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

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

Case No. 23-40523 WJL

Chapter 11

**STIPULATION TO PERMIT EXPERTS
AND CONSULTANTS TO ACCESS
UNREDACTED PROOFS OF CLAIM**

1 The Roman Catholic Bishop of Oakland (the “**Debtor**”); the Official Committee of
2 Unsecured Creditors (the “**Committee**”); Pacific Indemnity Company; Century Indemnity
3 Company, as successor to CCI Insurance Company, as successor to Insurance Company of North
4 America; Pacific Employers Insurance Company; Westchester Fire Insurance Company, as
5 successor-in-interest to Industrial Indemnity Policy no. JU 835-5410; Travelers Casualty & Surety
6 Company; United States Fire Insurance Company; Westport Insurance Corporation, f/k/a
7 Employers Reinsurance Corporation; Continental Casualty Company; California Insurance
8 Guarantee Association; Certain Underwriters At Lloyd’s, London, Subscribing Severally and Not
9 Jointly To Slip Nos. CU 1001 and K 66034 Issued To The Roman Catholic Archbishop of San
10 Francisco, and Nos. K 78138 and CU 3061 Issued To The Roman Catholic Bishop of Oakland;
11 Catalina Worthing Insurance Ltd f/k/a HFPI (as Part VII transferee of Excess Insurance Co. Ltd.);
12 the Ocean Marine Insurance Company Limited (as Part VII transferee of the World Auxiliary
13 Insurance Corporation Limited); River Thames Insurance Company Limited; Dominion Insurance
14 Company Limited; R&Q Gamma Company Limited (as Part VII transferee of Anglo French Ltd.);
15 and Companhia de Seguros Fidelidade SA f/k/a/ Fidelidade Insurance Company of Lisbon,
16 Subscribing to Slip No. K 78138 Issued To The Roman Catholic Archbishop of Oakland
17 (collectively, the “**Insurers**,” together with the Debtor and Committee, the “**Parties**”), by and
18 through their undersigned counsel, stipulate as follows:

19 **WHEREAS** on July 25, 2023, this Court issued the “*Order Establishing Deadlines for*
20 *Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof*” (the “**Bar Date**
21 **Order**”), which *inter alia*, identifies Insurers as “Authorized Parties” who may receive copies of
22 claimants’ official proofs of claim, provided that (i) the proofs of claim are redacted to remove
23 personally identifiable information (the “**Redacted Proofs of Claim**”) and (ii) each Insurer is
24 separately provided with “all such personally identifiable information through a separate key or
25 other security mechanism,” and requires each Authorized Party to execute an Authorized Party
26 Confidentiality Agreement (the “**Bar Date Confidentiality Agreement**”). Dkt. Nos. 293 ¶ 14(iii)
27 and 285-6.¹

28 _____
¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the referenced orders.

1 **WHEREAS** on January 25, 2024, this Court entered the “*Order Granting Moving*
2 *Insurers’ Motion For Entry of an Order Permitting Insurer Experts and/or Consultants To Have*
3 *Access To Sexual Abuse Proofs of Claims and Supplements*” (the “**Experts Order**”), which
4 modifies the Bar Date Order’s definition of “Authorized Parties” to include Insurers’ Experts and
5 authorized such experts to receive copies of the Redacted Proofs of Claim. Dkt. No. 817 ¶¶ 2-3.

6 **WHEREAS** on January 30, 2024, this Court entered the “*Confidentiality and Protective*
7 *Order*” (the “**Bankruptcy Protective Order**”), which provides that an Expert’s signed
8 “Acknowledgement and Agreement to Be Bound” “is not required to be produced to the
9 Designating Party, but instead shall be verified and held by Counsel for the Receiving Party, subject
10 to production to the Designating Party upon a showing of good cause that there has or may have
11 been a breach of confidentiality.” Dkt. No. 832 ¶ 7.3(c).

12 **WHEREAS** on August 27, 2024, the Debtor, the Committee, and Insurers agreed to the
13 terms of a proposed protective order to be entered in *In re The Roman Catholic Bishop of Oakland*
14 *Insurance Coverage Adversary Proceeding Litigation*, Case No. CV 24-00709 (N.D. Cal.) (the
15 “**Coverage Action**”), allowing Insurers’ Experts access to unredacted copies of the Proofs of Claim
16 initially filed in this bankruptcy proceeding and produced in the Coverage Action. And on August
17 31, 2024, the Committee provided counsel for the claimants with notice of that proposed protective
18 order in compliance with paragraph 5 of the Experts Order.

19 **WHEREAS** on September 3, 2024 the Hon. Jacqueline Scott Corley, entered the
20 “*Confidentiality and Protective Order*” (the “**Coverage Protective Order**”), which provides that
21 the Experts Order “shall not apply in this Case and for the avoidance of doubt, the experts and
22 consultants for RCBO and the Committee, and Insurers . . . shall have access to all unredacted
23 proofs of claim filed in the Chapter 11 Case and produced in this case” and additionally provided
24 that the signed “Acknowledgment and Agreement to Be Bound” form is not required to be produced
25 . . . , but instead shall be verified and held by Counsel for the Receiving Party, subject to production
26 . . . upon a showing of good cause that there has or may have been a breach of confidentiality.”
27 Dkt. No. 109 ¶¶ 1, 7.3(c).

28

1 **WHEREAS** no objections to the Coverage Protective Order have been filed in the
2 Coverage Action.

3 **WHEREAS** all Parties agree that Official Proof of Claim Forms and Supplements should
4 be subject to the same restrictions and protections in both cases.

5 **NOW, THEREFORE**, in consideration of the foregoing, the Parties hereto, by and through
6 their respective attorneys of record, hereby agree and stipulate as follows:

7 1. Paragraph 14(iii)(d) of the Bar Date Order, defining “Authorized Parties,” shall be
8 modified as indicated below with new language in blue and stricken language in red to state:

9 Any insurance company that issued insurance policies for the period of
10 time during which the Official Proof of Claim Form and/or Supplement
11 filed by a Sexual Abuse Claimant alleges the sexual abuse to have
12 occurred (each an “Insurer”), together with their respective successors,
13 regulators, reinsurers, administrators, and counsel **and including their**
14 **Experts** (together, the “Insurer Authorized Parties”) ~~(after the Official~~
15 ~~Proof of Claim Form and/or the Supplement have been redacted to~~
16 ~~remove the Sexual Abuse Claimant’s name, address, and any other~~
17 ~~personally identifiable information in the Official Proof of Claim Form~~
18 ~~and/or the Supplement, provided that all such personally identifiable~~
19 ~~information shall be provided to the Insurer Authorized Parties by use~~
20 ~~of a separate key or other security mechanism mutually agreed by the~~
21 ~~Debtor, the Committee, and the Insurer Authorized Parties).~~ “Expert”
22 shall mean an entity or person with specialized knowledge or experience
23 in a matter pertinent to (i) this chapter 11 case and/or (ii) *In re The*
24 *Roman Catholic Bishop of Oakland Insurance Coverage Adversary*
25 *Proceeding Litigation*, Case No. CV 24-00709 (N.D. Cal.) (the
26 **“Adversary Proceeding”**) who has been retained by an Authorized
27 Party or its counsel to serve as an expert witness or as a consultant in
28 connection with this chapter 11 case and/or Adversary Proceeding,
including but not limited to Brattle Group and NERA Economic
Consulting. For purposes of this Order, the Insurance Services Office
or ISO, or such any other such claims database provided to third parties,
shall not be an “Expert.”

24 2. All Parties, counsel and Experts (as defined in the Bar Date Order, as modified
25 herein) may have access to the information contained in the unredacted Official Proof of Claim
26 Form and/or Supplement filed by a Sexual Abuse Claimants only upon: (i) executing the Bar Date
27 Confidentiality Agreement, subject to all terms, conditions and restrictions set forth therein and the
28

1 Bar Date Order and (ii) confirming in writing to counsel for the Debtor and the Committee that all
2 relevant Parties, counsel and Experts have so executed;

3 3. All Parties are responsible for obtaining from their own Experts executed copies of
4 the Bar Date Confidentiality Agreement, and retaining such executed copies for production to
5 others only upon demand supported by a showing of good cause that confidentiality has or may
6 have been breached;

7 4. The Experts Order shall be rendered moot and unenforceable and shall be vacated;

8 5. Unless otherwise specifically modified herein, the Bar Date Order remains in full
9 force and effect; and

10 6. In compliance with Section 14(iii)(j) of Bar Date Order, counsel for all claimants
11 will be concurrently served by the Committee with a copy of this Stipulation and the Proposed
12 Order attached hereto as Exhibit A (the "**Proposed Order**"). The Parties request that entry of the
13 Proposed Order not go effective for ten (10) business days, to provide claimants with an opportunity
14 to object.

1 DATED: October 21, 2024

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23 *and CU 3061, Catalina Worthing Insurance Ltd*
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25 *Insurance Co. Ltd.); the Ocean Marine Insurance*
26 *Company Limited (as Part VII transferee of the*
27 *World Auxiliary Insurance Corporation*
28 *Limited); River Thames Insurance Company*
Limited; Dominion Insurance Company Limited;
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14 **UNITED STATES BANKRUPTCY COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

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

Case No. 23-40523 WJL

Chapter 11

**[PROPOSED] ORDER ENTERING
STIPULATION TO PERMIT EXPERTS
AND CONSULTANTS TO ACCESS
UNREDACTED PROOFS OF CLAIM**

1 **[PROPOSED] ORDER**

2 Having reviewed the Parties’ Stipulation to Permit Experts and Consultants to Access
3 Unredacted Proofs of Claim (the “Stipulation”), the Court orders as follows:¹

4 1. Paragraph 14(iii)(d) of the Bar Date Order, defining “Authorized Parties,” shall be
5 modified as indicated below with new language in blue and stricken language in red to state:

6 Any insurance company that issued insurance policies for the period of
7 time during which the Official Proof of Claim Form and/or Supplement
8 filed by a Sexual Abuse Claimant alleges the sexual abuse to have
9 occurred (each an “Insurer”), together with their respective successors,
10 regulators, reinsurers, administrators, and counsel **and including their
11 Experts** (together, the “Insurer Authorized Parties”) ~~(after the Official
12 Proof of Claim Form and/or the Supplement have been redacted to
13 remove the Sexual Abuse Claimant’s name, address, and any other
14 personally identifiable information in the Official Proof of Claim Form
15 and/or the Supplement, provided that all such personally identifiable
16 information shall be provided to the Insurer Authorized Parties by use
17 of a separate key or other security mechanism mutually agreed by the
18 Debtor, the Committee, and the Insurer Authorized Parties).~~ “Expert”
19 shall mean an entity or person with specialized knowledge or experience
20 in a matter pertinent to (i) this chapter 11 case and/or (ii) *In re The
21 Roman Catholic Bishop of Oakland Insurance Coverage Adversary
22 Proceeding Litigation*, Case No. CV 24-00709 (N.D. Cal.) (the
23 **“Adversary Proceeding”**) who has been retained by an Authorized
24 Party or its counsel to serve as an expert witness or as a consultant in
25 connection with this chapter 11 case and/or Adversary Proceeding,
26 including but not limited to Brattle Group and NERA Economic
27 Consulting. For purposes of this Order, the Insurance Services Office
28 or ISO, or such any other such claims database provided to third parties,
shall not be an “Expert.”

21 2. All Parties, counsel and Experts (as defined in the Bar Date Order, as modified
22 herein) may have access to the information contained in the unredacted Official Proof of Claim
23 Form and/or Supplement filed by a Sexual Abuse Claimants only upon: (i) executing the Bar Date
24 Confidentiality Agreement, subject to all terms, conditions and restrictions set forth therein and the
25 Bar Date Order and (ii) confirming in writing to counsel for the Debtor and the Committee that all
26 relevant Parties, counsel and Experts have so executed;

27
28 _____
¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Stipulation.

1 3. All Parties are responsible for obtaining from their own Experts executed copies of
2 the Bar Date Confidentiality Agreement, and retaining such executed copies for production to
3 others only upon demand supported by a showing of good cause that confidentiality has or may
4 have been breached;

5 4. The Experts Order shall be rendered moot and unenforceable and shall be vacated;
6 and

7 5. Unless otherwise specifically modified herein, the Bar Date Order remains in full

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9 Dated: _____

The Honorable William J. Lafferty

10 force and effect. **IT IS SO ORDERED.**

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