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8 *Special Insurance Counsel for*  
9 *the Debtor*

10 **UNITED STATES BANKRUPTCY COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 In re:  
14 THE ROMAN CATHOLIC BISHOP OF  
15 OAKLAND, a California corporation sole,  
16  
17 Debtor.

18 CHAPTER 11  
19 CASE No: 23-40523 WJL  
20 HON. WILLIAM J. LAFFERTY

21 **TWELFTH MONTHLY FEE STATEMENT**  
22 **OF BREALL & BREALL, LLP, AS**  
23 **SPECIAL INSURANCE COUNSEL TO THE**  
24 **DEBTOR, FOR ALLOWANCE AND**  
25 **PAYMENT OF COMPENSATION AND**  
26 **REIMBURSEMENT OF EXPENSES FOR**  
27 **THE PERIOD OF AUGUST 1, 2024**  
28 **THROUGH AUGUST 31, 2024**

29 THE ROMAN CATHOLIC BISHOP OF  
30 OAKLAND,  
31  
32 PLAINTIFF,  
33  
34 v.  
35 AMERICAN HOME ASSURANCE CO., a  
36 New York corporation; LEXINGTON  
37 INSURANCE CO., a Delaware corporation,  
38  
39 DEFENDANTS.

40 ADVERSARY CASE No. 23-04037  
41  
42 Objection Deadline: October 7, 2024  
43 4:00 p.m. (Pacific Time)

44 [No Hearing Requested]

1	<b>Name of Applicant:</b>	<b>Breall &amp; Breall, LLP</b>
2	Authorized to Provide Professional Services to:	Debtor
3	Date of Retention:	Effective as of August 1, 2023 by Order
4		entered June 15, 2023 [Dkt No. 434]
5	Period for Which Compensation and	August 1, 2024 – August 31, 2024
6	Reimbursement is Sought:	
7	Amount of Compensation Sought as Actual,	\$9,000.00
8	Reasonable and Necessary <sup>1</sup> :	
9	20% Holdback	\$1,800.00
10	Amount of Expense Reimbursement Sought as	\$0
11	Actual, Reasonable and Necessary <sup>2</sup> :	
12	Total of Compensation (Net of Holdback) and	\$7,200.00
13	Expense Reimbursement Sought:	

14 **PRELIMINARY STATEMENT**

15 On May 8, 2023 (the “Petition Date”), The Roman Catholic Bishop of Oakland, a California  
16 corporation sole, and the debtor and debtor in possession (the “Debtor” or “RCBO”)<sup>3</sup> commenced the  
17 above-captioned chapter 11 bankruptcy case (the “Chapter 11 Case” or the “Bankruptcy Case”). The  
18 Debtor continues to operate its ministry and manage its properties as a debtor in possession under  
19 sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee has  
20 been appointed in this Chapter 11 Case.

21 On August 17, 2023, the Debtor filed the *Debtor’s Application to Employ Breall & Breall LLP*  
22 *as Special Insurance Counsel Pursuant to 11 U.S.C. §§ 327(a), 330, 331 & 1107, and Rules 2014 and*  
23 *2016 of the Federal Rules of Bankruptcy Procedure* [Dkt. No. 376] (the “Retention Application”). The  
24 Court approved the Retention Application on September 8, 2023, entering the *Order Approving*

25 <sup>1</sup> Breall & Breall, LLP has agreed not to bill the Debtor for the time it takes its attorneys to travel to or from the Bay Area and  
26 such amounts are not included in this Monthly Fee Statement

27 <sup>2</sup> Breall & Breall, LLP has agreed not to bill the Debtor for the expenses for its attorneys to travel to or from the Bay Area, in  
28 connection with this Chapter 11 Case, and such amounts are not included in this Monthly Fee Statement.

<sup>3</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Compensation  
Procedures Order.

1 *Debtor’s Application to Employ Breall & Breall LLP as Special Insurance Counsel Pursuant to 11*  
2 *U.S.C. §§ 327(a), 330, 331 & 1107, and Rules 2014 and 2016 of the Federal Rules of Bankruptcy*  
3 *Procedure* [Dkt. No. 434] (the “Breall Retention Order”).

4 On May 23, 2023, the Office of the United States Trustee filed its notice of appointment of an  
5 Official Committee of Unsecured Creditors [Dkt. No. 58].

6 On May 26, 2023, the Debtor filed the *Debtor’s Motion for an Order Establishing Procedures*  
7 *for Interim Compensation and Reimbursement of Expenses of Professionals* [Dkt. No. 70] (the  
8 “Compensation Procedures Motion”). The Court granted the Compensation Procedures Motion on June  
9 23, 2023, entering the *Order Authorizing Procedures for Interim Compensation and Reimbursement of*  
10 *Expenses of Professionals* [Dkt. No. 170] (the “Compensation Procedures Order”).

11 Breall & Breall, LLP (“Breall” or “Applicant”), as special insurance counsel to the Debtor,  
12 hereby submits its initial monthly fee statement (the “Monthly Fee Statement”) for allowance of  
13 payment of compensation for professional services rendered and for reimbursement of actual and  
14 necessary expenses incurred for the period commencing July 1, 2024, through and including July 31,  
15 2024 (the “Fee Period”) pursuant to the Compensation Procedures Order.

16 By this Monthly Fee Statement, Breall seeks (i) a monthly interim allowance of compensation in  
17 the amount of \$9,000.00 and actual and necessary expenses in the amount of \$0 for a total allowance of  
18 9,000.00 and (ii) payment of \$7,200.00 (80% of the allowed fees pursuant to the  
19 Compensation Procedures Order) and reimbursement of \$0 (100% of the allowed expenses pursuant to  
20 the Compensation Procedures Order) for a total payment of \$7,200.00 for the Fee Period.

21 **SERVICES RENDERED AND EXPENSES INCURRED DURING THE FEE PERIOD**

22 Attached as Exhibit 1 is the name of each of Breall’s professionals who performed services for  
23 the Debtor in connection with this Chapter 11 Case during the Fee Period covered by this Monthly Fee  
24 Statement and the hourly rate and total fees for each professional during the Fee Period.

25 Attached as Exhibit 2 is a summary of hours by category during the Fee Period.

26 Attached as Exhibit 3 is a summary of expenses included in this Monthly Fee Statement  
27 incurred during the Fee Period.

1 Attached as **Exhibit 4** are the detailed time entries for Breall’s professionals during the Fee  
2 Period.

3 **NOTICE AND OBJECTION PROCEDURES**

4 In accordance with the Compensation Procedures Order, each Notice Party shall have until the  
5 tenth (10th) day (or the next business day if such day is not a business day) following service of this  
6 Monthly Fee Statement (the “Objection Deadline”) to serve an objection to the Monthly Fee Statement  
7 on Foley and each of the other Notice Parties.

8 Upon the expiration of the Objection Deadline, the Applicant shall file a certificate of no  
9 objection with the Court, after which the Debtor is authorized and directed to pay the Applicant an  
10 amount equal to 80% of the fees and 100% of the expenses requested in this Monthly Fee Statement.

11 If an objection is properly filed, the Debtor shall be authorized and directed to pay the Applicant  
12 80% of the fees and 100% of the expenses not subject to an objection.

13 **BREALL & BREALL, LLP**

14 DATED: September 30, 2024

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16 By: /s/ Joseph M. Breall  
17 Joseph M. Breall  
18 *Special Insurance Counsel for Debtor,*  
19 *The Roman Catholic Bishop of Oakland*  
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**EXHIBIT 1**

**Compensation by Professional  
August 1, 2024 – August 30, 2024**

<b>Name of Professional Individual</b>	<b>Initials</b>	<b>Position of the Professional, Year of Obtaining License to Practice</b>	<b>Hourly Billing Rate</b>	<b>Total Hours Billed</b>	<b>Total Compensation</b>
Joseph M. Breall	JMB	Partner, 1986	\$750.00	12	\$9,000.00
<b>TOTAL</b>					<b>\$9,000.00</b>

**EXHIBIT 2**

**Compensation by Category  
August 1, 2024 – August 31, 2024**

<b>Category</b>	<b>Hours Billed this Fee Period</b>	<b>Total for Fee Statement</b>
Complaint/Pleadings	7.80	\$5,850.00
Meet & Confer	1.10	\$825.00
Retention/Billing/Fee Applications for Debtor Professionals	3.00	\$2,250.00
Scheduling and Status Conference	0.10	\$75.00
<b>TOTAL</b>	<b>12</b>	<b>\$9,000.00</b>

**EXHIBIT 3**

**Expense by Category  
August 1, 2024 – August 31, 2024**

<b>Cost/Expense</b>	<b>Amount Billed</b>
	\$0
<b>TOTAL</b>	<b>\$0</b>

**EXHIBIT 4**

**Time**

**August 1, 2024 – August 31, 2024**

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**Breall & Breall, LLP**  
**3625 California Street**  
**San Francisco, CA 94118**  
**Tax ID 94-3339033**

The Roman Catholic Bishop of Oakland

September 27, 2024  
 Invoice No: 14796

In Reference To: The Roman Catholic Bishop of Oakland vs .American Home Assurance Co.  
**Case No.: 23-40523 WJL**  
 Chapter 11

Professional Services

<u>Complaint/Pleadings</u>	<u>Hrs/Rate</u>	<u>Amount</u>
8/8/2024 JMB Met and confer regarding tolling agreement.	0.20 750.00/hr	150.00
8/12/2024 JMB Met and confer on allegations of revised complaint	0.30 750.00/hr	225.00
8/15/2024 JMB Review and analyze e-mail from defendant regarding tolling agreement specifically for American Home.	0.10 750.00/hr	75.00
JMB Respond to e e-mail from defendant regarding tolling agreement specifically for American Home.	0.10 750.00/hr	75.00
JMB Preparation of tolling agreement specific to American Home	1.00 750.00/hr	750.00
8/21/2024 JMB Reply email to defendant on status of tolling agreement.	0.10 750.00/hr	75.00
JMB Review and analyze e-mail from related co-counsel on status of tolling agreement and need for conference call for all parties.	0.10 750.00/hr	75.00
8/26/2024 JMB Review and analyze insurer issues with proposed allegations.	0.10 750.00/hr	75.00
8/29/2024 JMB Preparation of pleadings - draft Second Amended Complaint	3.50 750.00/hr	2,625.00
JMB Review and analyze e-mail from opposing counsel regarding issues with new allegations for proposed second amended complaint and underlying claims.	0.30 750.00/hr	225.00
JMB Review and analyze RORs for use in Second Amended Complaint.	1.00 750.00/hr	750.00

		<u>Hrs/Rate</u>	<u>Amount</u>
8/30/2024	JMB Research regarding exhaustion of policy due to insolvency and case law cited by defendant.	1.00 750.00/hr	750.00
SUBTOTAL:		[ 7.80	5,850.00]
<u>Meet &amp; Confer</u>			
8/22/2024	JMB Send email to opposing counsel regarding tolling agreement and proposed decl relief cause of action. Review reply to same.	0.20 750.00/hr	150.00
	JMB Review and analyze exchange between lead debtor counsel and insurers on plan language.	0.20 750.00/hr	150.00
8/29/2024	JMB Review and analyze e-mail from opposing counsel regarding new Exhibit A and reconciling claims as well as issues with the exemplar allegations and drop down chart.	0.30 750.00/hr	225.00
8/30/2024	JMB Preparation of reply to defendant's meet and confer regarding issues with the proposed second amended complaint.	0.40 750.00/hr	300.00
SUBTOTAL:		[ 1.10	825.00]
<u>Retention/Billing/Fee Applications for Debtor Professionals</u>			
8/13/2024	JMB Preparation of pleadings - certificate of no objection to fee application.	0.50 750.00/hr	375.00
8/21/2024	JMB Court Appearance- hearing on Seond interim fee application..	1.50 750.00/hr	1,125.00
8/26/2024	JMB Preparation of pleadings - monthly fee applicaiton	1.00 750.00/hr	750.00
SUBTOTAL:		[ 3.00	2,250.00]
<u>Scheduling and Status Conference</u>			
8/29/2024	JMB Review and analyze status conference order.	0.10 750.00/hr	75.00
SUBTOTAL:		[ 0.10	75.00]
For professional services rendered		12.00	\$9,000.00

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Joseph M. Breall (JMB)	12.00	750.00	\$9,000.00