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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
AUTHORIZING OVERSIZE BRIEFING
FOR CERTAIN 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 pursuant to Bankruptcy Local Rule (“B.L.R.”) 9013-1, in the form attached hereto as Exhibit A, authorizing the Debtor to file oversize briefs for two of its first day motions (collectively the “First Day Motions”). While the Debtor endeavored to comply with the page limit in B.L.R. 9013-1, the complexity of the Debtor’s operations and the Debtor’s desire for transparency and completeness required the Debtor



1 to exceed 25 pages in two of the First Day Motions in order to fully set forth the relevant facts and basis
2 for relief.

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

8 **II.**
9 **FACTS**

10 **A. Background**

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

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

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

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

19 **B. The First Day Motions**

20 By the First Day Motions, the Debtor requests relief essential to avoid harmful disruption to its
21 operations, protect its assets, and allow efficient administration of this Bankruptcy Case, as fully set forth
22 in each First Day Motion. A complete list of the First Day Motions and brief summary of the relief
23 requested therein is set forth in the Debtor’s *Application for Order Shortening Time for and Consolidating*
24 *Notice of Hearing on First Day Motions* filed concurrently herewith. The First Day Motions that exceed
25 the page limit of L.B.R. 9013-1 are as follows:

- 26 1. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I) (A) Continue*
27 *Existing Cash Management System, (B) Honor Certain Prepetition Obligations Related to*
28 *the Use Thereof, (C) Continue Intercompany Arrangements, (D) Maintain Existing Bank*

APPLICATION TO EXCEED PAGE LIMITS FOR FIRST DAY MOTIONS

1 *Accounts and Business Forms, and (E) Continue Use of Existing Credit Card Accounts;*
2 *and (II) Waive Certain Requirements of 11 U.S.C. § 345(b) (the “Cash Management*
3 *Motion”).* Through the Cash Management Motion, the Debtor seeks authority to continue
4 operating its existing cash management system as described therein, including the
5 maintenance of existing bank accounts at the Debtor’s banks, honoring certain related
6 prepetition obligations, continuance of certain intercompany arrangements, and related
7 relief. The relief sought in the Cash Management Motion is critical to avoid harmful
8 disruptions in the Debtor’s operations and access to cash.

- 9
- 10 2. *Debtor’s Motion for Interim and Final Orders Authorizing the Debtor to (I) Pay*
11 *Prepetition Employee Wages, Salaries, Benefits and Other Related Items, (II) Reimburse*
12 *Prepetition Employee Business Expenses, (III) Continue Employee Benefit Programs, and*
13 *(IV) Pay All Costs and Expenses Incident to the Foregoing (the “Wages and Benefits*
14 *Motion”).* Through the Wages Motion, the Debtor seeks authority to honor and pay
15 prepetition employee compensation and unreimbursed prepetition business expenses of
16 employees, to maintain employee benefit programs including insurance and workers
17 compensation and pay prepetition expenses related thereto, to continue to act as collection
18 and payment agent for certain employee programs shared with related non-debtor
19 employers, and related relief. The relief sought in the Wages and Benefits Motion is
20 essential to avoid interruption in the payment of wages and provision of benefits to the
21 Debtor’s employees.

22 III.

23 **REQUEST FOR LEAVE TO FILE BRIEFS EXCEEDED 25 PAGES**

24 Pursuant to B.L.R. 9013-1 “Unless the Court expressly orders otherwise, the initial and response
25 memoranda of points and authorities shall not exceed 25 pages of text and reply memorandum shall not
26 exceed 15 pages of text.” The Debtor submits that there is good cause for an order authorizing the initial
27 memoranda of points and authorities in support of the Cash Management Motion and the Wages and
28 Benefits Motion to exceed 25 pages.

The Debtor’s operations are substantial and complex. The Wages and Benefits and Cash
Management Motions seek essential emergency relief on matters necessary to sustain those operations,
prevent interruption in employee wages and benefits, and maintain essential cash management systems.
This relief is necessary to prevent potentially serious and damaging disruptions, preserve and maximize
the value of the Debtor’s estate for the benefit of creditors and parties-in-interest, and allow the Debtor to
continue to serve the approximately 550,000 Catholic residents of the diocese. In order to adequately
describe the underlying facts regarding the Debtor’s employee wages and benefits programs and its cash
management systems, as well as the nature of the relief requested, it was necessary to exceed the 25-page
limit provided by B.L.R. 9013-1.

1 While the Debtor specifically seeks relief as to the Cash Management Motion and the Employee
2 Wages and Benefits Motion, to the extent that any of the other First Day Pleadings exceed 25 pages the
3 Debtors also seek authority to exceed the limit on those motions as well.

4 **IV.**
5 **CONCLUSION**

6 WHEREFORE, the Debtor requests that the Court enter an order in the form attached hereto
7 granting the relief requested herein to permit the Debtor to file brief exceeding 25 pages in support of the
8 First Day Motions.

9
10 DATED: May 8, 2023

FOLEY & LARDNER LLP

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

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14 */s/ Thomas F. Carlucci* _____

THOMAS F. CARLUCCI

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16 *Proposed Counsel for the Debtor
and Debtor in Possession*

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28 APPLICATION TO EXCEED PAGE LIMITS FOR FIRST DAY MOTIONS

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 AUTHORIZING
OVERSIZE BRIEFING FOR CERTAIN
FIRST DAY MOTIONS**

24 Upon the *Application For Order Authorizing Oversize Briefing For Certain First Day Motions*,
25 dated May 8, 2023, (the "Application") filed by The Roman Catholic Bishop of Oakland, a California
26 corporation sole, and the debtor and debtor in possession (the "Debtor" or "RCBO") in the above-
27 captioned chapter 11 bankruptcy case (the "Chapter 11 Case" or the "Bankruptcy Case"), for entry of an
28 order pursuant to Bankruptcy Local Rule ("B.L.R.") 9013-1 authorizing the Debtor to file briefs exceeding
25 pages in support of two of its First Day Motions (as defined in the Application); this Court having
reviewed and considered the Application and the record in this Bankruptcy Case; and after due
deliberation and good cause appearing therefor:

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IT IS HEREBY ORDERED THAT:

1. The Application is granted as provided herein.
2. The Debtor is authorized to file memorandum exceeding 25 pages in support of the Cash Management Motion and the Wages and Benefits Motion, as those terms are defined in the Application.
3. This Court retains jurisdiction with respect to all matters arising from or related to the implementation of or interpretation of this Order.

*** END OF ORDER ***

COURT SERVICE LIST

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All ECF Recipients.