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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

**APPLICATION FOR ORDER  
AUTHORIZING THE RETENTION OF  
JEFFREY STEMPEL AS  
CONSULTANT AND EXPERT  
WITNESS**

Lowenstein Sandler LLP (“**Applicant**”), counsel to the Official Committee of Unsecured Creditors (the “**Committee**”) of the Roman Catholic Bishop of Oakland (the “**Debtor**”), files this application (this “**Application**”) for entry of an order, under sections 327, 330 and 1103 of title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), authorizing the retention of Jeffrey Stempel (“**Professor Stempel**”) to provide consulting and expert witness services relating to insurance

1 rights and the impact of the proposed insurance assignment under the Plan, *nunc pro tunc* to May  
2 1, 2025.

3 In support of this Application, and incorporated herein by reference for all purposes,  
4 Applicant submits the Declaration of Jeffrey Stempel (the “**Stempel Declaration**”). A proposed  
5 form of order granting the relief requested herein is annexed hereto as **Exhibit A**. In further  
6 support of this Application, Applicant states as follows:

7 **I.**

8 **JURISDICTION**

9 The Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§ 157 and  
10 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and venue is proper in this district  
11 pursuant to 28 U.S.C. §§ 1408 and 1409.

12 **II.**

13 **BACKGROUND**

14 On May 8, 2023 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under  
15 chapter 11 of the Bankruptcy Code, commencing the above-captioned chapter 11 case (the  
16 “**Chapter 11 Case**”).

17 On May 23, 2023, the Office of the United States Trustee appointed the Committee.

18 On April 3, 2025, the Debtor filed its *Third Amended Disclosure Statement for Debtor’s*  
19 *Third Amended Plan of Reorganization* [Dkt. No. 1874] (the “**Disclosure Statement**”) describing  
20 *The Debtor’s Third Amended Plan of Reorganization* [Dkt. No. 1830] (the “**Plan**”). The Plan  
21 provides that the Debtor is assigning all of its insurance rights to Abuse Claimants under the Plan,  
22 but not the Debtor’s bad faith claims (the “**Insurance Assignment**”). See Plan, section 8.2.<sup>1</sup>

23 On April 4, 2025, the Court entered an order approving the adequacy of the Disclosure  
24 Statement [Dkt. No. 1877].

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27 <sup>1</sup> Capitalized terms not defined herein shall have the same meanings as ascribed to them in  
28 the Plan.

1 On April 15, 2025, the Court entered the *Order Setting Certain Dates and Deadlines in*  
2 *Connection with Confirmation of the Debtor's Plan of Reorganization* [Dkt. No. 1893],  
3 establishing a schedule relating to expert discovery in advance of Plan confirmation.

4 **III.**

5 **RELIEF REQUESTED**

6 By this Application, Applicant seeks entry of an order authorizing the retention of  
7 Professor Stempel as a consultant and expert witness to provide the following services, effective  
8 as of May 1, 2025 (the "**Services**"):

- 9 (i) Providing consulting and expert affirmative witness services relating to  
10 insurance rights and the impact of the proposed insurance assignment under  
the Plan;
- 11 (ii) Performing all necessary due diligence, background investigation and  
12 preparation that is customarily associated with analysis of the Debtor's  
insurance policies and the Insurance Assignment;
- 13 (iii) Review and evaluate any relevant reports prepared by or on behalf of the  
14 Debtor, its professionals or any other entities;
- 15 (iv) Prepare and draft affirmative expert reports, rebuttal reports and/ or  
16 affidavits/declarations concerning the issues for which Professor Stempel is  
being engaged;
- 17 (v) Prepare for and provide both deposition and court testimony regarding the  
issues for which Professor Stempel is being engaged; and
- 18 (vi) Any other services that the Applicant deems necessary related to the subject  
19 of insurance rights and the impact of the proposed Insurance Assignment.

20 **IV.**

21 **BASIS FOR RELIEF REQUESTED**

22 The retention of Professor Stempel as a consultant and expert witness is necessary because  
23 the Insurance Assignment proposed by the Debtor will be a contested issue at the upcoming Plan  
24 confirmation hearing. The Insurance Assignment provides that the Debtor is assigning all of its  
25 insurance rights to Abuse Claimants under the Plan. But the Insurers contend that the Debtor's  
26 bad faith claims will not be assigned or will otherwise be extinguished under the Plan. If the  
27 Insurers are correct, the recovery for Survivors pursuing the Litigation Option, as defined in the  
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1 Plan, will be capped at an amount that would not include the potential to pursue the relevant  
2 Insurers for alleged bad-faith conduct. Thus, on its face, the Insurers are poised to be released of  
3 future liability, including liability owed directly to Abuse Claimants.

4 As the Committee believes that the Insurance Assignment is highly prejudicial to Abuse  
5 Claimants and could potentially strip away vital rights that Abuse Claimants would have to pursue  
6 claims against Non-Settling Insurers, Professor Stempel's retention is necessary to evaluate and  
7 establish the negative impact on Abuse Claimants' recoveries under the Plan.

8 *Nunc pro tunc* retention is appropriate here because this Application was filed shortly after  
9 Professor Stempel was selected to serve as Applicant's expert consultant and witness, and  
10 Applicant required provision of the Services from Professor Stempel immediately upon such  
11 selection.

12 **A. Qualifications**

13 After careful and diligent inquiry into Professor Stempel's qualifications and connections,  
14 Professor Stempel was selected to provide expert witness services relating to insurance rights and  
15 the Insurance Assignment, subject to the approval of this Court. Professor Stempel is uniquely  
16 qualified for this role through his ability and extensive professional experience.

17 Professor Stempel is the Doris S. and Theodore B. Lee Professor of Law at William S.  
18 Boyd Law School at the University of Nevada Las Vegas, where he has taught insurance law, legal  
19 ethics, and civil procedure for the last twenty years. Professor Stempel is a prolific writer,  
20 publishing several legal textbooks focusing on insurance law and litigation, as well as contributing  
21 chapters and articles to other books and treatises. Professor Stempel's law review articles are often  
22 published by law school journals throughout the country, many of which feature analysis of  
23 insurance law. His writings have been cited in nearly 200 judicial opinions and more than 2,000  
24 law review articles, books, and treatises. He had provided expert testimony in both federal and  
25 state courts as well as in arbitrations in the U.S. and London.

26 Professor Stempel is a member of the American Law Institute, the European Law Institute,  
27 the State Bar of Nevada, and the Minnesota Bar and served as an Adviser to the ALI Restatement  
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1 of the Law, Liability Insurance. He is also a member of the Principles of Reinsurance Law Project  
2 Group approved by the International Institute for the Unification of Private International Law  
3 (UNIDROIT) and serves on the drafting committee finalizing the language of this model code. In  
4 addition to Insurance Law, Professor Stempel teaches Civil Procedure/Alternative Dispute  
5 Resolution, Contracts, and Professional Responsibility. He has also served on and chaired the  
6 State Bar of Nevada Committee on Ethics and Professionalism as well as Nevada's Ethics 2000  
7 commission and committee assessing the ABA Model Rules of Judicial Conduct.

8 Professor Stempel is a 1981 graduate of Yale Law School, where he was an editor of the  
9 Yale Law Journal and co-founder of the Yale Law and Policy Review. He spent two years as a law  
10 clerk to a federal district court judge in Philadelphia and three years in private practice with a firm  
11 in Minneapolis before entering the teaching profession. Prior to joining the Boyd Law-UNLV  
12 faculty, Professor Stempel served on the faculty at Brooklyn Law School and the Florida State  
13 University College of Law. He has been appointed to three distinguished professorships and has  
14 been the Doris S. & Theodore B. Lee Professor of Law since 2005. In November 2024, he received  
15 an honorary degree ("Doctor Honoris Causa") from the Universidad Pontificia Comillas based on  
16 his insurance scholarship.

17 Given his breadth of experience, Professor Stempel is well qualified to provide the Services  
18 outlined herein.

19 **B. Compensation and Fee Applications**

20 Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local  
21 Bankruptcy Rules, the *United States Bankruptcy Court Northern District of California Guidelines*  
22 *for Compensation and Expense Reimbursement of Professionals and Trustees effective February*  
23 *19, 2014* (the "**Local Guidelines**"), and the Guidelines for Reviewing Applications for  
24 Compensation and Reimbursement of Expenses (the "**Appendix A Guidelines**") issued by the  
25 Office of the United States Trustee, Professor Stempel will charge for his professional services on  
26 an hourly basis in accordance with the ordinary and customary hourly rates in effect at the time  
27 the services are rendered. Professor Stempel's hourly rate is \$695.

1 This rate is the customary billing rate charged by Professor Stempel in both bankruptcy  
2 and non-bankruptcy matters, to both debtor and non-debtor clients. Professor Stempel's hourly  
3 rate is comparable to those charged by professionals of similar experience for engagements of  
4 scope and complexity similar to this Chapter 11 Case. Professor Stempel will also seek  
5 reimbursement of actual and necessary out-of-pocket expenses incurred in connection with the  
6 Services.

7 Professor Stempel will maintain contemporaneous time records in six-minute intervals and  
8 apply to this Court for payment of compensation and reimbursement of expenses in relation to his  
9 provision of the Services. Such records will be maintained in accordance with applicable  
10 provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, the Local  
11 Guidelines, the Appendix A Guidelines, and any additional procedures that may be established by  
12 the Court in this Chapter 11 Case. Professor Stempel may apply to the Court to authorize a  
13 monthly allowance that will permit provisional monthly payment of up to 80% of his fees and  
14 100% of his expenses under the *Order Authorizing Procedures for Interim Compensation and*  
15 *Reimbursement of Expenses of Professionals* [Dkt. No. 170]. Professor Stempel understands that  
16 interim and final fee awards are subject to approval by this Court.

17 Professor Stempel will charge for all services provided and for other charges and  
18 disbursements incurred in rendering the Services. These customary items include, among other  
19 things, travel and lodging expenses, business meals, costs of reproduction, research,  
20 communications, legal counsel costs, applicable sales or excise taxes and other direct expenses.  
21 Internal costs or overhead costs and document production services (including regular secretarial  
22 and word processing time) will not be charged for separately. Professor Stempel has  
23 acknowledged that Applicant, the Committee, its constituents, its advisors or professionals shall  
24 not be liable for the fees, expenses or other amounts payable to Professor Stempel.

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1 V.

2 **DISINTERESTEDNESS**

3 To the best of Applicant's knowledge and except to the extent disclosed in the Stempel  
4 Declaration, Professor Stempel (a) is a "disinterested" person within the meaning of section  
5 101(14) of the Bankruptcy Code, and (b) does not hold or represent an interest adverse to the  
6 Debtor, or other parties in interest in the Chapter 11 Case. Professor Stempel will conduct an  
7 ongoing review of his files to ensure that no disqualifying circumstances arise. If any new relevant  
8 facts or relationships are discovered, Professor Stempel will supplement his disclosure to the  
9 Court.

10 VI.

11 **NOTICE**

12 Notice of this Application will be provided to (i) the Debtor; (ii) Debtor's counsel; (iii) the  
13 Office of the United States Trustee Region 17; and (iv) all parties that have requested to receive  
14 notice under Bankruptcy Rule 2002. Given the nature of the requested relief, the Applicant  
15 submits that no other or further notice is required.

16 **WHEREFORE**, Applicant submits that for the above reasons, the retention and  
17 employment of Professor Stempel to provide the Services should be approved, and requests that  
18 the Court enter an order authorizing the retention of Professor Stempel to provide the Services  
19 *nunc pro tunc* to May 1, 2025, and granting such other and further relief as may be just and proper.

20 Dated: May 10, 2025

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

21 By: /s/ Jeffrey D. Prol  
22 Jeffrey D. Prol  
23 Brent Weisenberg

24 - and -

25 Tobias S. Keller  
26 Gabrielle L. Albert

27 *Counsel for the Official Committee of*  
28 *Unsecured Creditors*

# EXHIBIT A



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

Case No. 23-40523 WJL

Chapter 11

*In re:*

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

Debtor.

**[PROPOSED] ORDER GRANTING THE  
APPLICATION FOR THE RETENTION  
OF JEFFREY STEMPEL AS  
CONSULTANT AND EXPERT WITNESS**

Upon consideration of the *Application for Order Authorizing the Retention of Jeffrey Stempel as Consultant and Expert Witness* (the “**Application**”), through which Lowenstein Sandler LLP (“**Applicant**”), counsel to the Official Committee of Unsecured Creditors (the “**Committee**”) of the Roman Catholic Bishop of Oakland (the “**Debtor**”), requests entry of an order, under sections 327, 330 and 1103 of title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), authorizing and approving the retention and employment of Jeffrey Stempel (“**Professor**”

1 Stempel”) to provide the Services on behalf of the Committee; and upon the *Declaration of Jeffrey*  
2 *Stempel in Support of the Application for Order Authorizing the Retention of Jeffrey Stempel as*  
3 *Consultant and Expert Witness*; and this Court having jurisdiction to consider the Application and  
4 the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of  
5 the Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §  
6 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and the  
7 Court being satisfied that Professor Stempel represents no interest adverse to the Debtor’s estate;  
8 and it appearing that the Services to be provided by Professor Stempel are required; and the Court  
9 having held a hearing on the Application; and after due deliberation thereon, and good and  
10 sufficient cause appearing therefor:<sup>1</sup>

11 **IT IS HEREBY ORDERED THAT:**

- 12 1. The Application is granted.
- 13 2. All objections to the Application or the relief requested therein that have not been  
14 withdrawn, waived or settled, and all reservations of rights included therein, are overruled.
- 15 3. Applicant is authorized to retain and employ Professor Stempel as consultant and  
16 expert witness to provide the Services as described in the Application, with such employment  
17 effective as of May 1, 2025.
- 18 4. Notwithstanding anything to the contrary in this Order, or the Application, the  
19 Court is not approving terms and conditions of Professor Stempel’s employment under Section  
20 328(a) of the Bankruptcy Code.
- 21 5. Professor Stempel shall apply for compensation for professional services rendered  
22 and reimbursement of expenses incurred beginning on May 1, 2025 in connection with the Chapter  
23 11 Case as set forth in the Application and in compliance with the provisions of the Bankruptcy  
24 Rules, the Local Rules, and any other applicable procedures and orders of this Court.

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

1           6.       Professor Stempel shall provide reasonable notice to the Debtor and the U.S.  
2 Trustee of any increase of Professor Stempel's hourly rates as set forth in the Application.

3           7.       This Court shall retain jurisdiction to hear and determine all matters arising from  
4 or related to the implementation of this Order.

5           8.       Notwithstanding any provision in the Bankruptcy Rules to the contrary, this Order  
6 shall be immediately effective and affordable upon its entry.

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8                               \*\*END OF ORDER\*\*  
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