

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

The Diocese of New Ulm,

Debtor.

Case No.: 17-30601
Chapter 11 Case

ORDER (I) APPROVING DISCLOSURE STATEMENT; (II) APPROVING SOLICITATION PACKAGES AND DISTRIBUTION PROCEDURES; (III) APPROVING BALLOT FORMS AND PLAN VOTING PROCEDURES; (IV) FIXING THE VOTING DEADLINE; AND (V) APPROVING PROCEDURES FOR VOTE TABULATION

This case is before the court on the debtor's and committee of unsecured creditor's Motion for an Order (I) Approving Disclosure Statement; (II) Approving Solicitation Packages and Distribution Procedures; (III) Approving Ballot Forms and Plan Voting Procedures; (IV) Fixing the Voting Deadline; and (V) Approving Procedures for Vote Tabulation.

Based on the motion and the file,

1. The motion is granted;
2. The amended disclosure statement dated December 18, 2019, is approved as containing adequate information upon which creditors can vote to accept or reject the plan.
3. The deadline to file objections to the plan is no later than 5:00 p.m. (prevailing Central Time) 20 days prior to the date set for the hearing to consider confirmation of the amended plan dated December 18, 2019.
4. The proposed notice for hearing on confirmation of the plan substantially in the form attached to this order as **Exhibit A** is approved and, when served, shall satisfy the requirements of due process and constitute adequate and sufficient notice of the hearing to consider approval of the plan, the manner in which a copy of the plan or disclosure statement could be

obtained, and the time fixed for filing objections to the plan, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules.

5. The proposed publication notice substantially in the form attached to this order as **Exhibit B** is approved and, when published in accordance with this paragraph, shall satisfy the requirements of due process and constitute adequate and sufficient notice to creditors whose identity is “unknown” to the debtor of the hearing to consider approval of the plan, the manner in which a copy of the plan or disclosure statement could be obtained, and the time fixed for filing objections to the plan, in satisfaction of the requirements of the applicable provisions of the Bankruptcy Code, Bankruptcy Rules, and Local Rules. By January 10, 2020, the debtor and committee shall cause the publication notice to appear once in the following newspapers:

- a. USA Today – National Edition;
- b. National Catholic Reporter (National Catholic Publication);
- c. The National Catholic Register (National Catholic Publication);
- d. Minneapolis Star Tribune;
- e. St. Paul Pioneer Press;
- f. The Minnesota Daily (digital edition);
- g. The Journal (New Ulm);
- h. Duluth News Tribune;
- i. Post-Bulletin (Rochester);
- j. St. Cloud Times;
- k. Winona Daily News;
- l. Crookston Daily News;
- m. The Free Press (Mankato);

- n. Independent (Marshall);
- o. American-News (Montevideo);
- p. West Central Tribune (Willmar); and
- q. Leader (Hutchinson).

The debtor and the committee shall also send the information contained in the publication notice to all of the Minnesota diocesan newspapers, AP Minnesota, WCCO AM, Minnesota Public Radio, KARE TV, KMSP TV, KSTP TV, WCCO TV, and KEYC TV. Additionally, the debtor and the committee shall request that the parishes and pastors publish the publication notice in the weekly bulletin and that the pastors read a letter from the bishop regarding the information contained in the publication notice.

6. The debtor and the committee shall mail, pursuant to Local Rule 3017-1, solicitation packages to each holder of claims in Class 1, Class 2, and Class 4 under the plan, which shall include copies of the confirmation hearing notice, this order, the disclosure statement, the plan, and an applicable ballot.

7. Due to the sensitive nature of the Class 1 and Class 2 claims, the debtor and the committee are authorized to send single copies of the solicitation package to counsel of record, based on the proofs of claims or other pleadings filed in the bankruptcy case, for holders of Class 1 and Class 2 claims.

8. If a holder of a Class 1 or Class 2 claim is not represented by counsel, the debtor and the committee shall mail the solicitation package directly to the holder of the Class 1 or Class 2 claim.

9. The debtor and the committee shall mail, pursuant to Local Rule 3017-1, solicitation packages to parties that are not entitled to vote under the plan, including holders of

claims in Class 3, which shall include copies of the confirmation hearing notice, this order, the disclosure statement, and the plan.

10. The debtor and the committee shall mail the confirmation hearing notice to (a) entities identified on the debtor's schedules as holding unsecured claims in the amount of \$0.00 and for which a proof of claim was not filed identifying a value greater than \$0.00, (b) entities identified on the debtor's schedules for "notice only" or similar designation, and (c) additional parties on the master mailing list that are not entitled to vote on the Plan and are not entitled to otherwise receive a copy of the plan or disclosure statement under Local Rule 3017-1.

11. The debtor and the committee are authorized to make non-substantive changes to the solicitation packages, publication notice, and related documents without further order of the court, including ministerial changes to correct typographical and grammatical errors, and to make conforming changes among the solicitation packages, the disclosure statement, the plan, and any related materials prior to mailing.

12. If a solicitation package or confirmation hearing notice is returned by the United States Postal Service or other carrier as "undeliverable" or "moved – no forwarding address" or otherwise returned, the debtor and the committee are excused from re-mailing an undelivered solicitation package, unless the debtor or committee has been informed in writing of the new address at least five days prior to the deadline to vote on the plan. The debtor's and the committee's inability to mail a solicitation package due to not having a new address does not constitute inadequate notice of the confirmation hearing or the voting deadline and is not a violation of Bankruptcy Rule 3017(d).

13. The form of ballot for Class 1 claims, substantially in the form attached to this order as **Exhibit C**, is approved.

14. The form of ballot for Class 2 claims, substantially in the form attached to this order as **Exhibit D** is approved.

15. The form of ballot for Class 4 claims, substantially in the form attached to this order as **Exhibit E**, is approved.

16. In order to be counted as a vote to accept or reject the plan, each ballot must be properly executed, completed, and received by the clerk of the bankruptcy court (i) by mail in a return envelope provided with each ballot, (ii) by overnight courier, or (iii) by hand delivery, so that the ballot is actually received by the clerk no later than 5:00 p.m. (prevailing Central Time) 20 days prior to the confirmation hearing.

17. The debtor and the committee are not required to provide ballots to the holders of claims in Class 3.

18. No ballots should be sent to the debtor, the debtor's agents, the debtor's financial or legal advisors, the committee, the committee's agents, or the committee's financial or legal advisors and any ballots so received shall not be counted.

19. The Class 1 and Class 2 ballots received by the clerk shall be treated as confidential and will not be available for viewing or copying unless otherwise ordered by the court.

20. The debtor's counsel is authorized to request and receive copies of the completed Class 1 and Class 2 ballots from the clerk. The debtor's counsel shall hold and treat confidential the Class 1 and Class 2 ballots. The debtor's counsel is authorized to make the Class 1 and Class 2 ballots available to all permitted parties that have completed the applicable requirements pursuant to this court's order approving confidentiality procedures [Docket No. 33].

21. Solely for purposes of voting to accept or reject the plan and not for the purpose of allowance of, or distribution on account of, any claim and without prejudice to the rights of the

debtor, the committee, or any other party, each holder of an impaired class of claims entitled to vote to accept or reject the plan pursuant to the terms of the plan shall be allowed in an amount equal to the amount of the claim as set forth in the debtor's schedules, subject to the following exceptions:

a. Class 1 claims, Class 2 claims, and Class 4 claims shall be temporarily allowed in the amount of \$1.00 for each claim solely for voting purposes and not for purposes of allowance or distribution.

b. If a claim is listed in the debtor's schedules as having a value of \$0.00 or for "Notice Purposes Only" and a proof of claim was not (i) filed by the applicable claim filing deadline established by the court or (ii) deemed timely filed by an order of the court prior to the voting deadline, the claim shall be disallowed for voting purposes and for purposes of allowance and distribution pursuant to Fed. R. Bankr. P. 3003(c).

c. If a proof of claim has been filed, the amount listed in the proof of claim shall supersede the scheduled claim amount pursuant to Fed. R. Bankr. P. 3003(c)(4).

d. If the debtor or the committee has served an objection or request for estimation as to a claim at least 10 days before the voting deadline, the claim shall be temporarily disallowed for voting purposes only and not for purposes of allowance or distribution, except as ordered by the court before the voting deadline.

22. The following procedures shall apply with respect to ascertaining the intent of claim holders casting ballots (unless waived by further order of the court):

a. A ballot will be deemed received only when the clerk of the bankruptcy court actually receives the executed ballot.

b. Whenever a claim holder casts more than one ballot voting the same claim or claims before the voting deadline, the last ballot received before the voting deadline will be deemed to reflect the voter's intent and thus supersede any prior ballots.

c. Whenever a claim holder casts a ballot that is properly completed, executed, and timely received by the clerk of the bankruptcy court, but does not indicate either an acceptance or a rejection of the plan, the ballot will not be counted or considered for any purpose in determining if the plan has been accepted or rejected.

d. Whenever a claim holder casts a ballot that is properly completed, executed, and timely received by the clerk of the bankruptcy court, but indicates both an acceptance and a rejection of the plan, the ballot will not be counted or considered for any purpose in determining if the plan has been accepted or rejected.

e. If a ballot (i) is illegible or contains insufficient information to permit the identification of the claim holder, (ii) was cast by a person or entity that does not hold a claim entitled to vote to accept or reject the plan, (iii) is for a claim identified as unliquidated, contingent, or disputed for which no proof of claim was timely filed or motion for temporary allowance was granted, (iv) is unsigned, or (v) was transmitted to the clerk of the bankruptcy court by any means not specifically approved by the bankruptcy court, the ballot will not be counted or considered for any purpose in determining if the plan has been accepted or rejected.

23. Consistent with the requirements of Local Rule 3020-2, the debtor or the committee shall file with the court a ballot report no less than three days before the confirmation hearing. The ballot report shall, among other things, delineate every ballot that does not conform to the voting instructions or that contain any form of irregularity, including without limitation, those ballots that

are late, unidentifiable, lacking signatures, lacking necessary information, or damaged. To the extent the debtor or the committee needs to delineate any Class 1 or Class 2 ballot in the ballot report, the debtor and the committee shall maintain the confidentiality of the Class 1 or Class 2 ballot by identifying the Class 1 or Class 2 ballot solely by the applicable claim number and describing any irregularities or failure to conform with voting instructions without reference to any confidential information.

24. A Class 1 ballot or Class 2 ballot received after the voting deadline or a Class 1 ballot or Class 2 ballot that does not conform to the voting instructions, but in which the releases and certifications are made and signed, shall be effective as to the releases and certifications.

25. Any claimant seeking temporarily allowance of his, her, or its claim in a different amount or purposes of voting to accept or reject the Plan must serve on the debtor's counsel and the committee's counsel and file with the court a motion for an order pursuant to Fed. R. Bankr. P. 3018(a) on or before the 10th day after the later of (a) service of the Solicitation Packages or (b) service of notice of an objection or request for estimation, if any, as to the claimant. Any ballot of a claimant filing such a motion shall not be counted unless the claimant's claim is temporarily allowed by an order entered by the court prior to the voting deadline.

26. Any person signing a Class 1, Class 2, or Class 4 ballot in his, her, or its capacity as a trustee, executor, administrator, guardian, attorney in fact, officer of a corporation, or otherwise acting in a fiduciary or representative capacity of a holder of a claim must indicate such capacity when signing.

27. The debtor and the committee are authorized to contact creditors in an attempt to cure any deficiencies in any ballots received by the clerk of court.

28. The debtor and the committee are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate this order.

Dated: *December 20, 2019*

/e/ Robert J. Kressel
United States Bankruptcy Judge

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

The Diocese of New Ulm,

Debtor.

Case No.: 17-30601
Chapter 11 Case

**NOTICE OF HEARING ON CONFIRMATION OF CHAPTER 11 PLAN OF
REORGANIZATION**

PLEASE TAKE NOTICE OF THE FOLLOWING:

I. CHAPTER 11 CASE.

On March 3, 2017, The Diocese of New Ulm filed a voluntary petition for relief under the Bankruptcy Code in the United States Bankruptcy Court for the District of Minnesota.

II APPROVAL OF DISCLOSURE STATEMENT AND VOTING PROCEDURES.

On December 18, 2019, the Diocese and the Committee of Unsecured Creditors filed the Amended Joint Plan of Reorganization. On December 18, 2019, the plan proponents also filed the Amended Disclosure Statement in Support of Amended Chapter 11 Plan of Reorganization. By order dated December 20, 2019, the Bankruptcy Court approved the adequacy of the disclosure statement.

On December 5, 2019, the plan proponents filed a motion seeking approval of solicitation procedures for the plan confirmation process. By order dated December 20, 2019, the Bankruptcy Court granted the relief sought in the procedures motion.

III. HEARING ON CONFIRMATION.

A hearing to consider confirmation of the plan will be held on **March 10, 2020, at 11:00 a.m.** (Central Time) in **Courtroom 305, Brown County Courthouse, 14 South State Street, New Ulm, Minnesota 56073.**

PLEASE BE ADVISED: THE CONFIRMATION HEARING MAY BE CONTINUED FROM TIME TO TIME BY THE COURT OR THE PLAN PROPONENTS **WITHOUT FURTHER NOTICE** OTHER THAN BY ANNOUNCEMENT IN OPEN COURT OR BY A NOTICE OF CONTINUANCE FILED WITH THE COURT. THE PLAN MAY BE FURTHER MODIFIED, IF NECESSARY, PRIOR TO, DURING, OR AS A RESULT OF THE CONFIRMATION HEARING, WITHOUT FURTHER NOTICE TO PARTIES IN INTEREST, SUBJECT TO CONTRARY ORDER BY THE COURT.

IV. OBJECTIONS TO CONFIRMATION.

The deadline for filing objections to the plan is **February 19, 2020.** All objections to the relief sought at the confirmation hearing must: (a) comply with Rule 3020-1 of the Local Bankruptcy Rules for the District of Minnesota; (b) be

in writing; (c) comply with the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and all other case management rules and orders of the Bankruptcy Court; (d) state the name and address of the responding or objecting party and the nature and amount of the claim against or interests in the estates or property of the Diocese; (e) state with particularity the legal and factual basis for the response or objection and, if practicable, a proposed modification that would resolve the objection; and (e) be filed with the Clerk of the Bankruptcy Court, together with a proof of service, so as to be actually received on or before the plan objection deadline.

ONLY THOSE RESPONSES OR OBJECTIONS THAT ARE TIMELY FILED AND SERVED WILL BE CONSIDERED BY THE BANKRUPTCY COURT. OBJECTIONS NOT TIMELY FILED AND SERVED IN THE MANNER SET FORTH ABOVE WILL NOT BE CONSIDERED AND WILL BE DEEMED OVERRULED.

V. ADDITIONAL COPIES OF THE DISCLOSURE STATEMENT AND PLAN.

Additional copies of the disclosure statement, the plan, the order approving the disclosure statement, and additional related materials may be obtained (a) from the Diocese's website at www.hopehealingandpeace-dnu.org/, (b) by writing to the Diocese's counsel at:

Fredrikson & Byron P.A.
Attn: Shataia Stallings
200 South Sixth Street, Suite 4000
Minneapolis, MN 55401

or the committee's counsel at:

Stinson LLP
Attn: Jess Rehbein
50 South Sixth Street, Suite 2600
Minneapolis, MN 55402

(c) by calling the Diocese's counsel at 612-492-7730 or the committee's counsel at 612-335-1831; (d) by emailing the Diocese's counsel at [sstallings@fredlaw.com](mailto:ssallings@fredlaw.com) or the committee's counsel at jess.rehbein@stinson.com; (e) by accessing the court's electronic case filing system at www.ecf.mnb.uscourts.gov (a PACER login and password are required to access documents on the court's website and can be obtained through the PACER Service Center at www.pacer.psc.uscourts.gov); and (f) by requesting a copy in person from the Clerk of the United States Bankruptcy Court for the District of Minnesota. If the plan proponents or the plan proponents' counsel receive a request for a paper copy of the documents, the plan proponents will send a copy by U.S. Mail to the requesting party at the plan proponents' expense.

If you are a holder of a claim in a class entitled to vote to accept or reject the plan, an applicable ballot will also be included with this confirmation hearing notice. If you are not entitled to vote on the plan, a ballot will not be included with this confirmation hearing notice. If you have questions regarding the procedures for voting on the plan and/or for objecting to the plan you may contact the plan proponents' counsel at the phone number listed above.

PLEASE NOTE: NEITHER THE STAFF AT THE CLERK'S OFFICE NOR THE PLAN PROPONENTS' COUNSEL CAN GIVE YOU LEGAL ADVICE.

VI. ENTITLEMENT TO VOTE ON THE PLAN.

Only holders of claims in **Class 1**, **Class 2**, and **Class 4** are entitled to vote to accept or reject the plan. Holders of unclassified claims and holders of claims and interests in **Class 3** are not entitled to vote on the plan.

VII. VOTING DEADLINE.

All votes to accept or reject the plan must be actually received by the Clerk of the on **February 19, 2020**. All ballots must be properly executed, completed, and received by the Clerk of the Bankruptcy Court by (a) first class mail, (b) overnight courier, or by (c) personal delivery so that the ballots are actually received by the clerk no later than the voting deadline. Any failure to follow the voting instructions may disqualify your ballot and your vote.

VIII. ALLOWANCE OF CLAIMS FOR VOTING PURPOSES.

Solely for the purposes of voting to accept or reject the plan and not for the purpose of allowance of, or distribution on account of, any claim, except as set forth below, and without prejudice to the rights of the Diocese or the committee in any context, each holder of an impaired class of claims entitled to vote to accept or reject the plan shall be allowed in an amount equal to the amount of the claim as set forth in the Diocese's schedules, subject to the following exceptions:

- (a) Class 1 Claims, Class 2 Claims, and Class 4 Claims shall be temporarily allowed in the amount of \$1.00 solely for voting purposes and not for purposes of allowance, distribution, or classification;
- (b) if a proof of claim has been filed, the amount listed in the proof of claim shall supersede the scheduled claim amount; and
- (c) if the plan proponents have served an objection or request for estimation as to a claim at least 10 days before the voting deadline, the claim shall be temporarily disallowed for voting purposes only and not for purposes of allowance or distribution, except as ordered by the court before the voting deadline.

IX. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

Pursuant to Article VII of the plan, the plan proponents seek authority for the Diocese to automatically assume any unassumed executory contracts and unexpired leases as of the Effective Date, pursuant to sections 365 and 1123 of the Bankruptcy Code. The treatment of executory contracts and unexpired leases is more fully described in Article XII of the plan.

X. DISCOVERY.

Unless the parties agree otherwise by written stipulation, Fed. R. Civ. P. 26(a)(1)-(3) and (f) do not apply for the confirmation hearing.

XI. CHANNELING INJUNCTION, SUPPLEMENTAL SETTling INSURER INJUNCTION, AND RELEASES.

Pursuant to Article XIII of the plan, confirmation of the plan will permanently enjoin and bar all claims by any holder of an alleged Survivor Claim against any Settling Insurer and the Protected Parties, including the Diocese and the Parishes, and release the Settling Insurers and the Protected Parties from any further liability relating to (a) any Settling Insurer Policies issued or allegedly issued to the Diocese or the Parishes and (b) Survivor Claims that are asserted, or may be asserted, against the Diocese or the Parishes as part of the Plan. All Survivor Claims, Related Insurance Claims, and Medicare Claims relating to Survivor Claims will be permanently channeled to the Trust created by the Plan, which will solely be responsible for the payment of such Claims.

XII. BINDING NATURE OF THE PLAN.

IF CONFIRMED, THE PLAN SHALL BIND ALL HOLDERS OF CLAIMS AND INTERESTS TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WHETHER OR NOT SUCH HOLDER WILL RECEIVE OR RETAIN ANY PROPERTY OR INTEREST IN PROPERTY UNDER THE PLAN, HAS FILED A PROOF OF CLAIM IN THE BANKRUPTCY CASE, OR FAILED TO VOTE TO ACCEPT OR REJECT THE PLAN OR VOTED TO REJECT THE PLAN.

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EXHIBIT B

United States Bankruptcy Court for the District of Minnesota
in re: Diocese of New Ulm, Case No. 17-30601

The Diocese of New Ulm and the Committee of Creditors have filed a disclosure statement and joint chapter 11 plan of reorganization. The bankruptcy court approved the disclosure statement on **December 20, 2019**. The Plan provides the means for settling and paying all claims related to sexual abuse and misconduct through the formation of a trust that will be funded by contributions from the Diocese, parishes, and settling insurers. **IF YOU HOLD CLAIMS AGAINST THE DIOCESE, PARISHES, OR SETTLING INSURERS, YOUR RIGHTS MAY BE AFFECTED.**

THE PLAN PROVIDES THAT ALL SEXUAL ABUSE CLAIMS AND RELATED CLAIMS AGAINST THE DIOCESE, PARISHES, AND SETTLING INSURERS WILL BE CHANNLED TO THE TRUST, MEANING THAT THE TRUST WILL BE THE SOLE AND EXCLUSIVE SOURCE OF PAYMENT FOR ANY SUCH CLAIMS AGAINST THE DIOCESE, PARISHES, AND SETTLING INSURERS. THE ORDER CONFIRMING THE PLAN WILL PERMANENTLY ENJOIN AND BAR ALL PERSONS AND ENTITIES FROM ASSERTING OR PURSUING ANY CLAIMS, INCLUDING ANY CLAIM RELATED TO SEXUAL ABUSE OR MISCONDUCT, AND INSURANCE COVERAGE FOR SUCH CLAIMS AGAINST THE DIOCESE, PARISHES, AND SETTLING INSURERS AND RELEASING THE DIOCESE, PARISHES, AND SETTLING INSURERS FROM ANY FURTHER LIABILITY RELATING TO SUCH CLAIMS.

The Disclosure Statement, Plan, and additional documents relating to confirmation of the Plan are posted on the Reorganization pages of **www.hopehealingandpeace-dnu.org**. The deadline to object to the Plan is **February 19, 2020**. The hearing on confirmation of the Plan will be held on **March 10, 2020 at 11:00 a.m. at the Brown County Courthouse.**

For diocesan information: **www.hopehealingandpeace-dnu.org**

For U.S. Bankruptcy Court for the District of Minnesota information: **www.mnb.uscourts.gov**

For advice about your rights: **contact an attorney**

EXHIBIT C

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

The Diocese of New Ulm,

Debtor.

Case No.: 17-30601
Chapter 11 Case

**CONFIDENTIAL BALLOT FOR VOTING TO
ACCEPT OR REJECT PLAN OF REORGANIZATION
(CLASS 1 BALLOT)**

The Diocese of New Ulm (the “Diocese”) and the Official Committee of Unsecured Creditors (the “UCC” and, with the Diocese, the “Plan Proponents”) are soliciting votes with respect to their Amended Joint Plan of Reorganization (the “Plan”) as set forth in the Amended Disclosure Statement for the Amended Joint Plan of Reorganization (the “Disclosure Statement”). The Bankruptcy Court has approved the Disclosure Statement. Capitalized terms used but not otherwise defined in this Ballot shall have the meanings ascribed to them in the Plan and Disclosure Statement.

You are receiving this Class 1 Ballot because you are a holder of a Claim in Class 1 as of December 20, 2019 (the “Voting Record Date”). Your rights are described in the Disclosure Statement and the Plan enclosed with this Class 1 Ballot. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Class 1 Claim.

THE PLAN CONTAINS CERTAIN INJUNCTIONS IN FAVOR OF CERTAIN NON-DEBTOR CATHOLIC ENTITIES AND SETTLING INSURERS (“NON-DEBTOR INJUNCTIONS”). CONFIRMATION OF THE PLAN SHALL GRANT THESE NON-DEBTOR INJUNCTIONS, WHICH WILL BAR ANY SURVIVOR CLAIMS AGAINST THE CERTAIN ENTITIES LISTED IN EXHIBITS A AND L OF THE PLAN AND THE SETTLING INSURERS, INCLUDING THOSE LISTED IN EXHIBIT B OF THE PLAN (AS THIS EXHIBIT MAY BE AMENDED FROM TIME TO TIME). IF THE PLAN IS APPROVED, THE ONLY SOURCE OF POTENTIAL RECOVERY FOR SUCH SURVIVOR CLAIMS AGAINST SUCH NON-DEBTOR ENTITIES AND SETTLING INSURERS WILL BE THE TRUST FORMED TO DISBURSE PLAN ASSETS TO SURVIVOR CLAIMANTS.

THIS CLASS I BALLOT HAS TWO PARTS:

PART I IS A BALLOT FOR VOTING TO EITHER ACCEPT OR REJECT THE PLAN.

PART II IS A GENERAL RELEASE AND RELATED CONSENTS AND CERTIFICATION.

ALTHOUGH THE PLAN PROPONENTS ENCOURAGE YOU TO VOTE TO ACCEPT OR REJECT THE PLAN BY COMPLETING AND RETURNING PART I OF THIS BALLOT TO THE BANKRUPTCY COURT, YOU DO NOT NEED TO VOTE TO RECEIVE A DISTRIBUTION PURSUANT TO THE TERMS OF THE PLAN. HOWEVER, YOU MUST COMPLETE, SIGN, AND RETURN PART II OF THIS BALLOT TO RECEIVE A DISTRIBUTION PURSUANT TO THE TERMS OF PLAN.

PLEASE NOTE THAT ALL INFORMATION YOU PROVIDE IN THIS BALLOT WILL BE TREATED AS CONFIDENTIAL PURSUANT TO THE BANKRUPTCY COURT'S ORDER. ONLY PARTIES AUTHORIZED BY THE BANKRUPTCY COURT'S ORDER WILL BE PERMITTED TO REVIEW THE INFORMATION PROVIDED IN THIS BALLOT.

PART I

I. Vote on Plan. The holder of the Class 1 Claim votes to (please check one):

ACCEPT (vote FOR) the Plan REJECT (vote AGAINST) the Plan

II. Certifications. By signing this Class 1 Ballot, the undersigned certifies to the Bankruptcy Court and to the Plan Proponents:

- (a) that, as of the Voting Record Date, either: (i) the undersigned is the holder of the Class 1 Claim or (ii) the undersigned is an individual competent to act with a specific, written power of attorney directing such individual to vote to accept or reject the Plan as directed by such individual claimant provided that a copy of the power of attorney is attached to this Class 1 Ballot;
- (b) that the holder of the Class 1 Claim has received a copy of the Confirmation Hearing Notice, the order approving the Disclosure Statement, the approved Disclosure Statement, and the Plan and acknowledges that this solicitation is being made pursuant to the terms and conditions set forth in the Plan and Disclosure Statement;
- (c) that the undersigned has read and understands, the undersigned's lawyer has read and explained to the undersigned, or the undersigned has voluntarily chosen not to read, the provisions of the Plan; and
- (d) that no other Class 1 Ballots with respect to the Class 1 Claim identified in this Ballot have been cast or, if any other Class 1 Ballots have been cast with respect to such Class 1 Claim, then any such earlier Class 1 Ballots are hereby revoked.

For this Class 1 Ballot to be valid, the following information must be provided:

Name of Holder: _____
Proof of Claim No. (if known): _____
John/Jane Doe No. (if known) _____
Signature: _____
Address: _____

Telephone Phone (optional): _____
Email (optional): _____
Date Completed: _____

PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL, OVERNIGHT COURIER, OR HAND DELIVERY TO:

**CLERK OF COURT
U.S. BANKRUPTCY COURT DISTRICT OF MINNESOTA
200 WARREN E. BURGER FEDERAL BUILDING AND UNITED STATES
COURTHOUSE
316 NORTH ROBERT STREET
ST. PAUL, MN 55105
ATTN: JENNIFER**

IF THE CLERK OF THE BANKRUPTCY COURT DOES NOT ACTUALLY RECEIVE THIS CLASS 1 BALLOT ON OR BEFORE FEBRUARY 19, 2020, AT 5:00 P.M. (PREVAILING CENTRAL TIME), YOUR VOTE WILL NOT BE COUNTED.

PART II

**TO BE ENTITLED TO RECEIVE ANY COMPENSATION UNDER THE PLAN,
YOU MUST EXECUTE AND DELIVER THIS RELEASE.**

1. All capitalized terms in this Release are defined in the Plan and have the meanings stated in the Plan.
2. In consideration of the Trust's promise to make me a distribution, the amount payable to me under the Survivor Claim Distribution Plan, and other valuable consideration, I, for myself and my heirs, successors, assigns, agents, and representatives:
 - a. Hereby fully, finally, and completely release, remise, acquit, and forever discharge the Settling Insurers with respect to the Settling Insurer Policies and the Diocese and the Parishes, with respect to their portion or share of liability for my damages or Claims, from any and all past, present, and future Claims that, directly or indirectly, arise out of, relate to, or are connected with the i) Survivor Claims; ii) Related Insurance Claims; iii) the Settling Insurer Policies; and iv) all Claims that, directly or indirectly, arise from, relate to, or are connected with the Chapter 11 Case.
 - b. Hereby covenant (i) not to sue or seek recovery or relief of any kind from the Protected Parties or Settling Insurers in connection with any and all past, present, and future Claims that, directly or indirectly, arise out of, relate to, or are connected with the Survivor Claims, Related Insurance Claims, the Settling Insurer Policies, or the Chapter 11 Case; (ii) to forever and irrevocably discharge that fraction, portion or percentage of damages I claim to have suffered in connection with any Abuse which is by trial or other disposition determined to be the causal fault or responsibility, if any, of any Protected Party; (iii) to voluntarily reduce any judgment that I may ever obtain against any Person relating to the same Abuse at issue in the Survivor Claims or other claims of abuse or neglect in an amount reflecting that fraction, portion or percentage of damage or injury that I suffered due to the causal fault or responsibility, if any, of any Protected Party; (iv) that filing of this Release with any court by any Protected Party shall satisfy that fraction, portion or percentage of any judgment that may be rendered in my favor attributable to any Protected Party's causal fault or responsibility relating to the Abuse at issue in the Survivor Claims; (v) that I will not seek a reallocation of the causal fault or causal responsibility of any Protected Party to any other Person, whether assessed by reason of judgment or settlement relating to the Abuse at issue in the Survivor Claims; and (vi) this Release extinguishes any potential liability of any Protected Party or Settling Insurer for contribution or indemnity to any Person who has been or may be held liable to me for any Survivor Claim.
3. I have been provided with copies of the Disclosure Statement, the Plan, and the exhibits thereto and have been given an opportunity to review such documents and to consult with counsel of my choice regarding those documents and this Release.

4. I expressly reserve and retain my rights to recover from any Person for liability for any Abuse except as provided in this Release and do not intend that payment by the Trust constitutes full compensation for the damage alleged in my Survivor Claim(s).
5. I intend the foregoing undertakings to comply with the principles set forth in *Pierringer v. Hoger*, 124 N.W.2d 106 (Wis. 1963) and *Frey v. Snelgrove*, 269 N.W.2d 918 (Minn. 1978).
6. I understand and agree that any payment by the Trust to me does not constitute an admission of liability of any kind or nature by the Trust, any Settling Insurer, or any Protected Party.
7. I consent to, and agree to be bound by, the injunctions set forth in the Plan, including those injunctions contained in Article XIII for the benefit of the Settling Insurers and Protected Parties. I also approve of the Insurance Settlement Agreements referenced in and incorporated into the Plan.
8. I understand that payment from the Trust constitutes damages on account of personal physical injuries or sickness arising from an occurrence within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.
9. I represent and warrant that I have not assigned or otherwise transferred any interest in my Survivor Claim(s).
10. I hereby authorize the Center for Medicare & Medicaid Services (“CMS”), its agents and/or contractors to release, upon request, information related to my injury/illness and/or settlement since my date of birth to the Trust and/or its agents. I understand that I may revoke this “consent to release information” at any time, in writing. I consent to the release of information relating to my lifetime Medicare entitlement from the Social Security Administration and CMS to the Trustee and all other professionals retained by the Trust, and further authorize the Trustee and other Trust professionals to execute on my behalf any requests, including consents for release of information, for information relating to my Medicare entitlement and any obligations owing or potentially owing under the Medicare Secondary Payer Statute relating to my Survivor Claim(s), from the Social Security Administration and CMS. I affirm that I am the individual to whom the requested information or record applies or the authorized representative of the individual’s estate. I declare under penalty of perjury (28 CFR § 16.41(d)(2004)) that I have examined all the information on this form and it is true and correct to the best of my knowledge. I understand that anyone who knowingly or willfully seeks or obtains access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

11. This Release shall be binding upon my successors, heirs, assigns, agents, and representatives.

TO BE COMPLETED BY SURVIVOR CLAIMANT OR AUTHORIZED REPRESENTATIVE OF SURVIVOR CLAIMANT'S ESTATE:

DATED: _____, 2020

Name of Holder: _____

Proof of Claim No. (if known): _____

John/Jane Doe No. (if known) _____

Signature: _____

Address: _____

Telephone Phone (optional): _____

Email (optional): _____

EXHIBIT D

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA

In re:

The Diocese of New Ulm,

Debtor.

Case No.: 17-30601
Chapter 11 Case

**CONFIDENTIAL BALLOT FOR VOTING TO
ACCEPT OR REJECT PLAN OF REORGANIZATION
(CLASS 2 BALLOT)**

The Diocese of New Ulm (the “Diocese”) and the Official Committee of Unsecured Creditors (the “UCC” and, with the Diocese, the “Plan Proponents”) are soliciting votes with respect to their Amended Joint Plan of Reorganization (the “Plan”) as set forth in the Amended Disclosure Statement for the Amended Joint Plan of Reorganization (the “Disclosure Statement”). The Bankruptcy Court has approved the Disclosure Statement. Capitalized terms used but not otherwise defined in this Ballot shall have the meanings ascribed to them in the Plan and Disclosure Statement.

You are receiving this Class 2 Ballot because you are a holder of a Claim in Class 2 as of December 20, 2019 (the “Voting Record Date”). Your rights are described in the Disclosure Statement and the Plan enclosed with this Class 2 Ballot. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Class 2 Claim.

THE PLAN CONTAINS CERTAIN INJUNCTIONS IN FAVOR OF CERTAIN NON-DEBTOR CATHOLIC ENTITIES AND SETTLING INSURERS (“NON-DEBTOR INJUNCTIONS”). CONFIRMATION OF THE PLAN SHALL GRANT THESE NON-DEBTOR INJUNCTIONS, WHICH WILL BAR ANY SURVIVOR CLAIMS AGAINST THE CERTAIN ENTITIES LISTED IN EXHIBITS A AND L OF THE PLAN AND THE SETTLING INSURERS, INCLUDING THOSE LISTED IN EXHIBIT B OF THE PLAN (AS THIS EXHIBIT MAY BE AMENDED FROM TIME TO TIME). IF THE PLAN IS APPROVED, THE ONLY SOURCE OF POTENTIAL RECOVERY FOR SUCH SURVIVOR CLAIMS AGAINST SUCH NON-DEBTOR ENTITIES AND SETTLING INSURERS WILL BE THE TRUST FORMED TO DISBURSE PLAN ASSETS TO SURVIVOR CLAIMANTS.

THIS CLASS 2 BALLOT HAS TWO PARTS:

PART I IS A BALLOT FOR VOTING TO EITHER ACCEPT OR REJECT THE PLAN.

PART II IS A GENERAL RELEASE AND RELATED CONSENTS AND CERTIFICATION.

ALTHOUGH THE PLAN PROPONENTS ENCOURAGE YOU TO VOTE TO ACCEPT OR REJECT THE PLAN BY COMPLETING AND RETURNING PART I OF THIS BALLOT TO THE BANKRUPTCY COURT, YOU DO NOT NEED TO VOTE TO RECEIVE A DISTRIBUTION PURSUANT TO THE TERMS OF THE PLAN. HOWEVER, YOU MUST COMPLETE, SIGN, AND RETURN PART II OF THIS BALLOT TO RECEIVE A DISTRIBUTION PURSUANT TO THE TERMS OF PLAN.

PLEASE NOTE THAT ALL INFORMATION YOU PROVIDE IN THIS BALLOT WILL BE TREATED AS CONFIDENTIAL PURSUANT TO THE BANKRUPTCY COURT'S ORDER. ONLY PARTIES AUTHORIZED BY THE BANKRUPTCY COURT'S ORDER WILL BE PERMITTED TO REVIEW THE INFORMATION PROVIDED IN THIS BALLOT.

PART I

I. Vote on Plan. The holder of the Class 2 Claim votes to (please check one):

ACCEPT (vote FOR) the Plan REJECT (vote AGAINST) the Plan

II. Certifications. By signing this Class 2 Ballot, the undersigned certifies to the Bankruptcy Court and to the Plan Proponents:

- (a) that, as of the Voting Record Date, either: (i) the undersigned is the holder of the Class 2 Claim or (ii) the undersigned is an individual competent to act with a specific, written power of attorney directing such individual to vote to accept or reject the Plan as directed by such individual claimant provided that a copy of the power of attorney is attached to this Class 2 Ballot;
- (b) that the holder of the Class 2 Claim has received a copy of the Confirmation Hearing Notice, the order approving the Disclosure Statement, the approved Disclosure Statement, and the Plan and acknowledges that this solicitation is being made pursuant to the terms and conditions set forth in the Plan and Disclosure Statement;
- (c) that the undersigned has read and understands, the undersigned's lawyer has read and explained to the undersigned, or the undersigned has voluntarily chosen not to read, the provisions of the Plan; and
- (d) that no other Class 2 Ballots with respect to the Class 2 Claim identified in this Ballot have been cast or, if any other Class 2 Ballots have been cast with respect to such Class 2 Claim, then any such earlier Class 2 Ballots are hereby revoked.

For this Class 2 Ballot to be valid, the following information must be provided:

Name of Holder: _____
Proof of Claim No. (if known): _____
John/Jane Doe No. (if known) _____
Signature: _____
Address: _____

Telephone Phone (optional): _____
Email (optional): _____
Date Completed: _____

PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL, OVERNIGHT COURIER, OR HAND DELIVERY TO:

**CLERK OF COURT
U.S. BANKRUPTCY COURT DISTRICT OF MINNESOTA
200 WARREN E. BURGER FEDERAL BUILDING AND UNITED STATES
COURTHOUSE
316 NORTH ROBERT STREET
ST. PAUL, MN 55105
ATTN: JENNIFER**

IF THE CLERK OF THE BANKRUPTCY COURT DOES NOT ACTUALLY RECEIVE THIS CLASS 2 BALLOT ON OR BEFORE FEBRUARY 19, 2020, AT 5:00 P.M. (PREVAILING CENTRAL TIME), YOUR VOTE WILL NOT BE COUNTED.

PART II

**TO BE ENTITLED TO RECEIVE ANY COMPENSATION UNDER THE PLAN,
YOU MUST EXECUTE AND DELIVER THIS RELEASE.**

1. All capitalized terms in this Release are defined in the Plan and have the meanings stated in the Plan.
2. In consideration of the Trust's promise to make me a distribution, the amount payable to me under the Survivor Claim Distribution Plan, and other valuable consideration, I, for myself and my heirs, successors, assigns, agents, and representatives:
 - a. Hereby fully, finally, and completely release, remise, acquit, and forever discharge the Settling Insurers with respect to the Settling Insurer Policies and the Diocese and the Parishes, with respect to their portion or share of liability for my damages or Claims, from any and all past, present, and future Claims that, directly or indirectly, arise out of, relate to, or are connected with the i) Survivor Claims; ii) Related Insurance Claims; iii) the Settling Insurer Policies; and iv) all Claims that, directly or indirectly, arise from, relate to, or are connected with the Chapter 11 Case.
 - b. Hereby covenant (i) not to sue or seek recovery or relief of any kind from the Protected Parties or Settling Insurers in connection with any and all past, present, and future Claims that, directly or indirectly, arise out of, relate to, or are connected with the Survivor Claims, Related Insurance Claims, the Settling Insurer Policies, or the Chapter 11 Case; (ii) to forever and irrevocably discharge that fraction, portion or percentage of damages I claim to have suffered in connection with any Abuse which is by trial or other disposition determined to be the causal fault or responsibility, if any, of any Protected Party; (iii) to voluntarily reduce any judgment that I may ever obtain against any Person relating to the same Abuse at issue in the Survivor Claims or other claims of abuse or neglect in an amount reflecting that fraction, portion or percentage of damage or injury that I suffered due to the causal fault or responsibility, if any, of any Protected Party; (iv) that filing of this Release with any court by any Protected Party shall satisfy that fraction, portion or percentage of any judgment that may be rendered in my favor attributable to any Protected Party's causal fault or responsibility relating to the Abuse at issue in the Survivor Claims; (v) that I will not seek a reallocation of the causal fault or causal responsibility of any Protected Party to any other Person, whether assessed by reason of judgment or settlement relating to the Abuse at issue in the Survivor Claims; and (vi) this Release extinguishes any potential liability of any Protected Party or Settling Insurer for contribution or indemnity to any Person who has been or may be held liable to me for any Survivor Claim.
3. I have been provided with copies of the Disclosure Statement, the Plan, and the exhibits thereto and have been given an opportunity to review such documents and to consult with counsel of my choice regarding those documents and this Release.

4. I expressly reserve and retain my rights to recover from any Person for liability for any Abuse except as provided in this Release and do not intend that payment by the Trust constitutes full compensation for the damage alleged in my Survivor Claim(s).
5. I intend the foregoing undertakings to comply with the principles set forth in *Pierringer v. Hoger*, 124 N.W.2d 106 (Wis. 1963) and *Frey v. Snelgrove*, 269 N.W.2d 918 (Minn. 1978).
6. I understand and agree that any payment by the Trust to me does not constitute an admission of liability of any kind or nature by the Trust, any Settling Insurer, or any Protected Party.
7. I consent to, and agree to be bound by, the injunctions set forth in the Plan, including those injunctions contained in Article XIII for the benefit of the Settling Insurers and Protected Parties. I also approve of the Insurance Settlement Agreements referenced in and incorporated into the Plan.
8. I understand that payment from the Trust constitutes damages on account of personal physical injuries or sickness arising from an occurrence within the meaning of Section 104(a)(2) of the Internal Revenue Code of 1986, as amended.
9. I represent and warrant that I have not assigned or otherwise transferred any interest in my Survivor Claim(s).
10. I hereby authorize the Center for Medicare & Medicaid Services (“CMS”), its agents and/or contractors to release, upon request, information related to my injury/illness and/or settlement since my date of birth to the Trust and/or its agents. I understand that I may revoke this “consent to release information” at any time, in writing. I consent to the release of information relating to my lifetime Medicare entitlement from the Social Security Administration and CMS to the Trustee and all other professionals retained by the Trust, and further authorize the Trustee and other Trust professionals to execute on my behalf any requests, including consents for release of information, for information relating to my Medicare entitlement and any obligations owing or potentially owing under the Medicare Secondary Payer Statute relating to my Survivor Claim(s), from the Social Security Administration and CMS. I affirm that I am the individual to whom the requested information or record applies or the authorized representative of the individual’s estate. I declare under penalty of perjury (28 CFR § 16.41(d)(2004)) that I have examined all the information on this form and it is true and correct to the best of my knowledge. I understand that anyone who knowingly or willfully seeks or obtains access to records about another person under false pretenses is punishable by a fine of up to \$5,000.

11. This Release shall be binding upon my successors, heirs, assigns, agents, and representatives.

TO BE COMPLETED BY SURVIVOR CLAIMANT OR AUTHORIZED REPRESENTATIVE OF SURVIVOR CLAIMANT'S ESTATE:

DATED: _____, 2020

Name of Holder: _____

Proof of Claim No. (if known): _____

John/Jane Doe No. (if known) _____

Signature: _____

Address: _____

Telephone Phone (optional): _____

Email (optional): _____

EXHIBIT E

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In re:

The Diocese of New Ulm,

Debtor.

Case No.: 17-30601
Chapter 11 Case

**BALLOT FOR VOTING TO ACCEPT OR REJECT PLAN OF REORGANIZATION
(CLASS 4 BALLOT)**

The Diocese of New Ulm (the “Diocese”) and the Official Committee of Unsecured Creditors (the “UCC” and, together with the Diocese, the “Plan Proponents”) are soliciting votes with respect to the Amended Joint Plan of Reorganization (the “Plan”) as set forth in the Amended Disclosure Statement for the Amended Joint Plan of Reorganization (the “Disclosure Statement”). The Bankruptcy Court has approved the Disclosure Statement. Capitalized terms used but not otherwise defined in this Ballot shall have the meanings ascribed to them in the Plan and Disclosure Statement.

You are receiving this Class 4 Ballot because you are a holder of a Claim in Class 4 as of December 20, 2019 (the “Voting Record Date”). Your rights are described in the Disclosure Statement and the Plan enclosed with this Class 4 Ballot. You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and the Plan’s classification and treatment of your Class 4 Claim.

I. Vote on Plan. The undersigned holder of a Class 4 Claim votes to (please check one):

ACCEPT (vote FOR) the Plan REJECT (vote AGAINST) the Plan

II. Certifications. By signing this Class 4 Ballot, the undersigned certifies to the Bankruptcy Court and to the Diocese:

- (a) that, as of the Voting Record Date, either: (i) the undersigned is the holder of the Class 4 Claim or (ii) the undersigned is an authorized signatory for the holder of the Class 4 Claim being voted;
- (b) that the holder of the Class 4 Claim has received a copy of the Confirmation Hearing Notice, the order approving the Disclosure Statement, the approved Disclosure Statement, and the Plan and acknowledges that this solicitation is being made pursuant to the terms and conditions set forth in the Plan and Disclosure Statement;
- (c) that the undersigned has read and understands, the undersigned’s lawyer has read and explained to the undersigned, or the undersigned has voluntarily chosen not to read, the provisions of the Plan; and

- (d) that no other Class 4 Ballots with respect to the Class 4 Claim identified in this Ballot has been cast or, if any other Class 4 Ballots have been cast with respect to such Class 4 Claim, then any such earlier Class 4 Ballots are hereby revoked.

For this Class 4 Ballot to be valid, the following information must be provided:

Name of Holder: _____

Signature: _____

Name of Signatory: _____

Title: _____

Address: _____

Telephone Phone (optional): _____

Email (optional): _____

Date Completed: _____

PLEASE COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT (WITH AN ORIGINAL SIGNATURE) PROMPTLY VIA FIRST CLASS MAIL, OVERNIGHT COURIER, OR HAND DELIVERY TO:

**CLERK OF COURT
U.S. BANKRUPTCY COURT DISTRICT OF MINNESOTA
200 WARREN E. BURGER FEDERAL BUILDING AND UNITED STATES
COURTHOUSE
316 NORTH ROBERT STREET
ST. PAUL, MN 55105
ATTN: JENNIFER**

IF THE CLERK OF THE BANKRUPTCY COURT DOES NOT ACTUALLY RECEIVE THIS CLASS 4 BALLOT ON OR BEFORE FEBRUARY 19, 2020, AT 5:00 P.M. (PREVAILING CENTRAL TIME), YOUR VOTE WILL NOT BE COUNTED.