

**AGREEMENT TO CONDUCT A
SUPPLEMENTAL REVIEW BY SPECIAL MASTER**

THIS AGREEMENT is entered into this 15th day of June, 2020, by and between the following Parties: Colorado Attorney General Phil Weiser (the “Attorney General”); the Archdiocese of Denver, the Diocese of Colorado Springs, and the Diocese of Pueblo (collectively the “Colorado Dioceses”); and Robert Troyer, the Special Master¹ (the “Special Master”).

RECITALS

The Parties entered into an Agreement to Conduct an Independent Review on February 15, 2019 (“Original Agreement”), attached as Exhibit A. Pursuant to the terms of the Original Agreement, the Special Master’s detailed examination of the Colorado Dioceses’ files and historical handling of allegations of sexual abuse of minors was completed on October 23, 2019, when his final report was released to the public (the “Report”).

As part of the Colorado Dioceses’ and Attorney General’s continued efforts to cooperate and help victims of historical incidents of sexual abuse, the Independent Reconciliation and Reparations Program (“IRRP”) was established. That program has been effective, with many known victims receiving assistance, as well as new victims coming forward. In addition, some victims have also reported abuse through the Attorney General’s victim hotline and those victims have been referred to the IRRP. To ensure the new allegations that have come forward since the issuance of the Report are included in the Attorney General’s overall work on these issues, the Attorney General and Colorado Dioceses have agreed to engage the Special Master again to complete a focused factual review about these new allegations.

As an independent neutral individual who is familiar with the Colorado Dioceses and the issues presented, the Special Master will make findings of fact in the form of a short addendum to his prior Report. The addendum will focus on new allegations made against diocesan priests not previously identified in the Report and will also cover new allegations made against those priests previously identified. The Colorado Dioceses and the Attorney General have asked for a report that is factually succinct and includes updated charts and statistics from the Report. The Special Master will also identify the steps taken by the Colorado Dioceses to voluntarily implement the recommendations in the Report and identify any recommendations in the Report that have not been implemented.

AGREEMENT

I. Definitions

- A. Unless expressly modified in this Supplemental Agreement, the defined terms used have the meaning given in the Original Agreement.

¹ The Special Master is not appointed under C.R.C.P. 53 and that rule is not relevant to the determination of the Special Master’s powers or duties. Instead, the Special Master’s powers and duties for purposes of this addendum are limited to those described in the document.

II. Special Master's Supplemental Scope of Work

A. New Allegations. The Special Master shall review the allegations of Sexual Abuse of Minors by Diocesan Priests made through the IRRP or through the Attorney General hotline made after October 1, 2019.

1. Information Available to Special Master

- a. For any Diocesan Priest accused of Sexual Abuse of a Minor in the IRRP or through the Attorney General hotline, the Colorado Dioceses shall provide to the Special Master:
 - (i) A copy of any notification made to local law enforcement by the Colorado Dioceses for each new allegation of abuse.
 - (ii) The Colorado Dioceses will make available for review the hard copy Files it maintains related to each accused Diocesan Priest in the offices of the Colorado Dioceses or at another location agreed upon by the Parties.
- b. The Special Master may conduct any interviews as he deems necessary under Section III(A)(3) of the Original Agreement.
- c. At any time, the Special Master and the Attorney General may make further written or verbal requests of counsel for the Colorado Dioceses that would be helpful to his review. The Colorado Dioceses expect to accommodate all such reasonable requests but reserve all legal objections to such requests for documents or information. The Special Master will advise the Attorney General and the Colorado Dioceses if he concludes any request for documents or information has been unreasonably denied.
- d. As set out in Section III(A)(1)(i) of the Original Agreement, and based on the guidance of the administrators of the IRRP, Camille Biros and Ken Feinberg, because the IRRP includes promises of confidentiality to the victims and all involved in the process, the Special Master shall not be granted access to any documents or files created by or in connection with the IRRP unless authorized or provided by or on behalf of victims. This is intended to protect that independent process for victims who were promised confidentiality, meaning unless a specific victim agrees to be interviewed, or authorizes or provides information to the Special Master, the victim can be assured his or her information shall remain confidential. To be clear, this is a protection for the victims, and any information known or learned by the Colorado Dioceses about an accused priest or victim will be available to the Special Master.

B. Implementation of Recommendations. The Special Master shall review the status of each Colorado Diocese's effort to implement the recommendations set forth in the Report.

1. The Colorado Dioceses will produce to the Special Master their records or documentation reflecting their efforts to implement the recommendations in the Report, including but not limited to any revised written policies and training materials concerning the Diocese's response to allegations of Sexual Abuse of a Minor or Misconduct with Minors.
2. The Special Master may also conduct interviews with appropriate individuals, including those implementing the recommendations and those with experience with the revised procedures. A senior lawyer from the Attorney General's office will accompany the Special Master on any interviews of senior leadership, but the Special Master will conduct the interviews.

C. Report Addendum. The Special Master shall prepare a brief Addendum to his Report.

1. Substantiated Allegations. In the case of any new Substantiated Allegation(s) of Sexual Abuse of a Minor, the Special Master shall include in the Addendum factual information for each of the eleven items listed in Section III(B)(1)(c) of the Original Agreement. If the Special Master finds that a Substantiated Allegation was not previously reported to the Colorado Dioceses, and was made the first time in the IRRP or through the Attorney General hotline, the Special Master shall state these facts in response to Section III(B)(1)(c)(xi) of the Original Agreement. To protect the confidentiality and integrity of the IRRP, the Addendum shall not include any findings on reparations payments or amounts to the extent learned by the Special Master.
2. Updating of Charts and Statistics. A continued focus for the Attorney General and the Colorado Dioceses is understanding the past, and also confirming if there are any known abusers currently in ministry in Colorado. To permit the Attorney General and the Colorado Dioceses to understand if the many allegations handled through the IRRP or reported to the Attorney General's victim hotline have altered the specific findings in the Report, the Addendum will update the statistics and charts in the Report Appendices.
3. Implementation of Recommendations. Because each Diocese has different operational and financial considerations, the Colorado Dioceses took different approaches to implementing the recommendations. As a result, for each Colorado Diocese, the Addendum shall include a brief factual description setting forth how the Colorado Dioceses have implemented the recommendations in the Report and state whether any recommendations in the Report have not been implemented.
4. Fact Finding.
 - a. In the interest of quickly and efficiently reporting facts learned about new allegations and the Colorado Dioceses' implementation of the recommendations

in the prior Report, the Special Master shall serve exclusively as a fact finder in the Addendum. The facts included in the Addendum will cite, when doing so does not impact the integrity of the Special Master's work or disclose a victim's identity, the evidence learned in support of the finding (e.g., file records, letters, policy changes, etc.).

- b. While the Special Master's Report included a historical analysis, evaluation, and in some instances commentary on the allegations and response by the Colorado Dioceses, this Addendum is intended solely to report the substantiated facts learned by the Special Master about allegations made through the IRRP and the Attorney General's victim hotline.
- c. Similarly, with respect to the Colorado Dioceses' implementation of the Special Master's prior recommendations, the Special Master shall set forth facts about the steps and actions taken by the Colorado Dioceses, and shall not include commentary and analysis. To the extent few or no steps have been taken, or implementation has not yet been completed and remains in progress, the Special Master shall state those facts.

III. Review and Publication of the Addendum

- A. Upon the Special Master's completion of a draft of the Addendum, he shall provide it to the Colorado Dioceses and the Attorney General and reasonable time (no less than 14 days) shall be permitted for review and comment. The Special Master remains free to accept or reject some or all of the comments, except those by the Attorney General that the Addendum exceeds the scope set forth in this Agreement. Once the Addendum is finalized by the Special Master, it shall be released to the public. The Addendum shall not be released until the IRRP Independent Oversight Committee confirms the completion of the IRRP (i.e., all claims resolved).
- B. Upon release of the Addendum to the public, the Special Master's work shall be concluded.

IV. Fees and Costs

- A. The fee for the Special Master to complete the scope of work under this Supplemental Agreement will be \$350,000 ("Special Master Fee").
- B. The Colorado Dioceses will be responsible for \$117,000 of the Special Master Fee, which shall be paid in four monthly payments of \$29,250, payable on the first day of each month beginning on July 1, 2020 and ending on October 1, 2020.
- C. The Attorney General is responsible for identifying private parties to pay the remaining \$233,000 of the Special Master's Fee, payable in full no later than July 1, 2020, or on other terms as agreed between the Attorney General and the Special Master. The private

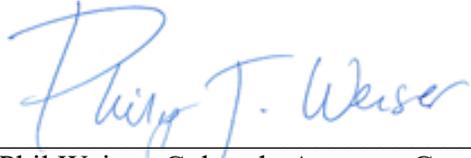
parties shall have no rights or recourse under this Supplemental Agreement. Their payments will be made voluntarily and without any expectation of rights or a return of the funds or any outcome from the process. The payments will be nonrefundable. The identity of the private parties shall be kept confidential at their request.

- D. If for any unanticipated reason the Attorney General is unable to raise sufficient funds through private parties, the Attorney General and Colorado Dioceses will work in good faith to identify additional funding sources to permit the Special Master to complete the work.
- E. The Special Master's Fee includes the use of any separate administrative support, law clerks, associates, or investigators to assist the Special Master with his work.
- F. The Special Master and any administrative support, law clerks, associates, or investigators used to assist the Special Master will not be employees of the Attorney General or of the Colorado Dioceses. All administrative support, law clerks, associates, or investigators to be used by the Special Master shall be disclosed to and approved by the Attorney General and the Colorado Dioceses to avoid any actual or perceived conflict of interest, bias, or unfair prejudice.
- G. The Special Master's reasonable costs incurred in connection with his work under this Supplemental Agreement will be reimbursed by the Colorado Dioceses. Costs include charges for postage, messengers, overnight deliveries, printing and duplication, and travel expenses.
- H. The Special Master shall meet periodically with the Colorado Dioceses and the Attorney General, no less than once per month, by telephone or in person, to provide an update on his progress in completing the scope of work. All information shared during these meetings shall be kept strictly confidential by all Parties.

V. Incorporation of Additional Terms

The following additional provisions of the Original Agreement are expressly incorporated in this Supplemental Agreement as if fully set forth herein and shall apply to the Special Master's work on the Addendum: Section III(A)(4) (Confidentiality and Return of Files); Section III(B)(1)(d) (Substantiated Allegation of Misconduct with a Minor); Section III(D) (Limitations on Special Master and Work Under this Agreement); Section IV (Privileges/CORA); and Section V (General Terms).

COLORADO ATTORNEY GENERAL



Phil Weiser, Colorado Attorney General
Office of the Attorney General
Colorado Department of Law
Ralph L. Carr Judicial Building
1300 Broadway, 10th Floor
Denver, CO 80203

ARCHDIOCESE OF DENVER

Most Rev. Samuel J. Aquila, Archbishop of
Denver Archdiocese of Denver
St. John Paul II Center for the New
Evangelization
1300 S. Steele St.
Denver, CO 80210

SPECIAL MASTER

Robert Troyer, Special Master

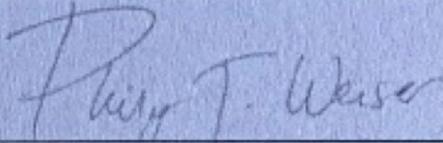
DIOCESE OF COLORADO SPRINGS

Most Rev. Michael J. Sheridan, S.Th.D.,
Bishop of Colorado Springs
Diocese of Colorado Springs
228 N Cascade Avenue
Colorado Springs, CO 80903

DIOCESE OF PUEBLO

Most Rev. Stephen J. Berg
Bishop of Pueblo
Diocese of Pueblo
101 North Greenwood Street
Pueblo, CO 81003

COLORADO ATTORNEY GENERAL

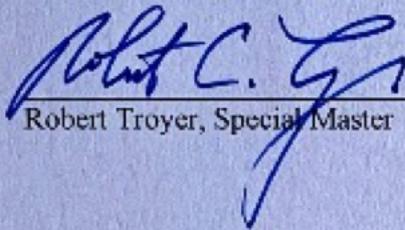


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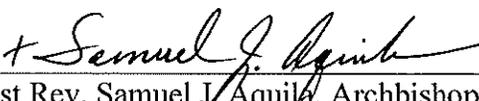
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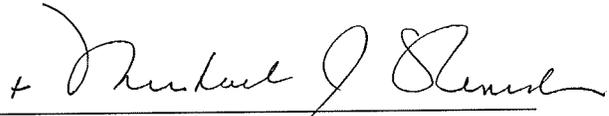
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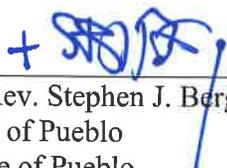
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+ 

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