

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

USA GYMNASTICS,

Debtor.

Chapter 11

Case No. 18-09108-RLM-11

NOTICE OF BAR DATE FOR FILING SEXUAL ABUSE CLAIMS

TO SEXUAL ABUSE SURVIVORS WITH CLAIMS AGAINST USA GYMNASTICS:

PLEASE TAKE NOTICE that on December 5, 2018 (the “**Petition Date**”) USA Gymnastics, debtor and debtor in possession in the above-captioned case (the “**Debtor**”), filed a voluntary petition 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 Indiana (the “**Court**”). The Debtor, its address, case number, proof of claim forms, and other relevant information related to this chapter 11 case may be obtained at: <https://omnimgt.com/usagymnastics>.

PLEASE TAKE FURTHER NOTICE that on February 25, 2019, the Court entered an order (the “**Bar Date Order**”) establishing certain claims bar dates in the Debtor’s chapter 11 case. By the Bar Date Order, the Court established **April 29, 2019 at 4:00 p.m. (prevailing Eastern Time)**, as the date by which Sexual Abuse Claims must be filed the (“**Sexual Abuse Claims Bar Date**”). The Bar Date Order requires that Survivors holding pre-petition claims arising from sexual abuse for which they believe the Debtor may be liable must file proofs of claim with Omni Management Group, the Court-appointed claims and noticing agent in this case (the “**Claims Agent**”), so that their proofs of claim are received by the Claims Agent on or before the Sexual Abuse Claims Bar Date. Please note that relevant terms, including “Survivor,” “Claim,” and “Sexual Abuse Claim” are defined below.

PLEASE TAKE FURTHER NOTICE that for your convenience, enclosed with this notice is a proof of claim form (the “**Sexual Abuse Proof of Claim Form**”). Sexual Abuse Claims must be submitted on the Sexual Abuse Proof of Claim Form. If this notice does not include a Sexual Abuse Proof of Claim Form, a copy may be obtained from the Claims Agent at: <https://omnimgt.com/usagymnastics/sexualabuseclaims>.

PLEASE TAKE FURTHER NOTICE that if you have a pre-petition claim against the Debtor for anything other than a Sexual Abuse Claim, you must file a separate proof of claim asserting that claim. Tort claims that do not arise from sexual abuse (*e.g.*, emotional abuse or non-sexual physical abuse) must not be filed using the Sexual Abuse Proof of Claim Form. Information regarding the General Bar Date and proof of claim forms are available at: <https://omnimgt.com/usagymnastics>.

PLEASE TAKE FURTHER NOTICE that a Survivor should consult an attorney if the Survivor has any questions, including whether such Survivor must file a Sexual Abuse Claim.

A Survivor may also obtain information, but not legal advice, from the Claims Agent by calling 1-888-682-0360 or visiting: <https://omnimgt.com/usagymnastics/sexualabuseclaims>.

KEY DEFINITIONS

- As used in this Notice, the term “**Survivor**” shall mean any person holding a pre-petition claim arising from sexual abuse for which the individual believes that the Debtor may be liable.
- As used in this Notice, the term “**Claim**” shall mean, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.
- As used in this Notice, the term “**Sexual Abuse Claim,**” shall mean a Claim regarding any and all acts or omissions that the Debtor may be legally responsible for that arise out of, are based upon, or involve sexual conduct or misconduct, sexual abuse or molestation, sexual exploitation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually related psychological or emotional harm, humiliation, anguish, shock, sickness, disease, disability, dysfunction, or intimidation, or any other sexual misconduct or injury, or contacts or interactions of a sexual nature between an adult or child and a medical professional, coach, trainer, therapist, volunteer, or other authority figure affiliated with the Debtor, or any current or former employee or volunteer of the Debtor, or any other person for whose acts or failures the Debtor is or was allegedly responsible, or the alleged failure by the Debtor or its agents, employees, or volunteers to report the same. An adult or child may have been sexually abused whether or not this activity involved explicit force, whether or not this activity involved genital or other physical contact, and whether or not there was physical, psychological, or emotional harm to the adult or child.

THE SEXUAL ABUSE CLAIMS BAR DATE

The Bar Date Order establishes the following bar date for filing Sexual Abuse Claims in this case:

- **Sexual Abuse Claims Bar Date.** Pursuant to the Bar Date Order, all Survivors must submit Proofs of Claim asserting Sexual Abuse Claims that arose on or before the Petition Date against USAG in this chapter 11 case by **April 29, 2019 at 4:00 p.m. (prevailing Eastern time)**.

WHO MUST SUBMIT A PROOF OF CLAIM

The Bar Date Order provides that all Survivors holding Sexual Abuse Claims, including, without limitation, the following, must file Proofs of Claim on or before the Sexual Abuse Claims Bar Date:

- Any Survivor who believes that he or she has a Sexual Abuse Claim, including but not limited to Survivors who have previously filed lawsuits or asserted claims against the

Debtor, and Survivors who have never filed a lawsuit, asserted a claim against the Debtor, entered into a settlement, or reported their abuse;

- Any Survivor who previously filed a Sexual Abuse Claim on a standard proof of claim form (e.g., Official Form 410), because they must re-file that Claim and utilize the Sexual Abuse Proof of Claim Form; and,
- Any Survivors who were paid pursuant to settlement agreements with the Debtor but who believe they have additional claims against the Debtor beyond what was agreed to in the applicable settlement agreement.

PROCEDURES FOR FILING PROOFS OF CLAIM

The Debtor is enclosing a Sexual Abuse Proof of Claim Form for use in this case. **This Sexual Abuse Proof of Claim Form must be used in order for a Sexual Abuse Claim to be properly filed.**

Your Sexual Abuse Proof of Claim Form must not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials) or a financial account number (only the last four digits of such financial account).

Additional Sexual Abuse Proof of Claim Forms may be obtained by contacting the Claims Agent, by calling 1-888-682-0360 and/or visiting the Claims Agent's website at: <https://omnimgt.com/usagymnastics/sexualabuseclaims>.

The Bar Date Order provides that the following procedures for the submission of Sexual Abuse Claims against the Debtor in this chapter 11 case shall apply:

- Each Sexual Abuse Proof of Claim Form, including any supporting documentation, must be submitted so as to actually be received by the Claims Agent on or before the Sexual Abuse Claims Bar Date by: (a) the interface available on the Claims Agent's website at <https://omnimgt.com/usagymnastics/sexualabuseclaims>; or (b) first-class U.S. Mail, overnight mail, or hand-delivery at the following address: USA Gymnastics Sexual Abuse Claims Processing, c/o Omni Management Group, 5955 DeSoto Avenue, Suite 100, Woodland Hills, California 91367;
- **SEXUAL ABUSE PROOF OF CLAIM FORMS SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED AND WILL NOT BE DEEMED TIMELY SUBMITTED;**
- Each Sexual Abuse Proof of Claim Form must: (i) be written in English; (ii) conform substantially with the Sexual Abuse Proof of Claim Form provided by the Debtor; and (iii) be signed or electronically transmitted by the Survivor asserting the Sexual Abuse Claim or by an authorized agent or legal representative of the Survivor;
- Survivors who submit a Sexual Abuse Proof of Claim Form by mail and who wish to receive proof of receipt thereof must include an additional copy of their Sexual Abuse Proof of Claim Form and a self-addressed, stamped envelope.

The Bar Order further provides that a Confidentiality Protocol shall govern the submission of the Sexual Abuse Claims:

- Survivors are directed not to file a Sexual Abuse Proof of Claim Form with the Court. Instead, the Sexual Abuse Proof of Claim Form must be: (a) submitted electronically using the interface available on the Claims Agent's website at <https://omningt.com/usagymnastics/sexualabuseclaims>; or (b) mailed or delivered to the Claims Agent at the following address: USA Gymnastics Sexual Abuse Claims Processing, c/o Omni Management Group, 5955 DeSoto Avenue, Suite 100, Woodland Hills, California 91367;
- Submitted Sexual Abuse Proof of Claim Forms will not be available to the general public unless the Survivor designates otherwise on the Sexual Abuse Proof of Claim Form. The Confidentiality Protocol is for the benefit of the Survivors. Accordingly, Survivors may elect to make any of the information contained in a submitted Sexual Abuse Proof of Claim Form public.
- Sexual Abuse Proof of Claim Forms submitted by Survivors shall be held and treated as confidential by the Claims Agent, the Debtor, and the Debtor's counsel and upon request by the parties listed below (the "**Permitted Parties**"), subject to each Permitted Party, the Debtor, and its professionals executing and returning to the Debtor's counsel (with a copy to counsel to the Sexual Abuse Survivors' Committee) a confidentiality agreement (the "**Confidentiality Agreement**") by which they agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential.

The Bar Date Order further provides that the Permitted Parties under the Confidentiality Protocol include:¹

- counsel to the Debtor retained pursuant to an order of the Bankruptcy Court;
- officers, directors, and employees of the Debtor necessary to assist the Debtor and its counsel in reviewing and analyzing the Sexual Abuse Claims;
- the Claims Agent;
- counsel for the Sexual Abuse Survivors' Committee;
- members of the Sexual Abuse Survivors' Committee and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Survivor's name, address, any other personally identifying information, responses to Question V.7(a), and the signature block);

¹ With the exception of counsel the Debtor retained pursuant to order of this Court, counsel to the Sexual Abuse Survivors' Committee, the United States Trustee's attorneys, and the Claims Agent, each Permitted Party receiving access to the Sexual Abuse Proof of Claim Forms (or any information aggregated or derived therefrom) must execute the Confidentiality Agreement.

- the United States Trustee;
- insurance companies (including their successors) that provided insurance that may cover the claims described in the Sexual Abuse Proof of Claim Forms, including authorized claim administrators of such insurance companies and their reinsurers and attorneys;
- any future or unknown claims representative;
- any special arbitrator, mediator, or claims reviewer appointed to review and resolve the claims of Survivors;
- any trustee, or functional equivalent thereof, appointed to administer payments to Survivors;
- any person with the express written consent of the Debtor and the Sexual Abuse Survivors' Committee upon seven (7) business days' notice to Sexual Abuse Claimants; and,
- such other persons as the Court determines should have the information in order to evaluate Sexual Abuse Claims upon seven (7) business days' notice to Sexual Abuse Claimants.

RESERVATION OF RIGHTS

Nothing contained in this Notice is intended, or should be construed, as a waiver of the Debtor's right to object to any claim or proof of claim on any ground, including, but not limited to, the passing of the applicable statutes of limitations. The Debtor reserves its 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.

CONSEQUENCES OF FAILURE TO TIMELY SUBMIT A PROOF OF CLAIM

ANY SURVIVOR THAT IS REQUIRED BUT FAILS, TO SUBMIT A PROOF OF CLAIM IN ACCORDANCE WITH THE BAR DATE ORDER ON OR BEFORE THE SEXUAL ABUSE CLAIMS BAR DATE WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH SEXUAL ABUSE CLAIM AGAINST THE DEBTOR, AND THE DEBTOR AND ITS PROPERTY WILL BE FOREVER DISCHARGED FROM ANY AND ALL INDEBTEDNESS OR LIABILITY WITH RESPECT TO OR ARISING FROM THAT SEXUAL ABUSE CLAIM. MOREOVER, SUCH SURVIVOR WILL BE PROHIBITED FROM (A) VOTING ON ANY CHAPTER 11 PLAN FILED IN THIS CHAPTER 11 CASE ON ACCOUNT OF SUCH SEXUAL ABUSE CLAIM, AND (B) PARTICIPATING IN ANY DISTRIBUTION IN THIS CHAPTER 11 CASE ON ACCOUNT OF SUCH SEXUAL ABUSE CLAIM.

Dated: February 25, 2019

JENNER & BLOCK LLP

By: /s/ Catherine L. Steege

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