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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
THE CHRISTIAN BROTHERS' INSTITUTE, <i>et al.</i>	:	Case No.: 11-22820 (RDD)
	:	
Debtors.	:	(Jointly Administered)
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**DEBTORS' MOTION FOR AN ORDER ESTABLISHING
DEADLINES FOR FILING PROOFS OF CLAIM AND APPROVING
FORM AND MANNER OF NOTICE THEREOF**

The Christian Brothers' Institute ("CBI") and The Christian Brothers of Ireland, Inc. ("CBOI"), debtors and debtors-in-possession (collectively, the "Debtors"), hereby move this Court (the "Motion") for entry of an order pursuant to 11 U.S.C. § 501 and Rules 2002(a) and 3001 - 3005 of the Federal Rules of Bankruptcy Procedure, and Amended General Order M-386 (M-350), dated November 24, 2009 (the "Amended General Order"): (i) fixing the time within which proofs of claim against the Debtors' estates are to be filed by entities with general unsecured claims (the "General Bar Date"), sexual abuse claims (the "Sexual Abuse Bar Date"), holders of claims resulting from the Debtors' rejection of executory contracts or unexpired leases (the "Rejection Bar Date"), and creditors who may wish to file amended proofs of claim necessitated by the Debtors amending their Schedules of Assets and Liabilities and/or Statement

of Financial Affairs (the “Amended Schedules Bar Date”), and together with the General Bar Date, the Sexual Abuse Bar Date, and the Rejection Bar Date, each a “Bar Date” and collectively, the “Bar Dates”); (ii) approving the proposed Proof of Claim Forms (defined below); (iii) approving procedures for maintaining the confidentiality of proofs of claim filed by victims of sexual abuse (each a “Sexual Abuse Victim” and collectively, the “Sexual Abuse Victims”); (iv) approving the form and manner of the proposed notices of the Bar Dates as providing fair, reasonable and adequate notice of the Bar Dates; and (v) granting related relief. In support of the Motion, the Debtors respectfully represent as follows:

JURISDICTION

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding is proper in this district and before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. The statutory predicates for the relief requested herein are 11 U.S.C. §§ 502 and 503 and Rules 2002 and 3003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. On April 28, 2011 (the “Petition Date”), the Debtors each commenced their respective Chapter 11 case by filing a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). Pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code, the Debtors continue to operate as debtors-in-possession. No trustee has been appointed.

4. The Debtors’ cases were consolidated for administrative purposes only, by order dated May 2, 2011. Thereafter, by order dated May 18, 2011, the Debtors were authorized

to retain Tarter Krinsky & Drogin LLP as bankruptcy counsel.

5. On May 11, 2011, the United States Trustee appointed an Official Committee of Unsecured Creditors (the "Committee"). The Committee retained Pachulski Stang Ziehl & Jones LLP as its counsel which was approved by an order of this Court dated July 14, 2011.

6. CBI is a domestic not-for-profit 501(c)(3) corporation organized under § 102(a)(5) of the New York Not-for-Profit Corporation Law. CBI was formed in 1906 pursuant to Section 57 of the then existing New York Membership Law. The Not-for-Profit Corporation Law replaced the Membership Law effective September 1, 1970. According to its governance documents, the purpose for which CBI was, and continues to be, formed was to establish, conduct and support Catholic elementary and secondary schools principally throughout New York State. As a not-for-profit corporation, the assets, and/or income are not distributable to, and do not inure to, the benefit of its directors or officers. CBI depends upon grants and donations to fund a portion of its operating expenses.

7. CBOI is a domestic not-for-profit 501(c)(3) corporation organized under the Not-for-Profit Corporation Law of the State of Illinois. According to its governance documents, the purpose for which CBOI was, and continues to be, formed was to establish, conduct and support Catholic elementary and secondary schools principally throughout the State of Illinois, as well as other spiritual and temporal affairs of the former Brother Rice Province of the Congregation of Christian Brothers. As a not-for-profit corporation, the assets, and/or income are not distributable to, and do not inure to the benefit of its members, or officers. CBOI depends upon grants and donations to fund a portion of its operating expenses.

8. The cause for the filing of these cases has been extensively detailed in the affidavit pursuant to Local Bankruptcy Rule 1007-2 filed with the original petitions, and is referred

to as if fully set forth herein. In short, the Debtors' Chapter 11 cases were filed in an effort to resolve in one forum, litigation and claims asserted by sexual abuse plaintiffs against the Debtors.

9. As in most Chapter 11 cases, the establishment of a last date to file claims is critical so that the Debtors will be able to know with greater certainty the amount and nature of the claims asserted by creditors. Here, the vast majority of the claims are in the nature of sexual abuse claims. Determining who is a known creditor and entitled to actual notice, and who is an unknown creditor entitled to publication notice is important in these cases. Understanding the importance of making extensive efforts to notify potential sexual abuse claimants of the need to file a proof of claim, the Debtors, after consultation with the Committee and the U.S. Trustee, filed two separate applications to retain Omni Management Group to aid the Debtors in connection with their noticing and administrative responsibilities under 28 U.S.C. § 156(c) and 11 U.S.C. § 327(a). Those applications were approved by orders dated September 2, 2011 (Docket Nos. 86 & 87).

10. The Debtors have made substantial progress with the Committee with respect to the terms of a proposed bar date order, a specialized sexual abuse proof of claim form, and notice of the sexual abuse bar date, which the Debtors and the Committee believe will afford Sexual Abuse Victims with reasonable notice and a sufficient period of time to file proofs of claim. The primary unresolved issue between the Debtors and the Committee is the extent of the effort the Debtors are required to undertake to notify potential Sexual Abuse Victims and determining who is a known creditor entitled to actual notice or an unknown creditor entitled to publication notice. Both the Debtors and the Committee do not believe it is necessary to send notice to every alumni at every institution where the Debtors' Brothers taught or performed ministry in the last 50 years – that could equate to noticing over 1,000,000 people at a substantial cost. On the other hand, the Debtors believe that to the extent a known abuser taught or

performed ministry at a particular institution, sending notice to alumni who attended the institution during the years in which the known abuser was located at the institution is reasonable. The Debtors are seeking some guidance from this Court as to defining the universe of known creditors.

11. The Debtors and the Committee are presently discussing the issues regarding the need for a future claims representative.

12. As set forth above, the Debtors' Chapter 11 cases are somewhat unique in that the Debtors, over a period of many decades, either operated or were significantly involved in teaching and ministry with numerous schools, orphanages, and other institutions across the United States and Canada; many of which have been closed for a number of years. Noticing and advertising the bar date will be a significant undertaking in these Chapter 11 cases. This is complicated by the fact that the Debtors do not have access to alumni directories for the vast majority of the institutions, as most of the schools have been separately incorporated for years and operate independently from the Debtors. Other than claims asserted by individuals who had commenced litigation or asserted a claim against the Debtors prior to the Petition Date, the Debtors have no other means to determine who should receive actual notice of the Sexual Abuse Bar Date. In an effort to obtain alumni directories, the Debtors sent requests to the presidents of various institutions requesting such directories.¹ Due to a variety of factors, obtaining alumni directories may be difficult, costly and time consuming. The Debtors, however, understand their obligation to provide notice to known creditors or creditors who can be ascertained with reasonable diligence. Absent obtaining alumni directories, the Debtors may be unable to provide

¹ Since few institutions responded to the Debtors' voluntary request for alumni directories, the Debtors submitted a 2004 motion seeking authority to issue subpoenas to various institutions compelling the production of alumni directories. This Court recently entered a 2004 order granting the relief requested.

actual notice to every potential alumnus of institutions where credibly accused abusers were located. Until the bar date has expired and the claims have been asserted and analyzed, neither the Debtors nor the Committee will be able to determine the aggregate number of the claims or the amount that may be necessary to fund a plan of reorganization in these cases.

RELIEF REQUESTED

13. In order for the Debtors to fully administer their estates, to solicit acceptances or rejections in connection with a Chapter 11 plan(s), and to make distributions thereunder, the Debtors must obtain complete and accurate information regarding the nature, validity, and amount of all claims² that will be asserted in these cases. Consequently, the Debtors respectfully request that, pursuant to Bankruptcy Rule 3003(c)(3), the Court: (i) establish the Bar Dates and related claims procedures proposed herein; (ii) approve the proposed Proof of Claim Forms (defined below); (iii) approve proposed procedures allowing Sexual Abuse Victims to file confidential proofs of claims; (iv) approve the form and manner of the proposed notices of the Bar Dates; and (v) grant related relief.

I. THE BAR DATES

A. The General Bar Date

14. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix a time within which proofs of claim must be filed. The Debtors request that the Court fix **March 2, 2012**, as the General Bar Date.

15. The General Bar Date shall be the date by which all entities³ including governmental units,⁴ holding pre-petition claims, including pre-petition claims but excluding

² The term "claim," as used herein, has the meaning given to it in § 101(5) of the Bankruptcy Code.

³ As used herein, the term "entity" has the meaning given to it in § 101(15) of the Bankruptcy Code.

⁴ As used herein, the term "governmental unit" has the meaning given to it in § 101(27) of the Bankruptcy Code.

Sexual Abuse Claims (as hereinafter defined) (each a “General Claim,” and collectively, the “General Claims”), must file proofs of claim.

16. The Debtors and the Committee contemplate that claims may be filed on account of assault and battery that do not constitute sexual abuse. The Debtors and Committee expect that such claims would be governed by the General Bar Date and not the Sexual Abuse Bar Date.

B. The Sexual Abuse Bar Date

17. Due to the unique nature of the experiences and damages suffered by sexually abused individuals, the Debtors believe that a separate bar date should be fixed for Sexual Abuse Victims. The Debtors request that the Court fix **June 15, 2012** as the Sexual Abuse Bar Date. The Sexual Abuse Bar Date would be the date by which all claims of sexual abuse must be filed (each a “Sexual Abuse Claim” and collectively, the “Sexual Abuse Claims”). This bar date affects all Sexual Abuse Victims whether or not they filed and had pending as of the Petition Date, a lawsuit against the Debtors. All Sexual Abuse Victims must submit a Sexual Abuse Proof of Claim Form (as hereinafter defined) prior to the Sexual Abuse Bar Date.

18. The Debtors and the Committee contemplate that claims may be filed on account of assault and battery that is not or does not constitute sexual abuse. The Debtors and Committee expect that such claims would be governed by the General Bar Date and not the Sexual Abuse Bar Date and that such claims would utilize the General Proof of Claim Form (as defined below). For purposes of determining which claim form should be utilized, a claim for sexual abuse is defined as any and all acts or omissions that the Debtors may be legally responsible for that in any way arise out of, are based upon, or involve sexual conduct or misconduct, sexual abuse or molestation, lascivious behavior, pedophilia, ephebophilia, or sexually related psychological or emotional harm or contacts or interactions of a sexual nature

between a child and an adult. A child may be sexually abused whether or not this activity involves explicit force, whether or not this activity involves genital or other physical contact and whether or not there is physical, psychological or emotional harm to the child.

C. The Rejection Bar Date

19. It is possible that certain entities may assert claims in connection with the Debtors' rejection of executory contracts and/or unexpired leases pursuant to §365 of the Bankruptcy Code (each a "Rejection Damages Claim"). The Debtors propose that any person or entity that asserts a Rejection Damages Claim must file a proof of claim on or before the later of: (i) the General Bar Date; or (ii) the date fixed in the order providing for the rejection of such lease or executory contract.

D. Amended Schedules Bar Date

20. The Debtors may, during the course of these cases, amend their Schedules of Assets and Liabilities and/or Statements of Financial Affairs (collectively, the "Schedules") so as to add an entity not currently listed therein or to alter the amount, priority, classification, or other status of a listed claim. The holders of claims affected by the Debtors' amendments (the "Amended Schedules Claims") may be entitled to file amended or original proofs of claim to take into account the amendment(s) to the Schedules.

21. The Debtors, therefore, ask that the Court establish the following as the deadline for filing Amended Schedules Claims: the later of (a) the General Bar Date; or (b) thirty (30) days after the holder of a claim is served with notice that the Debtors amended their Schedules to identify, reduce, delete, or change the amount, priority, classification, or other status of such a claim.

II. WHO MUST FILE PROOFS OF CLAIM

22. The proposed order approving this Motion (the "Bar Date Order"),

provides that, except as set forth in paragraph 22 below, all persons and entities holding pre-petition claims, including, without limitation, the following entities, must file the proofs of claim on or before the applicable Bar Date:

- (a) Any person or entity whose pre-petition claim against the Debtors is not listed in the Debtors' Schedules or whose pre-petition claim is listed in the Schedules but is listed as disputed, contingent or unliquidated and that desires to participate in these cases or share in any distribution in these cases;
- (b) Any person or entity that believes that its pre-petition 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 that identified in the Schedules; and
- (c) Any Sexual Abuse Victim who believes that he or she has a claim against the Debtors, including but not limited to, Sexual Abuse Victims who have previously filed lawsuits against the Debtors, and Sexual Abuse Victims who have never filed a lawsuit, entered into a settlement or reported their abuse.

23. Pursuant to the proposed Bar Date Order, the following persons or entities are **not** required to file a proof of claim on or before the applicable Bar Date:

- (a) Any person or entity that has already properly filed a proof of claim against the Debtors with the Clerk of the Court for the United States Bankruptcy Court for the Southern District of New York (the "Court"), or with the Debtors' proposed Claims Agent – Omni Management Group ("Omni" or the "Claims Agent") – Sexual Abuse Victims that previously filed with the Court a proof of claim must utilize the Sexual Abuse Proof of Claim Form and must refile the claim if that form was not used;
- (b) Any person or entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not described therein as "disputed," "contingent," or "unliquidated;" and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
- (c) Any person or entity that asserts an administrative expense claim against the Debtors pursuant to § 503(b) and § 507(a)(2) of the Bankruptcy Code;
- (d) Any person or entity whose claim against the Debtors has been

allowed by an order of the Court entered on or before the applicable Bar Date; and

- (e) Any person or entity whose claim has been paid in full. For the avoidance of doubt, this does not include Sexual Abuse Victims who were paid pursuant to settlement agreements but believe they have additional claims against the Debtors beyond what was agreed to in the settlement.

III. PROPOSED PROOF OF CLAIM FORMS

24. General Proof of Claim Form. With respect to pre-petition creditors that are not Sexual Abuse Victims – *i.e.*, holders of General Claims, Rejection Damages Claims, or Amended Schedules Claim (collectively, the “General Creditor Claims”) – the Debtors seek approval of the proof of claim form attached hereto as **Exhibit “A”** (the “General Creditor Proof of Claim Form”), which substantially follows the Official Form 10.⁵

25. The proposed Bar Date Order provides that each General Creditor Proof of Claim Form filed must: (a) be written in English; (b) be denominated in lawful currency of the United States as of the Petition Date; and (c) 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;⁶ and (d) be originally executed and mailed or delivered to Omni Management Group at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, Encino, California 91436. The proposed Bar Date Order further provides that proofs of claim must be mailed or delivered by messenger or overnight courier; proofs of claim sent by

⁵ The proposed General Creditor Proof of Claim Form deviates slightly from the Official Form 10 in that it includes a notation indicating that it should not be utilized in connection with the assertion of claims of Sexual Abuse Victims against the Debtors’ estates.

⁶ Bankruptcy Rule 3001(c) requires as follows: “When a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.” Bankruptcy Rule 3001(d) requires that “[i]f a security interest in property of the debtor is claimed, the proof of claim shall be accompanied by evidence that the security interest has been perfected.”

facsimile, telecopy, or e-mail will not be accepted.

26. Sexual Abuse Proof of Claim Form. The Debtors submit that under the circumstances of these cases and the unique aspects of a sexual abuse claim, that a modified proof of claim form similar to those utilized by diocesan and religious order debtors should be employed. Accordingly, the Debtors, after consultation with the Committee, prepared a confidential proof of claim form to be submitted by a Sexual Abuse Victim in connection with their claims (the "Sexual Abuse Proof of Claim Form," and together with the General Creditor Proof of Claim Form, the "Proof of Claim Forms"). A copy of the proposed Sexual Abuse Proof of Claim Form is attached hereto as **Exhibit "B."**⁷ The information requested in the Sexual Abuse Proof of Claim Form is designed to, and will assist the Debtors and parties in interest in evaluating and liquidating the Sexual Abuse Claims.

27. Due to the nature of the information that is requested in the Sexual Abuse Proof of Claim Form, the Debtors seek approval through this Motion of the following confidentiality protocol (the "Confidentiality Protocol"):

- (a) Sexual Abuse Victims are directed not to file a Sexual Abuse Proof of Claim Form with the Court. Instead, the original and two (2) copies of each Sexual Abuse Proof of Claim Form must be mailed or delivered to Omni at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436.
- (b) Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Victims will not be available to the general public unless a Sexual Abuse Victim affirmatively indicates his or her desire that the proof of claim be made public in Part 1 of the Sexual Abuse Proof of Claim Form. The Confidentiality Protocol is for the benefit of the Sexual Abuse Victims. Accordingly, Sexual Abuse Victims may elect to make any of the information contained in an Sexual Abuse Proof of Claim Form public, even if they elected to file the Proof of Claim confidentially.

⁷ Sexual abuse proofs of claim will be deemed filed in both of the administratively consolidated Chapter 11 cases.

- (c) Sexual Abuse Proof of Claim Forms submitted by a Sexual Abuse Victim shall be held and treated as confidential by the Debtors and Debtors' counsel and upon request to the parties listed below (the "Permitted Parties"), subject to each Permitted Party executing and returning to Debtors' counsel a confidentiality agreement (the "Confidentiality Agreement"), and to such other persons as the Court determines, provided, however, that all parties with access to the Sexual Abuse Proof of Claim Forms shall agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential (unless the Sexual Abuse Victim elects otherwise in Part 1 of the Sexual Abuse Proof of Claim Form).⁸
- (d) The Permitted Parties include:
- (i) Counsel for the Official Committee of Unsecured Creditors;
 - (ii) Insurance companies that provided insurance that may cover the claims described in the Sexual Abuse Proof of Claim Forms;
 - (iii) Any future claims representative;
 - (iv) Any special arbitrator/claims reviewer appointed to review and resolve the claims of Sexual Abuse Victims;
 - (v) Any trustee appointed to administer payments to Sexual Abuse Victims;
 - (vi) Authorized representatives of a department of corrections if the Sexual Abuse Victim is incarcerated but only to the extent disclosure is authorized under applicable non-bankruptcy law;
 - (vii) Members of the Committee and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse Victim's name, address and any other information identified in Part 2(A) of the Sexual Abuse Proof of Claim Form and the signature block); and

⁸ Access to the Sexual Abuse Proof of Claim Forms extends only to the natural person who executes the Confidentiality Agreement. A separate Confidentiality Agreement must be signed by each natural person who seeks access to the records on behalf of a Permitted Party. The United States Trustee's Office shall have full access without being required to execute a Confidentiality Agreement.

- (viii) Such other persons as the Court determines should have the information in order to evaluate Sexual Abuse Claims.

28. The proposed Bar Date Order provides that each Sexual Abuse Proof of Claim Form filed must: (i) be written in English; (ii) be denominated in lawful currency of the United States as of the Petition Date; (iii) be originally executed and sent to Omni at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, Encino, California 91436 on or before the Sexual Abuse Bar Date. The proposed Bar Date Order further provides that proofs of claim must be mailed or delivered by messenger or overnight courier; proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted.

29. The Debtors request that they need not provide further notices to any holder of a claim, whether a General Creditor Claim, Sexual Abuse Claim, Rejection Damages Claim, or Amended Schedules Claim, that is not subject to one of the exceptions enumerated above who fails to timely file a proof of claim in the appropriate form.

IV. NOTICE PROCEDURES

30. As part of the Debtors' goal to obtain a fresh start, the Debtors need to ensure that the reorganized organization will be free from the threat of additional claims being brought after their emergence from Chapter 11. In order to obtain this discharge, and in order to provide any person who believes he or she has a Sexual Abuse Claim the opportunity to appear and be heard, the Debtors propose to implement the noticing protocol set forth below.

A. Notice of the General and Rejection Damages Bar Dates

31. At least sixty (60) days prior to the General Bar Date, the Debtors shall serve by United States mail, first-class postage prepaid: (i) notice of the General Bar Date and the Rejection Damages Bar Date, substantially in the form attached hereto as **Exhibit "C"** and

incorporated herein by reference (the “General Creditor Bar Date Notice”); and (ii) a General Creditor Proof of Claim Form (together with the General Creditor Bar Date Notice, the “General Creditor Bar Date Notice Package”), upon: (a) the Office of the United States Trustee for the Southern District of New York; (b) counsel to the Official Committee of Unsecured Creditors; (c) all entities who have filed a notice of appearance in the Debtors’ cases; (d) all entities listed in the Debtors’ Schedules; (e) all parties to executory contracts and unexpired leases of the Debtors; (f) all entities that have previously filed proofs of claim in the Debtors’ cases; (g) any other entities or their counsel, including governmental units, known to the Debtors as entities who may have claims against the estates; and (h) such additional persons and entities as deemed appropriate by the Debtors.

32. The General Creditor Bar Dates give potential claimants a significantly greater notice period than required by Bankruptcy Rules 2002(a)(7).⁹

B. Notice of the Sexual Abuse Bar Date

33. The unique experience of a Sexual Abuse Victim warrants a special form of notice and a special notice program for the Sexual Abuse Bar Date. Through the means set forth below, the Debtors propose to make the following available to the public: (i) a notice of the Sexual Abuse Bar Date substantially in the form attached hereto as **Exhibit “D”** and incorporated herein by reference (the “Sexual Abuse Bar Date Notice,” and together with the General Creditor Bar Date Notice, each a “Bar Date Notice” and collectively, the “Bar Date Notices”); (ii) a Sexual Abuse Proof of Claim Form; (iii) a list of Brothers affiliated with the Debtors; and (iv) the Bar Date Order (together with the Sexual Abuse Bar Date Notice and the

⁹ Bankruptcy Rule 2002(a)(7) states that “the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees at least 21 days’ notice by mail of ... the time fixed for filing proofs of claim pursuant to [Bankruptcy] Rule 3003(c)”

Sexual Abuse Proof of Claim Form, the “Sexual Abuse Bar Date Notice Package,” and together with the General Creditor Bar Date Notice Package, the “Bar Date Packages”).

34. The Debtors shall provide notice of the Sexual Abuse Bar Date by serving the Sexual Abuse Bar Date Notice Package at least one hundred fifty (150) days prior to the Sexual Abuse Bar Date on known Sexual Abuse Victims who:

- (a) Filed, or threatened to file, lawsuits against the Debtors that allege they were abused;
- (b) contacted the Debtors to report that they were victims of abuse, whether or not that individual’s claim was considered to be substantiated and whether or not the report was written or verbal;
- (c) entered into a settlement agreement with the Debtors stemming from allegations of abuse; and
- (d) received payment from the Debtors as a result of an allegation of abuse.

35. Within the same time frame, to the extent the Debtors are able to obtain alumni directories, the Debtors will also serve the Sexual Abuse Bar Date Notice and the Sexual Abuse Proof of Claim Form on all known alumni of schools or other institutions in which the Debtors are aware that known abusers taught or performed ministry at the addresses set forth in the alumni directories.

C. Publication Notices

36. In consultation with the Committee, the Debtors determined, pursuant to Bankruptcy Rule 2002(l), that it would be in the best interest of their estates to give notice by publication of the Sexual Abuse Bar Date so that unknown Sexual Abuse Victims to whom no other notice was sent by the Debtors will be notified of the Sexual Abuse Bar Date and the requirement to file a proof of claim on account of such sexual abuse. Accordingly, the Debtors propose to provide notice of the Sexual Abuse Bar Date by causing a copy of the notice attached

hereto as **Exhibit “E”** (the “Publication Notice”) to be published as follows in national publications as well as community/local publications for areas in proximity of the schools or institutions where the Debtors’ Brothers have taught, performed ministry, or were otherwise affiliated with.¹⁰

- (i) Publication twice (in English) in each of the following publications; the first publication to occur within two weeks of the service of the Sexual Abuse Bar Date Notice Package and the second publication to occur forty-five (45) days prior to the expiration of the Sexual Abuse Bar Date:¹¹

National Publications

New York Times – Nat’l Ed.
USA Today – Nat’l Ed.

Local U.S. Publications

Albany Times Union
Arizona Republic
Asbury Park Press
Bergen Record
Bonita Daily News
Boston Globe
Californian
Chandler Times
Chicago Sun-Times
Contra Costa Times
Hudson Valley Times
Kent Reporter
Los Angeles Times
Madison County Journal
Miami Herald
Montebello Comet
Mountain Eagle
Naples Record
New York Times – NY Metro Ed
Newark Star Ledger

¹⁰ The Publication Notice and Sexual Abuse Bar Date Notice list The Congregation of Christian Brothers; North American Province of the Congregation of Christian Brothers; Edmund Rice Christian Brothers North American Province; Eastern Province of the Congregation of Christian Brothers; Western Province of the Congregation of Christian Brothers; and The Christian Brothers of Ireland in Canada. Those entities are not debtors in these cases and are listed for name recognition purposes only.

¹¹ The Debtors reserve the right to modify the publication list.

Oakland Press
Ocala Star Banner
Poughkeepsie Journal
Rochester Democrat & Chronicle
San Antonio Express News
Sebree Banner
Star Advertiser
Tampa Tribune
The Bugle
The Herald-News
The Jena Times
The Montana Standard
The Post and Courier
Times Picayune
Vallejo Times Herald
Warwick Beacon

Canadian Publications

Advertiser
Burnaby / New Westminster NewsLeader
Chronicle
Journal de Montreal
Journal de Quebec
Kamloops This Week
St. John's Telegram
The Charter
The Citizen
The Compass
The Daily News
The National Post
The Western Star
Times Colonist
Toronto Star
Vancouver Province
Welland Tribune

37. In addition, the Debtors may, after consultation with the Committee and input from this Court, publish notice of the Sexual Abuse Bar Date through 24/7 RealMedia,

Inc., which will provide an opportunity for notice of the Sexual Abuse Bar Date to appear on numerous web properties; as well as on major websites such as CNN and Yahoo.¹²

38. The website notices will contain a link which will take viewers to a copy of the Sexual Abuse Bar Date Notice.

39. In addition, the Debtors intend to provide further notice of the Sexual Abuse Bar Date by taking the following measures:

- (i) Upon entry of this Order, the Debtors will post component parts of the Sexual Abuse Bar Date Notice Package on the following website:

www.omnimgt.com/sblite/TheChristianBrothers

- (ii) The Debtors and the Committee will maintain a toll free number which may be used by Sexual Abuse Victims to ask questions or obtain copies of the Sexual Abuse Bar Date Notice Package or parts thereof;
- (iii) Within one (1) week of the service of the Sexual Abuse Bar Date Notice Package, the Debtors will mail a copy of the Sexual Abuse Bar Date Notice to the following: (i) the attorney general for each state where a School is located; (ii) the district attorney for each county where a School is located; (iii) the public health agency for each locality where a School is located; (iv) a substance abuse agency in each locality where a School is located; (v) the police department for each locality where a School is located; and (vi) the hospital for each locality where a School is located – and request that each party post such Notice until the expiration of the Sexual Abuse Bar Date;

40. Each request described above shall be on the Debtors' stationery, personally signed by a Christian Brother who is an officer of the Debtors. The Debtors shall confer with the Committee regarding the format. The request shall include a statement at the bottom for the recipient to indicate whether it will comply with the request and the request shall

¹² 24/7 Real Media, Inc. is a national online network which was recently utilized in In re Jackson Hewitt Tax Service, Inc., Case No. 11-11587(MFW) to provide notice to potential creditors asserting violation of consumer protection related laws against Jackson Hewitt.

include a stamped self-addressed return envelope. The Debtors' will report on compliance to the Committee.

41. In the Debtors' judgment, the publication protocol described above (the "Publication Protocol") is likely to reach the widest possible audience of creditors who may not otherwise have notice of the Debtors' cases.

42. Additionally, the Bar Date Notices and/or the Publication Notice will: (i) set forth the respective Bar Dates; (ii) advise creditors under what circumstances they must file a proof of claim in respect of a pre-petition claim (which include Sexual Abuse Claim); (iii) alert creditors to the consequences of failing to timely file a proof of claim, as set forth in Bankruptcy Rule 3003(c)(2) or an order of this Court, as applicable; (iv) set forth the address to which proofs of claim must be sent for filing; and (v) notify creditors that: (a) proofs of claim must be filed with original signatures; and (b) facsimile or e-mail filings of proofs of claim are not acceptable and are not valid for any purpose. The Debtors submit that the Publication Protocol is appropriate, and that the Bar Date Notices and Publication Notice will provide creditors with sufficient information to file properly prepared and executed proofs of claim in a timely manner, while simultaneously protecting the confidentiality of Sexual Abuse Victims.

BASES FOR RELIEF REQUESTED

43. Bankruptcy Rule 3003(c)(3) provides that the Court shall fix the time within which proofs of claim must be filed in a Chapter 11 case pursuant to § 501 of the Bankruptcy Code. See Fed. R. Bankr. P. 3003(c)(3). Under Bankruptcy Rule 3003(c)(1), a "governmental unit" has up to 180 days after the Petition Date to timely file a proof of claim. Bankruptcy Rule 3003(c)(2) further provides that any creditor who asserts a claim against the debtor that arose prior to the petition date, and whose claim is not scheduled in the debtor's schedules of assets and liabilities or whose claim is listed on such schedules as disputed,

contingent, or unliquidated, must file a proof of claim, failing which such creditor shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution. See id. at 3003(c)(2).

44. The Debtors submit that the proposed Bar Dates will provide potential claimants with an adequate amount of time after the mailing of the Bar Date Packages and publication of the Publication Notice within which to review the Schedules, compare the information contained therein and, if necessary, prepare and file proofs of claim. This includes governmental units that will receive more than the 180 days after the Petition Date required by Bankruptcy Rule 3002(c)(1) to file a proof of claim.

45. The establishment of the proposed Bar Dates is essential for these cases to progress. The Debtors cannot effectively negotiate and prepare a plan of reorganization until the universe of Sexual Abuse Claims asserted against the Debtors are known with greater certainty.

46. In addition, the Debtors submit that the special proposed Sexual Abuse Proof of Claim Form is appropriate under the circumstances of these cases. It is well established that the Court has the authority to authorize the modification of Official Bankruptcy Form B10. See In re A.H. Robins Co., 862 F.2d 1092 (4th Cir. 1988); In re Eagle-Picher Indus., Inc., 158 B.R. 713, 716 (Bankr. S.D. Ohio 1993). While Bankruptcy Rule 3001(a) provides that “[a] proof of claim shall conform substantially to the appropriate Official Form,” Bankruptcy Rule 9009 authorizes appropriate and necessary alterations to the Official Forms:

the Official Forms prescribed by the Judicial Conference of the United States shall be observed and used with alterations as may be appropriate. Forms may be combined and their contents rearranged to permit economies in their use. The Director of the Administrative Office of the United States Courts may issue additional forms under the Code. The forms shall be construed to be consistent with these rules and the Code.

Fed. R. Bankr. P. 9009 (emphasis supplied); see also In re I.G. Servs., Ltd., 244 B.R. 377, 384 (Bankr. W.D. Tex. 2000) (citing In re A.H. Robins Co., 862 F.2d 1092) (noting that proof of claim forms that deviate from the Official Proof of Claim Form 10 may be used when special circumstances exist). Further, in A.H. Robins, the court recognized that substantial alteration to Official Proof of Claim Form 10 may be necessary when dealing with tort claims. See In re A.H. Robins Co., 862 F.2d at 1092.

47. Similar forms have been approved in cases similar to these involving the assertion of claims arising out of sexual abuse. See, e.g., In re Catholic Diocese of Wilmington, Inc., Case No. 09-13560 (Bankr. D. Del. Feb. 1, 2010); In re Roman Catholic Church of The Diocese of Tucson, Case No. 04-04721 (Bankr. D. Ariz. Nov. 5, 2004); In re Catholic Bishop of Northern Alaska, Case No. 08-00110 (Bankr D. Ala. May 30, 2008); In re Diocese of Davenport, Case No. 06-02229 (Bankr. S.D. Iowa Mar. 16, 2007); In re the Roman Catholic Bishop of San Diego, Case No. 07-00939 (Bankr. S.D. Cal. Aug. 20, 2007).

48. The Debtors respectfully request that the use of the Sexual Abuse Proof of Claim Form is necessary and appropriate in these cases. The form requires information necessary to allow the Debtors to evaluate the claims of Sexual Abuse Victims.

49. The Debtors submit the Confidentiality Protocol is both necessary and appropriate under the circumstances of these cases. The Debtors are sensitive to the issues that may arise for a Sexual Abuse Victim asserting a claim against the Debtors' estates. Through the Confidentiality Protocol and the Sexual Abuse Proof of Claim Form, the Debtors are attempting to obtain the information that they need in order to evaluate the Sexual Abuse Victims' claims, while at the same time providing a form that will not discourage Sexual Abuse Victims from coming forward and asserting their claims.

50. Additionally, in order to satisfy the requirements of due process, notice of

the Bar Dates must be reasonably calculated to apprise interested persons of the deadlines. See Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950). Whether notice is reasonable or adequate depends on whether a creditor is known or unknown to the debtor. See Grant v. U.S. Home Corp. (In re U.S.H. Corp of NY), 223 B.R. 654, 658 (Bankr. S.D.N.Y. 1998); see also Chemetron Corp. v. Jones, 72 F.3d 341, 346 (3d Cir. 1995). “Known” creditors must receive actual, mail notice of bankruptcy proceedings. See id. at 345. By contrast, notice by media publication is sufficient to satisfy the requirements of due process for “unknown” creditors. See id. at 346-47.

51. A “known” creditor is one whose identity is either known or “reasonably ascertainable by the debtor.” Id. at 346 (citing Tulsa Professional Collection Serv., Inc. v. Pope, 485 U.S. 478 (1988)). In identifying “known” creditors, due process requires debtors to perform reasonable diligence of their books and records – but it does not require that debtors engage in “impracticable and extended searches.” Mullane, 339 U.S. at 317; see also In re Thomson McKinnon Securities Inc., 130 B.R. 717, 720 (Bankr. S.D.N.Y. 1991) (noting that the debtor is not required to search out each conceivable or possible creditor); Chemetron Corp., 72 F.3d at 346.

52. By contrast, the Supreme Court has held that an “unknown” creditor is one whose “interests are either conjectural or future or, although they could be discovered upon investigation, do not in due course of business come to the knowledge” of the debtor. Mullane, 339 U.S. at 317. Moreover, in bankruptcy cases, when determining whether a creditor is “known” or “unknown,” the appropriate form of notice, and how much to spend on notice, courts must balance the interests of the debtor’s existing and potential creditors as well as other parties in interest. See Vancouver Women’s Health Collective Soc. v. A.H. Robins Co., Inc., 820 F.2d 1359, 1364 (4th Cir. 1987); see also Fogel v. Zell, 221 F.3d 955, 963 (7th Cir. 2000); In re GAC

Corp., 681 F.2d 1295, 1300 (11th Cir. 1982); In re Circuit City Stores, Inc., 439 B.R. 652, 660 (Bankr. E.D. Va. 2010) (“[t]he totality of the circumstances in each case must be analyzed to determine whether a particular creditor is known or unknown”).

53. The Debtors submit that any potential Sexual Abuse Victims, other than those articulated in subsections (a) through (e) of this paragraph are “unknown” as articulated in Mullane and that accordingly, publication notice as described above is sufficient to put any such claimants on notice of the Debtors’ Sexual Abuse Bar Date:

- (a) Filed, or threatened to file, lawsuits against the Debtors that allege they were abused;
- (b) contacted the Debtors to report that they were victims of abuse, whether or not that individual’s claim was considered to be substantiated and whether or not the report was written or verbal;
- (c) entered into a settlement agreement with the Debtors stemming from allegations of abuse; and
- (d) received payment from the Debtors as a result of an allegation of abuse.
- (e) attended schools and/or institutions where known abusers taught or performed ministry to the extent the Debtors can obtain addresses for such individuals.

54. The Debtors submit that the Bar Date Notices and Publication Notice in the forms and manners as proposed by the Debtors herein, are fair and reasonable and will provide good, sufficient, and due notice to all creditors, including creditors with foreign addresses, of their rights and obligations in connection with claims they may assert against the Debtors’ estates in these cases. See In re Thomson McKinnon Securities Inc., 130 B.R. 717, 720 (Bankr. S.D.N.Y. 1991) (noting that (i) “[i]f the debtor knows, or should know, of its potential liability to a specific creditor, that creditor is a known creditor entitled to actual notice” and (ii) the debtor is not required to search out each conceivable or possible creditor);

55. Accordingly, the Debtors respectfully submit that the relief requested herein is warranted and in the best interest of the Debtors, their creditors, and their estates.

RESERVATION OF RIGHTS

56. The Debtors reserve their right to object to any claim or proof of claim on any grounds, including, but not limited to, the passing of the applicable statutes of limitations. The Debtors reserve their right to dispute, or to assert offsets or defenses to, any claim reflected on the Schedules, or any amendments thereto, as to amount, liability, classification, or otherwise, and to subsequently designate any claim as disputed, contingent, unliquidated or undetermined.

NOTICE

57. Notice of this Motion will be given to: (a) the U.S. Trustee; (b) counsel to the Committee; (c) all parties who filed requests for notice in these cases pursuant to Bankruptcy Rule 2002; and (d) all insurance companies that may provide coverage for claims described herein. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

NO PRIOR REQUEST

58. No previous request for the relief sought herein has been made to this or any other Court.

CONCLUSION

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit "F:"** (i) authorizing the Debtors to fix the Bar Dates; (ii) approving the proposed Proof of Claim Forms; (iii) approving the form and manner of notice of the Bar Date Notice Packages, pursuant to Bankruptcy Rule 2002(a)(7); (iv) approving the form and manner of publication of the Publication Notice pursuant to Bankruptcy Rule 2002(1); and (v) granting such other and further relief as the Court may deem proper.

Dated: New York, New York
November 29, 2011

TARTER KRINSKY & DROGIN LLP
Attorneys for The Christian Brothers' Institute, et al.
Debtors and Debtors-in-Possession

By: /s/ Scott S. Markowitz
Scott S. Markowitz
Marilyn Simon
Eric H. Horn
1350 Broadway, 11th Floor
New York, New York 10018
(212) 216-8000

EXHIBIT A

DO NOT USE THIS FORM FOR SEXUAL ABUSE CLAIMS

B 10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT Southern District of New York		PROOF OF CLAIM
Name of Debtor: The Christian Brothers' Institute / The Christian Brothers of Ireland, Inc.		Case Number: 11-22820 (RDD)
NOTE: <i>This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property):	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent:	Court Claim Number: _____ (If known)	
Telephone number:	Filed on: _____	
Name and address where payment should be sent (if different from above):	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.	
Telephone number:	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.	5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.	
2. Basis for Claim: _____ (See instruction #2 on reverse side.)	<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).	
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____).	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.	Amount entitled to priority: \$ _____	
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:	*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.	
Date: _____	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	
		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

EXHIBIT B

THIS SPACE IS FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re: : Chapter 11
: :
THE CHRISTIAN BROTHERS' INSTITUTE, *et al.* : Case No.: 11-22820 (RDD)
: :
Debtors. : (Jointly Administered)
----- X

SEXUAL ABUSE PROOF OF CLAIM

IMPORTANT:
THIS FORM MUST BE RECEIVED NO LATER THAN
JUNE 15, 2012 AT 4:00 P.M. (PREVAILING EASTERN TIME)

Carefully read the instructions included with this SEXUAL ABUSE PROOF OF CLAIM and complete ALL applicable questions. Please print clearly and use blue or black ink. Send the original, together with two (2) copies, to the designated claims agent, **OMNI MANAGEMENT GROUP** at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436.

THIS PROOF OF CLAIM IS FOR VICTIMS OF SEXUAL ABUSE ONLY.

For the purposes of this Proof of Claim, **sexual abuse** is defined as any and all acts or omissions that the Debtors may be legally responsible for that in any way arise out of, are based upon, or involve sexual conduct or misconduct, sexual abuse or molestation, lascivious behavior, pedophilia, ephebophilia, or sexually related psychological or emotional harm or contacts or interactions of a sexual nature between a child and an adult. A child may be sexually abused whether or not this activity involves explicit force, whether or not this activity involves genital or other physical contact and whether or not there is physical, psychological or emotional harm to the child.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE VICTIM IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE VICTIM'S REPRESENTATIVE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE VICTIM IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE VICTIM'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE VICTIM'S ATTORNEY.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD. HOWEVER, INFORMATION IN THIS CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED GUIDELINES TO COUNSEL FOR THE COMMITTEE OF UNSECURED CREDITORS, AND TO SUCH OTHER PERSONS AS THE COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

PART 1: CONFIDENTIALITY

THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.

I do not want this Proof of Claim (along with any accompanying exhibits and attachments) to be kept confidential. Please verify this election by signing directly below.

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Victim

First Name Middle Initial Last Name Jr/Sr/III

Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address).

City State/Prov. Zip Code (Postal Code) Country
(if other than U.S.A.)

Telephone No(s):
Home: _____ Work: _____ Cell: _____

Email address: _____

If you are in jail or prison, your identification number: _____

May we leave voicemails for you regarding your claim? Yes No

May we send confidential information to your email: Yes No

Birth Date: _____ Male Female
 Month Day Year

Any other name, or names, by which the Sexual Abuse Victim has been known: _____

B. Sexual Abuse Victim’s Attorney (if any. Do not list counsel for the Debtors or the Official Creditors Committee):

Law Firm Name

Attorney’s First Name Middle Initial Last Name

Street Address

City State/Prov. Zip Code (Postal Code) Country
(if other than U.S.A.)

Telephone No. Fax No. E-mail address

PART 3: NATURE OF COMPLAINT
(Attach additional separate sheets if necessary)

NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE DEBTORS IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.

a. Who committed the acts of sexual abuse or other wrongful conduct?

b. What is the position, title or relationship to you (if known) of the abuser or individual who committed these acts?

c. Where did the sexual abuse or other wrongful conduct take place? Please be specific and complete all relevant information that you know, including the City and State, name of the School (if applicable) and/or the name of any other location.

d. When did the sexual abuse or other wrongful conduct take place?

1. If the sexual abuse or other tortious conduct took place over a period of time (months or years), please state when it started, when it stopped, and how many times it occurred.

2. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse or other wrongful conduct took place.

e. What happened (describe what happened):

f. Did you tell anyone about the sexual abuse or other wrongful conduct and, if so, who did you tell and when (this would include parents; relatives; friends; the Christian Brothers; attorneys; counselors; and law enforcement authorities)?

PART 4: IMPACT OF COMPLAINT

(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to this Part 4, you may leave this Part 4 blank, but you will be required to complete this Part 4 within thirty (30) days after a written request is made for the information requested in this Part 4)

1. What injuries have occurred to you because of the act or acts of sexual abuse or other wrongful conduct that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)? _____

2. Have you sought counseling or other treatment for your injuries? If so, with whom and when? _____

PART 5: ADDITIONAL INFORMATION

1. Prior Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim.

Yes No (If “Yes,” you are required to attach a copy of any completed claim form.) _____

2. Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse or other wrongful conduct, have you settled any claim relating to the sexual abuse or other wrongful conduct described in this claim?

Yes No (If “Yes,” please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.) _____

3. Bankruptcy. Have you ever filed bankruptcy? Yes No (If "Yes," please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 11 12 13 Name of Trustee: _____

Date: _____

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

Under penalty of perjury, I declare the foregoing statements to be true and correct.

Signature: _____

Print Name: _____

EXHIBIT C

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
In re: : Chapter 11
: :
THE CHRISTIAN BROTHERS' INSTITUTE, *et al.* : Case No.: 11-22820 (RDD)
: :
Debtors. : (Jointly Administered)
----- X

NOTICE OF BAR DATES FOR FILING OF GENERAL PROOFS OF CLAIM

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE CHRISTIAN BROTHERS' INSTITUTE AND THE CHRISTIAN BROTHERS OF IRELAND, INC.:

PLEASE TAKE NOTICE that on April 28, 2011 (the "Petition Date") The Christian Brothers' Institute ("CBI") and The Christian Brothers of Ireland, Inc. ("CBOI") each a debtor and debtor in possession in the above-captioned cases (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Court"). The Debtors, their addresses, case numbers, proof of claim forms and other relevant information related to these Chapter 11 cases may be obtained at: www.omnimgt.com/sblite/TheChristianBrothers.

PLEASE TAKE FURTHER NOTICE that on January ___, 2012, the Court entered an order (the "Bar Date Order") establishing certain claims bar dates in the Debtors' Chapter 11 cases. By the Bar Date Order, the Court established **March 2, 2012 at 4:00 p.m. (prevailing Eastern Time)**, as the date by which general claims must be filed (the "General Bar Date"). Except as described below, the Bar Date Order requires all Entities, including Governmental Units, that have or assert any prepetition Claims against the Debtors to file proofs of claim with Omni Management Group, the Court-appointed claims and noticing agent in these cases (the "Claims Agent"), so that their proofs of claim are received by the Claims Agent on or before 4:00 p.m. (prevailing Eastern Time) on the applicable bar date set forth herein. Please note that the terms "Entity," "Governmental Unit" and "Claim" are defined below.

PLEASE TAKE FURTHER NOTICE that for your convenience, enclosed with this notice (the "General Creditor Bar Date Notice") is a proof of claim form (the "General Creditor Proof of Claim Form"). If this notice does not include a proof of claim form, a proof of claim form may be obtained from the Claims Agent at: www.omnimgt.com/sblite/TheChristianBrothers.

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 Debtors 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.

A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER SUCH CLAIMANT MUST FILE A PROOF OF CLAIM. A CLAIMANT MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING _____.

I. WHO MUST FILE A PROOF OF CLAIM AND THE APPLICABLE BAR DATES

- A. ***The Bar Dates:*** The Bar Date Order establishes the following applicable bar dates for filing proofs of claim in these cases:
1. **The General Bar Date.** Except as set forth below, pursuant to the Bar Date Order, all Entities, including Governmental Units, holding Claims against the Debtors (whether secured, unsecured priority, or unsecured non-priority) that arose prior to or on April 28, 2011, are required to file proofs of claim by the General Bar Date – **March 2, 2012 at 4:00 p.m. (prevailing Eastern Time).**
 2. **The Rejection Bar Date.** Any Entity whose Claim arises out of the Court-approved rejection of an executory contract or unexpired lease, in accordance with section 365 of the Bankruptcy Code and pursuant to an order entered prior to the confirmation of a Chapter 11 plan(s) in the Debtors’ Chapter 11 cases, must file a proof of claim on or before the later

of: (i) the General Bar Date; (ii) 4:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days after entry of an order approving the rejection of an executory contract or unexpired lease pursuant to which the entity asserting the Rejection Damages Claim is a party. The later of these dates is referred to in this Notice as the "Rejection Bar Date."

B. **Entities that MUST File Proofs of Claims by the General Bar Date:** Subject to the terms described above for holders of Claims subject to the Rejection Bar Date and except as set forth in paragraph "C" below, the following Entities (including Governmental Units) must file proofs of claim on or before the General Bar Date:

1. Any person or entity whose pre-petition claim against the Debtors is not listed in the Debtors' Schedules or whose pre-petition claim is listed in the Schedules but is listed as disputed, contingent or unliquidated and that desires to participate in these cases or share in any distribution in these cases; and
2. Any person or entity that believes that its pre-petition 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 that identified in the Schedules.

PLEASE NOTE THAT INDIVIDUALS ASSERTING CLAIMS ARISING FROM SEXUAL ABUSE FOR WHICH SUCH INDIVIDUALS BELIEVE THE CHRISTIAN BROTHERS' INSTITUTE AND/OR THE CHRISTIAN BROTHERS OF IRELAND, INC. MAY BE LIABLE ARE INSTRUCTED TO FILE A SEXUAL ABUSE PROOF OF CLAIM FORM, CONSISTENT WITH THE BAR DATE ORDER AND THE SEXUAL ABUSE BAR DATE NOTICE. CLAIMANTS MAY OBTAIN COPIES OF THESE FORMS FROM THE CLAIMS AGENT, AT THE ADDRESSES SET FORTH HEREIN.

C. **Entities NOT Required to File Proofs of Claim by the General Bar Date:** The Bar Date Order further provides that the following Entities need not file proofs of claim by the General Bar Date or the Rejection Bar Date, as applicable:

1. Any person or entity that has already properly filed a proof of claim against the Debtors with the Clerk of the Court or with the Claims Agent;
2. Any person or entity: (a) whose claim is listed in the Schedules or any amendments thereto, and (b) whose claim is not described therein as "disputed," "contingent," or "unliquidated," and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
3. Professionals retained by the Debtors or the Committee pursuant to orders of this Court, including Omni, who assert administrative claims for

payment of fees and expenses subject to the Court's approval pursuant to §§ 330, 331, and 503(b) of the Bankruptcy Code;

4. Any person or entity that asserts an administrative expense claim against the Debtors pursuant to §§ 503(b)(1) through (9) of the Bankruptcy Code;
5. Any person or entity whose claim against the Debtors has been allowed by an order of the Court entered on or before the applicable Bar Date; and
6. Any person or entity whose claim has been paid in full.

II. CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM

Any Entity that is required to file a proof of claim, but fails to do so by the applicable Bar Date described in this General Bar Date Notice: (i) may NOT be treated as a creditor with respect to such Claim for the purposes of voting on and distribution under any Chapter 11 plan proposed and/or confirmed in these cases; and (ii) may be forever barred, estopped, and enjoined from asserting such Claim against the Debtors (or filing a proof of claim with respect thereto), and the Debtors and their property may be forever discharged from any and all indebtedness or liability with respect to such Claim.

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 applicable Bar Date. Any Entity that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein.

RESERVATION OF RIGHTS

The Debtors reserve the right 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 the Debtors from objecting to any Claim, whether scheduled or filed, on any grounds.

PROCEDURE FOR FILING PROOFS OF CLAIM

1. One original proof of claim and one copy must be sent by mail, overnight delivery, courier or hand delivery to Omni Management Group, Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436, so as to be received no later than 4:00 p.m. (prevailing Eastern Time) on the applicable General Bar Date. ***Any proof of claim submitted by facsimile or e-mail will not be accepted and will not be deemed filed until the proof of claim is submitted by the method described in the foregoing sentence.*** Proofs of claim will be deemed filed only when actually received by the Claims Agent. If you wish to receive acknowledgement of the Claims Agent's receipt of your proof of claim, you must also

submit by the General Bar Date and concurrently with submitting your original proof of claim: (i) one additional copy of your original proof of claim; and (ii) a self-addressed, stamped return envelope.

2. Proofs of claim must include all documentation required by Bankruptcy Rules 3001(c) and 3001(d), including an original or a copy of any written document that forms the basis of the Claim or, for secured Claims, evidence that the alleged security interest has been perfected.

ADDITIONAL INFORMATION

1. You may be listed as the holder of a Claim against the Debtors in the 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 office of the Clerk of the Court, United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601. In addition, copies of the Debtors' Schedules and Bar Date Order may be viewed on the Internet at: (i) the Court's website (<http://www.nysb.uscourts.gov>) by following the directions for accessing the ECF system on such website (a PACER password is required); or (ii) the Claims Agent's Debtors-designated website at www.omnimgt.com/sblite/TheChristianBrothers
2. Questions concerning the contents of this Notice and requests for proofs of claim should be directed the Debtors' Claims Agent at **[insert number]** between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Eastern Time), Monday through Friday. Please note that the Claims Agent's staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding any other inquiries, such as questions concerning the completion or filing of a proof of claim.

Dated: _____, 2012

BY ORDER OF THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT D

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
 In re: : Chapter 11
 :
 THE CHRISTIAN BROTHERS' INSTITUTE, *et al.* : Case No.: 11-22820 (RDD)
 :
 Debtors. : (Jointly Administered)
 ----- X

**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 FOLLOWING MAY BE LIABLE:**

**CHRISTIAN BROTHERS' INSTITUTE
THE CHRISTIAN BROTHERS OF IRELAND, INC.
THE CONGREGATION OF CHRISTIAN BROTHERS
NORTH AMERICAN PROVINCE OF THE CONGREGATION
OF CHRISTIAN BROTHERS
EDMUND RICE CHRISTIAN BROTHERS NORTH AMERICAN PROVINCE
EASTERN PROVINCE OF THE CONGREGATION OF CHRISTIAN BROTHERS
WESTERN PROVINCE OF THE CONGREGATION OF CHRISTIAN BROTHERS
THE CHRISTIAN BROTHERS OF IRELAND IN CANADA**

**JUNE 15, 2012 AT 4:00 P.M. (PREVAILING EASTERN TIME) IS THE LAST DATE TO
FILE PROOFS OF CLAIM FOR SEXUAL ABUSE**

On April 28, 2011 (the "Petition Date"), The Christian Brothers' Institute ("CBI") and The Christian Brothers of Ireland, Inc. ("CBOI"), each a debtor and debtor-in-possession in the above-captioned cases (collectively, the "Debtors") filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of New York (the "Court"). The Debtors, their addresses, case numbers, proof of claim forms, and other relevant information related to these Chapter 11 cases may be obtained at: www.omnimgt.com/sblite/TheChristianBrothers. Numerous individuals (each a "Sexual Abuse Victim" and collectively, the "Sexual Abuse Victims") have asserted sexual abuse claims against CBI and/or CBOI, on account of actions of Christian Brothers, agents, employees, teacher or volunteers.¹ Any person who believes that he or she has, or may have, a claim arising from sexual abuse for which the person believes the Debtors may be liable (each a "Sexual Abuse Claim" and collectively, the "Sexual Abuse Claims") should carefully read this notice.

¹ A list of all Brothers affiliated with the Debtors, as well as a listing of all schools and/or institutions in which the Brothers taught, performed ministry or were otherwise affiliated can be viewed at the following website www.omnimgt.com/sblite/TheChristianBrothers

For the purposes of filing a Sexual Abuse Claim Form, **sexual abuse** is defined as any and all acts or omissions that the Debtors may be legally responsible for that in any way arise out of, are based upon, or involve sexual conduct or misconduct, sexual abuse or molestation, lascivious behavior, pedophilia, ephebophilia, or sexually related psychological or emotional harm or contacts or interactions of a sexual nature between a child and an adult. A child may be sexually abused whether or not this activity involves explicit force, whether or not this activity involves genital or other physical contact and whether or not there is physical, psychological or emotional harm to the child.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER. YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING _____.

FILING DEADLINE

The United States Bankruptcy Court for the Southern District of New York has entered an order establishing **June 15, 2012 at 4:00 p.m. (prevailing Eastern Time)** as the last date and time (the "Sexual Abuse Bar Date") for each Sexual Abuse Victim to file a proof of claim form (the "Sexual Abuse Proof of Claim Form"). The Sexual Abuse Bar Date and the procedures set forth below for filing proofs of claim apply to all Sexual Abuse Claims against the Debtors, based upon acts of sexual abuse occurring prior to April 28, 2011.

WHO MUST FILE

If you believe that you have a Sexual Abuse Claim, you must file a Sexual Abuse Proof of Claim Form to maintain and/or preserve any claims that you have against the Debtors. Even if you have already filed a lawsuit against the Debtors alleging sexual abuse prior to April 28, 2011, you must still file a Sexual Abuse Proof of Claim Form to maintain and/or preserve your rights in the Debtors' Chapter 11 cases.

WHO SHOULD NOT FILE

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

- Your Sexual Abuse Claim has already been paid in full;
- You hold a claim that has been allowed by an order of the Bankruptcy Court on or before the Sexual Abuse Bar Date;
- If you do not have a claim against the Debtors.

WHAT TO FILE

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

PROCEDURES FOR FILING A SEXUAL ABUSE PROOF OF CLAIM FORM

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

- Fill out the Sexual Abuse Proof of Claim Form.
- For additional copies of the Sexual Abuse Proof of Claim Form: (a) photocopy the Sexual Abuse Proof of Claim Form; (b) contact the Debtors' Claims Agent between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Eastern Time), Monday through Friday, at [insert number], or (c) visit the Claims Agent's website at: www.omnimgt.com/sblite/TheChristianBrothers.
- **Please note that the Claims Agent's staff is not permitted to give legal advice. You should consult your own attorney for assistance regarding any other inquiries, such as questions concerning the completion or filing of a proof of claim.**
- **Do not file or mail the Sexual Abuse Proof of Claim Form with or to the Court. Instead, all Sexual Abuse Proof of Claim Forms should be sent to the Claims Agent at the address set forth below.**
- Return the completed Sexual Abuse Proof of Claim Form to the Claims Agent at the address set forth below by no later than **June 15, 2012 at 4:00 p.m. (prevailing Eastern Time)**. Sexual Abuse Proof of Claim Forms will be deemed timely filed only when they are **actually received** by the Claims Agent by **June 15, 2012 at 4:00 p.m. (prevailing Eastern Time)**.
- **Please note that a Sexual Abuse Proof of Claim Form submitted by facsimile, telecopy or electronic mail transmission will not be accepted and will not be deemed filed.** If you are returning a Sexual Abuse Proof of Claim Form by mail, allow sufficient mailing time so that the Sexual Abuse Proof of Claim Form is received on or before **June 15, 2012 at 4:00 p.m. (prevailing Eastern Time)**. Sexual Abuse Proof of Claim Forms that are postmarked before that date, *i.e.*, the Sexual Abuse Bar Date, but which are received by the Claims Agent after the Sexual Abuse Bar Date, will be considered late.
- If a Sexual Abuse Victim returns a Sexual Abuse Proof of Claim Form in person, by overnight mail or by courier service, 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 Eastern Time), Monday through Friday:

Omni Management Group, LLC
16161 Ventura Boulevard, Suite C
Encino, California 91436

- If a Sexual Abuse Victim returns a Sexual Abuse Proof of Claim Form by mail, the Sexual Abuse Proof of Claim Form should be mailed with sufficient lead time so that that the form is received before the Sexual Abuse Bar Date at the following address between the hours of 9:00 a.m. and 5:00 p.m. (prevailing Eastern Time), Monday through Friday:

Christian Brothers Institute
c/o Omni Management Group, LLC
16161 Ventura Boulevard, Suite C
PMB608
Encino, California 91436

CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

The deadline for filing a Sexual Abuse Proof of Claim Form is **June 15, 2012 at 4:00 p.m.** (prevailing Eastern Time). Any person who has a Sexual Abuse Claim and does not file a Sexual Abuse Claim by that date may **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 Sexual Abuse Claim may prevent such person from voting on any plan of reorganization in these cases. Further, if such Sexual Abuse Claim is discharged, the Sexual Abuse Victim may be forever barred and prevented from asserting his or her Sexual Abuse Claim against the Debtors or their property, and may not receive any payment or distribution in connection with such Sexual Abuse Claim.

CONFIDENTIALITY

Pursuant to the Bar Date Order, filed Sexual Abuse Proofs of Claim Forms will remain confidential in these bankruptcy cases, unless you elect otherwise in Part 1 of the Sexual Abuse Proof of Claim Form. Therefore, the Sexual Abuse Proof of Claim Form that you file will not be available to the general public, but will be kept confidential, except that information will be provided to the Debtors, the Debtors' attorneys, the United States Trustee's Office for the Southern District of New York, the Debtors' insurers, attorneys for the official committee of unsecured creditors and its members, any future claims representative appointed under a plan of reorganization, any settlement trustee appointed to administer payments to Sexual Abuse Victims, prison authorities for incarcerated Sexual Abuse Victims 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.

Dated: White Plains, New York
_____, 2012

BY ORDER OF THE COURT

EXHIBIT E

BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

**In re: The Christian Brothers' Institute
and The Christian Brothers of Ireland, Inc.**

**Case No. 11-22820 (RDD)
(Jointly Administered)**

YOU MAY HAVE A SEXUAL ABUSE CLAIM AGAINST

**THE CHRISTIAN BROTHERS' INSTITUTE
THE CHRISTIAN BROTHERS OF IRELAND, INC.
THE CONGREGATION OF CHRISTIAN BROTHERS
NORTH AMERICAN PROVINCE OF THE
CONGREGATION OF CHRISTIAN BROTHERS
EDMUND RICE CHRISTIAN BROTHERS NORTH
AMERICAN PROVINCE
EASTERN PROVINCE OF THE CONGREGATION OF
CHRISTIAN BROTHERS
WESTERN PROVINCE OF THE CONGREGATION OF
CHRISTIAN BROTHERS
THE CHRISTIAN BROTHERS OF IRELAND IN CANADA**

On April 28, 2011, The Christian Brothers' Institute and The Christian Brothers of Ireland, Inc. (collectively, the "Debtors") filed for protection under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code"). You may know the Debtors by the names listed above.

**THE LAST DAY TO FILE A SEXUAL ABUSE CLAIM
AGAINST THE DEBTORS IS JUNE 15, 2012
AT 4:00 P.M. (PREVAILING EASTERN TIME)**

**IF YOU WERE SEXUALLY ABUSED BY ANY BROTHER OF
THE DEBTORS OR ANY OTHER PERSON CONNECTED
WITH THE DEBTORS, YOU MUST FILE A CLAIM BY JUNE
15, 2012 AT 4:00 P.M. (PREVAILING EASTERN TIME).**

For more information, including (i) a complete list of all Brothers affiliated with the Debtors; (ii) a listing of schools and/or other institutions at which the Debtors' Brothers taught, performed ministry, or were otherwise affiliated with; or (iii) on how to obtain and file a proof of claim form and associated documents, please (a) visit the Claims Agent's designated website at www.omnimgt.com/sblite/TheChristianBrothers; (b) call the Claims Agent at _____; (c) write to the Claims Agent at Omni Management Group, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436; or (d) call the Official Committee Of Unsecured Creditors appointed in these cases at _____.

EXHIBIT F

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
In re:	:	Chapter 11
	:	
THE CHRISTIAN BROTHERS' INSTITUTE, <i>et al.</i>	:	Case No.: 11-22820 (RDD)
	:	
Debtors.	:	(Jointly Administered)
-----	X	

**ORDER APPROVING DEBTORS' MOTION FOR ORDER
ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM
AND APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the motion (the "Motion") of The Christian Brothers' Institute and The Christian Brothers of Ireland, Inc., as debtors and debtors-in-possession (the "Debtors"), for an Order Establishing Deadlines for Filing Proofs of Claim and Form and Manner of Notice Thereof (Docket No. __);¹ and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion was appropriate under the particular circumstances and that no other or further notice need be given; and upon the Court having held a hearing on the Motion; and it appearing that the relief requested in the Motion is in the best interest of the Debtors' estates, their creditors and other parties-in-interest; and after due deliberation and sufficient cause appearing therefore; it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. The Motion is granted as set forth herein.
2. The General Creditor Proof of Claim Form, the Sexual Abuse Proof of Claim Form, the General Creditor Bar Date Notice, the Sexual Abuse Bar Date Notice, and the Publication Notice, substantially in the forms attached to the Motion as **Exhibits "A," "B," "C,"**

¹ Capitalized terms not defined herein shall have the same meaning ascribed to them in the Motion.

“D,” and “E,” respectively, and the manner of providing notice of the Bar Dates proposed in the Motion, are approved in all respects pursuant to Bankruptcy Rules 2002(a)(7) and 2002(l). The form and manner of notice of the Bar Dates approved herein are deemed to fulfill the notice requirements of the Bankruptcy Rules and the Local Rules for the Court, and notice of the Bar Dates in the form and manner as proposed by the Debtors herein is fair and reasonable and will provide good, sufficient, and due notice to all creditors of their rights and obligations in connection with claims they may assert against the Debtors’ estates in these Chapter 11 cases. Accordingly, the Debtors are authorized and directed to serve and/or publish the Bar Date Notice Packages in the manner described herein and in the Motion.

3. Except as provided in paragraph 6 of this Order, any entity holding a pre-petition claim against the Debtors must file a proof of claim in accordance with the procedures described herein **on or before March 2, 2012, 4:00 p.m. (prevailing Eastern Time)** (the “General Bar Date”). The General Bar Date shall be identified in the General Bar Date Notice. Except as provided in paragraph 6 of this Order, the General Bar Date applies to all persons and entities (including government entities), other than Sexual Abuse Victims, that assert claims, as defined in § 101(5) of the Bankruptcy Code, against the Debtors (whether secured, unsecured priority or unsecured non-priority) that arose prior to or on the Petition Date.

4. Except as provided in paragraph 6 of this Order, any entity holding a pre-petition claim arising from sexual abuse for which the individual believes that the Debtors may be liable, must file a proof of claim in accordance with the procedures described herein on or before **June 15, 2012, 4:00 p.m. (prevailing Eastern Time)** (the “Sexual Abuse Bar Date”). The Sexual Abuse Bar Date shall be identified in the Sexual Abuse Bar Date Notice and the Publication Notice.

5. For the purposes of determining the timeliness of the filing of a proof of claim and for determining whether a creditor should use the General Creditor Proof of Claim Form or the Sexual Abuse Proof of Claim Form, sexual abuse is defined as any and all acts or omissions that the Debtors may be legally responsible for that in any way arise out of, are based upon, or involve sexual conduct or misconduct, sexual abuse or molestation, lascivious behavior, pedophilia, ephebophilia, or sexually related psychological or emotional harm or contacts or interactions of a sexual nature between a child and an adult. A child may be sexually abused whether or not this activity involves explicit force, whether or not this activity involves genital or other physical contact and whether or not there is physical, psychological or emotional harm to the child.

6. The following entities, whose claims otherwise would be subject to the Bar Dates, shall **not** be required to file proofs of claim in these Chapter 11 cases:

- (a) Any person or entity that has already properly filed a proof of claim against the Debtors with the Clerk of the Court for the United States Bankruptcy Court for the Southern District of New York (the "Court"), or with the Debtors' proposed Claims Agent – Omni Management Group ("Omni" or the "Claims Agent") – Sexual Abuse Victims that previously filed with the Court a proof of claim must utilize the Sexual Abuse Proof of Claim Form and must refile the claim if that form was not used;
- (b) Any person or entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not described therein as "disputed," "contingent," or "unliquidated;" and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
- (c) Any person or entity that asserts an administrative expense claim against the Debtors pursuant to § 503(b) and § 507(a)(2) of the Bankruptcy Code;
- (d) Any person or entity whose claim against the Debtors has been allowed by an order of the Court entered on or before the applicable Bar Date; and

- (e) Any person or entity whose claim has been paid in full. For the avoidance of doubt, this does not include Sexual Abuse Victims who were paid pursuant to settlement agreements but believe they have additional claims against the Debtors beyond what was agreed to in the settlement.

7. Any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated on or before the date of entry of this Order, must file a proof of claim based on such rejection on or before the General Bar Date, and any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which an order authorizing such rejection is dated after the date of entry of this Order, must file a proof of claim on or before such date as the Court may fix in the applicable order authorizing such rejection.

8. The Debtors shall retain the right to: (i) dispute, or 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.

9. Subject to the provisions of paragraph 6 of this Order, the following entities **must** file a proof of claim on or before the applicable Bar Date:

- (a) Any person or entity whose pre-petition claim against the Debtors is not listed in the Debtors' Schedules or whose pre-petition claim is listed in the Schedules but is listed as disputed, contingent or unliquidated and that desires to participate in these cases or share in any distribution in these cases;
- (b) Any person or entity that believes that its pre-petition 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 that identified in the Schedules; and
- (c) Any Sexual Abuse Victim who believes that he or she has a claim against the Debtors, including but not limited to, Sexual Abuse

Victims who have previously filed lawsuits against the Debtors, and Sexual Abuse Victims who have never filed a lawsuit, entered into a settlement or reported their abuse.

10. Pursuant to Bankruptcy Rule 3003(c)(2), **any entity that is required to file a proof of claim in these Chapter 11 cases pursuant to the Bankruptcy Code, the Bankruptcy Rules, or this Order with respect to a particular claim against the Debtors, but that fails to do so by the applicable Bar Date, may NOT be treated as a creditor with respect to such claim for the purposes of voting on and distribution under any Chapter 11 plan proposed and/or confirmed in these cases.**

11. If the Debtors amend or supplement their Schedules subsequent to the date hereof, the Debtors shall give notice of any amendment or supplement to the holders of claims affected thereby, and such holders shall be afforded thirty (30) days from the date of such notice to file proofs of claim in respect of their claims or be barred from doing so, and shall be given notice of such deadline.

12. Each General Creditor Proof of Claim Form filed must: (a) be written in English; (b) be denominated in lawful currency of the United States as of the Petition Date; and (c) 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 alleged security interest has been perfected; and (d) be originally executed and mailed or delivered to Omni Management Group at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436 so as to be received by Omni on the General Claims Bar Date (**proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted**).

13. Sexual Abuse Proof of Claims Forms shall be submitted pursuant to the following Confidentiality Protocol:

- (a) Sexual Abuse Victims are directed not to file a Sexual Abuse Proof of Claim Form with the Court. Instead, the original and two (2) copies of each Sexual Abuse Proof of Claim Form must be mailed or delivered to Omni at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436.
- (b) Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Victims will not be available to the general public unless a Sexual Abuse Victim affirmatively indicates his or her desire that the proof of claim be made public in Part 1 of the Sexual Abuse Proof of Claim Form. The Confidentiality Protocol is for the benefit of the Sexual Abuse Victims. Accordingly, Sexual Abuse Victims may elect to make any of the information contained in an Sexual Abuse Proof of Claim Form public, even if they elected to file the Proof of Claim confidentially.
- (c) Sexual Abuse Proof of Claim Forms submitted by a Sexual Abuse Victim shall be held and treated as confidential by the Debtors and Debtors' counsel and upon request to the parties listed below (the "Permitted Parties"), subject to each Permitted Party executing and returning to Debtors' counsel a confidentiality agreement (the "Confidentiality Agreement"), and to such other persons as the Court determines, provided, however, that all parties with access to the Sexual Abuse Proof of Claim Forms shall agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential (unless the Sexual Abuse Victim elects otherwise in Part 1 of the Sexual Abuse Proof of Claim Form).
- (d) The Permitted Parties include:
Counsel for the Official Committee of Unsecured Creditors;
 - (i) Insurance companies that provided insurance that may cover the claims described in the Sexual Abuse Proof of Claim Forms;
 - (ii) Any future claims representative appointed under a plan of reorganization;
 - (iii) Any special arbitrator/claims reviewer appointed to review and resolve the claims of Sexual Abuse Victims;

- (iv) Any settlement trustee appointed to administer payments to Sexual Abuse Victims;
- (v) Authorized representatives of a department of corrections if the Sexual Abuse Victim is incarcerated but only to the extent disclosure is authorized under applicable non-bankruptcy law;
- (vi) Members of the Committee and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse Victim's name, address and any other information identified in Part 2(A) of the Sexual Abuse Proof of Claim Form); and
- (vii) Such other persons as the Court determines should have the information in order to evaluate Sexual Abuse Claims.²

14. Each Sexual Abuse Proof of Claim Form submitted must: (i) be written in English; (ii) be denominated in lawful currency of the United States as of the Petition Date and (iii) be originally executed and received by Omni at the following address: Christian Brothers Institute, c/o Omni Management Group, LLC, 16161 Ventura Boulevard, Suite C, PMB608, Encino, California 91436 on or before the Sexual Abuse Bar Date (**proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted**).

15. At least sixty (60) days prior to the General Bar Date, the Debtors shall serve by United States mail, first-class postage prepaid, the General Creditor Bar Date Notice Package, upon: (a) the Office of the United States Trustee for the Southern District of New York; (b) counsel to the Official Committee of Unsecured Creditors; (c) all entities who have filed a notice of appearance in the Debtors' cases; (d) all entities listed in the Debtors' Schedules; (e) all parties to executory contracts and unexpired leases of the Debtors; (f) all entities that have previously filed proofs of claim in the Debtors' cases; (g) any other entities or their counsel,

² The United States Trustee's Office shall have full access without being required to execute a Confidentiality Agreement.

including governmental units, known to the Debtors as entities who may have claims against the estates; and (h) such additional persons and entities as deemed appropriate by the Debtors.

16. The Debtors shall provide notice of the Sexual Abuse Bar Date by serving, via United States mail, first-class postage prepaid, at least one hundred fifty (150) days prior to the Sexual Abuse Bar Date, the Sexual Abuse Bar Date Notice Package on known Sexual Abuse Victims who:

- (a) Filed, or threatened to file, lawsuits against the Debtors that allege they were abused;
- (b) contacted the Debtors to report that they were victims of abuse, whether or not that individual's claim was considered to be substantiated and whether or not the report was written or verbal;
- (c) entered into a settlement agreement with the Debtors stemming from allegations of abuse; and
- (d) received payment from the Debtors as a result of an allegation of abuse.

17. At least one hundred fifty (150) days prior to the Sexual Abuse Bar Date, to the extent the Debtors are able to obtain alumni directories, the Debtors will also serve the Sexual Abuse Bar Date Notice and the Sexual Abuse Proof of Claim Form on all known alumni of schools or other institutions in which the Debtors are aware that known abusers taught or performed ministry at the addresses set forth in the alumni directories.

18. The Debtors shall provide notice of the Sexual Abuse Bar Date by causing a copy of the Publication to be published as follows in national publications as well as community/local publications for areas in proximity of the schools or institutions where the Debtors' Brothers have taught, performed ministry, or were otherwise affiliated with.

Publication twice (in English) in each of the following publications; the first publication to occur within two weeks of the service of the Sexual Abuse Bar Date Notice Package and the second publication to occur forty-five (45) days

prior to the expiration of the Sexual Abuse Bar Date:

National Publications

New York Times – Nat'l Ed.

USA Today – Nat'l Ed.

Local U.S. Publications

Albany Times Union

Arizona Republic

Asbury Park Press

Bergen Record

Bonita Daily News

Boston Globe

Californian

Chandler Times

Chicago Sun-Times

Contra Costa Times

Hudson Valley Times

Kent Reporter

Los Angeles Times

Madison County Journal

Miami Herald

Montebello Comet

Mountain Eagle

Naples Record

New York Times – NY Metro Ed

Newark Star Ledger

Oakland Press

Ocala Star Banner

Poughkeepsie Journal

Rochester Democrat & Chronicle

San Antonio Express News

Sebree Banner

Star Advertiser

Tampa Tribune

The Bugle

The Herald-News

The Jena Times

The Montana Standard

The Post and Courier

Times Picayune

Vallejo Times Herald

Warwick Beacon

Canadian Publications

Advertiser
Burnaby / New Westminister NewsLeader
Chronicle
Journal de Montreal
Journal de Quebec
Kamloops This Week
St. John's Telegram
The Charter
The Citizen
The Compass
The Daily News
The National Post
The Western Star
Times Colonist
Toronto Star
Vancouver Province
Welland Tribune

19. The Debtors shall provide further notice of the Sexual Abuse Bar Date by taking the following measures:

- (a) Upon entry of this Order, the Debtors shall post component parts of the Sexual Abuse Bar Date Notice Package on the following website:

www.omnimgt.com/sblite/TheChristianBrothers

- (b) The Debtors and the Committee shall maintain a toll free number which may be used by Sexual Abuse to ask questions or obtain copies of the Sexual Abuse Bar Date Notice Package or parts thereof;
- (c) Within one (1) week of the service of the Sexual Abuse Bar Date Notice Package, the Debtors shall mail a copy of the Sexual Abuse Bar Date Notice to the following: (i) the attorney general for each state where a School is located; (ii) the district attorney for each county where a School is located; (iii) the public health agency for each locality where a School is located; (iv) a substance abuse agency in each locality where a School is located; (v) the police department for each locality where a School is located; and (vi) the hospital for each locality where a School is located – and request that each party post such Notice until the expiration of the Sexual Abuse Bar Date;

20. Each request described above shall be on the Debtors' stationery, personally signed by a Christian Brother who is an officer of the Debtors and be in a format approved by the Committee or the Court. The request shall include a statement at the bottom for the recipient to indicate whether it will comply with the request and the request shall include a stamped self-addressed return envelope.

21. For any proof of claim to be validly and properly filed, a signed original together with any accompanying documentation required by Bankruptcy Rules 3001(c) and 3001(d), must be mailed or delivered to Omni at the address identified on the applicable Bar Date Notice so as to be received **no later than 4:00 p.m. (prevailing Eastern Time)** on the applicable Bar Date. Proofs of claim may be submitted in person or by courier service, hand delivery or U.S. mail. Proofs of claim submitted by facsimile or e-mail shall not be accepted. Proofs of claim shall be deemed filed when actually received by Omni by the applicable Bar Date. If a creditor wishes to receive acknowledgement of Omni's receipt of a proof of claim, the creditor also must submit to Omni by the applicable Bar Date and concurrently with submitting its original proof of claim: (i) a copy of the original proof of claim; and (ii) a self-addressed, stamped return envelope.

22. Any person or entity who desires to rely on the Schedules will have the responsibility for determining that the claim is accurately listed in the Schedules.

23. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

24. Entry of this Order is without prejudice to the right of the Debtors to seek a further order of this Court fixing a date by which holders of claims not subject to the applicable Bar Dates established herein must file proofs of claim or be barred from doing so.

25. Nothing contained herein shall constitute a waiver by the Debtors of (a) any defenses in connection with any claims that are asserted against them; or (b) the right to assert that any claims are barred by applicable statutes of limitations.

26. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: White Plains, New York
December ___, 2011

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE