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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

**PACIFIC INSURERS' RESPONSE
 REGARDING BERKELEY RESEARCH
 GROUP, LLC'S NOTICE OF DATA
 SECURITY INCIDENT**

Pacific Insurers¹ respectfully submit this response regarding Berkeley Research Group, LLC's ("BRG") Notice of Data Security Incident (the "Incident Notice"), the United States Trustee's Letter Re: Berkeley Research Group, LLC ("BRG") Cybersecurity and Data Breach (the "Response"), and the Court's Order Scheduling Hearing on Notice of Data Security Incident (the "Order"). Dkt. Nos. 1933, 1953, 1955.

Pacific Insurers respectfully request that BRG and the Official Committee of Unsecured Creditors (the "Committee") produce to the parties to the Protective Order the emails, text

¹ Pacific Indemnity Company; Pacific Employers Insurance Company; Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America; and Westchester Fire Insurance Company (collectively, "Pacific Insurers").



1 messages, and/or other forms of written communications that BRG and/or counsel for the
2 Committee exchanged with the person(s) who obtained access to BRG's files, including the
3 communications regarding payment of money or other consideration to said person(s).

4 It is impossible for the Court or the parties to the Protective Order to evaluate what has
5 occurred based on the bare bones, cursory, unsworn statement by BRG. BRG and the Committee
6 counsel who sponsored BRG's retention in multiple cases have a self-interest in the outcome.
7 Given the severity of the incident and the unsworn assurances from BRG and the Committee, the
8 Court and the parties to the Protective Order are entitled to basic, objective information about what
9 occurred and what was done in response and when. The communications that were exchanged with
10 the person(s) who accessed BRG's systems are easy to collect, are not privileged, and will give the
11 Court and the parties an objective window into what occurred and when.

12 Our clients have a direct and material interest in how information that concerns the handling
13 and defense of the abuse claims has been maintained based on the demands made for coverage
14 associated with these claims. As recognized by the Court of Appeals in *In re Congoleum Corp.*,
15 insurers also have an interest in the integrity of the bankruptcy process. 426 F.3d 675, 685 (3d Cir.
16 2005). The BRG disclosure implicates these interests. Our clients also have produced confidential
17 documents in the various bankruptcies where counsel for the Committee sponsored BRG's
18 retention, including the *Diocese of Oakland* and *Diocese of Camden* bankruptcies.

19 WHEREFORE, Pacific Insurers respectfully request that the Court direct BRG and the
20 Committee to comply with the foregoing and allow the parties to later be heard based on this
21 disclosure.

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1 Dated: May 12, 2025

By: /s/ Tancred V. Schiavoni

2 **O'MELVENY & MYERS LLP**

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