O'MELVENY & MYERS LLP
STEPHEN H. WARREN (S.B. #136895)
KAREN RINEHART (S.B. #185996)
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
Email: swarren@omm.com
krinehart@omm.com

TANCRED V. SCHIAVONI (*pro hac vice*)
ADAM P. HABERKORN (*pro hac vice*)
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Email: tschiavoni@omm.com
ahaberkorn@omm.com

EMMA L. JONES(*pro hac vice*)
1701 N. Harwood St., Suite 1700
Dallas, TX 75201
Telephone: (972) 360-1900
Email: eljones@omm.com

Attorneys for Pacific Indemnity Company, Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, Pacific Employers Insurance Company and Westchester Fire Insurance Company

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 Adv. Pro. No. 23-04028-WJL Chapter 11 **CERTIFICATION OF COUNSEL REGARDING ORDER GRANTING INSURERS' MOTIONS TO DISMISS** Judge: Hon. William J. Lafferty

Case: 23-04028 Doc# 160 Filed: 12/12/23 Entered: 12/12 2340523231213000000000001

The undersigned hereby certifies as follows:

1. Pacific shared a draft of the attached proposed form of order granting (the "Order") (i) the Moving Insurers' *Motion to Dismiss or For a More Definite Statement* [Dkt. No. 74] and (ii) the *Certain Excess Insurers' Motion to Dismiss the First Amended Complaint for Breach of Contract and Declaratory Judgment Relief* [Dkt. No. 69] with counsel for the Debtor and Committee, each of whom confirmed their agreement with the proposed form of Order that is attached.

2. Attached hereto is a proposed form of Order.

WHEREFORE, Pacific hereby respectfully submits to the Court the Order attached hereto to enter at the Court's earliest convenience.

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Respectfully submitted,

Dated: December 12, 2023

By: */s/ Adam P. Haberkorn*

O'MELVENY & MYERS LLP
STEPHEN H. WARREN (S.B. #136895)
KAREN RINEHART (S.B. #185996)
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
Email: swarren@omm.com
krinehart@omm.com

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ADAM P. HABERKORN (*pro hac vice*)
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000
Email: tschiavoni@omm.com
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EMMA L. JONES (*pro hac vice*)
2501 N. Harwood St., Suite 1700
Dallas, TX 75201
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KAREN RINEHART (S.B. #185996)
400 South Hope Street, 18th Floor
Los Angeles, California 90071
Telephone: (213) 430-6000

TANCRED SCHIAVONI (*pro hac vice*)
ADAM HABERKORN (*pro hac vice*)
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000

EMMA L. JONES (*pro hac vice*)
2501 N. Harwood St., Suite 1700
Dallas, TX 75201
Telephone: (972) 360-1900

Attorneys for Insurance Company of North America; Pacific Indemnity Company; and Pacific Employers Insurance Company

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 Adv. Pro. No. 23-04028-WJL **ORDER GRANTING INSURERS' MOTIONS TO DISMISS** Judge: Hon. William J. Lafferty, III

On August 31, 2023, defendants Pacific Indemnity Company, Insurance Company of North America, Pacific Employers Insurance Company and Westchester Fire Insurance Company (collectively, "Moving Insurers") moved to dismiss the First Amended Complaint (Dkt. No. 2) (the "Complaint") or for a more definite statement, pursuant to Bankruptcy Rule 7012 and Federal Rules of Civil Procedure 12(b)(6) and 12(e) ("Moving Insurers' Motion"). (Dkt. No. 74.)

In addition, also on August 31, 2023, defendants Continental Casualty Company (erroneously sued as CNA Insurance Company), Westport Insurance Corporation (formerly known as Employers Reinsurance Corporation), United States Fire Insurance Company, and Certain Underwriters at Lloyd's, London subscribing severally and not jointly to Slip Nos. CU 1001, K 66034, K 78138, and CU 3061 (misidentified in the caption used by the Debtor as "Certain Underwriters At Lloyd's of London Subscribing to Syndicates 2623(AFB) and 623 (AFB)") (collectively, "Certain Excess Insurers") moved to dismiss the Complaint, pursuant to Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) ("Certain Excess Insurers' Motion" and, collectively with Moving Insurers' Motion, the "Motions"). (Dkt. No. 69.)

Upon consideration of the Motions, the Moving Insurers' and Certain Excess Insurers' memoranda of points and authorities in support of the Motions, and the oppositions filed by plaintiff Roman Catholic Bishop of Oakland (the "Debtor") and intervenor Official Committee of Unsecured Creditors' (the "Committee") (Dkt. Nos. 114–117), the reply papers submitted in further support of the Motions (Dkt. Nos. 120–122), the arguments of counsel at a hearing held on October 18, 2023, and all other matters presented to the Court,

IT IS HEREBY ORDERED THAT:

1. For the reasons stated on the record, the Motions are GRANTED;

2. The Complaint is hereby DISMISSED, with leave to amend;

3. The Debtor shall file any amendment to the Complaint on or before December 18, 2023. Defendants' respective responses to any such amended complaint shall be filed on or before January 16, 2024.

IT IS SO ORDERED.

DATED: _____

_____
Hon. William J. Lafferty
UNITED STATES BANKRUPTCY COURT
JUDGE