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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 ADVERSARY CASE NO. 23-04037 **RULE 26 CASE MANAGEMENT STATEMENT/REQUEST FOR CONTINUANCE & [PROPOSED] ORDER**
THE ROMAN CATHOLIC BISHOP OF OAKLAND, PLAINTIFF, V. AMERICAN HOME ASSURANCE CO., a New York corporation; LEXINGTON INSURANCE CO., a Delaware corporation, DEFENDANTS.	

The Roman Catholic Bishop of Oakland ("RCBO"), Plaintiff in the above-captioned adversary proceeding (the "Adversary Proceeding"), and the debtor and debtor in possession in the underlying chapter 11 case (the "Debtor"), hereby submits this Case Management Statement under Federal Rule of Civil Procedure Rule 26, the Standing Order for All Judges of the Northern District of California, and Local Civil Rule 16-9.

1. JURISDICTION

The Court has subject matter jurisdiction over RCBO's claims under section 157 and 1334 of title 28 of the United States Code.

2. FACTS

Plaintiff's Statement: RCBO is the debtor and debtor in possession in the chapter 11 case underlying this adversary proceeding. On May 8, 2023, RCBO caused its attorneys to file a voluntary petition for chapter 11 bankruptcy relief under the Bankruptcy Code. RCBO continues to operate its ministry and manage its properties as a debtor in possession under section 1107(a) and 1108 of the Bankruptcy Code. The Defendants in this Adversary Proceeding are two insurance companies and related entities (the "Insurers") with which RCBO maintained primary, excess layer, and umbrella policies over various periods from the early 1960s continuously through the present.

RCBO has been named in more than 300 complaints primarily filed in the Superior Court of Alameda County, California, seeking recovery for alleged negligent supervision and hiring of certain clerical and ministerial personnel over a period of decades (the "Underlying Lawsuits"). 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. RCBO is also informed, and believes, that additional suits may be filed and/or served during the pendency of this Adversary Proceeding. RCBO has tendered through its broker both RCBO's defense and indemnity of these suits under all applicable insurance policies, where the insurance company that issued those policies was not insolvent. The Insurers have denied or failed to confirm coverage and/or provide defense and/or indemnity to RCBO with respect to the above-described lawsuits RCBO faces.

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3. STATUS OF PLEADINGS AND RELATED CASE

Related Case: The action is related to Adversary Case No. 23-04028-WJL. The legal issues in the two cases are identical, pertaining to the Insurers' obligations to confirm 1) coverage, 2) defense, and 3) indemnity, with respect to the Underlying Lawsuits, pursuant to the respective insurance policies applicable to each Insurer. Plaintiff asks that these cases be formally consolidated once the Court rules on the pending motions to dismiss in the related proceeding.

Status of Pleadings: Plaintiff has granted extension to answer or file a responsive pleading in this action while awaiting the Court's decision on the motion to dismiss in the related case.

4. CONTINUATION OF CASE MANAGEMENT CONFERENCE

In light of the above, Plaintiff asks that this Case Management Conference be continued to December 20, 2023.

DATED: OCTOBER 23, 2023

BREALL & BREALL, LLP

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

CASE MANAGEMENT ORDER

The above CASE MANAGEMENT STATEMENT/REQUEST FOR CONTINUANCE & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. The Case Management Conference is continued to December 20, 2023

IT IS SO ORDERED.

Dated:

HON. WILLIAM J. LAFFERTY