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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

**DEBTOR’S MOTION TO STRIKE OR  
ALTERNATIVELY HOLD IN ABEYANCE (I)  
THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS’ PLAN OF  
REORGANIZATION, DATED MARCH 27,  
2026, AND (II) DISCLOSURE STATEMENT  
FOR THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS’ PLAN OF  
REORGANIZATION, DATED MARCH 27,  
2026**

Judge: Hon. William J. Lafferty

Date: TBD

Time: TBD

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

1 The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor  
2 in possession (the “Debtor” or “RCBO”) in the above-captioned chapter 11 bankruptcy case (the “Chapter  
3 11 Case”), hereby files this *Debtor’s Motion to Strike or Alternatively Hold in Abeyance (I) The Official*  
4 *Committee of Unsecured Creditors’ Plan of Reorganization, dated March 27, 2026, and (II) Disclosure*  
5 *Statement for the Plan of Reorganization, dated March 27, 2026* (the “Motion”) for entry of an order  
6 striking (i) *The Official Committee of Unsecured Creditors’ Plan of Reorganization, dated March 27,*  
7 *2026 [Docket No. 2752]* (as may be modified from time to time, the “Committee Plan”), and (ii)  
8 *Disclosure Statement for the Official Committee of Unsecured Creditors’ Plan of Reorganization, Dated*  
9 *March 27, 2026 [Docket No. 2753]* (as may be modified from time to time, the “Committee Disclosure  
10 Statement”) filed by the Official Committee of Unsecured Creditors (the “Committee”). In the alternative,  
11 the Motion requests the Court hold the Committee Plan in abeyance to allow the Debtor Plan (defined  
12 below) to proceed to a confirmation hearing.

13 **I.**

14 **PRELIMINARY STATEMENT**

15 As outlined in the Debtor’s *Opposition*<sup>1</sup> to the Committee Disclosure Statement filed  
16 contemporaneously herewith, the Committee Plan is a mirage. It is a “decoy deal” designed to distract  
17 Abuse Claimants away from a confirmable Debtor Plan that provides (1) the certainty of \$180 million in  
18 contributions over 3.5 years, (2) a Litigation Option available to all to augment their recoveries, and  
19 (3) meaningful enhancements to existing child-protection policies. By contrast, the Committee Plan is  
20 patently unconfirmable, infeasible on day one, and usurps the choice of which Abuse Claimants can pursue  
21 recoveries from the Debtor’s Insurers, directly prejudicing them.

22 The Committee’s Disclosure Statement is no more appropriate for creditor review than the Plan.  
23 It is materially misleading and lacks critical information necessary for creditors and parties in interest to  
24 make an informed judgment regarding the Committee Plan, as 11 U.S.C. §1125(a) requires and as the  
25 Court required of the Debtor earlier in this Chapter 11 Case. Thus, the Committee Disclosure Statement  
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28 <sup>1</sup> *Debtor’s Opposition to the Disclosure Statement to the Disclosure Statement for the Official Committee*  
*of Unsecured Creditors’ Plan of Reorganization Dated March 27, 2026 [Docket No. 2796]* (the  
“Opposition”).

1 fails to satisfy what this Court has described as the most fundamental purpose of a proper disclosure  
2 statement under the Bankruptcy Code—“giv[ing] . . . the proponent, the ability to articulate why they’re  
3 doing what they’re doing, what you’re going to get, and why that’s fair and legally supportable.” Dec 18,  
4 2024 Hr’g Tr. (“Dec. 18 Hr’g Tr.”) at 31:15-19. Far from satisfying section 1125, it is one fatally-flawed  
5 document purporting to describe another. Accordingly, the Committee Plan and Committee Disclosure  
6 Statement should not proceed further, and the Court should strike them in their entirety. Allowing these  
7 submissions to advance would not only waste precious estate resources and this Court’s time, but also  
8 prejudice the interests of creditors and other stakeholders.

9 In the alternative, the Debtor requests the Court hold the Committee Plan and Committee  
10 Disclosure Statement in abeyance while the Debtor Plan moves forward to confirmation. The Debtor Plan  
11 should not be stuck in neutral waiting for the Committee to generate documents worthy of creditor  
12 solicitation.

## 13 II.

### 14 JURISDICTION AND VENUE

15 This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is  
16 a core proceeding pursuant to 28 U.S.C. § 157(b). Venue for this matter is proper in this District pursuant  
17 to 28 U.S.C. §§ 1408 and 1409. The statutory bases for this Motion are sections 105, 1121, 1125, and  
18 1129 of chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2002 and  
19 9014 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

## 20 III.

### 21 BACKGROUND

#### 22 A. General Background

23 On May 8, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for chapter 11  
24 bankruptcy relief under the Bankruptcy Code. The Debtor continues to operate its ministry and manage  
25 its properties as a debtor in possession under sections 1107(a) and 1108 of the Bankruptcy Code. No  
26 trustee has been appointed in this Chapter 11 Case. On May 23, 2023, the U.S. Trustee appointed the  
27 Committee.  
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1 The Debtor is a corporation sole organized under the laws of the State of California. It conducts  
2 its civil affairs under the laws of the State of California and the United States of America and in accordance  
3 with the Code of Canon Law, the ecclesiastical law of the Roman Catholic Church. Additional information  
4 regarding the Debtor, its mission, ministries, and operations, and the events and circumstances preceding  
5 the Petition Date, is set forth in the *Declaration of Charles Moore, Managing Director of Alvarez &*  
6 *Marsal North America, LLC, Proposed Restructuring Advisor to the Roman Catholic Bishop of Oakland,*  
7 *in Support of Chapter 11 Petition and First Day Pleadings* (the “First Day Declaration”) [Docket No. 19]  
8 and the Debtor Disclosure Statement (defined below), which are incorporated herein by reference.

9 **B. The Committee Disclosure Statement and Plan**

10 On March 27, 2026, the Committee filed the Committee Plan [Docket No. 2752] and the  
11 Committee Disclosure Statement [Docket No. 2753]. Later that evening, the Debtor circulated the  
12 *Debtor’s Modified Fourth Amended Plan of Reorganization Dated March 27, 2026*, filed on March 30,  
13 2026 [Docket No. 2758] (as may be modified from time to time, the “Debtor Plan”) and the *Disclosure*  
14 *Statement* in support of the Debtor Plan, filed on March 30, 2026 [Docket No. 2759] (as may be modified  
15 from time to time, the “Debtor Disclosure Statement”).

16 The Committee Plan will not and cannot be confirmed. It suffers from fundamental, dispositive  
17 deficiencies that cannot possibly be cured. First and foremost, the Committee Plan is not feasible; it  
18 depends on money that the Debtor does not have. The Committee Plan contemplates total contributions  
19 to the Survivors’ Trust from the Debtor of \$195.2 million over the 3.5 years following the filing of the  
20 Committee Plan (not the Effective Date), with the first contribution of \$33.1 million purportedly occurring  
21 on the proposed Effective Date. Committee Plan at § 9.3.1. Although it omits this fact, the Committee  
22 knows the Debtor cannot make this first contribution (defined as the “Initial Debtor Contribution”) unless  
23 the Committee secures a complete victory in the Restricted Assets Adversary Proceeding—an outcome  
24 the Committee has admitted will not occur before confirmation and may **never** occur if the Committee  
25 loses in the Bankruptcy Court and on appeal or fails to win the amount it seeks. Not even a complete  
26 Committee victory in the Restricted Assets Adversary Proceeding makes the Initial Debtor Contribution  
27 *per se* feasible because the Committee has the power to declare the Effective Date whenever it wants,  
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1 whether the Debtor has \$33.1 million in cash on hand or not. *See* Committee Plan § 10.3. And even if the  
2 Debtor could make that payment whenever the Committee deems its plan effective, the Committee  
3 Disclosure Statement makes no attempt to explain (because the Committee cannot) how much money the  
4 Reorganized Debtor will have to fund its ongoing operations **and** the remaining \$162.1 million it owes  
5 the Survivors' Trust on or before September 2029. Thus, from day one, the Committee Plan sets the Debtor  
6 up for failure.

7 To compensate for these glaring deficiencies, the Committee Plan presupposes that certain non-  
8 debtor entities will make contributions to its Plan. This too is a pipe dream. These entities have already  
9 refused, and cannot be forced, to contribute anything to the Survivors' Trust. The Committee Plan further  
10 relies on forcing the Debtor to close Churches that the Debtor has deemed essential to its continued  
11 ministry and sell the properties on which they are built. The Debtor cannot and will not accept this  
12 outcome, which is contrary to bankruptcy law and the First Amendment as the Debtor has extensively  
13 briefed.

14 The Committee Disclosure Statement fares no better. It lacks substantial information that is critical  
15 to inform claimants—including the Committee's own constituents—about the effect and feasibility of the  
16 Committee Plan. For instance, the Committee Disclosure Statement does not explain how the Debtor will  
17 fund the Committee Plan. Nor does it explain why creditors should believe non-debtor entities that have  
18 refused to participate will somehow change course. Critically, it fails to explain why Abuse Claimants  
19 should gamble on a speculative plan when a feasible alternative—the Debtor Plan—is available for  
20 confirmation immediately.

21 There are many deficiencies with the Committee Plan that render it patently unconfirmable and  
22 make approval of the Committee Disclosure Statement futile (in addition to the numerous inadequacies  
23 therein). Those deficiencies are detailed in the Debtor's Opposition, which is filed contemporaneously  
24 herewith and incorporated by reference herein.

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IV.

**RELIEF REQUESTED**

As set forth in the Objection, both the Committee Plan and Committee Disclosure Statement suffer from significant and fundamental deficiencies and is nowhere near a version that could be solicited (let alone confirmed) at this time. By this Motion, the Debtor seeks entry of an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”): (1) striking the Committee Plan and the Committee Disclosure Statement, or (2) alternatively, holding the Committee Plan in abeyance while the Debtor Plan proceeds to confirmation.

**A. The Committee Plan and Committee Disclosure Statement Should be Stricken.**

The Committee Plan is patently unconfirmable on its face. It does not satisfy numerous confirmation requirements under the Bankruptcy Code, including feasibility, equal treatment of creditors, good faith, and compliance with the best interests of creditors. Specifically, as outlined in the Opposition, among other things, the Committee Plan: (1) contemplates approximately \$53.5 million in payments on the Effective Date that the Debtor cannot make, (2) relies on contributions from entities that have already refused to participate, (3) outlines no concrete means for its own implementation, and (4) prejudices some Abuse Claimants in favor of others by inserting the Survivors’ Trustee into a gatekeeping role over the Litigation Option. To that end, it would be futile to allow the Committee Disclosure Statement to proceed on a patently unconfirmable plan. *See, e.g., In re Main St. AC, Inc.*, 234 B.R. 771, 775 (Bankr. N.D. Cal. 1999) (“It is now well accepted that a court may disapprove of a disclosure statement, even if it provides adequate information about a proposed plan,<sup>2</sup> if the plan could not possibly be confirmed.”); *In re Beyond.com Corp.*, 289 B.R. 138, 140 (Bankr. N.D. Cal. 2003) (citations omitted) (“Because the underlying plan is patently unconfirmable, the disclosure statement may not be approved.”).

Moreover, the Committee Disclosure Statement fails to provide adequate information, as required under section 1125 of the Bankruptcy Code, to enable creditors to make an informed judgment regarding the Committee Plan. Not only does the Committee Disclosure Statement disregard this Court’s guidance as to “adequate information” by failing to provide the how and why of its required contributions by the

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<sup>2</sup> The Committee Disclosure Statement, of course, fails even this threshold hurdle.

1 Debtor, it also provides fundamentally misleading information and other inaccuracies regarding this  
2 Chapter 11 Case and the Debtor Plan.

3 In view of these defects, it would do a disservice to the interests of judicial economy and the  
4 efficient administration of the Debtor's estate to permit the Committee Plan and Committee Disclosure  
5 Statement to proceed. Striking the Committee Plan and Committee Disclosure Statement now will avoid  
6 unnecessary costs and delays, preserve estate assets, and promote a fair and orderly resolution of the case.  
7 Conversely, proceeding with hearings or solicitation based on these defective documents would unduly  
8 burden the estate and mislead creditors. Accordingly, the Debtor requests the Court enter an order striking  
9 the Committee Plan and Committee Disclosure Statement in their entirety.

10 **B. Alternatively, Only the Debtor Plan Should Proceed to Confirmation and the**  
11 **Committee Plan Should be Held in Abeyance.**

12 Even if the Court declines to strike the Committee Plan and Committee Disclosure Statement  
13 outright, it should exercise its discretion and permit the Debtor to proceed with confirmation of its Plan  
14 while holding the Committee Plan in abeyance. Section 105(d) of the Bankruptcy Code gives this Court  
15 broad discretion to structure a competing plan process in the way it believes is mostly likely to further the  
16 goal that a case is handled "expeditiously and economically." *In re 1300 Desert Willow Road, LLC*, 2026  
17 WL 508285, at \*4 (Bankr. S.D.N.Y. Feb. 24, 2026) (quoting 11 U.S.C. § 105(d)(2)). In a similar situation  
18 to this, the bankruptcy court in *In re 1300 Desert Willow Road, LLC* observed:

19 In some cases, this may mean permitting concurrent solicitation of two competing plans,  
20 followed by a joint confirmation hearing on the two plans. *In other cases, the court may*  
*conclude that the expeditious and economical resolution of the case is better served by*  
*holding one plan in abeyance while permitting the other plan to move forward.*

21 *Id.* at \*4 (cleaned up; emphasis added). There, the bankruptcy court chose the abeyance option, concluding  
22 that because the creditor's plan appeared "readily confirmable" while the debtor's plan was "problematic  
23 in multiple serious respects," the creditor plan could proceed while the debtor's plan was held in abeyance.

24 *Id.* at \*5. Here the roles are reversed, with the Debtor Plan can be confirmed versus a Committee Plan that  
25 is dead on arrival. This Court should adopt a similar approach as the court in *1300 Desert Willow Road*,  
26 allowing only the Debtor Plan to proceed to a confirmation hearing.

1 The Debtor Plan can be confirmed because it provides Abuse Claimants with the certainty of \$180  
2 million in contributions from RCBO and RCWC over a 3.5-year period, including \$40 million on the  
3 Effective Date. The Debtor Disclosure Statement is comprehensive, informative, and accurate. Indeed, an  
4 earlier version has already been approved by the Court. *See* Docket No. 1877 (order approving the  
5 Debtor’s Third Amended Disclosure Statement). The Committee Plan pales in comparison.

6 The Debtor nevertheless understands it will likely have a high burden to carry at confirmation if  
7 the parties do not somehow reach a resolution (and, candidly, such compromise seems unlikely). However,  
8 one thing is certain: if the Debtor Plan is confirmed, the Debtor is ready, willing, and, most importantly,  
9 able to consummate and carry out its Plan.

10 The same cannot be said about the Committee Plan. Rather, the deficiencies in the Committee Plan  
11 and Committee Disclosure Statement demonstrate that the Committee is using its Plan to mislead Abuse  
12 Claimants that it offers a better deal than the concrete, achievable commitments made to them in the  
13 Debtor’s Plan, in the hopes they will vote for the Committee’s decoy deal and thereby create settlement  
14 leverage. Rather than a legitimate attempt to describe a confirmable Plan, the Committee Disclosure  
15 Statement thus intentionally misleads Abuse Claimants with debunked statements, inflated promises of  
16 money the Debtor simply does not have, and false attacks on the Debtor Plan. It does not explain how the  
17 Committee Plan will be funded, nor does it provide data-driven or even plausible rhetorical support for  
18 that plan’s confirmability.

19 In section 1125 terms, the Committee Disclosure Statement is not a disclosure statement at all. It  
20 is a brief in opposition to the Debtor Plan. Such tactics should not be rewarded, particularly in light of the  
21 improvements in the Debtor Plan over time and the meaningful sacrifices they represent.

22 “Underlying the Bankruptcy Code is the general principle that an honest and diligent debtor  
23 should be given a first opportunity to get a plan confirmed and do so in the most cost-effective manner  
24 possible.” *In re Aspen Limousine Serv., Inc.*, 187 B.R. 989, 993 (Bankr. D. Colo. 1995), *aff’d* 193 B.R.  
25 325 (D. Colo. 1996); *see also In re 1300 Desert Willow Road, LLC*, 2026 WL 508285 at \*4 (agreeing that  
26 in most cases the court should give primacy to a plan proposed by “an honest and diligent debtor”).  
27 Throughout the entire Chapter 11 Case, the Debtor has been, in good faith, diligently pursuing  
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1 confirmation of a plan that is in the best interest of *all* creditors—particularly Abuse Claimants. As such,  
2 only the Debtor Plan should be permitted to proceed to a confirmation hearing, and the Committee Plan  
3 should be held in abeyance.

4 **V.**

5 **CONCLUSION**

6 WHEREFORE, the Debtor respectfully requests that the Court enter the Proposed Order and grant  
7 such other and further relief as may be just and proper.

8 DATED: April 7, 2026

**FOLEY & LARDNER LLP**

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*/s/ Shane J. Moses*

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17 *Counsel for the Debtor*  
18 *and Debtor in Possession*

19 **UNITED STATES BANKRUPTCY COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**  
21 **OAKLAND DIVISION**

22 In re:  
23 THE ROMAN CATHOLIC BISHOP OF  
24 OAKLAND, a California corporation sole,  
25  
26 Debtor.

27 Case No. 23-40523 WJL  
28 Chapter 11

**[PROPOSED] ORDER APPROVING  
DEBTOR’S MOTION TO STRIKE OR  
ALTERNATIVELY HOLD IN ABEYANCE  
(I) THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS’ PLAN OF  
REORGANIZATION, DATED MARCH 27,  
2026, AND (II) DISCLOSURE STATEMENT  
FOR THE OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS’ PLAN OF  
REORGANIZATION, DATED MARCH 27,  
2026**

Judge: Hon. William J. Lafferty

The Court having reviewed the *Debtor’s Motion to Strike or Alternatively Hold in Abeyance*  
(I) *The Official Committee of Unsecured Creditors’ Plan of Reorganization, dated March 27, 2026, and*  
(II) *Disclosure Statement for the Plan of Reorganization, dated March 27, 2026* [Docket No. •] filed on  
April 7, 2026 (the “Motion”),<sup>1</sup> by the Roman Catholic Bishop of Oakland, a California corporation sole,

<sup>1</sup> Terms defined in the Motion shall have the same meaning herein.

1 and the debtor and debtor in possession (the “Debtor”) in the above-captioned chapter 11 bankruptcy case  
2 (the “Chapter 11 Case”) and after due consideration and good cause appearing,

3 **IT IS HEREBY ORDERED THAT:**

- 4 1. The Motion is approved as set forth herein.
- 5 2. The Committee Plan [Docket No. 2752] is stricken.
- 6 3. The Committee Disclosure Statement [Docket No. 2753] is stricken.
- 7 4. This Order shall be immediately effective and enforceable upon its entry.
- 8 5. This Court shall retain exclusive jurisdiction over any and all matters arising from or  
9 related to the implementation, interpretation or enforcement of this Order.

10 \*\*END OF ORDER\*\*

# EXHIBIT A

**COURT SERVICE LIST**

All ECF Recipients.

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ORDER APPROVING MOTION TO STRIKE COMMITTEE'S PLAN AND DISCLOSURE STATEMENT