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

17 In re:

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

20 Debtor.

Chapter 11

Bankruptcy Case No. 23-40523 WJL

**RESPONSE TO DEBTOR'S NOTICE
REGARDING SUBMISSOIN OF
PROPOSED CONFIRMATION
SCHEDULING ORDER**

21 Yesterday, Debtor filed its *Notice Regarding Submission of Proposed Confirmation*
22 *Scheduling Order* (Dkt. No. 2774), to which it attached a form of proposed *Confirmation Scheduling*
23 *Order* agreed by Debtor and the Committee. The Notice stated, correctly, that “Debtor has met
24 and conferred with the Insurers and accepted certain of their requested revisions, it is the Debtor’s
25 understanding that the Insurers are not willing to approve the Proposed Order in the form attached
26 hereto.” At the end of this morning’s status conference, the Court approved the Insurers’
27 suggestion that they file a short statement concerning the reasons the Insurers have not approved
28 the form of the order. This is that statement.

The issue is one that was discussed with the Court during the previous status
conference on March 25. Under the proposed order, the deadline to complete supplemental fact



1 discovery, including regarding the Plan Supplements and proposed Confirmation Orders, is April
2 30. However, the Plan Supplements and the proposed Confirmation Orders are not due until April
3 29. The Insurers believe, reasonably, that one day is insufficient time to propound and complete
4 discovery on these items.

5 This was discussed with the Court during the March 25 conference, as follows:

6 MR. WINSBERG: Real briefly, Your Honor. Harris Winsberg on behalf of
7 Westport. We did meet and confer with the diocese today, and we do really appreciate
8 the meet and confer we had with them. Your Honor, we just wanted to point out, like,
9 if you use the April 29th deadlines for the plan supplements and the confirmation
order, there's effectively no opportunity to take discovery on what's in there because
the fact discovery ends at the end of April.

10 THE COURT: Yeah.

11 MR. WINSBERG: So you have the objection deadline of May 8th, I believe,
would be the new one. There wouldn't be any opportunity to have discovery.

12 THE COURT: Let me react as follows. That's an excellent point. And it's
13 one that I suppose the proponents will keep well in mind so that we don't change the
14 schedule that they have come to love. Because if you convince me that you have to
take discovery, then all bets are going to be off, and you may convince me of that,
okay?

15 MR. WINSBERG: Thank you, Your Honor. And just --

16 THE COURT: Okay.

17 MR. WINSBERG: -- real briefly, just, if I may just for a second --

18 THE COURT: Yeah.

19 MR. WINSBERG: -- so it's not so abstract? The issue -- and I'm glad to
20 hear Mr. Weisenberg will not repeat what happened in a prior case, but the issue, for
21 example, would be someone putting in a confirmation order, the plan, but they defined
22 the plan to include the plan supplements. And then, they ask Your Honor to make a
good-faith finding under 1129(a)(3) for all the documents, not just the plan. So I mean,
this isn't some abstract esoteric -- like, this is an actual issue we dealt with, and it
spawned a published decision by Judge Poslusny. So that's really the concern we have.

23 THE COURT: Okay. All right.

24 MR. WINSBERG: And just making sure that everyone stays within the 1129
25 requirements.

26 THE COURT: Okay.

27 MR. WINSBERG: And with that, thank you.¹

28

¹ Transcript of March 25, 2026 Hearing at 40:19-42:8 (excerpts at Exhibit A hereto).

1 To memorialize this exchange, the Insurers initially to Debtor that it add a single
2 sentence as the second sentence of paragraph 3. That sentence stated:

3 In addition, nothing in this Order shall preclude any party from propounding fact
4 discovery concerning the plan supplements or proposed confirmation orders due to
be filed on April 29, 2026.

5 Debtor rejected that proposal on the basis that “it would open the door to discovery
6 past 4/30.” Of course, that is precisely what it was intended to do—open the door to necessary
7 discovery that could not be propounded before April 30, as Mr. Winsberg discussed with the Court
8 during the March 25 status conference.

9 Nevertheless, in response to Debtor’s rejection of that proposed sentence, the
10 Insurers instead proposed a new Paragraph 4, which would state:

11 4. As discussed with the Court during the March 25, 2026 status conference
12 (*see* Tr. at 40:19-41:12), the Insurers reserve the right to seek to propound discovery
13 regarding any portion of the Plan Supplements and/or the proposed Confirmation
14 Orders due to be filed by April 29 notwithstanding the April 30 deadline to complete
supplemental fact discovery. Debtor and the Committee reserve the right to object, in
whole or in part, to any discovery served after April 30 relating to the Plan Supplements
and/or the proposed Confirmation Orders.

15 This alternative, which is second-best from the Insurers’ perspective, was designed
16 to memorialize that we had raised the issue with the Court in a timely way, but without prejudging
17 whether the Insurers would, in fact, be entitled to such discovery.

18 The Insurers’ view, as presented during the March 25 conference, is that it would
19 be unfair, unreasonable, and violative of due process for Debtor or the Committee to put key
20 provisions of their plans in Plan Supplements (such as the Trust Agreement and the Trust
21 Distribution Plan for the Committee Plan), or to put previously undisclosed proposed findings
22 into the confirmation orders, while barring plan objectors from taking appropriate discovery.
23 Memorializing Insurers’ right to take this discovery, or at a minimum Insurers’ timely reservation
24 of the right to take such discovery, is consistent with the principle endorsed by Committee counsel
25 Ms. Restel on March 25 that it’s “always favorable” and “always helpful” to memorialize things “in
26 orders in very clear language.”² That is what both of the Insurers’ proposals sought to do.

27 The Insurers urge the Court to include one of the two above proposals in the
28

² *Id.* at 43:12-17.

1 scheduling order. If, instead, the Court is willing to acknowledge that the ability of Insurers to take
2 discovery regarding Plan Supplements or proposed Confirmation Orders is sufficiently preserved
3 by virtue of the March 25 hearing transcript, such that no additional language would be necessary
4 in the scheduling order to memorialize that point, the Insurers will accept that.

5 Dated: April 1, 2026

Respectfully submitted,

6 By: /s/Mark D. Plevin

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EXHIBIT A

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

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In Re:) Case No. 23-40523
) Chapter 11
THE ROMAN CATHOLIC BISHOP OF)
OAKLAND) Oakland, California
) Wednesday, March 25, 2026
Debtor.) 1:00 PM
)
STATUS HEARING

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE WILLIAM L. LAFFERTY
UNITED STATES BANKRUPTCY JUDGE
VOLUME OF

APPEARANCES (All present by video or telephone):

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19 Court Recorder:
 20 United States Bankruptcy Court
 21 1300 Clay Street
 22 Oakland, CA 94612

23 Transcriber: MISTI BREault

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transcript provided by transcription service.

1 THE COURT: Yeah.

2 MR. MOORE: -- that would have to comply with what
3 actually occurred at trial. So I don't think that requiring
4 this to be done that far in advance of the trial itself is
5 really necessary because entry of the order is going to follow
6 whatever the Court decides.

7 THE COURT: Understood.

8 MR. MOORE: And those discussions can be had.

9 THE COURT: Agreed. Okay. And again, I agree with
10 you, this is -- and I'm not trying to be cynical. This is
11 probably less of an issue for you than it may be for the
12 committee, but if they're willing to do this on the 29th, I
13 think I would indulge Mr. Schiavoni and say, okay, let's get
14 that order in on the 29th so we can have a look at it before
15 the objection deadline. But I am inclined to keep the plan
16 supplement date on the 29th as well. Okay. Anything else for
17 today? Yeah. I'm sorry. One of the insurers wants to weigh
18 in?

19 MR. WINSBERG: Real briefly, Your Honor. Harris
20 Winsberg on behalf of Westport. We did meet and confer with
21 the diocese today, and we do really appreciate the meet and
22 confer we had with them. Your Honor, we just wanted to point
23 out, like, if you use the April 29th deadlines for the plan
24 supplements and the confirmation order, there's effectively no

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1 opportunity to take discovery on what's in there because the
2 fact discovery ends at the end of April.

3 THE COURT: Yeah.

4 MR. WINSBERG: So you have the objection deadline of
5 May 8th, I believe, would be the new one. There wouldn't be
6 any opportunity to have discovery.

7 THE COURT: Let me react as follows. That's an
8 excellent point. And it's one that I suppose the proponents
9 will keep well in mind so that we don't change the schedule
10 that they have come to love. Because if you convince me that
11 you have to take discovery, then all bets are going to be off,
12 and you may convince me of that, okay?

13 MR. WINSBERG: Thank you, Your Honor. And just --

14 THE COURT: Okay.

15 MR. WINSBERG: -- real briefly, just, if I may just
16 for a second --

17 THE COURT: Yeah.

18 MR. WINSBERG: -- so it's not so abstract? The issue
19 -- and I'm glad to hear Mr. Weisenberg will not repeat what
20 happened in a prior case, but the issue, for example, would be
21 someone putting in a confirmation order, the plan, but they
22 defined the plan to include the plan supplements. And then,
23 they ask Your Honor to make a good-faith finding under
24 1129(a)(3) for all the documents, not just the plan. So I

25



1 mean, this isn't some abstract esoteric -- like, this is an
2 actual issue we dealt with, and it spawned a published decision
3 by Judge Poslusny. So that's really the concern we have.

4 THE COURT: Okay. All right.

5 MR. WINSBERG: And just making sure that everyone
6 stays within the 1129 requirements.

7 THE COURT: Okay.

8 MR. WINSBERG: And with that, thank you.

9 THE COURT: Well, I mean, luckily for me, you guys
10 have all been through those wars, and everybody is aware of the
11 risks. And I thank you for bringing it up. I appreciate it.

12 MR. WINSBERG: Thank you, Your Honor.

13 THE COURT: Barring what Mr. Plevin has to say, I am
14 inclined to keep the deadlines as I described them. Mr.
15 Plevin, go ahead.

16 MR. PLEVIN: Thank you, Your Honor. Mr. Moore said
17 earlier that he recognized that the plan objection deadline of
18 May 8th precedes the expert discovery and that he would not
19 object on behalf of the debtor to supplemental objections based
20 on expert testimony. We haven't heard the committee say the
21 same thing. And I was just hoping that in any order adopting a
22 schedule, that principle could be stated so that it's clear
23 from the get-go that that's what the situation is, that if the
24 experts provide additional grounds for objection, that we have

25



1 the right to assert those additional objections without having
2 to come back to the Court or haggle with anybody about our
3 right to do that.

4 THE COURT: Okay. Well, I can turn to Mr. Weisenberg
5 and see if in principle, that's acceptable. And then, we'll
6 talk about the language. Or you guys will talk about the
7 language.

8 MR. WEISENBERG: Thank you, Your Honor. I think my
9 partner, Ms. Restel, is going to address that question.

10 THE COURT: Okay. Go ahead.

11 MS. RESTEL: Thank you, Your Honor. We agree with the
12 debtor on that point. And I can at least speak for myself and
13 Mr. Weisenberg, we're always favorable to things being
14 memorialized in orders in very clear language. I think that
15 that is always helpful. So as long as we can come to agreeable
16 language that, as Mr. Moore says, limits the objections to
17 anything new, we'd be fine with that.

18 THE COURT: Okay. Fine with me. Okay. Is there
19 another point, Mr. Plevin, or is that it? Okay. I'm
20 respecting --

21 MR. PLEVIN: That's it, Your Honor.

22 THE COURT: -- the raised hand in the world of Zoom,
23 okay?

24 MR. PLEVIN: I forgot to lower it. I'm sorry.

25



1 THE COURT: No, that's okay. That's all right. All
2 right. Anything else for this purpose?

3 MR. MOORE: Your Honor? I think from the debtor's
4 perspective, then, given that some of this back-and-forth, the
5 debtor will -- assuming that the Court's okay with it, the
6 debtor will prepare a form of order establishing the --

7 THE COURT: Thank you.

8 MR. MOORE: -- scheduling order with the deadlines
9 that we've discussed as modified today. We'll run it by both
10 the committee and all the relevant insurers that have expressed
11 an interest in this. And hopefully, we can get it on file for
12 your signature as soon as possible.

13 THE COURT: Okay. Thank you very much. I appreciate
14 all your hard work. Anything else for today?

15 MR. WEISENBERG: Your Honor, just one question. I
16 apologize. Did we set a hearing time for -- was it April 10th
17 that we collectively agreed on?

18 THE COURT: No. And that's a very good point. You
19 want to begin early again?

20 MR. WEISENBERG: The committee would prefer that, Your
21 Honor.

22 THE COURT: Okay. Is 8:00 early enough? West Coast?

23 MR. WEISENBERG: Coming from the East Coast, it can't
24 be early enough, Your Honor. So that's fine by the committee.

25

