

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

In re:

ROMAN CATHOLIC CHURCH OF THE  
DIOCESE OF GALLUP, a New Mexico  
corporation sole,

Debtor.

Chapter 11

Case No. 13-13676-t11

**NOTICE OF CLAIMS BAR DATE**

**THIS IS AN IMPORTANT NOTICE – YOUR RIGHTS MAY BE AFFECTED  
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

**NOTICE OF CLAIMS BAR DATE OF 5:00 P.M. MDT, MONDAY, AUGUST 11, 2014  
FOR FILING PROOFS OF CLAIM**

**TO ANY CREDITORS OF THE DEBTOR IN THE ABOVE-CAPTIONED CASE WHO  
ARE NOT ASSERTING CLAIMS FOR SEXUAL ABUSE BY A CLERIC, WORKER OR  
OTHER PERSON OR ENTITY ASSOCIATED WITH THE ROMAN CATHOLIC  
CHURCH OF THE DIOCESE OF GALLUP:**

On April 11, 2014, the United States Bankruptcy Court for the District of New Mexico (the “Court”) entered an order (the “Claims Bar Date Order”) in the above-captioned Chapter 11 case setting **5:00 p.m. Mountain Daylight Time on Monday, August 11, 2014** (the “Claims Bar Date”) as the last date by which proofs of claim (“Proof of Claim”) may be filed against the Roman Catholic Church of the Diocese of Gallup (“RCCDG” or “Debtor”). **The Claims Bar Date applies to all Entities (as defined below) including Governmental Units (as defined below).**

**KEY DEFINITIONS**

As used in this Notice, the term “Claim” or “claim” shall mean, as to or against the Debtor and in accordance with Section 101(5), 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”): (A) 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 (B) 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 “Entity” has the meaning given to it in Section 101(15) of the Bankruptcy Code, and includes person, estate, trust, governmental unit 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; State; Commonwealth; District; Territory; municipality; foreign state; department, agency or instrumentality of the United States (but not a United States Trustee while serving as a trustee under the Bankruptcy Code).

### **WHO MUST FILE A PROOF OF CLAIM AND THE DEADLINE TO FILE**

1. Claims Bar Date. If you assert a claim against or interest in the Debtor, to preserve your right to be treated as a creditor or interest holder with respect to such claim or interest, for the purposes of voting and distribution, you must file a Proof of Claim by **5:00 P.M. MDT on Monday, August 11, 2014** in the following circumstances:

- (i) If your claim or interest has not been listed in the Debtor’s bankruptcy schedules (“Schedules”);
- (ii) If you disagree with the amount of the claim or interest set forth in the Schedules;
- (iii) If the Debtor scheduled your claim as disputed, contingent and/or unliquidated;
- (iv) To preserve an unsecured deficiency claim if such claim is not scheduled or is scheduled as disputed, contingent, and/or unliquidated;
- (v) If you believe your claim is entitled to priority under the Bankruptcy Code, and the Debtor did not so schedule your claim.

Any Proof of Claim or Interest timely filed by a creditor or interest holder will supersede any scheduled claim or interest. If your claim is scheduled as disputed, contingent, and/or unliquidated, the Debtor is required to so notify you.

2. Claims Bar Date for Governmental Units. If you are a governmental unit, the last day for filing proofs of claim is the later of: (i) the Claims Bar Date; or, (ii) one hundred eighty (180) days after the date of the order of relief.

3. Claims Filed After Amended Schedules Are Filed. If the Debtor amends the Schedules and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a scheduled undisputed, liquidated, and non-contingent claim to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of: (i) the Claims Bar Date; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of this Notice, but only to the extent such Proof of Claim, if filed after the Claims Bar Date, does not exceed the amount scheduled for such claim prior to such amendment. This extended Claims Bar Date does not

apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Proof of Claim before the Claims Bar Date.

4. Claims Arising from Rejection of a Contract or Lease or Avoidance of a Transfer. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code §§ 502(g) and 502(h) respectively, is the later of: (i) the Claims Bar Date; or (ii) thirty (30) days after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of this Notice.

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

If you are required but fail to file a Proof of Claim or Interest timely, and your claim or interest is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, contingent or unliquidated in the Schedules, with very limited exceptions: (a) your claim or interest will be barred, and you will not participate in the Debtor's estate or receive any distribution under any plan or plans of reorganization filed in this Chapter 11 case; (b) you shall be forever barred from voting with respect to any such plan or plans of reorganization; and (c) you shall be bound by the terms of any such plan or plans of reorganization, if confirmed by the Court.

### **RESPONSIBILITY TO REVIEW THE SCHEDULES**

You are responsible for determining that your claim or interest, including its amount, is accurately scheduled by the Debtor. This determination may be made by: (a) reviewing the Schedules online using a CM/ECF or PACER account; (b) reviewing the Schedules in the Office of the Clerk, 10th Floor, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico, between 8:30 am and 4:30 pm; or (c) by contacting the Debtor's attorney: Susan G. Boswell, Quarles & Brady LLP, One S. Church Ave., Suite 1700, Tucson, AZ 85701, (520) 770-8700.

### **PREVIOUSLY FILED CLAIMS**

Creditors who have already filed Proofs of Claims or interests need not file them again.

### **CALCULATION OF TIME**

Pursuant to Bankruptcy Rule 9006(f), three (3) days will be added to the thirty (30) day deadlines set forth in paragraphs 3 and 4 above, but three (3) days will not be added to the deadline set forth in paragraphs 1 or 2. However, if any deadline falls on a weekend or legal holiday, the deadline shall be the next business day.

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

If you wish to assert a Claim, you are required to use the Form that has been approved by the Bankruptcy Court for use by creditors who are **not** asserting claims based upon sexual abuse

(the “Other Creditor Proof of Claim Form”). If you did not receive the Other Creditor Proof of Claim Form with this Notice, it can be downloaded from RCCDG’s website at [www.dioceseofgallup.org](http://www.dioceseofgallup.org) and follow the link on the homepage. If you need additional information regarding the Other Creditor Proof of Claim Form or other matters associated with the Claims Bar Date, you can also call Elizabeth Fella, one of RCCDG's attorneys, at 520-770-8755; however, please note that Ms. Fella **cannot give you legal advice**. Failure to use the Other Creditor Proof of Claim Form to assert a Claim may lead to such Claim being barred even if it was otherwise properly filed.

**If you are a creditor asserting a Claim for sexual abuse by a cleric, worker or other person or entity associated with RCCDG, there is a special Proof of Claim form that you should use which can also be obtained at [www.dioceseofgallup.org](http://www.dioceseofgallup.org) or by calling toll free at 1-888-570-6269.**

A signed original of a completed Other Creditor Proof of Claim Form, together with any accompanying or supporting documentation, if not filed electronically, must be delivered by hand delivery, United States Mail or other delivery means to the address below so as to be received no later than **5:00 P.M. MDT on Monday, August 11, 2014.**

A signed completed Other Creditor Proof of Claim Form, together with any accompanying or support documentation, must be filed electronically, submitted in person or by courier service, hand delivery or mail addressed to the Clerk of the Court at the following address:

Clerk’s Office  
The United States Bankruptcy Court  
District of New Mexico  
P.O. Box 546  
Albuquerque, NM 87103

**Proofs of Claim submitted by facsimile or e-mail (other than electronic filing in accordance with electronic filing procedures) will not be accepted and will not be deemed filed until the Proof of Claim is submitted by one of the methods described in the foregoing sentence.** Proofs of Claim will be deemed filed only when actually received by the Clerk of the Court. If you wish to receive acknowledgement of the Court’s receipt of your Proof of Claim, you must also submit, by the Claims Bar Date and concurrently with submitting your original Proof of Claim, (a) a copy of your original Proof of Claim, and (b) a self-addressed, stamped return envelope. Other Creditor Proof of Claim Forms must include all documentation required by Federal Rules of Bankruptcy Procedure 3001(c) and 3001(d) and the Other Creditor Proof of Claim Form, including a copy of any written document that forms the basis of the Claim.

**(Please Note: If you are going to personally deliver the Other Creditor Proof of Claim Form to the Clerk’s office or have someone deliver it on your behalf, the filing window is only open on Court days until 4:30 p.m. Mountain Daylight Time, and you may need to arrive at the Clerk’s office by 3:00 p.m. due to wait times in order for your Proof of Claim to be timely filed. The street address for hand delivery is: Office of the Clerk, 10th Floor, Dennis Chavez Federal Building and United States Courthouse, 500 Gold Avenue SW, Albuquerque, New Mexico.)**

**YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

DATED this 11th day of April, 2014.

/s/ Susan G. Boswell

Susan G. Boswell (AZ Bar No. 004791)  
Lori L. Winkelman (AZ Bar No. 021400)  
Elizabeth S. Fella (AZ Bar No. 025236)  
*Admitted Pro Hac Vice*  
QUARLES & BRADY LLP  
One S. Church Ave., Suite 1700  
Tucson, Arizona 85701  
(520) 770-8700  
Fax: (520) 623-2418  
susan.boswell@quarles.com  
lori.winkelman@quarles.com  
elizabeth.fella@quarles.com

-and-

Thomas D. Walker  
WALKER & ASSOCIATES, P.C.  
500 Marquette N.W., Suite 650  
Albuquerque, New Mexico 87102  
(505) 766-9272  
Fax: (505) 722-9287  
twalker@walkerlawpc.com

*Counsel for Debtor*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on or before April 15, 2014, a copy of this “Notice of Claims Bar Date” was served by United States first class mail on all parties on the official mailing list maintained by the Clerk of the Bankruptcy Court for this case, all at their addresses on such mailing list.

*Susan G. Boswell*  
\_\_\_\_\_  
Susan G. Boswell