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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.	CHAPTER 11 CASE NO: 23-40523 WJL HON. WILLIAM J. LAFFERTY **COMPLAINT FOR BREACH OF CONTRACT AND DECLARATORY JUDGMENT RELIEF**
THE ROMAN CATHOLIC BISHOP OF OAKLAND, PLAINTIFF, V. AMERICAN HOME ASSURANCE CO., a New York corporation; LEXINGTON INSURANCE CO., a Delaware corporation, DEFENDANTS.	ADVERSARY CASE NO.

Case: 23-04037 Doc# 1 Filed: 08/30/23 Entered: 08/30/
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Plaintiff THE ROMAN CATHOLIC BISHOP OF OAKLAND, plaintiff in the above-captioned action, for its Complaint for Breach of Contract and Declaratory Judgment Relief against Defendants AMERICAN HOME ASSURANCE CO., a New York corporation; LEXINGTON INSURANCE CO., a Delaware corporation (collectively, the "Defendants"), alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this adversary proceeding pursuant to sections 157 and 1334 of title 28 of the United States Code ("Title 28").

2. This proceeding is a core proceeding pursuant to sections 157(b) of Title 28.

3. Venue in this Court is proper pursuant to sections 1408 and 1409 of Title 28.

NATURE OF THE ACTION

4. This is an action for breach of contract and declaratory judgment.

THE PARTIES

5. Plaintiff THE ROMAN CATHOLIC BISHOP OF OAKLAND ("RCBO" or the "Debtor") is a California corporation sole with its principal place of business in Oakland, California.

6. Defendant AMERICAN HOME ASSURANCE CO. is, on information and belief, a New York corporation which conducted business in this District and issued written excess policies of insurance to RCBO under Policy No. CE 35-60-94 for the period October 26, 1971 to October 26, 1974 (herein "AHAC").

7. Defendant LEXINGTON INSURANCE CO. is, on information and belief, a Delaware corporation which conducted business in this District and issued written excess policies of insurance to RCBO under Policy No. 6502093 for the period October 5, 2007 to July 1, 2008 (herein "LEXINGTON").

FACTUAL BACKGROUND

8. On May 8, 2023 (the "Petition Date"), the Debtor caused its attorneys to file 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 the Bankruptcy Code. No trustee or examiner has been appointed in this Chapter 11 Case.

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9. On May 23, 2023, the Office of the United States Trustee for Region 17 (the "US Trustee") appointed an official Committee of Unsecured Creditors (the "Committee") in this Chapter 11 Case.

10. The Debtor is a corporation sole organized under the laws of the State of California. The Debtor conducts its civil affairs under the laws of the State of California and the United States of America and in accordance with the Code of Canon Law, the ecclesiastical law of the Roman Catholic Church. Additional information regarding the Debtor, its mission, ministries, and operations, and the events and circumstances preceding the Petition Date, is set forth in the *Declaration of Charles Moore, Managing Director of Alvarez & Marsal North America, LLC, Proposed Restructuring Advisor to the Roman Catholic Bishop of Oakland, in Support of Chapter 11 Petition and First Day Pleadings* [Docket No. 19] (the "First Day Declaration").

11. RCBO has been named in more than 300 complaints primarily filed in the Alameda Superior Court seeking recovery for alleged negligent supervision and hiring of certain clerical and ministerial personnel over a period of decades. These suits have been filed as a result of California's passing of AB 218, which extended the statute of limitations for the filing of similar civil suits. A true and correct list of the pending suits of which RCBO has received notice or service from the courts in which they were filed as of the date of this complaint is attached as Exhibit "A" (the "Suits").

12. Although section 362 of the Bankruptcy Code provides for an automatic stay of the Suits and of additional lawsuits against the Debtor, RCBO is informed, and believes, that additional suits may be filed and/or served after the filing of this proceeding and RCBO will update the list to reflect all such cases as appropriate.

13. RCBO has maintained insurance coverage through a series of primary, excess and umbrella insurers from the early 1960's through the present time as alleged above.

14. RCBO has tendered through its broker both RCBO's defense and indemnity of the Suits under all applicable insurance policies to the associated Defendants that issued those policies and were not insolvent.

15. The Defendants received the tender on behalf of RCBO but have improperly denied or failed to confirm coverage (including, without limitation, failure to provide both defense and/or

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indemnity) including failure to recognize the exhaustion of underlying insurance through payment, liquidation or other means thereby requiring the excess insurance to drop down and provide defense and indemnity to RCBO for the Suits.

16. As a result of the conduct of the Defendants, RCBO has been harmed in that it has not been provided with the benefits of the insurance it purchased, having complied with all requirements thereunder. RCBO has been forced to defend itself against the Suits without being provided with the appropriate required defense and indemnity that was to be provided by the Defendants through their respective policies of insurance. Consequently, an actual and justiciable controversy exists between the parties of sufficient immediacy and reality to warrant issuance of a declaratory judgment.

FIRST CAUSE OF ACTION

(Declaratory Relief)

17. RCBO realleges and incorporates herein paragraphs 1 through 17 of this complaint as if said paragraphs were set forth in full.

18. An actual and justiciable controversy has arisen and now exists between the parties with respect to whether the Defendants, and each of them, are obligated to provide RCBO with defense and indemnity under their respective insurance policies regarding the Suits.

19. RCBO has fully performed under the Defendants' respective insurance policies.

20. The Defendants have received tenders on behalf of RCBO regarding the Suits but have improperly denied and/or have failed to confirm coverage for the Suits and have further failed to confirm that any underlying insurance has been exhausted whether by payment, liquidation or otherwise and contrary to the coverages promised to RCBO and thus have failed to provide RCBO with either defense and/or indemnity regarding the Suits as required under the respective policies.

21. In the meantime, the Suits are pending, resulting in loss and damages to RCBO including, without limitation, defense fees and costs and indemnity funds (whether via judgment or settlement or other means).

22. RCBO is entitled to a judgment declaring that the Defendants have issued insurance policies to RCBO and that RCBO is entitled to both defense and indemnity regarding Suits under the respective policies of insurance issued by the Defendants including, without limitation, a declaration of

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exhaustion as to certain underlying policies and the requirement that the Defendants drop down to provide defense and indemnity to RCBO regarding the Suits.

SECOND CAUSE OF ACTION

(Breach of Contract)

23. RCBO realleges and incorporates herein paragraphs 1 through 23 of this complaint as if said paragraphs were set forth in full.

24. The Defendants' failure to provide defense and indemnity to RCBO regarding the Suits is contrary to the coverages and benefits promised RCBO under the respective policies and constitutes a breach of those policies.

25. As a result of the Defendants' breaches of their respective insurance policies, RCBO has incurred significant fees and costs in defending itself in the Suits and has not been provided with the required coverage for indemnity (including any settlement amounts), all to the injury and damage of RCBO.

26. RCBO has fully performed under the Defendants' respective insurance policies and the Defendants, and each of them, are not excused from performance.

27. As a direct and proximate result of the Defendants' breaches, RCBO has been damaged according to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, RCBO prays for relief as follows:

a. For a declaration in RCBO's favor as to the obligation of the Defendants, and each of them, that the Defendants issued effective policies of insurance to RCBO and a further declaration that the Defendants were obligated to provide defense and indemnity to RCBO regarding the claims made in the Suits;

b. For an award in RCBO's favor as a result of the Defendants' breach of their respective policies;

c. For an order awarding RCBO its costs, expenses, and reasonable attorneys' fees as provided by law; and

d. For such other and further relief as the Court deems just and proper.

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DATED: AUGUST 30, 2023

BREALL & BREALL, LLP

By: /s/ *Joseph M. Breall*
Joseph M. Breall
Proposed Special Insurance Counsel for Debtor, The Roman Catholic Bishop of Oakland

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EXHIBIT A

California Superior Court Suits

Case Number	Name of Court
RG19041044	Superior Court of California, County of Alameda
RG19041044	Superior Court of California, County of Alameda
21CV000055	Superior Court of California, County of Alameda
HG20053989	Superior Court of California, County of Alameda
HG20053983	Superior Court of California, County of Alameda
RG20055438	Superior Court of California, County of Alameda
RG20075233	Superior Court of California, County of Alameda
RG20075233	Superior Court of California, County of Alameda
22CV004880	Superior Court of California, County of Alameda
RG20056654	Superior Court of California, County of Alameda
RG20078903	Superior Court of California, County of Alameda
22CV019949	Superior Court of California, County of Alameda
22CV020101	Superior Court of California, County of Alameda
HG20053992	Superior Court of California, County of Alameda
HG20053951	Superior Court of California, County of Alameda
RG20053984	Superior Court of California, County of Alameda
RG20057425	Superior Court of California, County of Alameda
HG19048685	Superior Court of California, County of Alameda
HG20053924	Superior Court of California, County of Alameda
RG20057493	Superior Court of California, County of Alameda
HG20055763	Superior Court of California, County of Alameda
HG19042086	Superior Court of California, County of Alameda
RG20048852	Superior Court of California, County of Alameda
RG19039073	Superior Court of California, County of Alameda
RG19039073	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
RG19039073	Superior Court of California, County of Alameda
C19-02227	Superior Court of California, County of Contra Costa
HG19048691	Superior Court of California, County of Alameda
RG20061260	Superior Court of California, County of Alameda
RG20064221	Superior Court of California, County of Alameda
RG20056258	Superior Court of California, County of Alameda
RG20056258	Superior Court of California, County of Alameda
RG20056258	Superior Court of California, County of Alameda
RG20066518	Superior Court of California, County of Alameda
RG20067225	Superior Court of California, County of Alameda
RG20065425	Superior Court of California, County of Alameda
RG20065264	Superior Court of California, County of Alameda
RG20061429	Superior Court of California, County of Alameda
RG20065437	Superior Court of California, County of Alameda
RG20065435	Superior Court of California, County of Alameda
RG20064084	Superior Court of California, County of Alameda
RG20067602	Superior Court of California, County of Alameda
RG20064685	Superior Court of California, County of Alameda
RG20064759	Superior Court of California, County of Alameda
RG20049371	Superior Court of California, County of Alameda
RG20073791	Superior Court of California, County of Alameda
RG20079359	Superior Court of California, County of Alameda
RG20075700	Superior Court of California, County of Alameda
RG21087706	Superior Court of California, County of Alameda
RG20074690	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
RG20068095	Superior Court of California, County of Alameda
RG20085048	Superior Court of California, County of Alameda
RG20068867	Superior Court of California, County of Alameda
RG20075018	Superior Court of California, County of Alameda
RG21086498	Superior Court of California, County of Alameda
RG21096482	Superior Court of California, County of Alameda
MSC21-01242	Superior Court of California, County of Contra Costa
RG21105426	Superior Court of California, County of Alameda
RG21105583	Superior Court of California, County of Alameda
RG21110490	Superior Court of California, County of Alameda
RG20069692	Superior Court of California, County of Alameda
CGC-20-584124	Superior Court of California, County of San Francisco
21CV002646	Superior Court of California, County of Alameda
21CV003945	Superior Court of California, County of Alameda
21CV002553	Superior Court of California, County of Alameda
21CV003362	Superior Court of California, County of Alameda
C22-00044	Superior Court of California, County of Contra Costa
22CV006696	Superior Court of California, County of Alameda
22CV006473	Superior Court of California, County of Alameda
22CV006519	Superior Court of California, County of Alameda
22CV006624	Superior Court of California, County of Alameda
22CV008082	Superior Court of California, County of Alameda
21CV002261	Superior Court of California, County of Alameda
21CV003446	Superior Court of California, County of Alameda
22CV010527	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
21CV000053	Superior Court of California, County of Alameda
22CV011957	Superior Court of California, County of Alameda
22CV012253	Superior Court of California, County of Alameda
22CV019472	Superior Court of California, County of Alameda
22CV021898	Superior Court of California, County of Alameda
22CV015043	Superior Court of California, County of Alameda
22CV018533	Superior Court of California, County of Alameda
22CV015210	Superior Court of California, County of Alameda
22CV017826	Superior Court of California, County of Alameda
22CV023336	Superior Court of California, County of Alameda
22CV015938	Superior Court of California, County of Alameda
22CV022518	Superior Court of California, County of Alameda
22CV022476	Superior Court of California, County of Alameda
22CV022809	Superior Court of California, County of Alameda
22CV023917	Superior Court of California, County of Alameda
22CV023363	Superior Court of California, County of Alameda
22CV022633	Superior Court of California, County of Alameda
22CV022056	Superior Court of California, County of Alameda
22CV016748	Superior Court of California, County of Alameda
22CV022502	Superior Court of California, County of Alameda
22CV022456	Superior Court of California, County of Alameda
22CV022547	Superior Court of California, County of Alameda
22CV023118	Superior Court of California, County of Alameda
22CV020631	Superior Court of California, County of Alameda
22CV018880	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV018875	Superior Court of California, County of Alameda
22CV017872	Superior Court of California, County of Alameda
22CV020696	Superior Court of California, County of Alameda
22CV019943	Superior Court of California, County of Alameda
22CV018172	Superior Court of California, County of Alameda
22CV019944	Superior Court of California, County of Alameda
22CV019889	Superior Court of California, County of Alameda
22CV019890	Superior Court of California, County of Alameda
22CV019888	Superior Court of California, County of Alameda
22CV020197	Superior Court of California, County of Alameda
22CV023109	Superior Court of California, County of Alameda
22CV020519	Superior Court of California, County of Alameda
22CV020661	Superior Court of California, County of Alameda
22CV020654	Superior Court of California, County of Alameda
22CV020808	Superior Court of California, County of Alameda
22CV020602	Superior Court of California, County of Alameda
22CV020491	Superior Court of California, County of Alameda
22CV020636	Superior Court of California, County of Alameda
22CV019871	Superior Court of California, County of Alameda
22CV024211	Superior Court of California, County of Alameda
22CV020607	Superior Court of California, County of Alameda
22CV022358	Superior Court of California, County of Alameda
22CV020323	Superior Court of California, County of Alameda
22CV017850	Superior Court of California, County of Alameda
22CV018167	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
RG21108531	Superior Court of California, County of Alameda
22CV020455	Superior Court of California, County of Alameda
22CV020287	Superior Court of California, County of Alameda
22CV020136	Superior Court of California, County of Alameda
22CV020135	Superior Court of California, County of Alameda
22CV020082	Superior Court of California, County of Alameda
22CV020085	Superior Court of California, County of Alameda
22CV020075	Superior Court of California, County of Alameda
22CV020073	Superior Court of California, County of Alameda
22CV020347	Superior Court of California, County of Alameda
22CV020434	Superior Court of California, County of Alameda
22CV020349	Superior Court of California, County of Alameda
22CV020432	Superior Court of California, County of Alameda
22CV020438	Superior Court of California, County of Alameda
22CV020478	Superior Court of California, County of Alameda
22CV020348	Superior Court of California, County of Alameda
22CV020369	Superior Court of California, County of Alameda
22CV020333	Superior Court of California, County of Alameda
22CV020487	Superior Court of California, County of Alameda
22CV021638	Superior Court of California, County of Alameda
22CV020431	Superior Court of California, County of Alameda
22CV020378	Superior Court of California, County of Alameda
22CV020436	Superior Court of California, County of Alameda
22CV020382	Superior Court of California, County of Alameda
22CV020474	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV020374	Superior Court of California, County of Alameda
22CV020437	Superior Court of California, County of Alameda
22CV020388	Superior Court of California, County of Alameda
22CV020322	Superior Court of California, County of Alameda
22CV020473	Superior Court of California, County of Alameda
22CV020375	Superior Court of California, County of Alameda
22CV020325	Superior Court of California, County of Alameda
22CV020485	Superior Court of California, County of Alameda
22CV020343	Superior Court of California, County of Alameda
22CV020435	Superior Court of California, County of Alameda
22CV022806	Superior Court of California, County of Alameda
22CV022956	Superior Court of California, County of Alameda
22CV020164	Superior Court of California, County of Alameda
22CV020298	Superior Court of California, County of Alameda
22CV020321	Superior Court of California, County of Alameda
22CV021712	Superior Court of California, County of Alameda
22CV018198	Superior Court of California, County of Alameda
22CV017382	Superior Court of California, County of Alameda
22CV020795	Superior Court of California, County of Alameda
22CV020423	Superior Court of California, County of Alameda
22CV020389	Superior Court of California, County of Alameda
22CV020391	Superior Court of California, County of Alameda
22CV020393	Superior Court of California, County of Alameda
22CV020398	Superior Court of California, County of Alameda
22CV020399	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV019910	Superior Court of California, County of Alameda
22CV019900	Superior Court of California, County of Alameda
22CV020396	Superior Court of California, County of Alameda
22CV020000	Superior Court of California, County of Alameda
22CV019887	Superior Court of California, County of Alameda
22CV019923	Superior Court of California, County of Alameda
22CV019926	Superior Court of California, County of Alameda
22CV019941	Superior Court of California, County of Alameda
22CV019921	Superior Court of California, County of Alameda
22CV019884	Superior Court of California, County of Alameda
22CV019959	Superior Court of California, County of Alameda
22CV019961	Superior Court of California, County of Alameda
22CV019903	Superior Court of California, County of Alameda
22CV019960	Superior Court of California, County of Alameda
22CV019899	Superior Court of California, County of Alameda
22CV019892	Superior Court of California, County of Alameda
22CV019893	Superior Court of California, County of Alameda
22CV019898	Superior Court of California, County of Alameda
22CV019896	Superior Court of California, County of Alameda
22CV019902	Superior Court of California, County of Alameda
22CV017963	Superior Court of California, County of Alameda
22CV023198	Superior Court of California, County of Alameda
22CV015576	Superior Court of California, County of Alameda
22CV021944	Superior Court of California, County of Alameda
22CV021136	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV020490	Superior Court of California, County of Alameda
22CV020161	Superior Court of California, County of Alameda
C22-02006	Superior Court of California, County of Contra Costa
22CV015393	Superior Court of California, County of Alameda
22CV013310	Superior Court of California, County of Alameda
22CV023397	Superior Court of California, County of Alameda
22CV013335	Superior Court of California, County of Alameda
22CV017318	Superior Court of California, County of Alameda
C22-01820	Superior Court of California, County of Contra Costa
22CV04375	Superior Court of California, County of Santa Barbara
22CV024896	Superior Court of California, County of Alameda
22CV021229	Superior Court of California, County of Alameda
22CV020746	Superior Court of California, County of Alameda
22CV014047	Superior Court of California, County of Alameda
22CV023763	Superior Court of California, County of Alameda
22CV017002	Superior Court of California, County of Alameda
22CV020632	Superior Court of California, County of Alameda
22CV021959	Superior Court of California, County of Alameda
22CV020524	Superior Court of California, County of Alameda
22CV021619	Superior Court of California, County of Alameda
22CV022330	Superior Court of California, County of Alameda
22CV021958	Superior Court of California, County of Alameda
22CV021982	Superior Court of California, County of Alameda
22CV021962	Superior Court of California, County of Alameda
22CV023092	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV023077	Superior Court of California, County of Alameda
22CV017854	Superior Court of California, County of Alameda
22CV023536	Superior Court of California, County of Alameda
22CV021953	Superior Court of California, County of Alameda
22CV022583	Superior Court of California, County of Alameda
22CV024069	Superior Court of California, County of Alameda
22CV023062	Superior Court of California, County of Alameda
22CV021736	Superior Court of California, County of Alameda
22CV024183	Superior Court of California, County of Alameda
22CV023960	Superior Court of California, County of Alameda
22CV022787	Superior Court of California, County of Alameda
22CV020837	Superior Court of California, County of Alameda
22CV021909	Superior Court of California, County of Alameda
22CV023239	Superior Court of California, County of Alameda
22CV024880	Superior Court of California, County of Alameda
22CV023669	Superior Court of California, County of Alameda
22CV018558	Superior Court of California, County of Alameda
22CV023416	Superior Court of California, County of Alameda
22CV024635	Superior Court of California, County of Alameda
22CV023091	Superior Court of California, County of Alameda
22CV022037	Superior Court of California, County of Alameda
22CV023242	Superior Court of California, County of Alameda
22CV021591	Superior Court of California, County of Alameda
22CV023423	Superior Court of California, County of Alameda
22CV020822	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
C22-02698	Superior Court of California, County of Contra Costa
22CV021946	Superior Court of California, County of Alameda
22CV023400	Superior Court of California, County of Alameda
23CV025256	Superior Court of California, County of Alameda
22CV023623	Superior Court of California, County of Alameda
22CV023968	Superior Court of California, County of Alameda
22CV022911	Superior Court of California, County of Alameda
22CV023764	Superior Court of California, County of Alameda
22CV024846	Superior Court of California, County of Alameda
22CV022326	Superior Court of California, County of Alameda
22CV021947	Superior Court of California, County of Alameda
22CV023068	Superior Court of California, County of Alameda
22CV024587	Superior Court of California, County of Alameda
22CV024532	Superior Court of California, County of Alameda
22CV023756	Superior Court of California, County of Alameda
22CV024471	Superior Court of California, County of Alameda
22CV024838	Superior Court of California, County of Alameda
22CV024931	Superior Court of California, County of Alameda
22CV020672	Superior Court of California, County of Alameda
22CV023538	Superior Court of California, County of Alameda
22CV024139	Superior Court of California, County of Alameda
22CV024839	Superior Court of California, County of Alameda
22CV022009	Superior Court of California, County of Alameda
22CV022825	Superior Court of California, County of Alameda
22CV024898	Superior Court of California, County of Alameda

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California Superior Court Suits

Case Number	Name of Court
22CV024592	Superior Court of California, County of Alameda
22CV023513	Superior Court of California, County of Alameda
22CV024582	Superior Court of California, County of Alameda
22CV024022	Superior Court of California, County of Alameda
22CV024942	Superior Court of California, County of Alameda
22CV024472	Superior Court of California, County of Alameda
22CV023950	Superior Court of California, County of Alameda
22CV023240	Superior Court of California, County of Alameda
22CV024988	Superior Court of California, County of Alameda
RG20062996	Superior Court of California, County of Alameda
RG19008221	Superior Court of California, County of Alameda
22CV024200	Superior Court of California, County of Alameda
22CV022534	Superior Court of California, County of Alameda
22CV022803	Superior Court of California, County of Alameda
22CV024385	Superior Court of California, County of Alameda
22CV023501	Superior Court of California, County of Alameda
22CV023996	Superior Court of California, County of Alameda
22CV024749	Superior Court of California, County of Alameda
22CV023766	Superior Court of California, County of Alameda
22CV022760	Superior Court of California, County of Alameda
22CV023502	Superior Court of California, County of Alameda
22CV017158	Superior Court of California, County of Alameda
22CV024465	Superior Court of California, County of Alameda
22CV024087	Superior Court of California, County of Alameda
22CV022604	Superior Court of California, County of Alameda

EXHIBIT A

California Superior Court Suits

Case Number	Name of Court
22CV023676	Superior Court of California, County of Alameda
22CV024630	Superior Court of California, County of Alameda
22CV017589	Superior Court of California, County of Alameda
22CV024556	Superior Court of California, County of Alameda
22CV024730	Superior Court of California, County of Alameda
22CV024031	Superior Court of California, County of Alameda
22CV024157	Superior Court of California, County of Alameda
22CV023759	Superior Court of California, County of Alameda
22CV024400	Superior Court of California, County of Alameda
22CV024195	Superior Court of California, County of Alameda
22CV024892	Superior Court of California, County of Alameda
22CV024154	Superior Court of California, County of Alameda
22CV024859	Superior Court of California, County of Alameda
22CV024091	Superior Court of California, County of Alameda
22CV023329	Superior Court of California, County of Alameda
22CV021441	Superior Court of California, County of Alameda
22CV023509	Superior Court of California, County of Alameda
22CV024003	Superior Court of California, County of Alameda
22CV021226	Superior Court of California, County of Alameda
22CV023663	Superior Court of California, County of Alameda
22CV018715	Superior Court of California, County of Alameda
22CV024019	Superior Court of California, County of Alameda
22CV024008	Superior Court of California, County of Alameda
22CV024007	Superior Court of California, County of Alameda
22CV023710	Superior Court of California, County of Alameda

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EXHIBIT A

California Superior Court Suits

Case Number	Name of Court
22CV023195	Superior Court of California, County of Alameda
22CV018779	Superior Court of California, County of Alameda

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B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)	ADVERSARY PROCEEDING NUMBER (Court Use Only)

PLAINTIFFS	DEFENDANTS
The Roman Catholic Bishop of Oakland	American Home Assurance Co., a New York corporation; Lexington Insurance Co., a Delaware corporation
ATTORNEYS (Firm Name, Address, and Telephone No.) Joseph M. Breall BREALL & BREALL, LLP 3625 California Street, San Francisco, CA 94118 (415) 345-0545	**ATTORNEYS** (If Known)
PARTY (Check One Box Only) ☒ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☐ Other ☐ Trustee	**PARTY** (Check One Box Only) ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin ☐ Creditor ☒ Other ☐ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)
This is an action for breach of contract and declaratory judgment.

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property
- ☐ 11-Recovery of money/property - §542 turnover of property
- ☐ 12-Recovery of money/property - §547 preference
- ☐ 13-Recovery of money/property - §548 fraudulent transfer
- ☐ 14-Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien
- ☐ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property
- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(4) – Objection/Revocation of Discharge
- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation
- ☐ 51-Revocation of confirmation

FRBP 7001(6) – Dischargeability
- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
- ☐ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
- ☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)
- ☐ 61-Dischargeability - §523(a)(5), domestic support
- ☐ 68-Dischargeability - §523(a)(6), willful and malicious injury
- ☐ 63-Dischargeability - §523(a)(8), student loan
- ☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
- ☐ 65-Dischargeability - other

FRBP 7001(7) – Injunctive Relief
- ☐ 71-Injunctive relief – imposition of stay
- ☐ 72-Injunctive relief – other

FRBP 7001(8) Subordination of Claim or Interest
- ☐ 81-Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment
- ☒ 91-Declaratory judgment

FRBP 7001(10) Determination of Removed Action
- ☐ 01-Determination of removed claim or cause

Other
- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et.seq.*
- ☒ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☐ Check if this case involves a substantive issue of state law	☐ Check if this is asserted to be a class action under FRCP23
☐ Check if a jury trial is demanded in complaint	Demand $

Other Relief Sought
Breach of contract

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR The Roman Catholic Bishop of Oakland	BANKRUPTCY CASE NO. 23-40523 WJL	
DISTRICT IN WHICH CASE IS PENDING Northern District of California	DIVISION OFFICE Oakland	NAME OF JUDGE William J. Lafferty
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF The Roman Catholic Bishop of Oakland	DEFENDANT Pacific Indemnity, a Delaware corporation, et al. Additional defendants listed on Attachment 1 hereto.	ADVERSARY PROCEEDING NO. 23-04028 WJL
DISTRICT IN WHICH ADVERSARY IS PENDING Northern District of California	DIVISION OFFICE Oakland	NAME OF JUDGE William J. Lafferty
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Joseph M. Breall		
DATE 08/30/2023	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Joseph M. Breall	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and **Defendants.** Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

ATTACHMENT NO. 1

DEFENDANTS, cont.

1. PACIFIC INDEMNITY, a Delaware corporation

2. INSURANCE COMPANY OF AMERICA, a Delaware corporation

3. AETNA INSURANCE COMPANY, a Delaware corporation

4. TRAVELERS INSURANCE COMPANY, a Delaware corporation

5. CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON SUBSCRIBING TO SYNDICATES 2623 (AFB) AND 623 (AFB), a foreign organization

6. INSURANCE COMPANY OF NORTH AMERICA, a Delaware corporation

7. ACE LIMITED, foreign organization

8. UNITED STATES FIRE INSURANCE, a Delaware corporation

9. EMPLOYERS REINSURANCE, a Delaware corporation

10. CNA INSURANCE COMPANY, a Delaware corporation

11. PACIFIC EMPLOYERS INSURANCE, a Delaware corporation

12. WESTCHESTER FIRE INSURANCE COMPANY, a Pennsylvania corporation

13. CALIFORNIA INSURANCE GUARANTEE ASSOCIATION, a state entity