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UNITED STATES BANKRUPTCY COURT  
 FOR THE 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'S MOTION TO CONTINUE  
 CONFIRMATION HEARING AND TO  
 RESET CONFIRMATION SCHEDULE**

I.

**INTRODUCTION**

The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor in possession (the “Debtor” or “RCBO”) in the above-captioned chapter 11 bankruptcy case (the “Chapter 11 Case” or the “Bankruptcy Case”), hereby files this motion (the “Motion”) to amend the pre-confirmation schedule in this Chapter 11 Case and continue the hearing on confirmation of the *Debtor’s Third Amended Plan of Reorganization* (the “Plan”). Debtor seeks an order adjourning the dates currently set related to confirmation of the Plan and scheduling a status/scheduling conference for on or after November 15, 2025.

II.

**BACKGROUND**

On May 8, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for chapter 11 bankruptcy relief under the Bankruptcy Code. The Debtor continues to operate its ministry and manage its properties as a debtor in possession under sections 1107(a) and 1108 of Title 11 of the United States Code (the “Bankruptcy Code”). On May 23, 2023, the U.S. Trustee appointed the Official Committee of Unsecured Creditors (the “Committee”) in this Chapter 11 Case.

On April 3, 2025, the Debtor filed its *Third Amended Disclosure Statement for Debtor’s Third Amended Plan of Reorganization* (the “Disclosure Statement”). [Docket 1874]. The Disclosure Statement attached the Debtor’s *Third Amended Plan of Reorganization* (the “Plan”) as Exhibit A. [Docket No. 1874-1.] The Court approved the Disclosure Statement and established procedures for Plan Solicitation on April 4, 2025. [Docket No. 1877]. In furtherance thereof, the Court entered a pre-confirmation scheduling order, governing, among other things, discovery between the parties in anticipation of the confirmation hearing (the “Confirmation Scheduling Order”). [Docket No. 1893]. The Court scheduled a confirmation hearing on the Plan to begin on August 25, 2025.

Administrative expenses in this Chapter 11 Case have increased exponentially in the last sixty days, driven by an increase in professional fees. The Debtor had originally projected \$1.4MM per month for professional fees through September 2025, and but had to increase its projection to

1 \$3.9MM for May through August 2025, and then \$2.1MM in September 2025 – and it appears to  
2 the Debtor the increase in its projections is still not enough to cover the fees being charged and  
3 driven by the Committee.<sup>1</sup> This has resulted in an *increased* administrative expense of  
4 approximately \$10.7MM for the period. In the near term, the Debtor believes it can fund the  
5 increased administrative costs through unrestricted retirement funds currently held in the  
6 SERP/LTC (\$7.6MM) and a donation from Catholic Management Services (\$3.2MM). However,  
7 those funds had been identified by the Debtor as part of its Plan funding to be paid to the Survivors  
8 Trust (as defined in the Plan). Thus, the Debtor would be forced to use these assets to pay  
9 administrative expenses including professional fees rather than using those assets to fund the  
10 Survivors Trust. The Debtor must sell additional real estate, at an accelerated rate which it estimates  
11 will take 60 to 90 days, to fund the increase in administrative expenses required to be paid in this  
12 Chapter 11 Case. In addition, the Debtor's unrestricted cash is projected to fall below \$3MM in  
13 August 2025. As of May 2025 (even before the spike in the Committee's professional fees for May  
14 and June), the Debtor had negative practical liquidity taking into account its unrestricted cash  
15 (\$4.5MM) and the Bishop's Appeal balance (\$1.6MM) less accrued professional fees. Negative  
16 practical liquidity means the Debtor does not currently have the funds to pay all of the accrued  
17 administrative expenses in this Chapter 11 Case. The Debtor does not currently have the funds to  
18 pay all of the accrued professional fees in this Chapter 11 Case.

19 As a result, the Debtor seeks to adjourn the dates in the Confirmation Scheduling Order  
20 until November 15, 2025. This would reduce the professional fee burn and provide time for the  
21 Debtor to sell real estate to pay administrative expenses. If the Motion is granted, the Debtor would  
22 use this additional time to sell real estate to fund the increased administrative expenses of the  
23 Chapter 11 Case and to continue to try to reach a settlement with the Committee (and a monetary  
24 settlement with one or more Insurers). Depending on the progress or lack thereof in negotiations  
25

26 <sup>1</sup> The Committee's professionals billed approximately \$2.9MM for April and May 2025, compared  
with approximately \$1.8MM billed by the Debtor's professionals.

27 Worse, for June 2025 the Committee has estimated professional fees of at least \$1.9MM, compared  
28 with the Debtor's professional fees for Foley of less than \$700,000 (plus A&M's fees, which for  
May and June only total \$150,000 - nowhere close to the fees billed by UCC professionals).

1 with the Committee (and the Insurers), and the sale of its real estate, the Debtor would reassess by  
2 November 15, 2025 whether to invest the additional funds necessary to continue to seek  
3 confirmation of its Plan pursuant to an amended schedule or whether to pivot and seek another  
4 possible outcome of this Chapter 11 Case such as dismissal.

### 5 III.

#### 6 **REQUEST FOR AMENDMENT TO SCHEDULE AND FOR CONTINUANCE OF** 7 **CONFIRMATION HEARING**

8 It is well established that courts have the inherent power to control their own dockets,  
9 including the power to stay a case. *Green v. Kanazawa*, 2018 WL 6592045 (D. Hi. July 2, 2018)  
10 (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)); *see also Entangled Media, LLC v. Dropbox*  
11 *Inc.*, 2024 WL 1974554 (N.D. Cal. May 3, 2024). In bankruptcy court, that power is reflected in  
12 Section 105 of the Bankruptcy Code, which provides that “The court may issue any order, process,  
13 or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C.  
14 §105(a). That power is routinely exercised to continue hearings on plan confirmation. *See e.g., In*  
15 *re Todd McFarlane Productions, Inc.*, 2008 WL 11628635, \*2 (Bank. D. Ariz. 2008) (noting  
16 multiple prior continuances of confirmation hearing in furtherance of settlement); *In re Apex Oil*  
17 *Co.*, 118 BR 683, 709 (Bankr. E.D.Mo. 1990) (noting continued confirmation hearing); *In re*  
18 *Couture Hotel Corp.*, 2016 WL 91949, at \*1 (Bankr. N.D. Tex. 2016) (same).

19 Federal Rule of Bankruptcy 9006 further codifies the Court’s authority to extend deadlines,  
20 whether set by rule, statute, or court order. See F.R.B.P. 9006(b). Specifically, as applicable here,  
21 where “[a] court order requires or allows an act to be performed at or within a specified period ...  
22 the court may—at any time and for cause—extend the time to act” so long as the request is made  
23 before the time has lapsed. *Id.* For the reasons stated in Sections II and IV of this Motion, the Court  
24 should extend the pre-Confirmation schedule and continue the confirmation hearing.

### 25 IV.

#### 26 **STATEMENT REGARDING FED. R. BANKR. P. 9006(b)(1) AND LBR 9006-1**

27 Because this is a request for a continuance, the Debtor likely does not have to satisfy Fed.  
28 R. Bank. P. 9006(b)(1) or Local Bankruptcy Rule 9006-1(c). Nevertheless, because good cause

1 exists for the relief the Debtor seeks here, the Court should find that the Debtor has met its burden  
2 for extending the existing deadlines and continuing the Confirmation Hearing as requested herein.

3 The Debtor requests the extension because the Debtor needs additional time to sell real  
4 estate and obtain the proceeds from such sales in order to pay the increased administrative expenses  
5 in this Chapter 11 case.

6 The Debtor and Committee have previously agreed to interim extensions of certain of the  
7 dates in the Confirmation Scheduling Order. [Docket No. 1893]. On the stipulation of the Debtor  
8 and the Committee, the Court amended the Original Scheduling Order on June 10, 2025, and  
9 replaced it with the Amended Scheduling Order. [Docket No. 2055].

10 The effect of the request for extended time is the Debtor will reduce the risk of  
11 administrative insolvency in this Chapter 11 Case because the Debtor believes with additional time  
12 it will have the funds necessary to pay the increased administrative expenses in this Chapter 11  
13 Case. The Debtor further believes the requested extension is in the best interests of the Debtor's  
14 estate because the Debtor will use the additional time to attempt settlement negotiations with the  
15 Committee (and with the Insurers). Finally, the Debtor believes the requested extension is in the  
16 best interests of the Debtor's estate because it will reduce the professional fees incurred during the  
17 period of the extension.

18 The Debtor informed the Committee of the Debtor's intent to file this Motion on July 15,  
19 2025, via a phone call between lead counsel for the Debtor and Committee. Ms. Uetz spoke with  
20 Mr. Prol about this issue again July 16, 2025, prior to filing this Motion. The Debtor has not  
21 received concurrence from the Committee.

22 **V.**

23 **CONCLUSION**

24 WHEREFORE, the Debtor requests this Court grant the Motion and enter an Order (1)  
25 adjourning the remaining dates in the Confirmation Scheduling Order and (2) setting a  
26 status/scheduling conference concerning the Chapter 11 Plan for on or after November 15, 2025.

1 DATED: July 16, 2025

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