

Question: Are creditors [meaning Survivors] going to be able to get the records relating to sex abuse claims in the bankruptcy case?

Todd Brown: “It doesn’t operate the way discovery does in normal litigation. There would be opportunities to obtain information and, again, you would have different parties who would be working together to manage how that would function.”

He points to the Enron case in which an independent bankruptcy examiner managed the detailed examination of exactly what happened in that case. The report was thorough, independent and was well received and “... helped, I think, everyone come together and move past the disputes about who was doing what and where money was going.”

Question: How do sex abuse victim claims get resolved?

Todd Brown: [answers throughout this segment]

There are a variety of ways it could go. It really depends on what the parties and interests decide is going to be the best route. You could have some resolution system set up; you could have settlement criteria established, negotiated, streamlined to determine who’s entitled to what; or you could have individual settlements in the course of the case [as examples].

One thing you have to do is come to an agreement on what would be sufficient for someone to prove their claim. The difficulty is often the actions that led to the injury are decades old. Some of the witnesses, some of the people who can speak to them are no longer with us. Some of the files are no longer in existence. And so it makes it difficult to prove a claim through ordinary litigation process. But what you can do is come to some kind of an agreement about what kind of representations have to be made and what kind of evidence is going to be sufficient to sign off on a particular claim. Because you have different parties who are working together to resolve the matter, representatives of plaintiffs have an opportunity to determine standards so we can move forward and actually heal in this process.