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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,

Debtor.

**DECLARATION OF BRENT
WEISENBERG, ESQ. IN SUPPORT OF
OBJECTION OF THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS TO THE JOINT MOTION
FILED BY THE DEBTOR AND 85
CLERGY EMPLOYEES OF THE
DEBTOR TO QUASH AND MOTION
FOR PROTECTION AGAINST
SUBPOENAS**

Judge: Hon. William J. Lafferty



I, Brent Weisenberg, Esq., hereby declare as follows:

1. I am a partner at the law firm of Lowenstein Sandler LLP, counsel to the Official Committee of Unsecured Creditors (the “**Committee**”) in connection with the above-referenced chapter 11 case.

2. I submit this Declaration in support of the *Objection of the Official Committee of Unsecured Creditors to the Joint Motion Filed by the Debtor and 85 Clergy Employees of the Debtor to Quash and Motion for Protection Against Subpoenas* (the “**Objection**”).¹

3. The facts set forth in this declaration are personally known to me, and, if called as a witness, I could and would competently testify thereto.

4. Attached hereto as **Exhibit A** is a true and correct copy of Dr. Matthew Kemner’s January 2025 invoice for services rendered to the Debtor.

5. Attached hereto as **Exhibit B** is a true and correct copy of Dr. Matthew Kemner’s February 2025 invoice for services rendered to the Debtor.

6. Attached hereto as **Exhibit C** is a true and correct copy of Dr. Matthew Kemner’s March 2025 invoice for services rendered to the Debtor.

I certify under penalty of perjury that the foregoing information is true and correct to the best of my knowledge, information and belief, and I understand that I am subject to punishment if any of the foregoing statements made by me are willfully false. Executed this 9th day of May, 2025.

Signed by:

Brent Weisenberg

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Brent Weisenberg, Esq.

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Objection.

Exhibit A

Dr. Matthew J. Kemner
Invoice for Services Rendered to RCBO (January 2025)

Date	Task Description	Hours	Hourly Rate	Total
3-Jan-25	Receive and follow up on instructions from Medeiros regarding specific claims against certain priests, and related issues of respondent superior, joint and several liability, and related issues, and prepare preliminary report to leadership re import of same (3.3); assist preparing, modifying and commenting on amended disclosure statement and prepare correspondence to team re same (2.4).	5.7		
6-Jan-25	Review and follow up on emails (0.8); receive instructions from Bishop Barber related to various issues emerging from false claims of creditors related to transfer claims, and follow up on same with respect to legal arguments to same, as well as responses to press inquiries related to such false claims (3.5).	4.3		
7-Jan-25	Receive and follow up on instructions from Bishop Barber regarding refinement of response to false claims from creditors regarding asset transfers, and assist re legal arguments related thereto (2.3); work on possible draft declarations to support anticipated upcoming pleadings (2.1); receive and follow up on instructions from Fr D'Anjou regarding sworn declarations and potential use of same (0.5).	4.9		
8-Jan-25	Assist preparing and modifying motions re mediation, and address instructions from Bishop related to same, as well as to other issues (1.8); prepare correspondence to Uetz re to do list (0.4); work on draft potential declarations in support of plan (1.1).	3.3		
9-Jan-25	Assist preparing response to creditor inquiries on next regularly scheduled payment re cathedral (1.8) review emails and follow up (0.4); assist preparing legal arguments directly and indirectly related to invalid creditor attempts to blur distinct identity of entities not in bankruptcy (1.3).	3.5		
11-Jan-25	Assist preparing cash analysis and recommendation re replenishing of same (1.6); prepare correspondence to Vera Cruz (0.5).	2.1		

13-Jan-25	<p>Prepare for and cover conference call with co counsel regarding strategy options on opposing invalid attacks against corporate separateness, and related issues involving various distinct entities within the diocese (1.6); follow up re same (0.5); receive and address instructions from Medeiros on factually weak claims involving two priests, and report back to Medeiros preliminary assessment (1.5).</p>	3.6
14-Jan-25	<p>Prepare report and recommendations to leadership on multiple issues related to non-debtor Catholic entities, and how each may or may not be involved in pending motions (2.5); prepare for Thursday's hearing (1.6).</p>	4.1
15-Jan-25	<p>Work on asset evaluation and possible liquidation issues, as well as cash forecast refinement (2.6); analyze certain claims involving multiple alleged survivors and follow up with Foley re same (1.7); analyze pleadings and prepare for hearings tomorrow in bankruptcy and districts courts (2.1).</p>	6.4
16-Jan-25	<p>Prepare for and assist covering hearing for insurance litigation in District Court (3.4); assist preparing for and covering hearing in Bankruptcy Court (4.5); report back to leadership on import of same and follow up on instructions from same (0.7).</p>	8.6
17-Jan-25	<p>Prepare for upcoming mediation and address Bishop Barber's instructions as relates to same (1.1); follow up on instructions from leadership (0.4).</p>	1.5
21-Jan-25	<p>Prepare for and cover meeting with Fr Lawrence regarding marshalling of assets for possible sale and related matters (1.5); prepare for and cover leadership meeting re key issues in bankruptcy case and recommended strategy and tactical approach, and follow up on instructions from same (2.8).</p>	4.3
22-Jan-25	<p>Telephone conferences with various priests and leadership on status of bankruptcy and tasks to do (1.3); prepare correspondence to Uetz on pressing matters and follow up re same (1.4); work on modifications to disclosure statement (1.3); work on draft opposition briefs and email Foley re same (1.5).</p>	5.5
23-Jan-25	<p>Telephone conference with Uetz regarding content of disclosure statement, and ideas and issues from leadership re same, and follow up one decisions made (1.8); prepare correspondence to Bishop on various matters, and meet with Medeiros on similar issues (0.9); assist editing and modifying draft opposition briefs and accompanying pleadings, and prepare correspondence to Foley re same (3.9).</p>	6.6

27-Jan-25	Receive and follow up on instruction from leadership on real estate boundary issues and related matters affecting property available to creditors (1.3); work on inquiries from parishes regarding character of certain assets, and follow up with phone calls and research re same (1.8).	3.1		
28-Jan-25	Prepare for and cover meeting with Bishop Barber on mediation prep to-do list, evidentiary issues, an numerous open issues re property, and follow up re same pursuant to Bishop's instruction (2.8); telephone conference with parishes addressing real property ownership issues (0.5); prepare correspondence to Foley and follow up re same (0.6); work with Bardos on assets potentially available for liquidation and hurdles to monetizing same (2.5).	6.4		
29-Jan-25	Prepare for meetings with pastor and lay parish leaders re possible upcoming burden sharing (2.4); work on real property list potentially available for use to pay estate liabilities and settlement (3.2); prepare for and conduct meeting with people on leadership team and follow up on requests from same (1.5).	7.1		
30-Jan-25	Prepare for and cover meeting with Foley on parish issues (0.3); prepare for and cover internal meeting with leadership on mediation strategy and related issues (1.5); research other minor sexual abuse multiple plaintiff cases for potentially relevant related issues (2.6); telephone conferences with consultants (0.8).	5.2		
All January	work done <i>gratis</i> for RCBO but not billed			28.9
	Totals:	80.5	\$735	Total Amount Due: \$59,167.50

Exhibit B

Dr. Matthew J. Kemner
Invoice for Consulting Services Rendered to RCBO (Feb 2025)

Date	Task Description	Hours	Hourly Rate	Total
3-Feb-25	Analyze developments in other diocese bankruptcy litigation for possible relevance, and prepare report to leadership re same (2.3); analyze various assets of parishes for possible use in settlement and telephone calls to Foley re same (1.8); review and follow up on emails (0.4).	4.5		
5-Feb-25	Prepare for meetings at parish level with leadership (2.5); review email and follow up (0.6).	3.1		
6-Feb-25	Final preparations for and cover meeting with priests regarding update on bankruptcy developments (2.5); prepare for leadership meeting (1.1); examine further real estate liquidation issues related to potential refinement of approach in mediation (1.4); review emails (0.2).	5.2		
7-Feb-25	Work on benchmarking of key data points in other (arch)diocese's bankruptcies for purposes of supporting fair and reasonableness arguments (4.2); various telephone calls regarding same (1.3).	5.5		
10-Feb-25	Work on equity arguments supporting reasonableness of plan, and email Foley re same.	0.4		
11-Feb-25	Analyze evidence and statements of debtor to confirm legal requirements for corporate separateness continue to be fulfilled, and follow up (1.9); examine past research, and strengthen and refine same further, as to balance between satisfying plan and first amendment free exercise rights as affects church closures (2.4).	4.3		
14-Feb-25	Review and respond to emails from Foley (0.4); telephone call with Bardos and follow up on instructions from same (1.1); work on amended disclosure statement and related documents (1.1); meeting with Bardos (0.2); prepare for and cover meeting with Bishop Barber on collateral issues (1.8); telco with Foley and finance counsel, and follow up (1.2).	5.8		

18-Feb-25	Prepare for and cover meeting with leadership (1.7); work on project for Medeiros (1.4); prepare for upcoming mediation (1.5); analyze Connecticut bankruptcy and follow up with Foley re same (0.9).	5.5
19-Feb-25	Prepare for and cover telco with Foley on various issues related to amended disclosure statement, possible clarification of items in Plan, and upcoming points of discussion with insurers, and follow up after same (1.9); prepare for mediation (3.3); analyze emails and prepare to-do list for various individuals on leadership team (1.3).	6.5
20-Feb-25	Research issues of Canon Law and work with expert consultant re same (1.2); assist preparing amended disclosure and draft related pleadings (1.5); prepare for meeting tomorrow with Foley and leadership team (0.4); telephone conference with Flanagan and follow up re same (0.8); work with Bishop Barber on communication issue and prepare written recommendations to same (1.7); follow up (0.2); telephone conference Medeiros communications logistics and follow up on instructions from same (0.5); prepare for and assist covering Diocese Finance Council meeting, and follow up on issues arising in same thereafter (1.1); evening strategy meeting with Bishop Barber (0.2).	7.6
21-Feb-25	Prepare for next week's mediation (1.3); virtual conference with Foley and leadership on strategy and tactics of negotiations, and attend to follow up instructions from client thereafter (2.8).	4.1
22-Feb-25	Prepare for Monday's mediation.	1.4
24-Feb-25	Early morning email review and final prep for mediation (1.1); assist covering mediation in San Francisco, and conduct debrief meeting with Bishop Barber and receive follow up instructions from same (8.9); prepare for tomorrow's mediation and follow up on instructions from Bishop Barber (0.7).	10.7
25-Feb-25	Early morning email review and final prep for mediation (0.5); cover mediation in San Francisco and conduct post-mediation meeting with leadership (8.9); evening call with Bishop Barber on latest feedback from creditor counsel, and follow up on instructions from same (0.3); prepare extensive written summary of two-day mediation for leadership (2.6).	12.3

26-Feb-25	Assist preparing and editing responsive pleadings and provide feedback (2.3); meet with leadership (0.4).	2.7		
	Review and respond to correspondence from Foley regarding various matters pertaining to strategy and tactics (0.6); prepare for and cover telco with consultants on reasonableness of our plan in light of various factors (0.7); assist reviewing and refining draft financial presentation on assets available to support plan (0.4); prepare follow up instructions to consultants (0.2).	1.9		
27-Feb-25				
All February	Time worked on bankruptcy issues but not billed (<i>gratis</i>).		28.4 hours	
	Totals:	81.5	\$735	Total Amount Due: \$ 59,902.50

Exhibit C

Dr. Matthew J. Kemner
Invoice for Services Rendered to RCBO (March 2025)

Date	Task Description	Hours	Hourly Rate	Total
1-Mar-25	Analyze developments in distinct but related abuse litigation per instruction of D'Anjou.	2.1		
3-Mar-25	Work on press inquiry issues and related efforts to correct false accusations in public from various sources (1.2); work on draft pleadings to support potential motion to approve plan of reorganization, and follow up re same; prepare report to Foley on developments in other diocese bankruptcies and follow up re same (2.6).	3.8		
4-Mar-25	Assist declarants with draft declarations to support amended plan and disclosure statements (3.4); meet with Medeiros and follow up on instructions from same (0.7).	4.1		
5-Mar-25	Work on reallocating assets available to meet plan obligations in light of parameters of amended plan and disclosure statement (0.9); prepare for and cover meeting with Foley to refine and modify same as necessary (2.0); follow up correspondence to Foley on to-do list (0.4); work on communications issues to combat false statements of adversaries (0.8).	4.1		
7-Mar-25	Analyze report from Foley and follow up re same on calls with individuals on lea	0.8		
9-Mar-25	Work on amended plan and accompanying pleadings.	2		
10-Mar-25	Work with finance team on physical assets to support funding of draft amended plan (2.8); follow up re same (0.4); meet with Bishop to discuss strategy, challenges, and recommendations, and follow up on his instructions thereafter (1.4).	4.6		

11-Mar-25	Analyze emails and follow up (0.5); work on follow up tasks related to OPF motion and related pleadings (1.2); assist preparing statement for potential use with the court explaining the reasonableness, fairness, and benefits of proposed draft amended plan (1.2); prepare for and cover telco with Foley on various matters and follow up re same (1.0); meet with Medeiros (0.1); prepare report to Bishop on non diocese minor sexual abuse litigation in California and potential import of same on our bankruptcy (1.8).	5.8
12-Mar-25	Outline points necessary to supplement disclosure statement, and expand and modify same (1.8); analyze updated list of assets potentially available as collateral on possible future loan from cemeteries (2.1).	3.9
13-Mar-25	Work on points necessary for upcoming draft Third Amended Plan (2.2); research materials re insurance positions re contribution in other potentially related cases (2.9); meet with leadership and provide feedback on various issues (1.1).	6.2
14-Mar-25	Outline key points for amended plan and accompanying documents (1.5); prepare for and conduct telephone conference with leadership (1.2); follow up thereafter (0.2); prepare correspondence to Bardos (0.2).	3.1
15-Mar-25	Work on draft amended plan and related documents, as well as arguments in support of reasonableness of Plan.	3.8
16-Mar-25	Assist preparing third amended plan and disclosure statement and prepare comments and changes to Foley team (2.6); prepare correspondence to Fr D'Anjou regarding other abuse litigation with relevance to ours, after research re same per leadership request (2.2).	4.8
20-Mar-25	Review and follow up on emails from leadership with to-do requests (1.8); assist Bardos with preparation for Finance Council meeting, and necessary materials and analysis re same (1.5); prepare for and cover Finance Council meeting (1.1); assist preparing summary thoughts, impressions, and follow up tasks for leadership (1.1).	5.5

24-Mar-25	Prepare for next week's meeting with key Diocese leaders regarding upcoming sacrifices and shared burdens potentially anticipated from Plan (1.1); follow up on instructions from Bishop's office about press releases on key developments, as well as privileged updates on narrower issues, and send draft to leadership (1.8); receive and address input from leadership on changes to draft and modify and approve same (0.2).	3.1		
25-Mar-25	Prepare for and cover settlement meeting with Creditor counsel Burns (2.8); outline key points of meeting (0.5).	3.3		
26-Mar-25	Research developments in other (arch)dioceses regarding the pursuit of knowingly false claims by alleged survivors, and prepare correspondence to client re same (1.3); telephone calls with leadership regarding settlement talks with Burns, and follow up re same (1.2); prepare extensive summary and analysis of meeting with Creditor counsel to leadership, and outline follow up points (2.9).	5.4		
27-Mar-25	Prepare extensive update to Foley, and request to address developments re same to Foley (1.0); assist preparing reply briefs (2.0); follow up (0.4); prepare changes to brief with correspondence explaining same (1.2); prepare letter to Foley answering questions re Creditors' recent outreach (0.4).	5		
28-Mar-25	Prepare for and cover telco with Foley regarding latest settlement overtures from Plaintiff, and strategy decisions and tactics in light thereof (2.3); review emails and follow up accordingly (1.3).	3.6		
30-Mar-25	Receive and follow up on research request from Fr D'Anjou and prepare correspondence to same.	3.9		
31-Mar-25	Prepare for tomorrow's hearing (2.3); prepare for and cover meeting with leadership on various decision points (2.5); review and follow up on emails (0.7).	5.5		
All March <i>gratis</i> hours worked for Diocese but not billed		34.3		
Totals:		82.3	\$735	Total Amount Due: \$ 60,490.50