

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Ford Elsaesser, ISB #2205  
Bruce A. Anderson, ISB #3392  
ELSAESSER ANDERSON, CHTD.  
320 East Neider Avenue, Suite 102  
Coeur d'Alene, ID 83815  
Tel: (208) 667-2900  
Fax: (208) 667-2150  
[ford@eaidaho.com](mailto:ford@eaidaho.com)  
[brucea@eaidaho.com](mailto:brucea@eaidaho.com)

John C. Terlaje  
LAW OFFICE OF JOHN C. TERLAJE  
Terlaje Professional Bldg., Suite 216  
194 Hernan Cortez Ave.  
Hagåtña, Guam 96910  
Telephone: (671) 477-8894/5  
[john@terlaje.net](mailto:john@terlaje.net)

*Counsel for Debtor-in-Possession*

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
BANKRUPTCY DIVISION**

In re:

Chapter 11 Bankruptcy

Case No. 19-00010

ARCHBISHOP OF AGAÑA,  
a Corporation Sole,

Debtor.

**NOTICE OF DEADLINE FOR FILING CLAIMS  
RELATING TO OR ARISING FROM SEXUAL ABUSE**

**TO ALL PERSONS WITH CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH  
THE ARCHBISHOP OF AGAÑA MAY BE LIABLE.**

**AUGUST 15, 2019 AT 5:00 P.M. (PREVAILING CHST-CHAMORRO STANDARD  
TIME) IS THE LAST DATE TO FILE PROOFS OF CLAIM FOR SEXUAL ABUSE**

On January 16, 2019 (the “Petition Date”) The Archbishop of Agaña (“Debtor”) Debtor and Debtor-in-possession in the above-captioned case filed voluntary petition for relief under Chapter 11 of Title 11 of the United States Code in the District Court of Guam, Bankruptcy

1 Division (the “Court”). The Debtor, its address, case number, proof of claim forms and other  
2 relevant information related to this Chapter 11 case may be obtained at: <https://aganaarch.org>  
3 Individuals may assert a Sexual Abuse Claim (as defined in the next paragraph) against the  
4 Debtor. Any person who believes that he or she has, or may have, a Sexual Abuse Claim should  
5 carefully read this notice.

6 For the purposes of filing a Sexual Abuse Proof of Claim, a **Sexual Abuse Claim** is defined as  
7 any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archbishop  
8 resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual  
9 conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape,  
10 pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or  
11 contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult  
12 and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse,  
13 humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or  
14 any other relief, under any theory of liability, including vicarious liability, any negligence-based  
15 theory, contribution, indemnity, or any other theory based on any acts or failures to act by the  
16 Archbishop or any other person or entity for whose acts or failures to act the Archbishop is or  
17 was allegedly responsible.

18 Any individual asserting a Sexual Abuse Claim is referred to in this form as a **Sexual Abuse  
19 Claimant**.

20 **A SEXUAL ABUSE CLAIMANT REPRESENTED BY COUNSEL SHOULD  
21 CONSULT HIS OR HER OWN ATTORNEY IF THE SEXUAL ABUSE  
22 CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH SEXUAL  
23 ABUSE CLAIMANT MUST FILE A PROOF OF CLAIM. A SEXUAL ABUSE  
24 CLAIMANT MAY ALSO OBTAIN INFORMATION (BUT NOT LEGAL  
25 ADVICE) FROM THE OFFICIAL COMMITTEE OF UNSECURED  
26 CREDITORS BY CALLING 1-800-484-3513.**

27 **YOU MAY WANT TO CONSULT WITH AN ATTORNEY BEFORE FILING A  
28 SEXUAL ABUSE PROOF OF CLAIM AGAINST THE DEBTOR.**

### **FILING DEADLINE**

29 The District Court of Guam, Bankruptcy Division entered an order (the “Bar Date  
30 Order”) establishing **August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard  
31 Time)**, as the last date and time (the “Sexual Abuse Bar Date”) for each Sexual Abuse Claimant  
32 to file a proof of claim form (the “Sexual Abuse Proof of Claim Form”). The Sexual Abuse Bar  
33 Date and the procedures set forth below for filing proofs of claim apply to all Sexual Abuse  
34 Claims against the Debtor, based upon acts of sexual abuse occurring prior to January 16, 2019.

1 **WHO MUST FILE**

2 If you believe that you have a Sexual Abuse Claim, you must file a Sexual Abuse Proof  
3 of Claim Form to maintain and/or preserve any claims that you have against the Debtor. Even if  
4 you have already filed a lawsuit against the Debtor alleging sexual abuse prior to January 16,  
5 2019 you must still file a Sexual Abuse Proof of Claim Form to maintain and/or preserve your  
6 rights in the Debtor’s Chapter 11 case.

7 **WHO SHOULD NOT FILE**

8 You should not file a Sexual Abuse Proof of Claim Form if:

- 9 • Your Sexual Abuse Claim has already been paid in full;
- 10 • You hold a claim that has been allowed by an order of the District Court, Bankruptcy  
11 Division, on or before the Sexual Abuse Bar Date;
- 12 • You do not have a claim against the Debtor.

13 **WHAT TO FILE**

14 **YOU MUST FILE A SEXUAL ABUSE PROOF OF CLAIM FORM, A COPY OF  
15 WHICH IS ENCLOSED. YOU MAY ALSO OBTAIN A COPY OF THE SEXUAL  
16 ABUSE PROOF OF CLAIM FORM BY FOLLOWING THE INSTRUCTIONS BELOW.**

17 **PROCEDURES FOR FILING A SEXUAL ABUSE PROOF OF CLAIM FORM**

18 To file a Sexual Abuse Proof of Claim Form, you must take the following steps:

- 19 • Fill out the Sexual Abuse Proof of Claim Form.
- 20 • For additional copies of the Sexual Abuse Proof of Claim Form: (a) photocopy the  
21 Sexual Abuse Proof of Claim Form; (b) contact the Debtor between the hours of 9:00  
22 a.m. and 5:00 p.m. (prevailing ChST-Chamorro Standard Time), Monday through Friday,  
23 at 1-800-571-0657, or (c) visit the Debtor’s website at: <https://aganaarch.org>.
- 24 • **Please note that the Debtor’s staff is not permitted to give you legal advice. You  
25 should consult your own attorney for assistance regarding any other inquiries, such  
26 as questions concerning the completion or filing of a proof of claim.**
- 27 • Return the completed Sexual Abuse Proof of Claim Form, together with one (1) copy, to  
28 the Clerk's Office-ATTN SEALED DOCUMENTS, District Court of Guam, U.S.  
Courthouse, 520 W Soledad Avenue, 4th Floor, Hagåtña, 96910, Guam, no later than  
**August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard Time)**. Sexual  
Abuse Proof of Claim Forms will be deemed timely filed only when they are **actually  
received** by the Clerk of the Court by **August 15, 2019 at 5:00 p.m. (prevailing ChST-  
Chamorro Standard Time)**.

- 1 • **Please note that a Sexual Abuse Proof of Claim Form submitted by facsimile,**  
2 **teletype or electronic mail transmission will not be accepted and may not be deemed**  
3 **filed.** If you are returning a Sexual Abuse Proof of Claim Form by mail, allow sufficient  
4 mailing time so that the Sexual Abuse Proof of Claim Form is received on or before  
5 **August 15, 2019 at 5:00 p.m. (prevailing ChST-Chamorro Standard Time).** Sexual  
6 Abuse Proof of Claim Forms that are postmarked before the Sexual Abuse Bar Date, but  
7 which are received by the Clerk of the Court after the Sexual Abuse Bar Date, will be  
8 considered late.
- 9 • If a Sexual Abuse Claimant returns a Sexual Abuse Proof of Claim Form in person, by  
overnight mail or by courier service, or by mail the Sexual Abuse 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 ChST-Chamorro Standard Time), Monday through Friday:

9 Clerk's Office - ATTN SEALED DOCUMENTS  
10 District Court of Guam  
11 U.S. Courthouse  
12 520 W Soledad Avenue, 4th Floor  
Hagåtña, 96910, Guam

### 13 CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

14 The deadline for filing a Sexual Abuse Proof of Claim Form is **August 15, 2019 at 5:00**  
15 **p.m.** (prevailing ChST-Chamorro Standard Time). Any person who has a Sexual Abuse Claim  
16 and does not file a Sexual Abuse Claim by that date may **not** be treated as a creditor for voting or  
17 distribution purposes under any plan of reorganization and such claim may be subject to  
18 discharge. Failure to file a Sexual Abuse Claim may prevent such person from voting on any  
19 plan of reorganization in this case. Further, if such Sexual Abuse Claim is discharged, the Sexual  
Abuse Claimant may be forever barred and prevented from asserting his or her Sexual Abuse  
Claim against the Debtor or its property, and may not receive any payment or distribution in  
connection with such Sexual Abuse Claim.

### 20 CONFIDENTIALITY

21 Pursuant to the Bar Date Order, filed Sexual Abuse Proofs of Claim Forms will remain  
22 confidential in this bankruptcy case, unless you elect otherwise in Part 1 of the Sexual Abuse  
23 Proof of Claim Form. Therefore, the Sexual Abuse Proof of Claim Form that you file will not be  
24 available to the general public, but will be kept confidential, except that information will be  
25 provided to the Debtor, the Debtor's attorneys, the United States Trustee's Office, the Debtor's  
26 insurers, attorneys for the official committee of unsecured creditors and its members, any  
27 unknown claims representative appointed under a plan of reorganization, any settlement trustee  
28 appointed to administer payments to Sexual Abuse Claimants, prison authorities for incarcerated  
Sexual Abuse Claimants and such other persons as the Court determines should have the  
information in order to evaluate the Sexual Abuse Claim, all of whom will agree to keep the  
information provided by you confidential.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 1, 2019

BY ORDER OF THE HONORABLE FRANCES M. TYDINGCO-GATEWOOD  
UNITED STATES BANKRUPTCY JUDGE