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

In re:

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

Debtor.

Bankruptcy Case No.: 23-40523 WJL

Hon. William J. Lafferty

Chapter 11

**MOTION FOR ENTRY OF
SCHEDULING ORDER IN
CONNECTION WITH CONFIRMATION
HEARING**

Date: March 20, 2026

Time: 8:00 a.m.

Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612



1 LMI¹ submit this *Motion for Entry of Scheduling Order in Connection with Confirmation*
2 *Hearing* (“Motion”). In support of the Motion, LMI submit the following memorandum of points
3 and authorities.
4

5 **I. INTRODUCTION**

6 LMI support the Roman Catholic Bishop of Oakland’s (“Debtor”) Fourth Amended Plan as
7 indicated when LMI signed the Debtor’s term sheet filed in December 2025. If only the Debtor’s
8 current plan moves forward to confirmation and LMI are treated as settling insurers, then LMI do not
9 oppose an accelerated schedule. However, if the Committee’s proposed plan also moves forward,
10 LMI respectfully request that the Court allow sufficient time for the plan confirmation process. In
11 such a situation, the Motion merits approval, because any shorter confirmation schedule would fail to
12 provide basic due process to the parties in interest in this case.

13 The Debtor and the Official Committee of Unsecured Creditors (“Committee”) filed competing
14 plans of reorganization. It appears these plans will move forward jointly. The Debtor’s current plan
15 is based off a prior plan with respect to which the Committee conducted discovery. The Committee’s
16 plan substantively impacts LMI and other settling insurers. Because the Committee’s plan would
17 extinguish LMI’s and other settling insurers’ settlement with the Debtor, LMI and the other insurers
18 need adequate time to conduct discovery—no different than any other bankruptcy case—so they can
19 fully respond to the Committee’s plan. A scheduling order with confirmation proceeding deadlines
20 will provide necessary organization, streamline confirmation, and bring the case to a conclusion. The
21 deadlines proposed herein are comparable to other diocesan bankruptcy cases and provide LMI and
22 the other insurers with sufficient time to develop the factual record necessary to respond to the
23

24 _____
25 ¹ LMI are Certain Underwriters at Lloyd’s, London, subscribing severally and not jointly to Slip Nos.
26 CU 1001 and K 60034 issued to the Roman Catholic Bishop of San Francisco, and Nos. K 78318 and
27 CU 3061 issued to the Roman Catholic Bishop of Oakland; Catalina Worthing Insurance Ltd f/k/a
28 HFPI (as Part VII transferee of Excess Insurance Co. Ltd.); the Ocean Marine Insurance Company
Limited (as Part VII transferee of the World Auxiliary Insurance Corporation Limited); River Thames
Insurance Company Limited; Dominion Insurance Company Limited; and R&Q Gamma Company
Limited (as Part VII transferee of Anglo French Ltd.).

1 Committee’s plan. The Court has authority to enter a scheduling order and granting the motion
2 protects all parties in interest’s due process rights.

3 **II. FACTUAL BACKGROUND**

4 On May 8, 2023, the Debtor filed a chapter 11 petition to address claims stemming from sexual
5 abuse allegations. Shortly after, the U.S. Trustee appointed nine unsecured creditors to be members
6 of the Committee.² For several years, the Debtor, Committee, and insurers (including LMI) worked
7 to resolve the case consensually through mediation. Although LMI have settled with the Debtor, these
8 efforts proved unsuccessful as to the Committee.

9 On September 9, 2025, the Debtor filed a motion to dismiss its chapter 11 case; an apparent
10 attempt to spur resolution.³ On November 25, 2025, the Court entered an order granting the Debtor’s
11 motion to dismiss.⁴ The Court’s order provided that it would dismiss the Debtor’s case without
12 prejudice unless the Debtor filed a settlement term sheet outlining the key provisions of a plan by
13 November 26, 2025.⁵ The order further required that the Debtor sign the term sheet, along with any
14 parties who support the term sheet.⁶ To accommodate the parties’ discussions about the term sheet,
15 the Court extended the term sheet deadline several times.

16 On December 11, 2025, the Debtor filed its Non-Binding Term Sheet – Fourth Amended Plan
17 of Organization (“Term Sheet”) and a corrected Term Sheet that same day.⁷ On December 17, 2025,
18 the Debtor filed an updated Term Sheet. According to the Debtor, the December 17, 2025 Term Sheet
19 is identical in substance to the corrected December 11, 2025 Term Sheet, only now with additional
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21

22 ² Dkt No. 58. Unless otherwise noted, references to the docket refer to the docket in the bankruptcy
23 case of The Roman Catholic Bishop of Oakland, Case No. 23-40523 WJL.

24 ³ Dkt No. 2293.

25 ⁴ Dkt No. 2467.

26 ⁵ *Id.* at ¶ 3.

27 ⁶ *Id.*

28 ⁷ Dkt Nos. 2504 and 2505.

1 signatories.⁸ LMI are a signatory to the Term Sheet provided that LMI are treated as “Settling
2 Insurers” under the Debtor’s plan.⁹

3 On February 20, 2026, the Debtor filed its Fourth Amended Plan of Reorganization (“Debtor
4 Plan”).¹⁰ A key difference in the Debtor Plan is that the Roman Catholic Welfare Corporation
5 (“RCWC”) will contribute less funds.¹¹ On March 6, 2026, the Committee filed a competing plan of
6 reorganization (“Committee Plan”).¹² The Committee Plan includes key changes that impact the
7 insurers. For instance, the Committee Plan:

- 8 • Includes new definitions such as “Insurance Claims”;¹³
- 9 • Amends the Insurance Assignment provisions;¹⁴
- 10 • Edits the language regarding Insurance Coverage for Abuse Claims;¹⁵
- 11 • Alters the language concerning the Preservation of Rights of Non-Settling Insurers;¹⁶
- 12 • Requires the Committee’s consent to any settlement between the Debtor and an
13 insurer;¹⁷ and

14
15
16
17 ⁸ Dkt No. 2521.

18 ⁹ Continental Casualty Company, Insurers California Insurance Guarantee Association, United States
19 Fire Insurance Company, American Home Assurance Co., and Westport Insurance Corporation are
also signatories to the Term Sheet.

20 ¹⁰ Dkt No. 2654.

21 ¹¹ In its Executive Summary of Fourth Amended Plan, the Debtor states that RCWC will contribute
22 \$22.3 million. *See* Dkt No. 2654-1 at 4. In its Term Sheet, the Debtor initially stated that RCWC
would contribute \$50 million. *See* Dkt No. 2521 at 38.

23 ¹² Dkt No. 2705.

24 ¹³ Dkt No. 2705-2 at 28-29.

25 ¹⁴ *Id.* at 58-59.

26 ¹⁵ *Id.* at 59-60.

27 ¹⁶ *Id.* at 63-69.

28 ¹⁷ *Id.* at 72.

- Changes the scope of the Plan Injunctions with respect to a Non-Settling Insurers' Contribution Claim¹⁸

The Committee Plan references a "Plan Supplement," which includes Trust Distribution Procedures for the Survivors' Trust established under the Committee Plan.¹⁹ As of March 18, 2026, the Committee has not filed its Plan Supplement.

On March 13, 2026, the Court held a status conference about the Debtor and Committee's respective plans. Following the status conference, the Court scheduled another status conference for March 20, 2026, at 8:00 a.m., with the "deadline for any filings prior to the specially set conference" due by March 19, 2026, at 2:00 p.m.²⁰

III. MEMORANDUM OF POINTS AND AUTHORITIES

A. The Court Has Authority to Enter a Confirmation Scheduling Order

The Bankruptcy Code and Federal Rules of Bankruptcy Procedure ("Rules") grant the Court discretion to tailor a confirmation schedule to the unique circumstances here. An objection to confirmation of a chapter 11 plan is a contested matter governed by Rule 9014.²¹ Rule 9014(c) lists certain rules that apply in a contested matter.²² Rule 7016 states that Federal Rule of Civil Procedure ("FRCP") 16 apply in adversary proceedings. Under FRCP 16, the district court judge or magistrate judge must issue a scheduling order.²³ While Rule 9014(c) does not expressly list Rule 7016 as applicable in contested matters, Rule 9014 does provide "[a]t any stage of a contested matter, the court may order that one or more other Part VII rules apply." Hence, the Court can apply Rule 7016 and enter a scheduling order governing the confirmation process.

¹⁸ *Id.* at 69-70.

¹⁹ Dkt No. 2705-2 at 17.

²⁰ *See* Dkt. Text entered on March 13, 2026.

²¹ Fed. R. Bankr. P. 3020(b)(1) ("[A]n objection to confirmation is governed by Rule 9014").

²² Fed. R. Bankr. P. 9014(c)(1).

²³ Fed. R. Civ. P. 16(b)(1).

1 If the Court allows both the Debtor's and the Committee's plans to proceed, the Court should
2 order time for insurers to conduct discovery concerning the Committee's plan. The Committee Plan
3 includes substantive changes affecting LMI. For instance, the Committee Plan includes new
4 provisions regarding Insurance Claims and alters the Insurance Assignment, Insurance Coverage, and
5 preservation of rights provisions. Further, the Committee Plan now requires the Committee to consent
6 to any insurer settlement and changes the scope of the Plan Injunction with respect to the Non-Settling
7 Insurers' contribution claims. Together, these substantive changes require LMI (and other insurers)
8 to conduct discovery. Moreover, LMI cannot now evaluate the Committee Plan fully, because the
9 Committee has not filed its Trust Distribution Procedures. To fully understand the Committee Plan,
10 LMI need to understand how the Committee Plan and Trust Distribution Procedures interact. Hence,
11 any confirmation schedule should be based off when the Committee files the Trust Distribution
12 Procedures and any other Plan Supplement.

13 Discovery is necessary to respond to the Committee Plan, because the Committee Plan includes
14 many substantive changes. At a minimum, LMI must have the necessary time to conduct discovery
15 on the following issues: (1) the Committee's drafting of the Committee Plan, Trust Distribution
16 Procedures, and the intent behind the changes that prejudice LMI; (2) the proposed Insurance
17 Assignment under the Committee Plan; (3) the feasibility of the Committee Plan; and (4) the operation
18 of the Survivor Trust under the Committee Plan. These issues are relevant as to whether the Committee
19 Plan complies with section 1129 of the Bankruptcy Code.

20 Further, LMI will need expert testimony demonstrating the amount LMI are paying under the
21 settlement with the Debtor is fair and reasonable. On a practical level, LMI cannot retain an expert
22 until a confirmation schedule is set. To account for these issues, LMI respectfully request that the
23 Court enter a scheduling order for the Debtor Plan and Committee Plan based on the proposed timeline
24 below. The proposed dates are based off when the Court later concludes its hearings where the Debtor
25 and Committee each raise preliminary arguments concerning the merits of the competing plans (*e.g.*
26 7 days after the hearing on the competing plans have concluded, plan proponents must file their Plan
27 Supplement).

Event	Dates
Deadline for Submission of all Plan Supplements, including but not limited to the Trust Distribution Procedures	+15
Deadline to Serve Written Discovery	+20
Deadline to Serve Responses & Objections to Written Discovery	20 days after service of written discovery
Deadline for Substantial Completion of Document Production and Service of Privilege Logs (as applicable)	+46
Deadline to File Motions re: Written Discovery Disputes	+48
Deadline for Identification of Expert Report Topics (excluding Rebuttal Reports)	+54
Completion of Fact Discovery	+75
Expert Reports Due	+75
Deadline for Identification of Rebuttal Experts	+88
Rebuttal Expert Reports Due	+95
Completion of Expert Depositions	+108
Debtors and Committees' Brief in Support of Confirmation Due	+110
Deadline to File Objections to Plan Confirmation	+115
Deadline to Exchange Deposition Designations and File Motions in Limine	+120
Responses to Confirmation Objections/Replies in Support of Confirmation Due	+127
Deadline to Exchange Deposition Counter-Designation	+128
Responses to Motions in Limine Due; Objections to Counter-Designations Due	+130
Deadline to Submit Joint Pretrial Order and Witness and Exhibit Lists	+153
Final Pretrial Conference	+135

Event	Dates
Commencement of Confirmation Hearing	+140

B. The Proposed Dates are Reasonable

The proposed timeline is reasonable and consistent with other diocesan bankruptcy cases. In *The Diocese of Rochester* bankruptcy case, the Bankruptcy Court scheduled around four months (137 days) for the confirmation process.²⁴ Finally, for the *Diocese of Syracuse* bankruptcy case, the Bankruptcy Court scheduled approximately four months (126 days) for the confirmation process.²⁵ The proposed schedule here of approximately four months (140) days mirrors the confirmation schedule the bankruptcy court approved in the Diocese of Rochester bankruptcy case. Moreover, the proposed schedule allows for sufficient time. In some diocesan cases, the confirmation schedule had to be further extended as the case progressed to allow for the parties to complete discovery and resolve discovery disputes. In *The Roman Catholic Diocese of Rockville Centre* bankruptcy case, the Bankruptcy Court amended its scheduling order several times, ultimately allowing approximately 10 months for the confirmation process.²⁶ Similarly, the confirmation schedule was also extended in *The Diocese of Camden, New Jersey* bankruptcy case on multiple occasions.²⁷ Allowing sufficient time to conduct discovery may prevent a situation where the schedule needs to be extended. In short, the proposed schedule is consistent with other diocesan cases and allows for an appropriate amount of time to prepare for the confirmation hearing.

²⁴ See *The Diocese of Rochester*, Case No. 19-20905 (PRW); Dkt No. 3048.

²⁵ See *The Roman Catholic Diocese of Syracuse*, New York, Case No. 20-30663, Dkt No. 2397.

²⁶ See *The Roman Catholic Diocese of Rockville Centre*, Case No. 20-12345-mg, Dkt Nos. 2918, 3003, and 3376.

²⁷ See *The Diocese of Camden, New Jersey*, Case No. 20-bk-21257, Dkt Nos. 1474, 2352, 3457. The confirmation schedules were also extended in *The Diocese of Rochester* and *The Roman Catholic Diocese of Syracuse, New York* bankruptcy cases.

1 To the extent that other parties rely on the bankruptcy case of AIO US, Inc. (“Avon”) to suggest
2 an accelerated two month schedule is sufficient, that case is not comparable.²⁸ In the *Avon* bankruptcy
3 case, the bankruptcy court allowed an accelerated confirmation schedule on completely different facts.
4 The *Avon* case involved a liquidating plan, not a plan of reorganization. Moreover, nearly all of the
5 debtors’ assets in *Avon* were sold before the confirmation hearing. The primary remaining assets were
6 the debtors’ rights in the insurance policies. Unlike the instant case, there was no legal or factual
7 dispute over the scope of the bankruptcy estate. Moreover, the *Avon* bankruptcy case did not have any
8 settling insurers, so there was no need for expert testimony to support the amount of settlement
9 buybacks. These facts are not present here and hence, a truncated confirmation schedule of 2-3 months
10 is not sufficient.

11 In sum, LMI do not oppose an accelerated confirmation if only the Debtor Plan proceeds
12 towards confirmation and LMI are treated as settling insurers. However, if the Committee Plan jointly
13 moves forward, then the Court should grant the Motion because it would provide adequate time for
14 parties in interest to develop the record necessary for the Court to determine whether it should confirm
15 the Committee Plan.

16 **IV. CONCLUSION**

17 For the foregoing reasons, LMI respectfully request that the Court grant the Motion and enter
18 a scheduling order consistent with the timeframe proposed herein.

19 Dated: March 19, 2026

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²⁸ See generally, AIO US, Inc. et al, 24-11836-CTG, Dkt No. 1047.

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