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*Counsel for the Official Committee of  
Unsecured Creditors***UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION***In re:*THE ROMAN CATHOLIC BISHOP OF  
OAKLAND, a California corporation sole,  
  
Debtor.

Case No. 23-40523 WJL

Chapter 11

**STATEMENT OF THE OFFICIAL  
COMMITTEE OF UNSECURED  
CREDITORS IN SUPPORT OF MOTION TO  
ENLARGE THE CLAIMS BAR DATE TO  
ACCEPT A LATE FILED PROOF OF CLAIM**

[Related Dkt. No. 1865]

Judge: Hon. William J. Lafferty

Date: April 30, 2025

Time: 10:30 a.m. PT

Place: United States Bankruptcy Court  
1300 Clay Street, Courtroom 220  
Oakland, CA 94612

1 The Official Committee of Unsecured Creditors (the “**Committee**”) of The Roman  
2 Catholic Bishop of Oakland (the “**Debtor**”) files this statement (this “**Statement**”) in support of  
3 the *Motion to Enlarge the Claims Bar Date to Accept a Late Filed Proof of Claim* [Dkt. No. 1865]  
4 (the “**Motion**”)<sup>1</sup> filed by John JB Doe, who is represented by the Zalkin Law Firm, P.C. (the  
5 “**Zalkin Firm**”). The Committee supports Mr. JB Doe’s request that this Court enlarge the time  
6 by which he may file a proof of claim (the “**Claim**”) and for the Claim to be treated as timely filed  
7 for the reasons set forth in the Motion and set forth below.

8 Rule 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”)  
9 allows a court to extend the deadline for filing a proof of claim in a chapter 11 case for “cause.”  
10 The “cause” standard in Bankruptcy Rule 3003 incorporates the “excusable neglect” standard from  
11 Bankruptcy Rule 9006(b). *Pioneer Inv. Serv. Co. v. Brunswick Assoc. Ltd. P’ship*, 507 U.S. 380,  
12 382 (1993). A court’s determination of whether to approve a request to deem a claim timely filed  
13 is evaluated under principles of equity. *Pioneer*, 507 U.S. at 395 (observing that the  
14 “determination is at bottom an equitable one, taking account of all relevant circumstances  
15 surrounding the party’s omission”). The Supreme Court established a four-part test to balance  
16 these equities, including: (1) the danger of prejudice to the debtor; (2) the length of the delay and  
17 its potential impact on judicial proceedings; (3) the reason for the delay; and (4) whether the  
18 movant acted in good faith. *Id.*

19 The Motion establishes just cause to enlarge the time to allow Mr. JB Doe to file his Claim  
20 and for the Claim to be considered timely filed, as every equitable *Pioneer* factor supports granting  
21 the requested relief.

- 22 • **Danger of Prejudice to the Debtor.** The addition of one claim to the Debtor’s  
23 claims pool will not materially change the treatment of claims held by survivors of  
24 sexual abuse under the proposed plan of reorganization (the “**Plan**”) or any other  
25 agreement reached by the parties in connection with the treatment of sexual abuse  
26  
27

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28 <sup>1</sup> Capitalized terms not defined herein have the meaning ascribed to them in the Motion.

1 claims.<sup>2</sup> Moreover, the Debtor was on notice of the Claim because before the  
2 Petition Date, Mr. JB Doe filed a timely complaint under the applicable statute of  
3 limitations in California state court, which alleged both scouting and non-scouting  
4 abuse under separate counts. Mr. JB Doe's state court complaint was stayed by the  
5 Boy Scouts of America's bankruptcy case, so it could not be added to the  
6 JCCP 5108 Northern California clergy cases coordinating proceedings. According  
7 to the Motion, an internal review of records did not find any notice of the Debtor's  
8 bankruptcy case relating to Mr. JB Doe specifically, likely because his state court  
9 case was not coordinated into JCCP 5108. Moreover, although the Disclosure  
10 Statement has since been approved by the Court,<sup>3</sup> the solicitation and voting  
11 process has only just begun and Plan confirmation hearings will not begin until  
12 August 25, 2025.

- 13 • **Length of Delay and Impact on Proceedings.** Deeming the Claim timely filed  
14 will not have any meaningful impact on this case, given that the Plan has not yet  
15 been confirmed and any analysis of the average projected recovery per survivor  
16 used in connection with Plan confirmation will not be meaningfully impacted by  
17 deeming the Claim timely filed.
- 18 • **Reason for the Delay.** It appears a unique and unfortunate error on the part of  
19 Mr. JB Doe's counsel led to the Claim not being timely filed. Mr. JB Doe was not  
20 personally aware of the bankruptcy case nor the claims bar date. Although his  
21 counsel had knowledge of the bankruptcy case, having filed timely proofs of claim  
22 for its other survivor-clients, the failure to timely file Mr. JB Doe's Claim was due  
23 to an internal oversight, not for any intentional or strategic advantage.

24  
25  
26 <sup>2</sup> The current version of the plan of reorganization is the *Debtor's Third Amended Plan of Reorganization* [Dkt. No. 1830].

27 <sup>3</sup> The Motion was filed on the same day as the hearing to approve the Third Amended  
28 Disclosure Statement (the "**Disclosure Statement**") [Dkt. No. 1831, revised further in Dkt. No. 1874] but prior to the Court's order approving it [Dkt. No. 1877].

- 1           •     **Movant Acted in Good Faith.** Finally, the Committee has no reason to believe  
2                     Mr. JB Doe's delay in filing the Motion was for any reason other than as stated in  
3                     the Motion.

4           By coming forward, Mr. JB Doe has made public some of the most painful truths any  
5     person can express. Mr. JB Doe asks the Court that the public disclosure of his truth not be barred  
6     on account of an inadvertent error of his counsel. Accordingly, as set forth above, the interests of  
7     equity and the *Pioneer* factors support the entry of the order granting Mr. JB Doe's request that  
8     time be enlarged to allow him to file a Claim and for the Claim to be treated as timely filed.

9           **WHEREFORE**, the Committee respectfully requests entry of an order granting the relief  
10    requested in the Motion and any other relief that the Court may deem just and appropriate.

11  
12   Dated: April 21, 2025

**LOWENSTEIN SANDLER LLP**  
**KELLER BENVENUTTI KIM LLP**

By: /s/ Gabrielle L. Albert  
Jeffrey D. Prol  
Brent Weisenberg

- and -

Tobias S. Keller  
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