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*Counsel for the Official Committee of Unsecured  
Creditors***UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Case No. 23-40523 WJL

*In re:*

Chapter 11

THE ROMAN CATHOLIC BISHOP OF  
OAKLAND, a California corporation sole,**THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' MOTION  
FOR A PROTECTIVE ORDER**

Debtor.

Judge: Hon. William J. Lafferty

Date: May 13, 2025

Tentative Time: 10:30 a.m. (Pacific Time)<sup>1</sup>Place: United States Bankruptcy Court  
1300 Clay Street, Courtroom 220  
Oakland, CA 94612

<sup>1</sup> At the time of filing the Motion, the hearing time was not yet confirmed by the Court.  
Notice will be provided if the hearing time is **not** at 10:30 a.m. Pacific Time.

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The Official Committee of Unsecured Creditors (the “**Committee**”) moves (this “**Motion**”) under Federal Rule of Civil Procedure (“**Federal Rule**”) 26(c), made applicable by Federal Rules of Bankruptcy Procedure (“**Bankruptcy Rules**”) 9014 and 7026, for an order preventing the Debtor from seeking the production of documents and responses to Document Request Nos. 6, 8–13, 26–33, and 53 and Interrogatory Nos. 4 and 14–18 in the *Debtor The Roman Catholic Bishop of Oakland’s First Set of Written Discovery to the Official Committee of Unsecured Creditors*, attached hereto as **Exhibit B** (the “**Discovery Requests**”). In support of the Motion, the Committee respectfully represents as follows:

## PRELIMINARY STATEMENT<sup>2</sup>

The Debtor served certain overly broad documentary discovery requests and interrogatories that seek information regarding the Committee’s internal workings, such as its deliberations, voting, and relationship both with Committee counsel and individual Committee Members’ state court counsel.

The Debtor's attempt to oversee and police the Committee's actions is both inappropriate and irrelevant to confirmation of the Plan. Indeed, whether Committee members vote during Committee meetings through proxies, what their opinions are on settlement offers proposed by the Debtor, and the content of the Committee Bylaws, by way of example, cannot possibly lead to admissible evidence to show the Debtor has met *its* burden with respect to the confirmability of the Plan. It is clear that the purpose of the Objectionable Requests is to harass, unduly burden and ultimately deter the Committee's exercise of its independent fiduciary duty on behalf the hundreds of survivors of childhood sexual. Besides being distasteful, given the history between the Committee Members and Debtor, the Objectionable Requests are simply inappropriate.

Further, the precedential effect of allowing a debtor to obtain the type of information this Debtor seeks from the Committee would have a chilling effect on the bankruptcy process, creditors' willingness to participate in official committees of unsecured creditors, and committees in bankruptcy cases across the country. The sanctity of the Committee's internal workings,

<sup>2</sup> Capitalized terms not defined in this Preliminary Statement shall have the meanings ascribed herein.

1 deliberations, and voting must be preserved by this Court, and the Debtor's efforts to obtain such  
2 information should not be countenanced.

3 Accordingly, the Committee requests that the Court enter a protective order barring the  
4 Debtor from obtaining the requested discovery from the Committee.

### 5 **JURISDICTION AND VENUE**

6 This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334.  
7 This matter is a core proceeding pursuant to 28 U.S.C. § 157(b), the *Order Referring Bankruptcy*  
8 *Cases and Proceedings to Bankruptcy Judges and Authorizing Bankruptcy Appeals to be Decided*  
9 *by the Ninth Circuit Bankruptcy Appellate Panel*, General Order No. 24 (N.D. Cal. Oct. 19, 2023),  
10 and Local Rule of Bankruptcy Procedure for the Northern District of California 5011-1(a). Venue  
11 for this matter is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The legal basis  
12 for the relief requested herein is Section 105(a) of the Title 11 of the United States Code (the  
13 "Bankruptcy Code") and Federal Rules of Bankruptcy Procedure 7026 and 9014.

### 14 **RELEVANT BACKGROUND**

15 On May 8, 2023, the Debtor filed a voluntary petition for relief under Chapter 11 of the  
16 Bankruptcy Code in this Court (the "Chapter 11 Case").

17 On May 23, 2023, the Office of the United States Trustee appointed the Committee under  
18 Section 1102(a) of the Bankruptcy Code. [Dkt. No. 58.] The Committee is comprised of nine  
19 creditors (the "Committee Members") with claims against, *inter alia*, the Debtor based upon sexual  
20 abuse by members of the clergy, workers, teachers, volunteers, or other persons or entities  
21 associated with or representing the Debtor or other Diocese-related institutions.

22 On March 17, 2025, the Debtor filed the *Debtor's Third Amended Plan of Reorganization*  
23 (the "Plan") [Dkt. No. 1830] and related disclosure statement [Dkt. No. 1831].

24 On April 4, 2025, the Court entered the *Order (I) Approving Third Amended Disclosure*  
25 *Statement; (II) Establishing Procedures for Plan Solicitation, Notice, and Balloting* [Dkt. No.  
26 1877].

27 On April 15, 2025, the Court entered the *Order Setting Certain Dates and Deadlines in*  
28 *Connection with Confirmation of the Debtor's Third Amended Plan of Reorganization* [Dkt. No.

1 1893] (the “Confirmation Scheduling Order”), which set forth the schedule governing the dates  
2 and deadlines for events leading to a contested hearing on confirmation of the Plan (the  
3 “Confirmation Proceedings”). Among other things, the Confirmation Scheduling Order set April  
4 11, 2025 as the deadline to serve written discovery and April 25, 2025 as the deadline to file  
5 “Discovery Motions,” including motions for protective orders. [*Id.* at 2.]

6 On April 11, 2025, the Debtor served the Discovery Requests on the Committee. The  
7 Debtor seeks the production of 53 categories of documents and communications and responses to  
8 23 interrogatories, many of which are not reasonably tailored to information relevant to the  
9 Confirmation Proceedings and not otherwise discoverable on the basis of various privileges.  
10 Indeed, many of the Discovery Requests do not even appear tailored to this Chapter 11 Case—  
11 seeking documents, communications, and interrogatory responses relating to litigation financing  
12 despite knowing that it is *the Debtor* that is responsible for the Committee’s professionals’ fees  
13 and expenses.

14 Request Nos. 6, 8–13, 26–33 and 53 and Interrogatories Nos. 4 and 14–18 (collectively,  
15 the “Objectionable Requests”) each target confidential and irrelevant information regarding the  
16 Committee’s internal workings and deliberations. These documents and responses requested from  
17 the Committee by the Debtor are summarized below:

18 (i) the Committee’s evaluations of the Debtor’s settlement offers during mediations  
19 (Request No. 6);

20 (ii) the Committee’s Bylaws (Request No. 8) and documents and communications  
21 referring or related to the Bylaws (Request No. 9);

22 (iii) resolutions proposed, voted on, approved, denied or tabled by the Committee  
23 (Request No. 10);

24 (iv) all engagement letters between the Committee and any professionals (Request  
25 No. 11);

26 (v) all engagement letters between individual Committee Members and their  
27 counsel in any state court actions or this Chapter 11 Case (Request No. 12);

28 (vi) all communications pre-dating the formation of the Committee between any  
attorney for any individual Committee Member and any attorney for another  
individual Committee Member (Request No. 13);

1 (vii) various requests related to proxies of the Committee and various votes of the  
2 Committee (Request Nos. 26–33, Interrogatories 14–16, 18);

3 (viii) all common interest agreements between Committee Members and any other  
4 person relating to the state court actions or this Chapter 11 Case (Request No. 53);

5 (ix) identification of the individuals that “directed” the Committee to oppose the  
6 Plan (Interrogatory No. 4); and

7 (x) the process by which the Committee makes its decisions (Interrogatory No. 17).

8 (See Exhibit B.)<sup>3</sup>

9 **RELIEF REQUESTED**

10 By this Motion, the Committee respectfully requests the entry of a protective order  
11 pursuant to Federal Rule 26, made applicable by Bankruptcy Rules 9014 and 7026, barring the  
12 Debtor from obtaining documents and responses from the Committee in response to the  
13 Objectionable Requests.

14 **ARGUMENT**

15 A. *Legal Standard*

16 Federal Rule 26(c), made applicable to contested matters by Bankruptcy Rules 9014(c) and  
17 7026, was designed to address the “significant potential for abuse” that is created by overly broad,  
18 liberal discovery. *See Seattle Times Co v. Rhinehart*, 467 U.S. 20, 34 (1984). As a protection  
19 against such harm, Federal Rule 26(c)(1) provides in relevant part that a party from whom  
20 discovery is sought “may move for a protective order in the court where the action is pending,”  
21 and the court may, for good cause, issue an order to protect a party . . . from annoyance,  
22 embarrassment, oppression, or undue burden or expense,” including: (i) “forbidding the disclosure  
23 or discovery”; (ii) specifying terms, including time and place or the allocation of expenses, for the  
24 disclosure or discovery”; and (iii) “forbidding inquiry into certain matters, or limiting the scope of  
25 disclosure or discovery on certain matters.” Fed. R. Civ. P. 26(c)(1)(A)–(B), (D); *see* Fed. R.  
26 Bankr. P. 7026(c). Upon a showing of “good cause,” courts have “broad latitude to grant protective

27  
28 <sup>3</sup> The Committee does not concede that any documents or communications in the above referenced categories exist.



orders to prevent disclosure of materials for many types of information.” *Phillips ex rel. Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002).

“Courts have wide discretion in determining whether good cause exists and in fashioning a protective order that provides the appropriate degree of protection.” *JUUL Labs Inc. v. Chou*, No. 2:21-cv-03056-DSF-PD, 2022 WL 2165411, \*3 (C.D. Cal. Feb. 11, 2022) (citing *Seattle Times Co.*, 467 U.S. at 26). This includes broad discretion in “determining the relevance of discovery requests, assessing oppressiveness, and weighing these factors in deciding whether discovery should be compelled.” *U.S. ex rel. Brown v. Celgene Corp.*, No. CV 10-3165 GHK (SS), 2015 WL 12731923, at \*2 (C.D. Cal. July 24, 2015). To determine whether a discovery request is irrelevant under Federal Rule 26, courts examine whether the request involves a “matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978) (citation omitted); *Enciso v. Jackson Nat’l Life Ins. Co.*, No. CV 21-9205 DMG (PVCx), 2024 WL 692948, at \*3 (C.D. Cal. Jan. 12, 2024) (citing Federal Rules of Evidence 401 for relevance standard and noting that “discovery must be both relevant and proportional to the needs of the case” and “even plainly relevant discovery[] is not limitless”).

Through the Objectionable Requests, the Debtor seeks documents, communications, and information that go to the heart of the internal workings of the Committee, including its Bylaws, voting by proxy, and its analysis of the Debtor’s previous settlement offer and the Plan.

*B. The Objectionable Requests Are Irrelevant to the Confirmation Proceedings and Are Intended to Harass and Burden the Committee and the Committee Members.*

First, none of the Objectionable Requests seek documents or information relevant to the Confirmation Proceedings and particularly to whether the Debtor can meet its burden to prove the Plan is confirmable. Requests relating to whether Committee Members utilize proxies at meetings of the Committee and the process the Committee utilizes in making decisions, including its Bylaws, have no impact on whether the Plan is confirmable under the Bankruptcy Code.

The Committee may object to confirmation of the Plan but, as an entity, does not vote on

1 whether to accept or reject the Plan.<sup>4</sup> The Debtor’s creditors are actively voting on the Plan—what  
2 the Committee has or has not done in this case to date does not change the outcome of the votes  
3 of the Debtor’s creditors. Importantly, however, a committee can, and often does, object to a plan  
4 even where the majority of the unsecured claims class members voting on the plan choose to vote  
5 in favor of the plan. *See In re EBP, Inc.*, 171 B.R. 601, 602 (Bankr. N.D. Ohio 1994) (“The fact  
6 that the [unsecured claims class] voted in favor of the Debtor’s Plan, while the Committee filed an  
7 objection to the Plan is not necessarily incongruous.”). The deliberations of the Committee, the  
8 voting record of the Committee Members, the Committee’s Bylaws, the existence of any proxies,  
9 the Committee’s evaluation of the Debtor’s settlement offers in mediation, the Committee’s  
10 engagement letters with its professionals, the Committee Members’ engagement letters with their  
11 state court counsel, common interest agreements, and the Committee’s decision-making process  
12 have *no* bearing on the confirmability of the Debtor’s Plan and the voting of individual creditors  
13 on the Plan. The Debtor must not be allowed to use meaningless discovery as another tool to  
14 burden and annoy the Committee Members who are serving an important fiduciary role in this  
15 case.

16 Notably, the Debtor also seeks *from the Committee* “[c]ommunications pre-dating the  
17 formation of the Committee.” (Ex. B, Request No. 13.) Setting aside the illogical nature of this  
18 request and imprecision in asking for information that could not possibly be in the Committee’s  
19 possession custody or control, given the Committee did not exist, such information is neither  
20 relevant to the terms of the Plan (which does not pre-date formation of the Committee) nor is it  
21 appropriately sought from the Committee.

22 Similarly, the Objectionable Requests include requests for information relating to  
23 Committee Members’ individual claims and state court actions. The Committee Members and  
24 their individual counsel are being targeted because they have agreed to serve on the Committee,  
25 as no other abuse claimants received similar requests. Such discovery requests are wholly

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26  
27 <sup>4</sup> While the Committee is charged with negotiating the Plan on behalf of its constituency, the Committee is “not  
28 authorized or empowered to bind any member of [its] constituenc[y]. [The Committee is] vested with considerable  
power and authority under the [Bankruptcy] Code, but [the Committee is] not the agent[] of and cannot bind members  
of the groups [it] represent[s].” 7 Collier on Bankruptcy ¶ 1103.05[1][d][i] (16th ed. 2025).

1 inappropriate and are intended to intimidate the Committee Members. Discovery that appears to  
2 be designed to have a chilling effect on a claimant's participation as a Committee Member should  
3 not be countenanced by the Court. Impropriety aside, this too is not information in the possession,  
4 custody or control of the Committee.

5         Given the lack of relevance to confirmation of the Plan, it is clear that the documentary  
6 discovery requests and interrogatories are designed simply to harass and burden the Committee  
7 and target its members. *See United States v. Howard*, 360 F.2d 373, 381 (3d Cir. 1966) (noting  
8 court did not abuse its discretion issuing order that party did not have to respond to interrogatories  
9 that "lack[ed] . . . utility save as a harassment"). As a result, a protective order pursuant to Federal  
10 Rule 26 is appropriate.

11         C.       *The Debtor Has No Authority to Oversee the Committee.*

12         The Debtor is *not* responsible for overseeing the Committee nor is the Debtor the arbiter  
13 of the Committee's actions. Once formed, the committee "takes on a life of its own." *Listecki v.*  
14 *Off. Comm. of Unsecured Creditors*, 780 F.3d 731, 739 (7th Cir. 2015). A creditors' committee is  
15 free to retain counsel, subject to court approval. Once retained, committee counsel reports directly  
16 to the Committee and maintains an attorney-client relationship with its client, in which the Court,  
17 the United States Trustee (the "U.S. Trustee"), and the Debtor are not involved. *See id.* It is not  
18 in the purview of the Debtor to oversee, manage, or be privy to the internal workings of the  
19 Committee, its privileged communications and documents, deliberations, Bylaws, and voting.

20         If any party were to delve into the inner workings of the Committee—which are irrelevant  
21 to the Confirmation Proceedings in any event—it is the role of the U.S. Trustee, *not the Debtor*, to  
22 monitor the Committee. The goal of the U.S. Trustee is to "promote the integrity and efficiency  
23 of the bankruptcy system for the *benefit of all stakeholders – debtors, creditors, and the public.*"  
24 U.S. Dep't of Just., *United States Trustee Program Policy and Practices Manual* § 1-4.2.1 (vol. 1  
25 Feb. 2015) (emphasis added), available at  
26 [http://www.justice.gov/ust/eo/ust\\_org/ustp\\_manual/docs/Volume\\_1\\_Overview.pdf](http://www.justice.gov/ust/eo/ust_org/ustp_manual/docs/Volume_1_Overview.pdf). To the extent  
27 that any concerns exist with respect to the Committee or its actions, the U.S. Trustee has the  
28 authority to monitor the conduct of bankruptcy parties, including the Committee. *Id.* § 1–3. The

1 U.S. Trustee has statutory duties to monitor the Committee. *See* 28 U.S.C. § 586(a)(3)(E). The  
2 Committee is “otherwise subject to the control of the court and surveillance of the United States  
3 Trustee.” *In re Wash. Prime Grp., Inc.*, No. 21-31948, 2022 WL 10685902, at \*3 (Bankr. S.D.  
4 Tex. Oct. 18, 2022) (internal quotation marks omitted) (“[I]t is the purview of the United States  
5 Trustee to . . . oversee the unsecured creditors’ committee . . .”). Even if the Debtor had some  
6 role in policing the Committee, to permit the Debtor to do so as a litigation tactic, as the Debtor  
7 attempts to do through its Discovery Requests, would be inappropriate. The Debtor should not be  
8 permitted to overstep its role in this Chapter 11 Case and attempt to monitor or deter the Committee  
9 through improper discovery requests.

10 *D. The Debtor Impermissibly Seeks Privileged Documents and Communications.*

11 All of the Objectionable Requests seek documents and responses that invade the  
12 Committee’s attorney-client, work-product, and common interest privileges. Indeed, several  
13 requests, (*see*, Ex. B, Request Nos. 6, 8–10, 26–33, Interrogatory Nos. 4, 14–18), go to the heart  
14 of the Committee’s legal strategy, internal discussions, deliberations, and voting records.

15 “A party is not entitled to discovery of information protected by the attorney-client  
16 privilege.” *Navajo Nation v. Confederated Tribes & Bands of the Yakama Indian Nation*, 331 F.3d  
17 1041, 1046 (9th Cir. 2003) (citation omitted). To that end, the attorney-client privilege applies  
18 “[w]here legal advice of any kind is sought.” *Reed v. Baxter*, 134 F.3d 351, 355 (6th Cir. 1998).  
19 The work-product doctrine is even “broader” than the attorney-client privilege, *United States v.*  
20 *Nobles*, 422 U.S. 225, 238, n.11 (1975), protecting from discovery in all but the most “rare and  
21 extraordinary circumstances” materials that contain “the mental impressions, conclusions,  
22 opinions and legal theories of an attorney” prepared in anticipation of litigation, *In re 3dfx*  
23 *Interactive, Inc.*, 347 B.R. 394, 402 (Bankr. N.D. Cal. 2006). The protections afforded by the  
24 doctrine are not limited to materials prepared by an attorney. Rather, Federal Rule 26(b)(3)  
25 expressly protects from disclosure materials “that are prepared in anticipation of litigation . . . by  
26 or for another party or its representative (including the other party’s attorney, consultant, surety,  
27 indemnitor, insurer, or agent).” Fed. R. Civ. P. 26(b)(3)(A); *see In re Grand Jury Subpoena (Mark*  
28 *Torf/Torf Env’t Mgmt.)*, 357 F.3d 900, 907 (9th Cir. 2004) (noting work-product doctrine protects

documents created by non-attorneys in anticipation of litigation (citing *Nobles*, 422 U.S. at 238–39)).

The privilege also extends to third parties where those communications help to “assist the attorney to formulate and render legal advice.” *Salvagno v. Borough of Glen Ridge*, No. 08-2992 (FSH) (MAS), 2009 WL 2392887, at \*1 (D.N.J. Aug. 3, 2009); *see also HDP Lab’ys, Inc. v. Clorox Co.*, 202 F.R.D. 410, 414 (D.N.J. 2001) (“The attorney-client privilege insulates from disclosure a discrete category of communications between attorney, client, and in some instances, third parties that assist the attorney to formulate and render legal advice.”). “Privileged persons include the client, the attorney(s), and any of their agents that help facilitate attorney-client communications or the legal representation.” *In re Teleglobe Commc’ns Corp.*, 493 F.3d 345, 359 (3d Cir. 2007) (internal quotation marks omitted).

“Given its duties and responsibilities, a creditors’ committee needs competent and effective representation. Counsel for a creditors’ committee is best able to serve his or her client if the attorney can engage in ‘full and frank communications.’” *In re Subpoenas Duces Tecum*, 978 F.2d 1159, 1161 (9th Cir. 1992). The Committee’s attorney-client privilege clearly can be enforced against those who are not represented by the committee or who are standing in an adversarial relationship to the unsecured creditors as a group. *Id.* The Committee’s attorney-client privilege “ought also to be available for communications relating to strategy in the case vis-à-vis the debtor and third parties. This should be particularly so for strategy and negotiations over the plan of reorganization.” 7 Collier on Bankruptcy ¶ 1103.03[8].

Indeed, courts have recognized the importance of the Committee’s ability to guard against the disclosure of privileged communications and information by those not represented by the committee or who stand in an adversarial relationship with it, as the Debtor does here:

While we are cognizant of the fiduciary responsibilities which a creditors’ committee owes to those it represents, we are unconvinced that the attorney/client privilege is inherently antagonistic to those responsibilities. The purposes underlying the privilege have no less applicability to a creditor’s committee than they do to any other entity, at least when disclosure of privileged communication is sought by those who are not represented by the committee, or who stand in an adversarial relationship with it. If the

1 committee cannot engage in “full and frank communications” with  
2 its attorneys without fear of disclosure to such outsiders, then its  
3 work may be seriously hampered, to the detriment of those it  
4 represents.

4 *In re Baldwin–United Corp.*, 38 B.R. 802, 804–05 (Bankr. S.D. Ohio 1984) (quoting *Upjohn Co.*  
5 *v. United States*, 449 U.S. 383, 389 (1981)).

6 Debtors and committees are nearly always in an adversarial position with respect to one  
7 another at some point in a chapter 11 case, and this Chapter 11 Case is no different. As the Debtor  
8 is well aware, all of the Objectionable Requests seek disclosure of privileged information,  
9 documents, and communications. By way of example only, the following Objectionable Requests  
10 specifically target documents and communications protected by the attorney-client and/or work-  
11 product privileges:

12 **Request No. 6:** All Documents or Communications referring or related to Your evaluation  
13 of RCBO’s settlement offers during mediations in the Bankruptcy Proceeding.

14 **Request No. 9:** All Documents or Communications referring or related to the Bylaws of  
15 the Committee.

16 **Request No. 10:** All resolutions proposed, voted on, approved, denied, or tabled by the  
17 Committee.

17 (Ex. B.)

18 Maintaining a committee and its members’ privileges and reasonable expectations of  
19 confidentiality in their deliberations, voting, internal communications, and legal strategy is critical  
20 to the performance of the committee’s oversight and negotiation functions and the proper exercise  
21 of the committee members’ fiduciary duties. The Committee must be permitted to operate without  
22 the threat of disclosure of its privileged and confidential documents, communications, and  
23 information to the Debtor in order to properly exercise its fiduciary duties to all unsecured  
24 creditors.<sup>5</sup> The Debtor’s requests for privileged communications, documents, and policies of the  
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26 <sup>5</sup> “*Woods v. City National Bank & Trust Co.*, 312 U.S. 262 [] (1941) . . . contains a similar, straightforward, principle:  
27 just as the Supreme Court found that a bondholders’ committee requires a committee freed from the influence of the  
28 underwriter in order to be able to scrutinize and fully enforce the underwriter’s liability, so too does an equity security  
holders’ committee [appointed under Bankruptcy Code § 1102(b)] need a committee free from the influence of the  
debtor’s management so as to be able to fully investigate, scrutinize, and negotiate with the Debtor.” *In re Penn-Dixie*  
*Indus., Inc.*, 9 B.R. 941, 945 (Bankr. S.D.N.Y. 1981).

Committee are patently improper and must be rejected out of hand.

For the reasons set forth above, the Committee requests that the Court enter a protective order as to the Objectionable Requests which provides that the Committee need not respond to the Objectionable Requests.

### **NOTICE AND PRIOR APPLICATIONS**

Notice of this Motion has been provided to all parties requesting notice of pleadings filed in this case and counsel for the Detor. Given the requested relief, the Committee submits that no further notice of this Motion is required.

No prior request for the relief sought herein has been made to this Court or any other Court.

### **CONCLUSION**

WHEREFORE, the Committee respectfully requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, (i) granting the Motion, (ii) entering a protective order as to Document Request Nos. 6, 8–13, 26–33, and 53 and Interrogatory Nos. 4 and 14–18 in the Discovery Requests, and (iii) granting any other relief that this Court deems just and proper.

Dated: April 25, 2025

**LOWENSTEIN SANDLER LLP  
KELLER BENVENUTTI KIM LLP**

By: /s/ Gabrielle L. Albert  
Jeffrey D. Prol  
Michael A. Kaplan  
Brent Weisenberg  
Colleen M. Restel

- and -

Tobias S. Keller  
Jane Kim  
Gabrielle L. Albert

*Counsel for the Official Committee of  
Unsecured Creditors*

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**EXHIBIT A**  
**Proposed Order**



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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Case No. 23-40523 WJL

*In re:*

Hon. William J. Lafferty

THE ROMAN CATHOLIC BISHOP OF  
OAKLAND, a California corporation sole,

Chapter 11

Debtor.

**[PROPOSED] ORDER GRANTING THE  
OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS' MOTION  
FOR PROTECTIVE ORDER**

Upon consideration of the Official Committee of Unsecured Creditors' Motion for a Protective Order (the "Motion"); and due notice having been properly provided; and the Court having considered the papers and oral arguments submitted by counsel; and for good cause shown,

1 **IT IS HEREBY ORDERED THAT:**

2 1. The Motion is **GRANTED**.

3 2. The Committee is not required to produce documents or otherwise respond to the  
4 discovery sought in Document Request Nos. 6, 8-13, 26-33, and 53 and Interrogatory Nos. 4 and  
5 14-18 in the *Debtor the Roman Catholic Bishop of Oakland's First Set of Written Discovery to the*  
6 *Official Committee of Unsecured Creditors*.

7 3. The Court shall retain jurisdiction with respect to all matters arising from or related to  
8 the implementation of or interpretation of this Order.

9 \*\*END OF ORDER\*\*

**EXHIBIT B**

**Debtor The Roman Catholic Bishop of Oakland's First Set of Written  
Discovery to the Official Committee of Unsecured Creditors**

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*Counsel for the Debtor  
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**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

**DEBTOR THE ROMAN CATHOLIC  
BISHOP OF OAKLAND'S FIRST SET OF  
WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS**

Judge: Hon. William J. Lafferty

TO: The Official Committee of Unsecured Creditors (the “Committee”) by and through its counsel, Jeffrey D. Prol, Michael A. Kaplan, Brent Weisenberg, and Colleen M. Restel of Lowenstein Sandler, LLP, One Lowenstein Drive, Rossland, New Jersey 07068, jprol@lowenstein.com, bweisenberg@lowenstein.com, crestel@lowenstein.com.

Pursuant to Federal Rule of Civil Procedure 26, 33, and 34 as made applicable by Federal Rules of Bankruptcy Procedure 7033, 7034, and 9014(c), Debtor The Roman Catholic Bishop of Oakland (“RCBO”), through its counsel, hereby serves the following Requests for Production and Interrogatories (“Requests”) on the Official Committee of Unsecured Creditors (the “Committee”).

### **DEFINITIONS**

1) “Abuse” means sexual conduct or misconduct, sexual abuse or molestation, sexual exploitation, indecent assault and/or battery, rape, pedophilia, ephebophilia, sexually related psychological or emotional harm, humiliation, anguish, shock, sickness, disease, disability, dysfunction, or intimidation, any other sexual misconduct or injury, contacts or interactions of a sexual nature, including the use of photography, video, or digital media, or other physical abuse or bullying without regard to whether such physical abuse or bullying is of sexual nature, between a child and an adult, between a child and another child, or between a non-consenting adult and another adult, in each instance without regard to whether such activity involved explicit force, whether such activity involved genital or other physical contact, and whether there is or was any associated physical, psychological, or emotional harm to the child or non-consenting adult.

2) “Abuse Claim(s)” means any Claim relating to, in whole or in part, directly or indirectly, an act of Abuse committed by any Person before the Effective Date for which the Debtor, a Non-Debtor Catholic Entity, or any of their respective agents, employees or representatives is allegedly responsible. Except as otherwise provided herein, the term “Abuse Claim” includes Unknown Abuse Claims, Trust Claims, and Abuse Related Contribution Claims.

3) “Abuse Claimants” means a Holder of an Abuse Claim.

4) “All” includes the word “any,” and “any” includes the word “all.”

5) “And” includes the word “or,” and “or” includes the word “and.”

6) The “Bankruptcy Proceeding” means the above-captioned Chapter 11 proceeding: *In re: The Roman Catholic Bishop of Oakland, a corporation sole*, Case No. 23-40523 WJL in the United States

RCBO’S FIRST SET OF WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

1 Bankruptcy Court for the Northern District of California – Oakland Division.

2 7) “Clergy III” means the claims brought against RCBO in or around 2003-2005 relating to  
3 alleged sexual abuse that were included within Judicial Council Coordination Proceeding Number 4359,  
4 in the Superior Court for Alameda County, California, otherwise subject to the mediation proceeding  
5 before the Hon. David Hunter, and that were ultimately included in the scope of settlement agreements  
6 between RCBO and certain of its insurers in or around November 2005.

7 8) “Church Real Property” is any property either owned by RCBO or on which one of  
8 RCBO’s churches, as listed on Schedule 1.1.28 to the Plan, operates.

9 9) “Committee Decision” means any official or unofficial act taken by the Committee (as  
10 defined in paragraph 27, below), including but not limited to general strategy, settlement decisions, and  
11 responses to the RCBO’s action in the Bankruptcy Proceeding.

12 10) “Communication” or “Communications” means the transmittal of information, in the form  
13 of facts, ideas, inquiries, or otherwise. The term is used here in the broadest sense, and includes any and  
14 all conversations, Meetings, discussions, copying or forwarding e-mails and other Documents and any  
15 other mode of verbal or other information exchange, whether in person or otherwise, as well as all letters,  
16 correspondences, memoranda, telegrams, cables, and other Documents memorializing or constituting any  
17 information exchange.

18 11) “Document” or “Documents” is used in its broadest sense and includes all Communications  
19 and writings of every kind, whether sent or received, including the original, drafts, copies and non-  
20 identical copies bearing notations or marks not found on the original, and including, but not limited to,  
21 text messages, short messaging service (SMS), multimedia messaging service (MMS), any instant  
22 messages through any instant message service, letters, memoranda, reports, studies, notes, speeches, press  
23 releases, agenda, minutes, transcripts, summaries, self-sticking removable notes, telegrams, teletypes,  
24 telefax, cancelled checks, check stubs, invoices, receipts, medical records, ticket stubs, maps, pamphlets,  
25 notes, charts, contracts, agreements, diaries, calendars, appointment books, tabulations, analyses,  
26 statistical or information accumulation, audits and associated workpapers, any kinds of records, film  
27 impressions, magnetic tape, tape records, sound or mechanical reproductions, all stored compilations of  
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RCBO’S FIRST SET OF WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

1 information of any kind which may be retrievable (such as, but without limitation, the content of computer  
2 memory or information storage facilities, and computer programs, and any instructions or interpretive  
3 materials associated with them), electronic files or Documents or any electronically stored information of  
4 any kind (including associated metadata, email, and voice-mail messages), and any other writings, papers,  
5 and tangible things of whatever description whatsoever including, but not limited to, any information  
6 contained in any computer, even if not printed out, copies of Documents which are not identical duplicates  
7 of the originals (*e.g.*, because handwritten or “blind” notes appear thereon or attached thereto), including  
8 prior drafts, whether or not the originals are in Your possession, custody, or control.

9       12)   “ESI” means all digital or analog electronic files, including “deleted” files and file  
10 fragments, stored in machine-readable format on magnetic, optical, or other storage media, including the  
11 hard drives or floppy disks used by your computers and their backup media (*e.g.*, other hard drives, backup  
12 tapes, floppies, CD-ROMs) or otherwise, whether such files have been reduced to paper printouts or not.  
13 “ESI” includes all social media information, including messages and other information retrievable from  
14 sources such as Facebook, Twitter, Instagram, Snapchat, and LinkedIn. By way of illustration and not  
15 limitation, “ESI” includes emails, both sent and received, whether internally or externally; all word-  
16 processed files, including drafts and revisions, all spreadsheets, including drafts and revisions, all  
17 databases, all presentation da-ta or slide shows produced by presentation software (such as Microsoft  
18 PowerPoint); all graphs, charts, and other data produced by project management software (such as  
19 Microsoft Project); all data generated by calendaring, task management, and personal information  
20 management soft-ware (such as Microsoft Outlook or Lotus Notes); all data created with use of personal  
21 data assistants (PDAs), such as Pal-allot, HP Jornada, Cassiopeia, or other Windows CE-based or Pocket  
22 PC devices; all data created with the use of document management software; all data created with the use  
23 of paper and electronic mail logging and routing software; all Internet and Web-browser-generated history  
24 files, caches, and “cookies” files generated at the workstation of each employee or agent in the responding  
25 party’s employ and on any and all backup storage media; and any and all other files and metadata  
26 generated by users through the use of computers or telecommunications, including but not limited to  
27 voicemail or video.

13) “Identify” means that you must provide the name, address, phone number, and description of an individual or entity as it relates to each Request.

14) “Insurance Policy” or “Insurance Policies” means any general liability insurance policies, comprehensive general liability insurance policies, commercial general liability insurance policies, excess insurance policies, umbrella liability insurance policies, claims-made insurance policies, or any insurance policy that insures or may insure against claims relating to bodily injury, personal injury, child abuse, sexual abuse, or sexual misconduct, issued to RCBO or otherwise insuring RCBO. For avoidance of doubt, “Insurance Policy” or “Insurance Policies” includes any insurance policies that RCBO has identified in this action as providing or potentially providing coverage for the Abuse Claims.

15) The “Insurers” means Pacific Indemnity Company; Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America; Pacific Employers Insurance Company; Westchester Fire Insurance Company; Westport Insurance Corporation, formerly known as Employers Reinsurance Corporation; Travelers Casualty & Surety Company, f/k/a Aetna Casualty & Surety Company; Certain Underwriters at Lloyd’s, London subscribing severally and not jointly to Slip Nos. CU 1001, K 66034, K 78138, and CU 3061; United States Fire Insurance Company; Continental Casualty Company; California Insurance Guarantee Association; American Home Assurance Company; and Lexington Insurance Company, and in each case its current and former affiliates, corporate parents, subsidiaries, officers, directors, employees, representatives, attorneys, joint ventures, partners, and anyone acting on its or their behalf.

16) “Litigation Financer” means the entity funding the Litigation Financing, and its owners, directors, officers, employees, shareholders, subsidiaries, divisions, affiliates, partners, and predecessor or successor entities operating under different names, if any, and their respective members, officers, directors, employees, general partners, limited partners, agents, representatives, stockholders, shareholders, accountants, attorneys, and any person acting or purporting to act on their behalf or subject to their control. If more than one Litigation Financer is relevant within the context of each Request, You are instructed to provide a response for each person or entity.

17) “Litigation Financing” means any financial funding obtained from any third-party, to fund



any litigation or lawsuit on behalf of Abuse Claimants against RCBO.

18) “Livermore Property” means the approximately 122.5-acre real property located at 3658 Las Colinas Road, Livermore, California owned by Adventus, a California non-profit public benefit corporation.

19) “Meeting” shall be given its plain meaning within the context of each request. However, for the avoidance of doubt, “Meeting” is not exclusive to in-person Meetings. It includes, but is not limited to, phone calls, in-person Meetings, virtual Meetings (e.g. meetings via zoom, teams, or other similar videoconferencing platforms), or any variation thereof.

20) “Metadata” means that electronic bibliographic information that is recorded and embedded into most Microsoft-compatible electronic file formats. Metadata is data about the content, quality, condition, and other characteristics of data files.

21) “OPF” means The Oakland Parochial Fund, Inc., a California non-profit religious corporation.

22) “Plan” means RCBO’s proposed Third Amended Plan filed in the Bankruptcy Proceeding on March 17, 2025 (Doc. No. 1830).

23) “Proxy” or “Proxies” means any individual or entity acting on behalf of a Committee member(s) in that member’s official capacity in the Bankruptcy Proceeding, and his or her employees, affiliates, partners, predecessor or successor in interest, if any, agents, representatives accountants, attorneys, and any person acting or purporting to act on their behalf or subject to their control.

24) “RCC” means The Roman Catholic Cemeteries of The Diocese of Oakland, a California non-profit religious corporation.

25) “RCWC” means The Roman Catholic Welfare Corporation of Oakland, a California non-profit religious corporation.

26) “Unknown Abuse Claim” means an Abuse Claim arising out of an alleged act of sexual abuse that occurred on or before the Effective Date for which (a) no Proof of Claim was Filed or deemed timely Filed on or before the Claims Bar Date, or (b) a Proof of Claim was Filed after the Claims Bar Date or otherwise submitted to the Survivors’ Trustee, if such Abuse Claim was not untimely under California

state law (e.g. not discovered or reasonably discoverable before the Claims Bar Date, or subject to a new law re-opening the claims window)

27) “You,” “Your,” or the “Committee” means the Official Committee of Unsecured Creditors in the Bankruptcy Proceeding, and any of its affiliates, directors, officers, employees, agents, representatives, accountants, attorneys, and any person acting or purporting to act on their behalf or subject to their control. For the avoidance of doubt, “Committee Member(s)” shall likewise refer to an individual member of the Committee.

28) Any term not defined herein carries its dictionary definition.

### **INSTRUCTIONS**

1) You must respond to these requests no later than 30 days from service of these requests in accordance with relevant Rules of Procedure, or such other date as ordered by the Bankruptcy Court.

2) These Requests are governed by the definitions and instructions contained in the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure (as applicable), and the Local Rules of the United States District Court for the Northern District of California, supplemented as permitted by the specific Instructions and Definitions herein.

3) Unless otherwise stated in a specific Request herein, the relevant time period for the discovery being sought shall be from the petition date of the Bankruptcy Proceeding to present.

4) These Requests are continuing in nature. In the event You become aware of or acquire additional information or documents responsive to any of these Requests, such information or documents must be produced promptly.

5) You must produce all Documents and other materials responsive to these Requests in Your actual or constructive possession, custody or control, whether directly or indirectly, including (but not limited to) the possession, custody or control of current and former employees, officers, directors, agents, agents’ representatives, consultants, contractors, vendors, or any fiduciary or other third parties. You must produce all such Documents and other materials in Your possession, custody or control regardless of whether they are maintained in paper or electronic format and regardless of where they are maintained or stored.

RCBO’S FIRST SET OF WRITTEN DISCOVERY TO THE  
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6) Documents that You produce should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

7) If any Document, or any part thereof, is not produced pursuant to a claim of attorney-client privilege, work product protection, or any other privilege, You must a log identifying the following information for each such Document, and any other information reasonably necessary for RCBO to evaluate the validity of the privilege claim:

- a. The title, subject matter, and type of Document withheld;
- b. The date, place and manner of the withheld Document's preparation;
- c. The author(s), address(es) and recipient(s) of the Document, including information regarding such persons needed to assess the claim of privilege and identification of all such person who are an attorney; and
- d. The legal and factual bases for asserting the privilege claim.

8) Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege or work product doctrine. In the event You produce any Documents with redactions, You must provide a log setting forth the information requested in Instruction 7 above.

9) To the extent a Document sought herein was at one time, but is no longer, in Your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which Relate or refer to, the time period covered by these Requests are to be identified and produced.

10) If you object to any request or part thereof, you are to identify the nature and extent of your objection and produce all documents to which your objection does not apply. If you are withholding

responsive documents on the basis of such objection, you must clearly so state. If in answering these Requests you claim any ambiguity or vagueness in either the Requests or a definition or instruction applicable thereto, identify in your response the language you consider ambiguous or vague and state the interpretation you are using in responding. Words or terms not specifically defined herein shall be given their standard, ordinary meaning, as may be set forth in www.merriam-webster.com. If You are unable to respond to any part of the following Requests, respond to the extent possible, specifying the reason(s) for Your inability to respond to the remainder and stating whatever information or knowledge You have regarding the portion to which You do not respond.

11) If there are no Documents responsive to a particular Request, provide a written response so stating.

12) If You believe that any Request, definition, or instruction is ambiguous, in whole or in part, You must nonetheless respond and (a) set forth the matter deemed ambiguous and (b) describe the manner in which You construed the Request to frame Your response.

**ELECTRONICALLY STORED INFORMATION OR MAGNETIC DATA**

13) Pursuant to Federal Rules of Civil Procedure 34, RCBO specifically requests that all data that exists in electronic or magnetic form be produced in its native form; that is, in the form in which the information was customarily created, used and stored by the native application employed by the producing party in the ordinary course of business.

14) If it is not feasible to produce an item of responsive ESI in its native form, it may be produced in an agreed-upon near-native form; that is, in a form in which the item can be imported into the native application without a material loss of content, structure or functionality as compared to the native form. Static image production formats serve as near-native alternatives only for information items that are natively static images (*i.e.*, photographs and scans of hard-copy documents).

15) The table below supplies examples of agreed-upon native or near-native forms in which specific types of ESI should be produced:

Source ESI	Native or Near-Native Form or Forms
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	Sought
Microsoft Word Documents	.DOC, .DOCX
Microsoft Excel Spreadsheet	.XLS, .XLSX
Microsoft PowerPoint Presentations	.PPT, .PPTX
Microsoft Access Databases	.MDB, .ACCDB
WordPerfect Documents	.WPD
Adobe Acrobat Documents	.PFD
Photographs	.JPG, .PDF
E-mail	Messages should be produced in a form or forms that readily support import into standard e-mail client programs. For Microsoft Exchange or Outlook messaging, .PST format will suffice. Single message production formats like .MSG or .EML may be furnished if source foldering data is preserved and produced. For Lotus Notes mail, furnish .NSF files or convert to .PST. If your workflow requires that attachments be extracted and produced separately from transmitting messages, attachments should be produced in their native forms with parent/child relationships to the message and container(s) preserved and produced in a delimited text file.

16) Absent a showing of need, a party shall produce responsive information reports contained in databases through the use of standard reports; that is, reports that can be generated in the ordinary course of business and without specialized programming efforts being those necessary to generate standard reports. All such reports shall be produced in a delimited electronic format preserving field and record structures and names. The parties will meet and confer regarding programmatic database productions as necessary.

17) Information items that are paper documents or that require redaction shall be produced in

static image formats scanned at 300 dpi (*e.g.*, single-page Group IV.TIFF or multipage PDF images). If an information item contains color, the producing party shall not produce the item in a form that does not display color. The full content of each document will be extracted directly from the native source where feasible or, where infeasible, by optical character recognition (OCR) or other suitable method to a searchable text file produced with the corresponding page image(s) or embedded within the image file. Redactions shall be logged along with other information items withheld on claims of privilege.

18) Parties shall take reasonable steps to ensure that text extraction methods produce usable, accurate, and complete searchable text.

19) Individual information items requiring redaction shall (as feasible) be redacted natively, produced in .PDF format and redacted using the Adobe Acrobat redaction feature or redacted and produced in a format that does not serve to downgrade the ability to electronically search the unredacted portions of the item. Bates identifiers should be endorsed on the lower right corner of all images, but not so as to obscure content.

### **REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** All Documents or Communications referring or related to the Livermore Property.

**REQUEST NO. 2:** All Documents or Communications referring or related to any Church Real Property.

**REQUEST NO. 3:** All Documents or Communications referring or related to the Plan.

**REQUEST NO. 4:** All Documents or Communications referring or related to Your valuation of Church Real Property.

**REQUEST NO. 5:** All Documents or Communications referring or related to Your valuation of the Livermore Property.

**REQUEST NO. 6:** All Documents or Communications referring or related to Your evaluation of RCBO's settlement offers during mediations in the Bankruptcy Proceeding.

**REQUEST NO. 7:** All Documents or Communications You intend to rely on to oppose confirmation of the Plan in the Bankruptcy Proceeding.

**REQUEST NO. 8:** The Bylaws for the Committee.

RCBO'S FIRST SET OF WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

**REQUEST NO. 9:** All Documents or Communications referring or related to the Bylaws of the Committee.

**REQUEST NO. 10:** All resolutions proposed, voted on, approved, denied, or tabled by the Committee.

**REQUEST NO. 11:** All engagement letters between the Committee and any professions it has retained under sections 327, 328, 330, or 331 of the Bankruptcy Code.

**REQUEST NO. 12:** All engagement letters between individual Committee members and their counsel with respect to each such Committee member's state court action(s) against the Debtor or such Committee member's claim in this Chapter 11 Case.

**REQUEST NO. 13:** All Communications pre-dating the formation of the Committee between any attorney for an individual Committee member and any other attorney for any other individual Committee member.

**REQUEST NO. 14:** All Communications regarding claims against the Debtor between any expert witness expected to testify in the Bankruptcy Proceeding and You or any other person or entity.

**REQUEST NO. 15:** All invoices, fee statements, or other documents reflecting amounts paid to any expert witness expected to testify in the Bankruptcy Proceeding for such expert's work in connection with the Bankruptcy Proceeding.

**REQUEST NO. 16:** The working file for any expert witness expected to testify in the Bankruptcy Proceeding.

**REQUEST NO. 17:** All documents or communications relied upon by any expert witness expected to testify in the Bankruptcy Proceeding.

**REQUEST NO. 18:** All Documents referring or related to any opinion of any expert expected to testify in the Bankruptcy Proceeding.

**REQUEST NO. 19:** The resume or CV of any expert expected to testify in the Bankruptcy Proceeding.

**REQUEST NO. 20:** All expert opinions concerning the valuation of Church Real Property.

**REQUEST NO. 21:** All expert opinions concerning the valuation of the Livermore Property.

**REQUEST NO. 22:** All expert opinions concerning the Debtor's ability to satisfy 11 U.S.C. § 1129(a)(7)(A)(ii).

**REQUEST NO. 23:** All expert opinions concerning the Debtor's ability to satisfy 11 U.S.C. § 1129(a)(11).

**REQUEST NO. 24:** All expert opinions concerning the Debtor's ability to satisfy 11 U.S.C. § 1129(a)(3).

RCBO'S FIRST SET OF WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS



**REQUEST NO. 25:** All expert opinions concerning the Debtor's ability to satisfy 11 U.S.C. § 1129(b)(2)

**REQUEST NO. 26:** All Proxies obtained by the Unsecured Creditors' Committee.

**REQUEST NO. 27:** All drafts of Proxies involving any Abuse Claimant.

**REQUEST NO. 28:** All Documents or Communications referring or related to any Proxy or draft of a Proxy sent to or received from any Abuse Claimant.

**REQUEST NO. 29:** All Documents or Communications soliciting any Proxy or Proxy votes.

**REQUEST NO. 30:** All Documents referring or related to any Proxy obtained or solicited by the Unsecured Creditors' Committee.

**REQUEST NO. 31:** All Documents referring or related to the scope of authority for any individual empowered by a Proxy in this Bankruptcy Proceeding.

**REQUEST NO. 32:** All Communications referring or related to the Bankruptcy Proceeding between Proxies, Committee Members, and a third-party.

**REQUEST NO. 33:** All Documents or Communications concerning the Bankruptcy Proceeding that reference a Proxy.

**REQUEST NO. 34:** All Documents or Communications referring or related to any actual or proposed Litigation Financing

**REQUEST NO. 35:** All Documents or Communications referring or related to any opposition to the Plan by any Litigation Financer associated with any Abuse Claimant or their counsel.

**REQUEST NO. 36:** All agreements, term sheets, correspondence, or other documents reflecting any financial arrangement, funding agreement, or contractual relationship between or on behalf of the Litigation Financier on the one hand, and the Abuse Claimants, any counsel for the Abuse Claimants, the Unsecured Creditors' Committee, Committee Members, Proxies, or any of their agents on the other hand.

**REQUEST NO. 37:** All Documents or Communications referring or related to any negotiation of any Litigation Financing.

**REQUEST NO. 38:** All Documents or Communications with any Litigation Financer, including but not limited to all such Communications concerning the Bankruptcy Proceeding.

**REQUEST NO. 39:** All Documents or Communications referring or related to Meetings between any Litigation Financer and the Unsecured Creditors' Committee.

**REQUEST NO. 40:** All Documents or Communications referring or related to any Meetings between any Litigation Financer and Proxies.

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- REQUEST NO. 41:** All Documents or Communications referring or related to any Litigation Financer's valuation of potential claims held by Abuse Claimants against RCBO.
- REQUEST NO. 42:** All Documents or Communications referring or related to any Litigation Financer's valuation of recovery against Insurers of RCBO in connection with potential claims held by Abuse Claimants.
- REQUEST NO. 43:** All Documents or Communications referring or related to any Litigation Financer's analysis concerning the Insurance Policies.
- REQUEST NO. 44:** All Documents or Communications referring or reflecting any Litigation Financer's participation in Committee Meetings.
- REQUEST NO. 45:** All Documents or Communications referring or related to any Litigation Financer's opining on Committee Decision Making.
- REQUEST NO. 46:** All Documents referring or related to any Litigation Financer's valuation of settlement of potential claims held by Abuse Claimants against RCBO.
- REQUEST NO. 47:** All Documents or Communications referring or related to any Litigation Financer's evaluation of settlement with RCBO in the Bankruptcy Proceeding.
- REQUEST NO. 48:** All Communications with any Litigation Financer referring or related to settlement with RCBO in the Bankruptcy Proceeding.
- REQUEST NO. 49:** All Documents or Communications referring or related to any Litigation Financer's financial interest in litigation against RCBO.
- REQUEST NO. 50:** All Communications between You and any Litigation Financer concerning the Bankruptcy Proceeding.
- REQUEST NO. 51:** All Communications between You and any Litigation Financer, after the initiation of the Bankruptcy Proceeding, referring or related to any claims against RCBO.
- REQUEST NO. 52:** All common interest agreements between You and any third party.
- REQUEST NO. 53:** All common interest agreements between any member of the Committee and any other person relating to this Chapter 11 Case or any underlying state court action against the Debtor.

**INTERROGATORIES**

- INTERROGATORY NO. 1:** Describe in detail Your factual basis for opposing or objecting to the Plan.
- INTERROGATORY NO. 2:** If you contend that any part of the Plan is not proposed in good faith, identify the portion(s) of the Plan you contend is not proposed in good faith and the factual basis for claiming said portion(s) is not proposed in good faith.
- INTERROGATORY NO. 3:** If you contend that any part of the Plan is not in the best interest of creditors, identify the portion(s) of the Plan you contend is not in the best interest of creditors and the factual basis for claiming said portion(s) is not in the best interest of creditors.
- INTERROGATORY NO. 4:** Identify each individual that directed the Committee to oppose the Plan, including any third parties, Litigation Financer(s), and agents or representatives of any Abuse Claimant.
- INTERROGATORY NO. 5:** Describe in detail the factual basis for Your valuation of the RCBO estate in the Bankruptcy Proceeding. For the avoidance of doubt, “detail” in this request requires supporting calculations and the factual basis of Your market assessment for RCBO’s assets and liabilities.
- INTERROGATORY NO. 6:** Describe in detail the factual basis for Your valuation of the Livermore Property. For the avoidance of doubt, “detail” in this request requires supporting calculations and the factual basis of Your market assessment for RCBO’s assets and liabilities.
- INTERROGATORY NO. 7:** If you contend that RCBO should liquidate any of the Church Real Property as part of its Plan, identify the property(ies) that you contend should be liquidated and the factual basis for claiming that said property(ies) should be liquidated.
- INTERROGATORY NO. 8:** If you contend that any of the assets that RCBO claims are restricted should be treated as unrestricted assets that should be used to pay creditors’ claims under the Plan, identify said asset(s) and the factual basis for claiming that such asset(s) is unrestricted.
- INTERROGATORY NO. 9:** Explain the factual basis for your contention that the insurance assignment proposed in the Plan is not in the best interest of the creditors or is not proposed in good faith.
- INTERROGATORY NO. 10:** If you contend that RCWC, OPF, or RCC are not legally separate entities from RCBO, explain the factual basis for your contention.

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- 1 **INTERROGATORY NO. 11:** Explain the factual basis for your contention that RCBO can compel  
2 RCWC, OPF, and/or RCC to liquidate any of their assets to be used to  
3 pay creditors under the Plan.
- 4 **INTERROGATORY NO. 12:** Identify the property(ies) or asset(s) owned or controlled by RCWC,  
5 OPF, or RCC that you contend RCBO should compel RCWC, OPF, or  
6 RCC to liquidate to pay creditors under the Plan.
- 7 **INTERROGATORY NO. 13:** Identify all persons whom you intend to call as witnesses or submit  
8 sworn written testimony in the Bankruptcy Proceeding in connection  
9 with Plan Confirmation, the subject matters on which you expect each  
10 such person to testify, and any opinions you expect each such person to  
11 provide as part of their testimony.
- 12 **INTERROGATORY NO. 14:** Identify every Proxy who has obtained decision-making authority from  
13 any Abuse Claimant.
- 14 **INTERROGATORY NO. 15:** For each Proxy identified in Your response to Interrogatory No. 14,  
15 describe the scope of their authority.
- 16 **INTERROGATORY NO. 16:** Identify each Committee Member that expressly directed their Proxy to  
17 reject RCBO's settlement offer.
- 18 **INTERROGATORY NO. 17:** Describe in detail the process by which the Unsecured Creditors'  
19 Committee makes Committee Decisions.
- 20 **INTERROGATORY NO. 18:** Identify which Committee Decisions were made at the direction of  
21 Proxies as opposed to a direct instruction from the Committee Members.
- 22 **INTERROGATORY NO. 19:** Identify the person(s) employed by Your Litigation Financer(s) who  
23 evaluated the Abuse Claimants' claims against RCBO.
- 24 **INTERROGATORY NO. 20:** Describe any contribution any Litigation Financer has made in a  
25 Committee Decision.
- 26 **INTERROGATORY NO. 21:** Describe any opinions provided by any Litigation Financer concerning  
27 the Clergy III settlement, the Bankruptcy Proceeding, the Plan, or any  
28 settlement offer made by RCBO.
- INTERROGATORY NO. 22:** Identify every Meeting You had with any Litigation Financer following  
RCBO's initiation of the Bankruptcy Proceeding by identifying each  
date and participant for such Meeting.
- INTERROGATORY NO. 23:** Identify any Committee Member or Proxy that has a financial interest  
in any Litigation Financing or has received any compensation from the  
Litigation Financer.

[Signature on next page]

RCBO'S FIRST SET OF WRITTEN DISCOVERY TO THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

1  
2  
3 DATED: April 11, 2025

**Foley & Lardner LLP**

Thomas F. Carlucci  
Shane J. Moses  
Ann Marie Uetz  
Matthew D. Lee  
Geoffrey S. Goodman  
Mark C. Moore

/s/ Shane J. Moses

Shane J. Moses

*Counsel for the Debtor  
and Debtor in Possession*

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to this action; my current business address is 555 California Street, Ste. 1700, San Francisco, CA 94104.

On April 11, 2025, I served the foregoing document(s) described as: **DEBTOR THE ROMAN CATHOLIC BISHOP OF OAKLAND'S FIRST SET OF WRITTEN DISCOVERY TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS** on the interested parties in this action as follows:

Jeffrey Prol, Esq. Brent Weisenberg, Esq. Michael Kaplan, Esq. Colleen Restel, Esq. Lowenstein Sandler LLP One Lowenstein Dr. Roseland, NJ 07068 <a href="mailto:jprol@lowenstein.com">jprol@lowenstein.com</a> <a href="mailto:bweisenberg@lowenstein.com">bweisenberg@lowenstein.com</a> <a href="mailto:mkaplan@lowenstein.com">mkaplan@lowenstein.com</a> <a href="mailto:crestel@lowenstein.com">crestel@lowenstein.com</a>  Gabrielle L. Albert, Esq. Keller Benvenuti Kim LLP 425 Market St., 26th Floor San Francisco, California 94105 <a href="mailto:galbert@kblkllp.com">galbert@kblkllp.com</a>	Attorneys for Official Committee of Unsecured Creditors
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  X   BY E-MAIL

  X   I served the foregoing document via e-mail to the addressees above at the e-mail addresses listed therein.

  X   Executed on April 11, 2025, at Oakland, California.

  X   I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Shane J. Moses  
Shane J. Moses

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