

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

In re

THE ROMAN CATHOLIC DIOCESE OF  
ALBANY, NEW YORK,

Debtor.

Chapter 11  
Case No. 23-10244

**NOTICE OF NOVEMBER 1, 2023 DEADLINE  
FOR FILING PROOFS OF CLAIM**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE ROMAN CATHOLIC  
DIOCESE OF ALBANY, NEW YORK:

PLEASE TAKE NOTICE that the United States Bankruptcy Court for the Northern District of New York has entered an order (the “Claims Bar Date Order”) establishing **November 1, 2023 at 11:59 p.m.** (prevailing Eastern time) as the deadline for all persons and entities, including persons asserting Survivor Claims and Governmental Units, but excluding St. Clare’s Pension Claimants (described below) to file prepetition claims in this chapter 11 case (the “Claims Bar Date”).<sup>1</sup>

**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 TORT CLAIMANTS BY CALLING (612) 335-1500.**

The Roman Catholic Diocese of Albany, New York (the “Debtor”) 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 Northern District of New York on March 15, 2023 (the “Petition Date”). Information regarding the Debtor, its business, and other relevant information related to this chapter 11 case (“Chapter 11 Case”) may be obtained at the case management website maintained by Donlin Recano, the Debtor’s Claims and Noticing Agent at: <https://www.donlinrecano.com/Clients/rcda/Index>

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 Debtor, including Survivor Claims, to submit proofs of claim so that they are received by Donlin Recano on or before the Claims Bar Date. Please note that the terms “Entity,” “Governmental Unit,” “Claim,” St. Clare’s Pension Claimant, and “Survivor Claim” are defined below.

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

PLEASE TAKE FURTHER NOTICE that all claimants shall submit a proof of claim in substantial conformity with Official Form 410. If the Debtor has identified you as having a potential Claim, a copy of Official Proof of Claim Form 410 is enclosed with this Notice.

**The court has also adopted a confidential Survivor Claim Form to assist in evaluating claims premised upon allegations of sexual abuse. All claimants wishing to assert Survivor Claims should complete and submit with Official Form 410 the confidential Survivor Claim Form.** If the Debtor has identified you as having a potential Survivor Claim, a copy of the Survivor Claim Form is enclosed with this Notice. Failure to submit a completed Survivor Claim Form with your proof of claim may be the basis for a valid objection to your claim. 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 Survivor Claim Form may be obtained online by visiting <https://www.donlinrecano.com/Clients/rcda/Static/SurvivorClaims>, or by contacting the restructuring information center toll free at 1 (800) 581-4729 or submit an inquiry via e-mail to [rcdainfo@drc.equiniti.com](mailto:rcdainfo@drc.equiniti.com).

### **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 Debtor 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 “St. Clare’s Pension Claimant” shall mean any person asserting a Claim, or on whose behalf a claim is asserted, against the Debtor on account of lost or diminished pension funds as a pensioner of St. Clare’s Hospital, which is the subject of the following actions pending in the New York State Supreme Court, Schenectady County: Mary Hartshorne et al. v. Roman Catholic Diocese of Albany, New York, Supreme Court, Schenectady County, Index Nos. 2019-1989 and 2019-0653 and People of the State of New York, by Letitia James, Attorney General of the State of New York v. Roman Catholic Diocese of Albany, New York, et al., Supreme Court Schenectady County, Index No. 2022-830.

As used in this Notice, the term “Survivor Claim” shall mean any Claim against the Debtor

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 Debtor or any other person or entity for whose acts or failures to act the Debtor is or was allegedly responsible.

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

- a. ***The Bar Date:*** The Bar Date Order establishes November 1, 2023 at 11:59 p.m. (prevailing Eastern time) as the Claims 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 Claims Bar Date:***
  - i. Any person or Entity whose prepetition claim was not listed in the Debtor'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 Survivor Claim against the Debtor, regardless of whether such person has previously filed a lawsuit against the Debtor or otherwise has given formal or informal notice of such claims to the Debtor, including any person whose claim may be barred by a statute of limitations in effect as of the Claims Bar Date, including any person whose claim may be barred by a statute of limitations in effect as of the Claims Bar Date.
- 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 Debtor with the Clerk of the Court for the United States Bankruptcy

Court for the Northern District of New York, Albany Division, or with Donlin, Recano & Company, Inc. (“Donlin Recano”), the Debtor’s Claims and Noticing Agent, *except that* any person who has asserted a Survivor Claim should submit a completed Survivor Claim Form;

- 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 St. Clare’s Pension Claimant;
- iv. Any professionals retained by the Debtor 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;
- v. Any person or Entity that asserts an administrative expense claim against the Debtor pursuant to sections 503(b) or 507(a)(2) of the Bankruptcy Code;
- vi. Any person or Entity whose claim against the Debtor is allowed by an order of the Court entered on or before the Bar Date;
- vii. Any person or Entity holding a claim by which a separate deadline is fixed by this Court; and
- viii. Any person or Entity whose claim has been previously settled and paid in full.

## **II. CONFIDENTIALITY OF SURVIVOR CLAIMS**

Pursuant to the Claims Bar Date Order, filed Survivor Claims will be treated confidentially in this Chapter 11 Case unless the Survivor Claimant elects to have his or her claim publicly disclosed. Any Survivor Claim that is filed will not be available to the general public, and will be kept confidential, except that information will be provided to Authorized Parties under the Claims Bar Date Order, all of whom will agree to keep the information provided by you confidential pursuant to the Claims Bar Date Order.

## **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 on a plan, or to share in any distributions 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**

To be considered valid, each proof of claim submitted in this Chapter 11 Case must: (a) be denominated in lawful currency of the United States as of the Petition Date, (b) 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 (c) be actually received by Donlin Recano, the Debtor's Claims and Noticing Agent, on or prior to the Claims Bar Date either (i) electronically using the interface available on Donlin Recano's website at <https://www.donlinrecano.com/Clients/rcda/FileSurvivorClaim>; if filing a Proof of Claim Form along with a Survivor Claim Form and at <https://www.donlinrecano.com/Clients/rcda/FileClaim> if filing a Proof of Claim Form 410 only (ii) if sent by United States Postal Service, send to: Donlin, Recano & Company, LLC, In Re: The Roman Catholic Diocese of Albany, New York, P.O. Box 2053, New York, NY 10272-2042; or (iii) if sent by Hand Delivery or Overnight Delivery, send to: Donlin, Recano & Company, LLC, c/o Angeion Group, In Re: The Roman Catholic Diocese of Albany, New York, 200 Vesey Street, 24th Floor, New York, NY 10281. Proofs of claim sent by facsimile, telecopy, or e-mail will **NOT** be accepted. In the event that a completed proof of claim and/or survivor proof of claim form is mailed to or personally delivered to the Clerk of Court for the United States Bankruptcy Court for the Northern District of New York, the Clerk of Court shall: (i) mark the document with a date and time of receipt, (ii) maintain a copy of the claim and Survivor Claim Form under seal as provided by the Local Bankruptcy Rules, and (iii) place the proof of claim and any Survivor Claim Form in a sealed envelope marked confidential and transmit the sealed envelope via overnight delivery to Donlin Recano at the address for receipt of proofs of claim above.

All claimants shall submit their proof of claim in substantial conformity with Official Form 410. All claimants asserting Survivor Claims should submit with their completed proof of claim, a Survivor Claim Form. **The failure to include the Survivor Claim Form with your proof of claim may be the basis for a valid objection to your claim.** A Survivor Proof of Claim may only be made on account of sexual abuse of an individual. Any other claim may be asserted as a general proof of claim.

Proofs of claim will be deemed filed when actually received by Donlin Recano. Proofs of claim submitted electronically will be acknowledged via electronic mail or confirmation number from Donlin Recano at the time of submission. If you wish to receive acknowledgement of Donlin Recano'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 Debtor'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 Clerk's Office, United States Bankruptcy Court for the Northern District of New York, 445 Broadway, Suite 330, Albany, New York 12207. In addition, copies of the Debtor's Schedules and the Bar Date Order are available on the Donlin Recano case management website at <https://www.donlinrecano.com/Clients/rcda/Index> or on the Court's website (<https://www.nynb.uscourts.gov/>) by following the directions for accessing the ECF system on such website (a PACER password is required). Requests for proofs of claim should be directed to Donlin Recano by calling the restructuring information center toll free at 1 (800) 581-4729 or submitting an inquiry via e-mail to [rcdainfo@drc.equiniti.com](mailto:rcdainfo@drc.equiniti.com). Donlin Recano 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.

Information regarding all entities within the geographical territory of the diocese that may be implicated by the Debtor's chapter 11 case, including Parishes, Schools, other Non-Debtor Entities for which the Bishop is the President, and sole member entities for which the Bishop is the sole member may be found at <https://www.rcda.org>.