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*Proposed Counsel for the Debtor  
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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  
  
Chapter 11

**APPLICATION FOR ORDER  
SHORTENING TIME FOR AND  
CONSOLIDATING NOTICE OF HEARING  
ON FIRST DAY MOTIONS**

[No Hearing Required]

**I.**  
**INTRODUCTION**

The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor in possession (the “Debtor” or “RCBO”) in the above-captioned chapter 11 bankruptcy case (the “Chapter 11 Case” or the “Bankruptcy Case”), hereby files this application (the “Application”) for entry of an order (a) pursuant to Bankruptcy Local Rule (“B.L.R.”) 9006-1 shortening time for hearing on, and (b) authorizing a single combined notice of hearing on, the following motions (collectively the “First Day Motions”) filed by the Debtor:

1. Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I) (A) Continue Existing Cash Management System

1 *Obligations Related to the Use Thereof, (C) Continue Intercompany*  
2 *Arrangements, (D) Maintain Existing Bank Accounts and Business Forms, and*  
3 *(E) Continue Use of Existing Credit Card Accounts; and (II) Waive Certain*  
4 *Requirements of 11 U.S.C. § 345(b) (the “Cash Management Motion”);*

5 2. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I) Pay*  
6 *Prepetition Employee Wages, Salaries, Benefits and Other Related Items, (II)*  
7 *Reimburse Prepetition Employee Business Expenses, (III) Continue Employee*  
8 *Benefit Programs, and (IV) Pay All Costs and Expenses Incident to the Foregoing*  
9 *(the “Wages and Benefits Motion”);*

10 3. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I)*  
11 *Continue Existing Insurance Coverage and Satisfy Obligations Related Thereto,*  
12 *and (II) Renew, Amend, Supplement, Extend or Purchase Insurance Policies in*  
13 *the Ordinary Course of Business (the “Insurance Motion”);*

14 4. *Debtor’s Motion for an Order Establishing Adequate Assurance Procedures with*  
15 *Respect to the Debtor’s Utility Providers (the “Utilities Motion”);*

16 5. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I) Pay*  
17 *Certain Prepetition Invoices for Abuse Survivors’ Assistance and Safe*  
18 *Environment Programs, and (II) Continue its Prepetition Practice of Paying for*  
19 *Abuse Survivors’ Assistance and Safe Environment Programs (the “Abuse*  
20 *Survivor Assistance Motion”);*

21 6. *Debtor’s Motion for an Order Authorizing and Approving Special Noticing and*  
22 *Confidentiality Procedures (the “Notice and Confidentiality Motion”); and*

23 7. *Debtor’s Application for Entry of an Order (I) Authorizing and Approving the*  
24 *Appointment of Kurtzman Carson Consultants LLC as Claims and Noticing*  
25 *Agent, and (II) Granting Related Relief (the “KCC Retention Application”).*

26 In support of this Application, the Debtor submits the *Declaration of Charles Moore, Managing*  
27 *Director of Alvarez & Marsal North America, LLC, Proposed Restructuring Advisor to the Roman*  
28 *Catholic Bishop of Oakland, in Support of Chapter 11 Petition and First Day Pleadings (the “First Day*  
29 *Declaration”)* filed concurrently herewith and incorporated herein by reference, and respectfully  
30 represents as follows:

## 31 **II.**

### 32 **FACTS**

#### 33 **A. Background**

34 On May 8, 2023 (the “Petition Date”), the Debtor caused its attorneys to file a voluntary petition  
35 for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”).

1 The Debtor continues to operate its ministry and manage its properties as a debtor in possession  
2 under sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee  
3 has been appointed in this Chapter 11 Case.

4 The Debtor is a corporation sole organized under the laws of the State of California.

5 Additional information regarding the Debtor, its mission and operations, and the events and  
6 circumstances preceding the Petition Date is set forth in the First Day Declaration.

7 **B. Relief Requested in the First Day Motions**

8 By the First Day Motions, the Debtor requests relief essential to avoid harmful disruption to its  
9 operations, protect its assets, and allow efficient administration of this Bankruptcy Case, as fully set forth  
10 in each First Day Motion and briefly summarized as follows:

11 1. Cash Management Motion

12 Through the Cash Management Motion, the Debtor seeks authority to continue operating its  
13 existing cash management system as described therein, including the maintenance of existing bank  
14 accounts at the Debtor's banks, honoring certain related prepetition obligations, continuance of certain  
15 intercompany arrangements, and related relief. The relief sought in the Cash Management Motion is  
16 critical to avoid harmful disruptions in the Debtor's operations and access to cash.

17 2. Wages and Benefits Motion

18 Through the Wages Motion, the Debtor seeks authority to honor and pay prepetition employee  
19 compensation and unreimbursed prepetition business expenses of employees, to maintain employee  
20 benefit programs including insurance and workers compensation and pay prepetition expenses related  
21 thereto, to continue to act as collection and payment agent for certain employee programs shared with  
22 related non-debtor employers, and related relief. The relief sought in the Wages and Benefits Motion is  
23 essential to avoid interruption in the payment of wages and provision of benefits to the Debtor's  
24 employees.

25 3. Insurance Motion

26 Through the Insurance Motion, the Debtor seeks authorization necessary to maintain its existing  
27 insurance program, including payment of premiums and all obligations related to its insurance policies, to  
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1 continue to honor its obligations under insurance premium financing agreements, to renew, extend, or  
2 enter into new insurance policies in the ordinary course of business, to pay its regular brokerage and other  
3 administrative fees in connection with its insurance program, and related relief. The relief sought in the  
4 Insurance Motion is essential to ensure uninterrupted insurance coverage while the Debtor remains in  
5 chapter 11 bankruptcy.

6 4. Utilities Motion

7 Through the Utilities Motion, the Debtor seeks to prohibit utility providers from altering, refusing,  
8 or discontinuing service to the Debtor, to establish procedures for providing adequate assurance to utility  
9 providers and for and resolving objections, if any, to the proposed adequate assurance, and related relief.  
10 The relief sought in the Utilities Motion is essential to avoid interruption in utility services to the Debtor,  
11 and to provide standard, consistent procedures for the provision of adequate assurance.

12 5. Abuse Survivor Assistance Motion

13 Through the Abuse Survivor Assistance Motion, the Debtor seeks authorization to pay certain  
14 prepetition invoices in connection with the Debtor's programs to support victim-survivors of clergy sexual  
15 abuse and to provide a safe environment for children and other vulnerable persons, and to continue to pay  
16 expenses relating to such programs in the ordinary course of its business. This primarily includes (i) the  
17 expenses counseling, treatment, and programming for those who have been credibly found to be the  
18 victims of abuse by members of the clergy, and (ii) expenses attendant to the Debtor's mandatory training  
19 and background check programs that provide a safe environment for parishioners and visitors to diocesan  
20 facilities. The relief sought in the Abuse Assistance Motion is essential to the Debtor's ongoing  
21 obligations and to its moral and ethical responsibility to support abuse victims in the Bay Area.

22 6. Notice and Confidentiality Motion

23 Through the Notice and Confidentiality Motion, the Debtor seeks authorization to (i) allowing the  
24 Debtor to file schedules, statements of financial affairs, creditor matrix, motions, pleadings, and any other  
25 entry into the record under seal or redacted to the extent they contain (a) non-public names of abuse  
26 claimants, potential abuse claimants, or those accused of committing or covering up abuse, or (b) the  
27 private contact information of the Debtor's current or former employees, (ii) allowing other parties-in-  
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1 appropriate and reasonable in the circumstances of this case and is consistent with routine practice in  
2 chapter 11 cases.

3 Previous time modifications relating to the subject matter of the request. No previous requests  
4 have been made to shorten time with respect to the First Day Motions.

5 The effect of the request for shortened time. The Debtor does not anticipate any adverse impact to  
6 the estate or its creditors will be brought by this request for shortened time. On the contrary, the Debtor  
7 believes that the time modifications requested herein will allow it to maintain and protect the value of its  
8 assets, pay its employees and maintain their benefits, continue to serve the Catholic faithful and the East  
9 Bay community, and generally continue its operations without interruptions.

10 Efforts to speak with responding parties. The Debtor's counsel has informed the Office of the  
11 United States Trustee (the "UST") of the request herein for a hearing on shortened time. The Debtor  
12 respectfully submits that the nature of the emergency relief requested in the First Day Motions, and the  
13 facts and circumstances surrounding first day relief in any large chapter 11 case, otherwise make  
14 contacting "responding parties" prior to filing this Application impracticable.

15 Service of notice of hearing. The Debtor requests a determination that notice of the hearing on the  
16 First Day Motions shall be sufficient provided that, not later than May 8, 2023, the Debtor: (i) serves by  
17 email, facsimile, ECF/NEF electronic notice, or overnight delivery, a copy of the notice of hearing and  
18 each First Day Motion together with all supporting papers, on (a) the Office of the United States Trustee  
19 for Region 17, (b) all creditors on the list of the Debtor's 20 largest unsecured creditors, (c) secured  
20 creditors, and (d) those persons who have formally appeared and requested service in this case pursuant  
21 to F.R.B.P. 2002, (ii) serves by email, facsimile, ECF/NEF electronic notice, or overnight delivery, a copy  
22 of the notice of hearing and the Cash Management Motion on the Banks (as that term is defined in the  
23 Cash Management Motion), (iii) serves by email, facsimile, ECF/NEF electronic notice, or overnight  
24 delivery, a copy of the notice of hearing and the Utilities Motion on the Utility Providers (as that term is  
25 defined in the Utilities Motion), and (iv) serves by email, facsimile, ECF/NEF electronic notice, or  
26 overnight delivery, a copy of the notice of hearing and the Insurance Motion on the Insurance Carriers (as  
27 that term is defined in the Insurance Motion).

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**IV.**  
**OMNIBUS NOTICE OF HEARING ON FIRST DAY MOTIONS**

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B.L.R. 9013-1(b) generally requires that each set of initial papers for a noticed motion contain three documents: the motion, a memorandum of points and authorities (which may be combined with the motion), and a separately docketed notice of hearing. Because B.L.R. 9013-1 does not expressly contemplate combined noticing of multiple motions with one notice of hearing, in an abundance of caution the Debtor seeks relief to allow a single omnibus notice of hearing on the First Day Motions. The First Day Motions are standard first-day requests for relief in a Chapter 11 bankruptcy filings. Filing and serving a single omnibus notice of hearing will avoid repetitive and duplicative filings and service, avoid unnecessary repetition, and be simpler for all parties and the Court.

**V.**  
**CONCLUSION**

WHEREFORE, the Debtor requests that the Court enter an order in the form attached hereto granting the relief requested herein to shorten notice for the First Day Motions and allow for an omnibus notice of hearing.

DATED: May 8, 2023

**FOLEY & LARDNER LLP**

Jeffrey R. Blease  
Thomas F. Carlucci  
Shane J. Moses  
Ann Marie Uetz  
Matthew D. Lee

*/s/ Thomas F. Carlucci*

\_\_\_\_\_  
THOMAS F. CARLUCCI

*Proposed Counsel for the Debtor  
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# **Exhibit A**



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17 **UNITED STATES BANKRUPTCY COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **OAKLAND DIVISION**

20 In re:

Case No. 23-40523

21 THE ROMAN CATHOLIC BISHOP OF  
22 OAKLAND, a California corporation sole,

Chapter 11

23 Debtor.

**[PROPOSED] ORDER SHORTENING TIME  
FOR AND CONSOLIDATING NOTICE OF  
HEARING ON FIRST DAY MOTIONS**

24 Upon the *Application For Order Shortening Time For and Consolidating Notice of Hearing on*  
25 *First Day Motions* dated May 8, 2023, (the "Application") filed by The Roman Catholic Bishop of  
26 Oakland, a California corporation sole, and the debtor and debtor in possession (the "Debtor" or "RCBO")  
27 in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case" or the "Bankruptcy Case"), for  
28 entry of an order (a) pursuant to Bankruptcy Local Rule ("B.L.R.") 9006-1 shortening time for hearing  
on, and (b) authorizing a single combined notice of hearing on the Debtor's First Day Motions (as defined  
in the Application); this Court having reviewed and considered the Application and upon the record in  
this Bankruptcy Case; and after due deliberation and good cause appearing therefor:

1 **IT IS HEREBY ORDERED THAT:**

2 1. The Application is granted as provided herein.

3 2. The following motions filed by the Debtor (the “First Day Motions”) are hereby set for  
4 hearing on May 9, 2023 at 1:30 p.m. (the “First Day Hearing”):

5 a. *Debtor’s Motion For Interim and Final Orders Authorizing the Debtor to*  
6 *(I) (A) Continue Existing Cash Management System, (B) Honor Certain*  
7 *Prepetition Obligations Related to the Use Thereof, (C) Continue*  
8 *Intercompany Arrangements, (D) Maintain Existing Bank Accounts and*  
9 *Business Forms, and (E) Continue Use of Existing Credit Card Accounts;*  
*and (II) Waive Certain Requirements of 11 U.S.C. § 345(b) (the “Cash*  
*Management Motion”);*

10 b. *Debtor’s Motion For Interim and Final Orders Authorizing the Debtor to*  
11 *(I) Pay Prepetition Employee Wages, Salaries, Benefits and Other Related*  
12 *Items, (II) Reimburse Prepetition Employee Business Expenses, (III)*  
*Continue Employee Benefit Programs, and (IV) Pay All Costs and Expenses*  
*Incident to the Foregoing (the “Wages and Benefits Motion”);*

13 c. *Debtor’s Motion For Interim and Final Orders Authorizing the Debtors to*  
14 *(I) Continue Existing Insurance Coverage and Satisfy Obligations Related*  
15 *Thereto, and (II) Renew, Amend, Supplement, Extend or Purchase*  
*Insurance Policies in the Ordinary Course of Business (the “Insurance*  
*Motion”);*

16 d. *Debtor’s Motion For an Order Establishing Adequate Assurance*  
17 *Procedures With Respect to the Debtor’s Utility Providers (the “Utilities*  
*Motion”);*

18 e. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I)*  
19 *Pay Certain Prepetition Invoices for Abuse Survivors’ Assistance and Safe*  
20 *Environment Programs, and (II) Continue its Prepetition Practice of*  
*Paying For Abuse Survivors’ Assistance and Safe Environment Programs*  
*(the “Abuse Survivor Assistance Motion”);*

21 f. *Debtor’s Motion for an Order Authorizing and Approving Special Noticing*  
22 *and Confidentiality Procedures (the “Notice and Confidentiality Motion”);*  
*and*

23 g. *Debtor’s Application for Entry of an Order (I) Authorizing and Approving*  
24 *the Appointment of Kurtzman Carson Consultants LLC as Claims and*  
*Noticing Agent, and III) Granting Related Relief (the “KCC Application”).*

25 3. The First Day Hearing shall be conducted in person, in the courtroom, however, counsel  
26 and interested parties may appear by Zoom or by telephone without prior Court approval, pursuant to the  
27 presiding Judge’s Practices and Procedures for In-Person Hearings published on the Court’s website.  
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**COURT SERVICE LIST**

All ECF Recipients.

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ORDER SHORTENING TIME FOR FIRST DAY MOTIONS