

KELLER BENVENUTTI KIM LLP
101 MONTGOMERY STREET, SUITE 1950
SAN FRANCISCO, CALIFORNIA 94104

LOWENSTEIN SANDLER LLPJEFFREY D. PROL (*pro hac vice*)jprol@lowenstein.comMICHAEL A. KAPLAN (*pro hac vice*)mkaplan@lowenstein.comBRENT WEISENBERG (*pro hac vice*)bweisenberg@lowenstein.comCOLLEEN M. RESTEL (*pro hac vice*)crestel@lowenstein.com

One Lowenstein Drive

Roseland, New Jersey 07068

Telephone: (973) 597-2500

BURNS BAIR LLPTIMOTHY W. BURNS (*pro hac vice*)tburns@burnsbair.comJESSE J. BAIR (*pro hac vice*)jbair@burnsbair.com

10 East Doty Street, Suite 600

Madison, Wisconsin 53703-3392

Telephone: (608) 286-2808

*Counsel for the Official Committee of
Unsecured Creditors*

KELLER BENVENUTTI KIM LLP

TOBIAS S. KELLER (Cal. Bar No. 151445)

tkeller@kbklp.com

JANE KIM (Cal. Bar No. 298192)

jkim@kbklp.com

GABRIELLE L. ALBERT (Cal. Bar No. 190895)

galbert@kbklp.com

101 Montgomery Street, Suite 1950

San Francisco, California 94104

Telephone: (415) 496-6723

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.

**THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS'
COUNTERSTATEMENT OF ISSUES
AND ADDITIONAL DESIGNATION OF
RECORD ON APPEAL**

Pursuant to Federal Rule of Bankruptcy Procedure 8009, the Official Committee of Unsecured Creditors (the “Committee”) of the Roman Catholic Bishop of Oakland (the “Debtor”) hereby submits (i) its counterstatement of the issues to be presented on appeal from the *Order Granting Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs’ Personal Injury Claims to Proceed in State Court* [Bankr. Dkt. 2168]; and (ii) its designation of additional items to be included in the record on appeal.

COUNTERSTATEMENT OF ISSUES ON APPEAL

The Committee hereby presents the following counterstatement of the issues on appeal:

1. Whether the bankruptcy court acted within its sound discretion in granting the *Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs’ Personal Injury Claims to Proceed in State Court* [Bankr. Dkt. 2093] (the “Motion”).
2. Whether the bankruptcy court acted within its sound discretion in lifting the automatic stay under 11 U.S.C. § 362(d) and authorizing the Superior Court of the State of California, County of Alameda (the “State Court”), overseeing the “Northern California Clergy Cases” being administered under Judicial Council Coordination Proceeding (JCCP 5108), to release six cases commenced by survivors of sexual abuse (the “Survivors”) against the Debtor for trial by jury, *solely for purposes of liquidation, not collection against the Debtor*.
3. Whether the Committee had standing to seek the relief requested in the Motion, where the Committee sought this relief, for the benefit of the estate and its creditors, to expedite the resolution of cases against the Debtor.
4. Whether the bankruptcy court acted within its sound discretion in determining that the Committee had “cause” to seek the relief requested in the Motion, where authorizing the State Court to allow cases to proceed will help the parties gain clarity on the value of Survivor claims, unlock the liability insurance assets, and encourage resolution of the Chapter 11 case.

5. Whether the bankruptcy court acted within its sound discretion in authorizing the State Court to allow six test cases to proceed, where the test cases will help bridge the chasm amongst the parties about what an Alameda County jury will award Survivors based on certain shared attributes.

6. Whether the bankruptcy court acted within its sound discretion in authorizing the State Court to select the test cases, where doing so is in the State Court's discretion as the court overseeing the cases.

ADDITIONAL DESIGNATION OF THE RECORD ON APPEAL

The Committee hereby designates the following items to be included in the record on appeal, in addition to the designations in *Appellant's Statement of Issues on Appeal and Designation of Record* [Bankr. Dkt. 2247] filed by Westport Insurance Corporation f/k/a Employers Reinsurance Corporation; *Appellants LMI's Statement of Issues on Appeal, Designation of Items to be Included in the Record on Appeal, and Certificate Regarding Transcripts* [Bankr. Dkt. 2248] filed by Certain Underwriters at Lloyd's, London and Certain London Market Insurers; *Appellants Pacific Insurers' Statement of Issues on Appeal, Designation of Items to be Included in the Record on Appeal, and Certificate Regarding Transcripts* [Bankr. Dkt. 2250] filed by Pacific Indemnity Company, Pacific Employers Insurance Company, Insurance Company of North America, and Westchester Fire Insurance Company; and *Continental Casualty Company's (I) Statement of Issues on Appeal and (II) Designation of Record* [Bankr. Dkt. 2251] filed by Continental Casualty Company:

<u>Bankruptcy Docket No.</u>	<u>Date</u>	<u>Description</u>
Bankr. Dkt. 1654	1/21/2025	Order re: Motion to Hold Cases in Abeyance
Bankr. Dkt. 1835	3/18/2025	Supplement to Debtor's Motion for Order (I) Approving Disclosure Statement; and (II) Establishing Procedures for Plan Solicitation, Notice, and Balloting

Bankr. Dkt. 1846	3/24/2025	The Official Committee of Unsecured Creditors' Objection to the Debtor's Third Amended Disclosure Statement
Bankr. Dkt. 2040	6/6/2025	Declaration of Andres A. Estrada with Respect to Solicitation and the Tabulation of Votes on the Debtor's Third Amended Plan of Reorganization

Dated: September 5, 2025

LOWENSTEIN SANDLER LLP
KELLER BENVENUTTI KIM LLP
BURNS BAIR LLP

By: /s/ Gabrielle L. Albert

Tobias S. Keller
Gabrielle L. Albert

-and-

Jeffrey D. Prol
Brent Weisenberg

*Counsel for the Official Committee of
Unsecured Creditors*

-and-

Timothy W. Burns
Jesse J. Bair

*Special Insurance Counsel for the Official
Committee of Unsecured Creditors*