

1 **LOWENSTEIN SANDLER LLP**  
 2 JEFFREY D. PROL (Admitted Pro Hac Vice)  
 3 jprol@lowenstein.com  
 4 BRENT WEISENBERG (Admitted Pro Hac Vice)  
 5 bweisenberg@lowenstein.com  
 6 COLLEEN M. RESTEL (Admitted Pro Hac Vice)  
 crestel@lowenstein.com  
 One Lowenstein Drive  
 Roseland, New Jersey 07068  
 Telephone: (973) 597-2500  
 Facsimile: (973) 597-2400

7 **KELLER BENVENUTTI KIM LLP**  
 8 TOBIAS S. KELLER (Cal. Bar No. 151445)  
 tkeller@kbkllp.com  
 9 JANE KIM (Cal. Bar No. 298192)  
 jkim@kbkllp.com  
 10 GABRIELLE L. ALBERT (Cal. Bar No. 190895)  
 galbert@kbkllp.com  
 11 425 Market Street, 26th Floor  
 San Francisco, California 94105  
 Telephone: (415) 496-6723  
 12 Facsimile: (650) 636-9251

13 *Counsel for the Official Committee of Unsecured*  
 14 *Creditors*

15 **UNITED STATES BANKRUPTCY COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **OAKLAND DIVISION**

18 *In re:*  
 19 THE ROMAN CATHOLIC BISHOP OF  
 20 OAKLAND, a California corporation sole,  
 21 Debtor.

Case No. 23-40523 WJL

Chapter 11

**DECLARATION OF TOBIAS S.  
 KELLER IN SUPPORT OF FOURTH  
 INTERIM FEE APPLICATION OF  
 KELLER BENVENUTTI KIM LLP AS  
 COUNSEL TO THE OFFICIAL  
 COMMITTEE OF UNSECURED  
 CREDITORS FOR ALLOWANCE AND  
 PAYMENT OF COMPENSATION AND  
 REIMBURSEMENT OF EXPENSES FOR  
 THE PERIOD OF MAY 1, 2024,  
 THROUGH AUGUST 31, 2024**

Judge: Hon. William J. Lafferty

Date: December 11, 2024

Time: 10:30 a.m. (Pacific Time)

Place: United States Bankruptcy Court  
 1300 Clay Street, Courtroom 220  
 Oakland, CA 94612

Ob:



1 I, Tobias S. Keller, hereby declare as follows:

2 1. I am an attorney licensed to practice law in the State of California. I am a partner  
3 of the law firm Keller Benvenuti Kim LLP, counsel for the Committee, and am authorized to  
4 make this Declaration in that capacity. Except as otherwise indicated, all statements in this  
5 Declaration are based on my personal knowledge, and, if called upon to do so, I could and would  
6 testify competently thereto.

7 2. I make this Declaration in support of the *Fourth Interim Fee Application of*  
8 *Keller Benvenuti Kim LLP as Counsel to the Official Committee of Unsecured Creditors for*  
9 *Allowance and Payment of Compensation and Reimbursement of Expenses for the Period of*  
10 *May 1, 2024, Through August 31, 2024* (the “**Interim Application**”).<sup>1</sup> I am an attorney  
11 designated by the Applicant to sign the Interim Application on its behalf.

12 3. Pursuant to the Northern District Guidelines, I declare that:

13 a. I have read the Interim Application.

14 b. To the best of my knowledge, information and belief formed  
15 after reasonable inquiry, the compensation and expense reimbursement  
16 sought in the Interim Application are in conformity with the Northern  
17 District Guidelines except as set forth herein.

18 c. The compensation requested in the Interim Application has  
19 been billed at rates and in accordance with practices no less favorable  
20 than those currently employed by the Applicant and generally accepted  
21 by the Applicant’s clients.

22 4. There is no agreement or understanding between KBK and any other person other  
23 than the partners of KBK for the sharing of compensation to be received for services rendered in  
24 this case.

25 5. I certify that the Debtor and the U.S. Trustee are each being provided with a copy  
26 of the Interim Application in accordance with the Interim Compensation Order.

27 \_\_\_\_\_  
28 <sup>1</sup> Capitalized terms used but not defined herein shall have the meaning ascribed to them in  
the Interim Application.

1           6.       KBK responds to the questions identified in Paragraph C.5 of the U.S. Trustee  
2 Guidelines as follows:

3           (a)       **Question:** Did you agree to any variations from, or alternatives to, your  
4 standard or customary billing rates, fees or terms for services pertaining to this  
5 engagement that were provided during the application period? If so, please  
6 explain.

7                       **Answer:** No.

8           (b)       **Question:** If the fees sought in this fee application as compared to the  
9 fees budgeted for the time period covered by this fee application are higher by  
10 10% or more, did you discuss the reasons for the variation with the client?

11                       **Answer:** N/A. The fees sought in this fee application do not exceed the  
12 fees budgeted for the time period covered.

13           (c)       **Question:** Have any of the professionals included in this fee  
14 application varied their hourly rate based on the geographic location of the  
15 bankruptcy case?

16                       **Answer:** No.

17           (d)       **Question:** Does the fee application include time or fees related to  
18 reviewing or revising time records or preparing, reviewing, or revising  
19 invoices? (This is limited to work involved in preparing and editing billing  
20 records that would not be compensable outside of bankruptcy and does not  
21 include reasonable fees for preparing a fee application.). If so, please quantify  
22 by hours and fees.

23                       **Answer:** No.

24           (e)       **Question:** Does the fee application include time or fees for reviewing  
25 time records to redact any privileged or other confidential information? If so,  
26 please quantify by hours and fees.

27                       **Answer:** No.

28           (f)       **Question:** If the fee application includes any rate increases since  
retention: (i) Did your client review and approve those rates increases in  
advance? (ii) Did your client agree when retaining the law firm to accept all  
future rate increases? If not, did you inform your client that they need not  
agree to modified rates or terms in order to have you continue the  
representation, consistent with ABA Formal Ethics Opinion 11-458?

**Answer:** As disclosed in its *Application for Order Authorizing  
Retention of Keller Benvenuti Kim LLP as Local Counsel for the Official  
Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland  
Effective as of June 1, 2023* [Dkt. No. 184], in the normal course of its business,  
the Applicant may adjust its billing rates. The Applicant notified the  
Committee of the increase in its rates effective January 1, 2024 [Dkt. No. 739].

///

1           7.       Attached hereto as **Exhibit 1** is a true and correct copy of a letter transmitting the  
2 Interim Application to Mr. Steve Woodall, Chairperson of the Committee. To the best of my  
3 knowledge, information, and belief, this letter was transmitted to Mr. Woodall by electronic mail  
4 on October 11, 2024, which is more than 20 days prior to the hearing on the Interim Application.

5           Pursuant to 11 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
6 and correct. Executed this fifteenth day of October 2024.

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*/s/ Tobias S. Keller*  
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Tobias S. Keller

**EXHIBIT 1**

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October 11, 2024

By Electronic Mail

Mr. Steve Woodall, Committee Chairperson

Email: [sjwoodall@gmail.com](mailto:sjwoodall@gmail.com)

Re: *In re The Roman Catholic Bishop of Oakland (Bankr. N.D. Cal.)*  
Committee Professionals' Interim Fee Applications

Mr. Woodall:

Attached for the Committee's review are copies of the following interim fee applications:

- *Fourth Interim Fee Application of Keller Benvenuti Kim LLP as Counsel to the Official Committee of Unsecured Creditors for Allowance and Payment of Compensation and Reimbursement of Expenses for the Period of May 1, 2024, Through August 31, 2024* and the Declaration of Tobias S. Keller in support thereof;
- *Third Interim Fee Application of Burns Bair LLP as Special Insurance Counsel to the Official Committee of Unsecured Creditors for Allowance and Payment of Compensation and Reimbursement of Expenses for the Period May 1, 2024 through August 31, 2024* and the Declaration of Jesse J. Bair in support thereof;
- *Third Interim Fee Application of Stout Risius Ross, LLC for Allowance and Payment of Fees for the Period from May 1, 2024, Through August 31, 2024* and the Declaration of Katheryn McNally in support thereof;

The Court's Guidelines for Compensation and Expense Reimbursement of Professionals and Trustees provide that a debtor in possession, a trustee or an official committee must exercise reasonable business judgment in monitoring the fees and expenses of the estate's professionals. We invite you to discuss any objections, concerns or questions you may have with us. The Office of the United State Trustee will also accept your comments. The Court will also consider timely filed objections by any party in interest at the time of the hearing on the application.

Steve Woodall  
October 11, 2020  
Page 2

If you have any questions or comments, please do not hesitate to call me.

With best regards,



Gabrielle L. Albert

Attachments

cc (via electronic mail, with attachments):

Jeffrey Prol, Esq. (jprol@lowenstein.com)  
Brent Weisenberg, Esq. (bweisenberg@lowenstein.com)  
Jesse Bair, Esq. (jbair@burnsbair.com)  
Katie McNally (kmcnally@stout.com)