of Claim form For Sexual Abuse** to maintain (preserve) your rights in the Debtor's Chapter 11 case.

V. Confidentiality; Availability of Confidential Counseling; Information from Committee Counsel; Advice from Attorneys; and General Information about the Case.

1. **Confidentiality.** The Bankruptcy Court has determined that Confidential Proofs of Claim For Sexual Abuse will remain confidential. Therefore, the Confidential Proof of Claim For Sexual Abuse you file will not be available to the general public and will be kept confidential, except that a complete copy of it will be provided to the Diocese of Spokane and copies of it with your name, address, telephone number and identifying information removed will be provided to the Debtor's insurers, the Tort Claimants' Committee, the Tort Litigants' Committee, and the Future Claims Representative, and their respective court-appointed counsel and professionals.
2. **Discussions with a Counselor:** If you would like to discuss your situation with an independent counselor who is not affiliated with the Catholic Diocese of Spokane, you may do so by contacting the claims agent, BMC Group, Inc., by telephone at (888) 909-0100, by email at www.bmcgroup.com/dioceseofspokane, or by mail at PO Box 921, El Segundo CA 90245-0921, and asking for a referral to a counselor for the Catholic Diocese of Spokane case. You will not be charged for any

counseling services you receive, and any discussions between you and the counselor will be kept strictly confidential. Nothing you say will be provided to the Catholic Diocese of Spokane or anyone else without your consent.

3. **Discussions with Committee Counsel:** The Bankruptcy Court has appointed a Tort Claimants' Committee and a Tort Litigants' Committee to represent the general legal interests of all who file Confidential Proofs of Claim. If you **did not file a lawsuit** against the Diocese of Spokane before December 6, 2004, and would like to discuss in general the bankruptcy case or the claims process with the attorneys for the Tort Claimants' Committee, you may do so by calling the lawyer for that Committee, attorney Joe Shickich, at (206) 624-3600. If you **did file a lawsuit** against the Diocese prior to December 6, 2004 and would like to discuss in general the bankruptcy case or the claims process with the attorneys for the Tort Litigants' Committee, you may do so by calling the lawyer for the that Committee, James Stang, at (310) 277-6910. Neither the Tort Claimants' Committee nor the Tort Litigants' Committee are affiliated with the Catholic Diocese of Spokane in any way. While the Tort Claimants' Committee and the Tort Litigants' Committee represent the general interests of all persons asserting Confidential Tort Proofs of Claim, they cannot provide you with individual legal advice or help you file a Confidential Proof of Claim.
4. **Advice from Attorneys.** You do not need an attorney to file a Confidential Proof of Claim in this Chapter 11 case, but you may seek the advice of an attorney at any time if you so desire or if any aspect of this notice or the Confidential Proof of Claim form appears unclear to you.

If you do not have an attorney, a volunteer attorney not connected with the Catholic Diocese of Spokane will provide an initial free consultation if you contact the claims agent, BMC Group, by telephone at (888) 909-0100, by email at www.bmcgroup.com/dioceseofspokane, or by mail at PO Box 921, El Segundo CA 90245-0921.

The Confidential Proof of Claim for Sexual Abuse only **asks** you, "as best you can, please give the name of each priest or other person connected with the Catholic Diocese of Spokane, its parishes, schools or other institutions who sexually abused you, and when and the address of location where he or she sexually abused you." It on purpose **does not ask** you whether you repressed the memories of the sexual abuse or when you made the connection between the sexual abuse and any injuries or emotional harm or damage you suffered from it, and you should not say anything about these topics in your Confidential Proof of Claim and are advised to consult with an attorney before making any statements about these topics.

5. **General Information about the Case.** The Diocese of Spokane has set up the following website: www.dioceseofspokane.org. The website contains general information regarding the Chapter 11 case, including information on filing a claim against the Diocese of Spokane, and other resources for seeking treatment and counseling for sexual abuse or sexual misconduct.

VI. Procedures For Filing a Confidential Proof of Claim form

To file a Confidential Proof of Claim form, you must take the following steps:

- Fill out the attached Court-ordered Confidential Proof of Claim form.
- For additional copies of the Confidential Proof of Claim form: (a) contact the Debtor's Claims Agent, BMC Group, Inc., toll-free at (888) 909-0100, 7:00 a.m. – 7:00 p.m., Pacific Time, Monday through Friday, or (b) visit BMC Group, Inc.'s website at www.bmcgroup.com/dioceseofspokane to download the Confidential Proof of Claim forms and instructions for completing the form.
- Return the completed Confidential Proof of Claim form to BMC Group, Inc. at the address shown below postmarked no later than _____, **2005**. Confidential Proof of Claim forms will be deemed filed only when actually received by the Claims Agent and postmarked by _____, **2005**. Please note that Confidential Proof of Claim forms submitted by facsimile, telecopy or electronic mail transmission will **not** be accepted and will **not** be deemed filed.
- If you file in person or by courier service, the Confidential Proof of Claim form should be delivered to the following address, between the hours of 9:00 a.m. and 5:00 p.m., Prevailing Pacific Time, on business days:

BMC Group, Inc.
Diocese of Spokane Case
1330 E Franklin Ave
El Segundo CA 90245-4306

- If you file by mail, the Confidential Proof of Claim form should be mailed to:

BMC Group, Inc.
Diocese of Spokane Case
PO Box 990
El Segundo CA 90245-0990

VII. Effect of Not Filing a Claim

The deadline for filing Proofs of Claim is _____, **2005**. Any person who has a claim and does not file a Confidential Proof of Claim form by that date will not be treated as a creditor for voting or distribution purposes under any plan of reorganization and such claim will be subject to discharge. Failure to file a claim will prevent such person from voting on any plan of reorganization in this case. Furthermore, if such claim is discharged, the claimant will be forever prevented from asserting his or her claim against the Debtor or its property, and will not receive any payment or distribution on such claim.

VIII. Questions or Additional Information

If you have any questions about the Debtor, this Chapter 11 case, or about the Confidential Proof of Claim form or any part of the filing process, call the Debtor's Claims Agent, BMC Group, Inc., toll-free at (888) 909-0100, between the hours of 7:00 a.m. and 7:00 p.m., Prevailing Pacific Time, Monday through Friday, or visit BMC Group, Inc.'s website at www.bmcgroup.com/dioceseofspokane.

Dated this _____ day of _____, 2005.

BY ORDER OF THE COURT