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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 WJL

Chapter 11

**SUPPLEMENT TO DEBTOR’S MOTION
FOR ORDER (I) APPROVING
DISCLOSURE STATEMENT; AND (II)
ESTABLISHING PROCEDURES FOR PLAN
SOLICITATION, NOTICE, AND
BALLOTING**

Judge: Hon. William J. Lafferty

Date: April 1, 2025

Time: 10:30 a.m.

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

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1 The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor
2 in possession (the “Debtor” or “RCBO”) in the above-captioned chapter 11 bankruptcy case (the “Chapter
3 11 Case”), hereby files this supplement (the “Supplement”) to *Debtor’s Motion for Order (I) Approving*
4 *Disclosure Statement; and (II) Establishing Procedures for Plan Solicitation, Notice, and Balloting*
5 [Docket No. 1453] (the “Solicitation Motion”).¹ This Supplement is filed in connection with the April 1,
6 2025, continued hearing on the Solicitation Motion and the Debtor’s *Third Amended Disclosure Statement*
7 *for Debtor’s Third Amended Plan of Reorganization* [Docket No. 1831] (the “Third Amended Disclosure
8 Statement” and, as it may be modified, supplemented, or amended, the “Disclosure Statement”) in support
9 of the *Debtor’s Third Amended Plan of Reorganization* [Docket No. 1830] (the “Third Amended Plan”
10 and, as it may be modified, supplemented, or amended, the “Plan”).

11 **I.**

12 **THE AMENDED PLAN AND DISCLOSURE STATEMENT**

13 On November 8, 2024, the Debtor filed *Debtor’s Plan of Reorganization* [Docket No. 1444] (the
14 “Original Plan”) and accompanying *Disclosure Statement for the Debtor’s Plan of Reorganization*
15 [Docket No. 1445] (the “Original Disclosure Statement”). On November 13, 2024, the Debtor filed the
16 Solicitation Motion, seeking entry of an order (i) approving the Disclosure Statement as providing
17 adequate information pursuant to 11 U.S.C. § 1125, (ii) approving the Solicitation Procedures set forth
18 therein for solicitation and tabulation of votes to accept or reject the Plan, including approving forms of
19 notices and Ballots, (iii) approving the Opt-Out Releases procedures for certain creditors to opt out of
20 third-party releases in the Plan, and (iv) scheduling a hearing on confirmation of the Plan and setting
21 related deadlines.

22 On December 18, 2024, the Bankruptcy Court conducted an initial hearing on the Approval Motion
23 and related matters. The Debtor filed an amended Plan and Disclosure Statement on January 3, 2025, and
24 the Bankruptcy Court held additional hearings on the amended Plan and Disclosure Statement on January
25 16, 21, and 30, 2025. Following the hearing on January 30 the Court, at the Debtor’s request, set a further
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27 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion, Disclosure Statement,
28 or the Plan, as applicable.

1 hearing for March 3, and directed the Debtor to file a further amended Plan and Disclosure Statement not
2 later than February 18. The Debtor filed a second amended Plan and Disclosure Statement on February
3 18. The March 3 hearing was converted to a status conference, at which the Debtor informed the
4 Bankruptcy Court it intended to file a further revised Plan and Disclosure Statement on March 17.

5 The Court has set a further hearing for April 1, to consider the Disclosure Statement and the
6 Solicitation Motion. In compliance with the Court's direction, the Debtor has filed its Third Amended
7 Plan and Third Amended Disclosure Statement in support thereof. The Debtor has also filed the *Debtor's*
8 *Notice of Filing Third Amended Disclosure Statement for Debtor's Third Amended Plan of Reorganization*
9 [Docket No. 1832] which includes redlines of the Third Amended Plan and Third Amended Disclosure
10 Statement as exhibits thereto.

11 II.

12 SUMMARY OF REVISIONS TO PLAN AND DISCLOSURE STATEMENT

13 The Third Amended Plan and Third Amended Disclosure Statement reflect a number of
14 substantive changes from the Original Plan and Original Disclosure Statement, which are summarized
15 below, and reflected in full in the redlines filed in connection with each amended thereto. These revisions
16 discussed below are inclusive of those made in the first and second amended Plan and Disclosure
17 Statement.

18 A. Revisions to Plan Terms

19 1. Funding of Survivors' Trust

20 The Third Amended Plan reflects revised funding of the Survivors' Trust as follows:

21 First, where prior versions of the Plan required the transfer of title to certain real property owned
22 by Adventus and located at 3658 Las Colinas Road, Livermore, California (the "Livermore Property") to
23 the Survivors' Trust, the Third Amended Plan provides for an increased Debtor Cash Contribution in lieu
24 of contribution of the Livermore Property.

25 The Livermore Property consists of approximately 122.5 acres of vacant land with no on-site
26 improvements. It is currently zoned for agricultural use. The Debtor believes the Livermore Property is
27 worth between \$43 million and up to approximately \$81 million or more if it is entitled for residential
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1 development, such that the sale of the Livermore Property by the Survivors' Trustee could have increased
2 the Survivors' Trust Assets by that amount (and perhaps more). The Debtor has spent considerable time
3 working with the City of Livermore to permit the Livermore Property to be developed for residential use.
4 This work is ongoing. On or about February 23, 2025, the Livermore City Council unanimously approved
5 a request by the city's planning staff to negotiate a housing development agreement in relation to the
6 Livermore Property. The Debtor hopes that these negotiations will lead to a re-zoning of the Livermore
7 Property to allow residential use.

8 The Committee, however, informed the Debtor and the Bankruptcy Court that it opposed the
9 transfer of the Livermore Property to the Survivors' Trust, claiming the property was of uncertain value
10 and objecting to the Survivors' Trust having to complete the re-entitlement process in order to increase
11 the property's value. The Debtor removed the Livermore Property from the Survivors' Trust Assets in the
12 Third Amended Plan. The Debtor and Adventus will continue working to re-entitle the Livermore Property
13 after the Effective Date. The Debtor is considering whether the Livermore Property could be used as
14 collateral for the RCC loan, provided that Adventus would be willing to use the property for that purpose.

15 Second, the Debtor Cash Contribution to the Plan has been increased from \$103 million to \$115
16 million, with the additional \$12 million to be paid in cash not later than five years after the Effective Date.
17 Plan, § 9.3.1.

18 Third, the contribution from the Roman Catholic Welfare Corporation of Oakland ("RCWC") has
19 been doubled from \$14,250,000.00 to \$28,500,000.00, payable over a period of five years as set forth in
20 the Plan. § 9.3.2. As in previous versions of the Plan, this contribution will be reduced proportionally if
21 less than 100% of Abuse Claimants asserting claims against RCWC grant a Third-Party Release of
22 RCWC.

23 Fourth, the Plan terms related to Post-Effective Date settlements between the Survivors' Trustee
24 and Insurers have been revised to provide additional detail regarding the treatment of proceeds from any
25 such settlements. Plan, § 9.3.4.2.

1 2. Removal of Class 8 Claim of Oakland Parochial Fund

2 The Original Plan and previous amendments included treatment of the scheduled claim of the
3 Oakland Parochial Fund (“OPF” and such claim, the “OPF Claim”), in the amount of \$35,000,000.00, as
4 Class 8. Pursuant to the *Stipulation Regarding Withdrawal of Claim of Oakland Parochial Fund, Inc.*
5 [Docket No. 1784] between the Debtor and OPF, and the order thereon [Docket No. 1796], OPF withdrew
6 the OPF Claim in its entirety. The Third Amended Plan therefore no longer includes Class 8 or any other
7 provision for distribution to OPF on account of the OPF Claim. Plan, § 1.1.4.

8 3. Revision of Release Terms

9 Consistent with the Court’s directions at the December 18, 2024, hearing on the Disclosure
10 Statement, the provisions regarding Third-Party Releases have been revised to (i) include the election to
11 opt out of providing Third Party Releases on the Ballot rather than in a separate release form, and (ii) limit
12 application of the Third-Party Releases as to Holders of Abuse Claims who do not return a Ballot. Plan,
13 §§ 6.92, 13.9.

14 In addition, the Definitions of “Released Parties” and “Releases” have been revised to reflect
15 discussion on the record at the prior Disclosure Statement Hearings and concerns raised by the Committee.
16 Plan, §§ 1.1.91, 1.1.92.

17 Finally, at the request of the Debtor’s Insurers, clarifying language has been added to make
18 expressly clear that the releases and exculpations do not preclude Insurers from asserting claims under
19 reinsurance contracts or retrocessional contracts.

20 4. Survivors’ Trust Advisory Committee

21 The Plan has been revised to provide for establishment of a Survivors’ Trust Advisory Committee,
22 as further provided for in the Survivors’ Trust Documents. Plan, §§ 1.1.100, 9.1.3.

23 5. Terms Regarding Insurance Assignment

24 In light of the Committee’s expressed concern that the Original Plan as drafted might by its
25 language preclude Abuse Claimants from seeking extracontractual damages under the holding of *Hand v.*
26 *Farmers Ins. Exchange*, 23 Cal. App.4th 1847 (1994), Section 5.14 of the Plan has been revised to clarify
27 for avoidance of doubt that Abuse Claimants are not barred by the terms of the Plan from seeking damages
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1 under the *Hand* decision. Plan, § 5.14. The revisions also clarify that to the extent an Abuse Claimant has
2 elected the Immediate Payment or the Distribution Option, the reservation of rights of Non-Settling
3 Insurers does not restrict the Survivors' Trust from making distributions to such Claimant without the
4 consent of Non-Settling Insurer. Plan, § 8.3.12. Certain provisions of Section 8.7 of the Plan related to a
5 reduction in liability of Non-Settling Insurers based on the amount of Trust distributions for an Abuse
6 Claim have been removed as well in response to objections raised by the Committee. Plan, § 8.7. The
7 Third Amended Plan further reflects minor revisions to terms related to the Insurance Assignment, as
8 reflected in Article VIII of the Plan.

9 6. Determination and Treatment of Abuse Claims

10 Section 9.8 of the Plan, providing the method of determination of the Abuse Claims and the ability
11 of Claimants to elect either the Distribution Option or Litigation Option has been revised to provide
12 additional detail regarding the process for evaluation and determination of Abuse Claims by the Abuse
13 Claims Reviewer. Plan, § 9.8. Among other things, the revised terms provide that any appeal of the
14 Abuse Claims Reviewer's Initial Determination will also be made by the Abuse Claims Reviewer, rather
15 than a separate neutral. *Id.* This change was made at the request of the Committee. The revised terms also
16 clarify the timing and process for Distributions to Trust Claimants, Plan § 9.8.3, for the Trust to establish
17 reserves for Claimants electing the Litigation Option, Plan §9.8.4, and for distributions to from the Trust
18 to Litigation Claimants, *Id.* These revisions are intended to provide more clarity regarding the Trust
19 Distribution process generally, and in particular as to how Trust Distributions related to judgment and
20 recoveries obtained through litigation under the Litigation Option.

21 In addition, the Intermediate Payment Option provisions have been revised to (i) provide for
22 selection of the Immediate Payment option through a Ballot check-box and (ii), provide that any one
23 Claimant electing the Immediate Payment is not entitled to receive any additional distribution or other
24 relief based on multiple Abuse Claims. Plan, § 9.7.

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1 7. Other Revisions

2 Other Revisions made to the Plan in order to address issues raised by the Committee include:

- 3
- 4 • Clarification that the Abuse Claims Reviewer is not valuing Abuse Claims based on any
5 alleged dollar value of the Claims. Plan, § 1.1.4.
 - 6 • Revision of the definition of “Allowed” to address the Committee’s concern that post-
7 effective date settlements with Insurers could preclude allowance of Abuse Claims where
8 the claimant elected the Litigation Option. Plan, § 1.1.11.
 - 9 • Revision of the Definition of “Assigned Insurance Interests” to include all rights, claims,
10 interests, benefits, responsibilities, and obligations of the Debtor in Non-Settling Insurance
11 Policies, subject to the terms of the Plan. Plan, § 1.1.12.
 - 12 • Revision of the terms related to the Claims Objection Deadline,” to clarify that the Claims
13 Objection Deadline does not apply to Non-Settling Insurers in connection with defense of
14 an Abuse Claim as to which the Claimant has selected the Litigation Option. Plan §§ 1.1.31,
15 5.2.2.
 - 16 • Revision of the Definition of “Exculpated Parties” to include the limitation: “to the extent
17 permitted under applicable Ninth Circuit law, including without limitation *Blixseth v.*
18 *Credit Suisse*, 961 F.3d 1074 (9th Cir. 2020).” Plan § 1.1.51.
 - 19 • Revision of the terms regarding the Non-Abuse Litigation Reserve, including
20 establishment of the Reserve amount as \$750,000.00, and providing that no Holder of the
21 Class 6 Claim may recover more than \$250,000.00 from the Reserve. Plan §§ 1.1.74,
22 12.7.2. These amounts reflect the Debtor’s \$250,000.00 self-insured retention amount on
23 its applicable insurance coverage.
 - 24 • Revision of terms related to Late-Filed Claims to for consistency with the procedures for
25 submission of Class 5 Unknown Abuse Claims as provided in the Survivors’ Trust
26 Documents. Plan § 5.4.
 - 27 • Addition of an express requirement to provide post-confirmation reporting consistent with
28 Bankruptcy Code § 1106(a)(7), Bankruptcy Rule 2015(a)(5), and 28 C.F.R. § 58.8, in order
to resolve the U.S. Trustee’s objection regarding post-confirmation reporting requirements.

29 **B. Additional Revisions to Disclosure Statement**

30 In addition to edits to the Disclosure Statement reflecting the Plan revisions discussed above, the
31 Debtor has made significant revisions to the Disclosure Statement to address objections raised by the
32 Committee to previous versions of the Disclosure Statement and issues raised by the Court in prior
33 hearings on the Disclosure Statement, and to otherwise provide additional information and clarification.

34 1. Revisions to the Executive Summary

35 The Debtor revised the Executive Summary in Article I of the Disclosure Statement to provide
36 substantial additional high-level information regarding the Plan, as follows:

1 *First*, the Debtor has updated the summary of Plan funding and contributions from the Debtor and
2 RCWC to clearly describe the funding from each and the proportional reduction in contribution amount
3 from RCWC resulting less than 100% of RCWC Claimants providing releases of RCWC under Section
4 13.9 of the Plan. Disc. Stat., Art. I.A.i.

5 *Second*, the Debtor provided substantial additional detail regarding the basis for the amounts it is
6 contributing to the Survivors' Trust. This includes a detailed explanation of how the Debtor's assets are
7 being used to fund the Plan and the basis for the amounts the Debtor proposes to contribute to the
8 Survivors' Trust. The Debtor also explains its position that it cannot be compelled to sell Churches or
9 other property with religious significance based on application law in the Ninth Circuit, and its willingness
10 to nonetheless voluntarily utilize a number of properties on which a Church is currently operating in order
11 to fund the Plan. Disc. Stat., Art. I.A.ii.

12 *Third*, as ordered by the Court, the Debtor removed the details and related charts on outcomes of
13 other diocesan and religious order cases to which the Committee vociferously objected. The Debtor
14 continues to believe to the results in other cases are highly relevant to demonstrate the Plan is fair and
15 equitable. The Debtor will instead present this information in connection with Plan confirmation. *See* Disc.
16 Stat., Art. I.B.

17 *Fourth*, the Debtor has provided further information as part of the Executive Summary regarding
18 the treatment of Abuse Claims, including a flow chart illustrating the Immediate Payment, Distribution
19 Option, and Litigation Option processes, a detailed summary of the Abuse Claim determination and
20 scoring process, and a robust description of the process for and consequences of electing either the
21 Distribution Option or the Litigation Option. Disc. Stat., Art. I.C.

22 2. *References to Committee Letter*

23 As requested by the Committee, the Debtor has provided references to the Committee's Letter
24 responding to the Disclosure Statement (the "Committee Letter") in bold and underlined text at multiple
25 locations throughout the Executive Summary. As previously discussed on the record, the Debtor will
26 arrange for these references to link directly to the Committee Letter in the electronic distribution of the
27 Solicitation Package. The Committee requested additional references – including an all-caps statement at
28

1 the very top of the Executive Summary urging creditors to vote against the Plan – which are inappropriate
2 and which the Debtor did not accept.

3 3. Clarifying Revisions Regarding Churches

4 The Debtor has consistently stated, including in the Original Disclosure Statement, that the
5 Churches are not separately incorporated under California law. As reflected in the Third Amended
6 Disclosure Statement, the Debtor has added language clarifying that because the Churches are not
7 separately incorporated legal entities, as a matter of California law they are not separate from the Debtor,
8 and they do not own or hold a legal or equitable interest in property separate from the Debtor. Disc. Stat.,
9 Arts. III.E., IV.C. The Disclosure Statement has also been revised, consistent with the Plan, to clarify that
10 because Churches are not separately incorporated, they are included in the releases and permanent
11 injunction in the Plan in favor of the Debtor, and not receiving any separate release from the Debtor. Disc.
12 Stat., Art. IV.C.

13 4. Additional Detail Regarding Abuse Claim Treatment

14 In addition to the information added to the Executive Summary, as noted above, the Debtor has
15 provided substantial additional detail in Article VII of the Disclosure Statement regarding the treatment
16 of Abuse Claims under the Plan. Disc. Stat., Art. VII.G. This includes clarification regarding operation of
17 the Immediate Payment, Disc. Stat., Art. VII.G.1., detail regarding the process for scoring of claims by
18 the Abuse Claims Reviewer, Disc. Stat., Art. VII.G.2., an explanation of how distributions will be
19 allocated based on scoring, *Id.*, and clarification of the discussion regarding distributions to Trust
20 Claimants. Disc. Stat., Art. VII.G.3-4. Consistent with the revisions to the Plan, the Debtor also expanded
21 its explanation of the Litigation Option vs. Distribution Option, and of the reserves and payments from
22 the Survivors' Trust to Claimants Electing the Litigation Option. Disc. Stat., Art. VII.G.5.

23 5. Updated Liquidation Analysis

24 The Debtor's Liquidation Analysis, reflecting recoveries under the Plan to possible recoveries by
25 creditors under a hypothetical liquidation, is attached as Exhibit B to the Third Amended Disclosure
26 Statement. The Debtor's Liquidation Analysis is predicated on the premise that a "hypothetical
27 liquidation" must be a *possible* liquidation. This means a liquidation analysis ought not include assets
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1 which cannot be used to pay creditors because including such assets distorts the outcome and would create
2 confusion concerning the comparison of how creditors are being paid under the Plan versus what creditors
3 might be paid in a liquidation which is legally *possible*.

4 Under Ninth Circuit law, assets of the Debtor's estate that cannot be legally made available for
5 distribution to creditors should not be included in a hypothetical liquidation under section
6 1129(a)(7)(A)(ii) of the Bankruptcy Code. *See Security Farms*, 265 F.3d at 877. Moreover, the decision
7 on whether to operate a church at a particular location, or the decision whether to sell real estate on which
8 a church sits, is inherently an ecclesiastical decision which affects the faith and mission of the Catholic
9 Church. Under the Free Exercise Clause and Establishment Clause of the First Amendment to the U.S.
10 Constitution, these decisions are reserved for the Bishop alone and the Court may not interfere with or
11 dictate those decisions. In other words, because: 1) the Debtor cannot be forced into a chapter 7 liquidation
12 proceeding under the Bankruptcy Code, and 2) the Debtor cannot be forced to sell real estate on which it
13 operates one of the Churches, the Liquidation Analysis should not contemplate such sales. The Debtor
14 asserts this presents a more accurate view of potential recoveries in a hypothetical liquidation scenario
15 and provides appropriate context to whether the Plan is in the best interests creditors and in particular of
16 Abuse Claimants.

17 Notwithstanding the foregoing, the Liquidation Analysis attached as Exhibit B to the Third
18 Amended Disclosure Statement includes a "Supplemental Liquidation Analysis" premised on the
19 liquidation of all real estate titled in the name of the Debtor, which was not included in previous versions
20 to the Liquidation Analysis. While this Supplemental Liquidation Analysis is provided for informational
21 and disclosure purposes, the Debtor believes it is not the appropriate measure to evaluate the Plan in this
22 Chapter 11 Case for the reasons stated above.

23 6. *Additional Risk Factor Discussion Regarding Insurance Assignment*

24 The Debtor has included a thorough discussion of the effect of the Insurance Assignment on
25 extracontractual remedies against the Insurers, the Committee and Insurers' respective positions on this
26 issue, the unsettled nature of California law on this issue, and the associated risks the issue poses for Abuse
27 Claimants under the Plan. Disc. Stat., Art. XVIII.A. As set forth in the Debtor's separate brief on Insurance
28

1 Assignment issues [Docket No. 1745], this additional discussion fully and adequately discloses any risks
2 related to the effect of Plan confirmation and the Insurance Assignment on the ability to seek
3 extracontractual remedies.

4 7. Other Revisions

5 Other Revisions made to the Plan to address issues raised by the Committee, or to clarify and
6 update other matters, include:

- 7 • Additional explanation regarding the Debtor’s interest in CTN and the expectation of
8 continued revenue in the context of a Plan. Disc. Stat., Art. IV.D., fn. 7.
- 9 • Detailed explanation of the history of OPF and the pre-petition transactions between the
10 Debtor and OPF. Disc. Stat., Art. IV.F.4.
- 11 • Detailed explanation of the relationship of CCCEB and the Debtor that forms the basis for
12 the settlement with CCCEB contemplated by the Plan, Disc. Stat., Art. IV.F.5, and
13 additional explanation of the basis for the CCCEB settlement, Disc. Stat., Art. X.C.
- 14 • Updates regarding case status, including extension of the removal deadline, extension of
15 the deadline to assume or reject leases of non-residential real property, mediation
16 conducted in February 2025, and prior iterations of the Plan and Disclosure Statement.
17 Disc. Stat., Arts. V.F., V.J.
- 18 • Updates regarding the status of the Insurance Coverage Litigation. Disc. Stat., Art. V.I.
- 19 • Discussion of the Committee’s “alternative vision” for the case, including the standing and
20 relief from stay motions brought by the committee, and the two adversary proceedings filed
21 by the Committee. Disc. Stat., Art. V.K.
- 22 • Additional explanation of the treatment of insurance coverage for Abuse Claims under
23 policies issued by Non-Settling Insurers, including the rights of Non-Settling Insurers in
24 connection with defense of Litigation Option claims. Disc. Stat., Art. IX.

25 **III.**

26 **REVISED FORMS OF SOLICITATION DOCUMENTS**

27 Attached hereto as **Exhibit A** is the Debtor’s revised form of proposed order approving the
28 Disclosure Statement (the “Proposed Order”), in redline showing changes from the form previously filed
as Exhibit 1 to the Solicitation Motion.²

² The redlines attached hereto are inclusive of prior revisions reflected in the Debtor’s *Notice of Filing of (1) Redlines Debtor’s Amended Plan of Reorganization and Amended Disclosure Statement for Debtor’s Amended Plan of Reorganization, and (2) Revised Forms of Proposed Order and Ballots* [Docket No. 1596], filed on January 3, 2025, and the *Notice of Filing of Revised Forms of Class 4 and Class 5 Ballots and Notice of Confirmation Hearing* [Docket No. 1623], filed on January 10, 2025.

1 Attached hereto as **Exhibit B** and **Exhibit C** are the Debtor's revised forms of Ballot for Class 4
2 Claims (Abuse Claims) and Class 5 Claims (Unknown Abuse Claims), in redline showing changes from
3 the forms previously filed as Exhibit 3 and Exhibit 4 to the Solicitation Motion.³

4 Attached hereto as **Exhibit D** is the Debtor's revised form of Confirmation Hearing Notice, in
5 redline showing changes from the form filed as Exhibit 8 to the Solicitation Motion.

6 The Debtor has not made any changes since the Initial Hearing to the forms of Ballot for Class 3
7 Claims (General Unsecured Claims), Class 6 Claims (Non-Abuse Litigation Claims), attached to the
8 Solicitation Motion as Exhibit 2 and Exhibit 5, respectively, provided that the Debtor will update these
9 Ballot forms to be consistent with the release and exculpation provisions of the current Plan, and to
10 reference the current Plan and Disclosure Statement. Likewise, the Debtor has not made any changes to
11 the proposed form of Notice of Non-Voting Status attached to the Solicitation Motion as Exhibit 9. The
12 Debtor therefore requests that the Court approve these forms in the form attached to the Solicitation
13 Motion, subject to the forgoing updates.

14
15 DATED: March 18, 2025

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25 ³ The Committee has previously objected to separate classification of Class 5 Unknown Abuse Claims and voting by the
26 Unknown Abuse Claims Representative. The crux of the Committee's objection appears to be directed to the possibility of
27 Class 5 being used to satisfy the requirements of Bankruptcy Code 1129(a)(10). This is appropriately addressed at confirmation,
28 not in connection with the Disclosure Statement. By way of brief response, separate classification is appropriate given the
distinct characteristics of Unknown Abuse Claims. Likewise, voting by the Unknown Abuse Claims Representative is
appropriate both in light of his role as representative of Unknown Abuse Claimants and pursuant to the provisions of the order
appointing the Unknown Abuse Claims Representative [Docket No. 1554].

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EXHIBIT A
Revised Form of Proposed Order Approving Disclosure Statement

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19 **UNITED STATES BANKRUPTCY COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **OAKLAND DIVISION**

22 In re:

23 THE ROMAN CATHOLIC BISHOP OF
24 OAKLAND, a California corporation sole,

25 Debtor.

26 Case No. 23-40523 WJL

27 Chapter 11

28 **[PROPOSED] ORDER (I) APPROVING
AMENDED DISCLOSURE STATEMENT;
(II) ESTABLISHING PROCEDURES FOR
PLAN SOLICITATION, NOTICE, AND
BALLOTING**

Judge: Hon. William J. Lafferty

Date: ~~December 18~~ April 1, 2024 ~~2025~~

Time: 10:30 a.m.

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

1 This matter ~~coming~~comes before the Court on the ~~Disclosure Statement for Debtor's Plan of~~
2 ~~Reorganization dated and filed on November 8, 2024 [Docket No. 1445] (the "Disclosure Statement")~~
3 ~~and the Debtor's Motion for Order (I) Approving Disclosure Statement; and (II) Establishing Procedures~~
4 ~~for Plan Solicitation, Notice, and Balloting [Docket No. 1453] (the "Motion");¹ filed by the Roman~~
5 Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor in possession (the
6 "Debtor" or "RCBO") in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case"); ~~and a~~
7 ~~and the Third Amended Disclosure Statement for Debtor's Third Amended Plan of Reorganization dated~~
8 ~~and filed on March 17, 2025 [Docket No. 1831] (the "Disclosure Statement"). The Court has considered~~
9 ~~the Motion, the Disclosure Statement, the Debtor's Third Amended Plan of Reorganization dated and filed~~
10 ~~on March 17, 2025 [Docket No. 1830] (as it may be amended, modified, or supplemented, and including~~
11 ~~all exhibits thereto, the "Plan"),¹ the Debtor's Notice of Filing Third Amended Disclosure Statement for~~
12 ~~Debtor's Third Amended Plan of Reorganization [Docket No. 1832] (the "Notice of Filing"), the Debtor's~~
13 ~~Supplement to the Motion [Docket No.], all other documents filed in support of or opposition to the~~
14 ~~Motion and Disclosure Statement, the record in this case, and the representations of counsel. An initial~~
15 ~~hearing having been held on December 18, 2024, further hearings having been held on January 16, 21,~~
16 ~~and 30, 2025, and a further continued hearing having been held at the date and time set forth above~~
17 ~~(collectively, the "Hearing"), to consider the relief requested in the Motion (the "Hearing"); and and the~~
18 ~~adequacy of the Debtor's Disclosure Statement; upon all of the proceedings before the Court; and the~~
19 Court having determined that the legal and factual bases set forth in the Motion establish just cause for
20 the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of
21 the Debtor, its estate and its creditors; and after due deliberation and sufficient cause appearing therefor;

22 **IT IS HEREBY FOUND AND DETERMINED THAT:**

23
24
25
26
27 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion, Disclosure
Statement, or the Plan, as applicable.

28 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion, Disclosure
Statement, or the Plan, as applicable.

1 A. This Court has jurisdiction to consider the Motion and the relief requested therein,
2 including approval of the Disclosure Statement, in accordance with 28 U.S.C. §§ 157 and 1334. This
3 matter is a core proceeding pursuant to 28 U.S.C. § 157(b).

4 B. The Disclosure Statement contains adequate information about the ~~Debtor's Plan of~~
5 ~~Reorganization, dated and filed on November 8, 2024 (as it may be amended, modified, or supplemented,~~
6 ~~and including all exhibits thereto, the "Plan")~~ within the meaning of section 1125 of the Bankruptcy
7 Code.

8 C. The Disclosure Statement (including all applicable exhibits thereto) provides sufficient
9 notice of the injunction, exculpation, and release provisions contained in the Plan, in accordance with
10 Bankruptcy Rule 3016(c).

11 D. Due and proper notice of the Disclosure Statement, the Motion, the Hearing, and the
12 deadline for filing objections to the Disclosure Statement was provided and no further notice is necessary.

13 E. The forms of Ballots approved herein are consistent with Official Form No. 314, address
14 the particular needs of this Chapter 11 Case, and are appropriate for the Holders of Class 3, Class 4, Class
15 5, and Class 6, ~~and Class 8~~ Claims entitled to vote to accept or reject the Plan. The voting instructions
16 attached to the Ballots contain adequate information to instruct all members of the Voting Classes how to
17 submit their vote.

18 F. Holders of Claims in Class 1 (RCC Secured Claim) are conclusively presumed to accept
19 the Plan, Holders of Claims in Class 2 (Priority Unsecured Claims, other than non-classified claims set
20 forth in Article III of the Plan) are conclusively presumed to accept the Plan, Holders of Claims in Class
21 7A (Contribution Claims Related to Class 4 Claims) are deemed to reject the Plan, and Holders of Claims
22 in Class 7B (Contribution Claims Related to Class 5 Claims) are deemed to reject the Plan (Class 1, Class
23 2, Class 7A, and Class 7B Claims are collectively, the "Non-Voting Classes"). Accordingly, members of
24 the Non-Voting Classes are not entitled to receive a Ballot or to vote to accept or reject the Plan.

25 G. The period, as set forth below, during which the Debtor may solicit acceptances to the Plan
26 is a reasonable period of time for entities entitled to vote on the Plan to make an informed decision whether
27 to accept or reject the Plan.

1 H. The procedures for the solicitation and tabulation of votes to accept or reject the Plan set
2 forth herein provide for a fair and equitable voting process and are consistent with Section 1126 of the
3 Bankruptcy Code.

4 I. The procedures proposed in the Motion for confirming creditors' consent to the Plan's
5 releases of third parties and related injunctions, including without limitation a channeling injunction that
6 permanently channels all Class 4 and Class 5 Claims against Contributing Non-Debtor Entities to the
7 extent set forth in the Plan to a Survivors' Trust (as defined and further described in the Disclosure
8 Statement) (collectively, the "Third-Party Releases") are fair and equitable. The materials to be contained
9 in the Solicitation Packages will provide each creditor with sufficient notice and information to determine
10 whether to consent to the Third-Party Releases.

11 **NOW, THEREFORE, IT IS ORDERED THAT:**

12 1. The Motion is GRANTED as set forth herein.

13 2. Any and all objections to the Motion, including without limitation any objections to the
14 adequacy of the Disclosure Statement, not otherwise settled ~~or~~, withdrawn, or resolved by the terms of
15 this Order are hereby overruled in their entirety.

16 **Approval of Documents**

17 3. The Disclosure Statement is hereby approved pursuant to 11 U.S.C. § 1125(b) and Fed. R.
18 Bankr. P. 3017(b).

19 4. The Ballots are hereby approved for purposes of solicitation and voting on the Plan in
20 substantially the ~~forms attached to the Motion as Exhibits 2, 3, 4, 5 and 6~~ following forms: for Class 3
21 Claims (General Unsecured Claims) attached hereto as Exhibit 1, for Class 4 Claims (Abuse Claims)
22 attached hereto as Exhibit 2, for Class 5 Claims (Unknown Abuse Claims) attached hereto as Exhibit 3,
23 for Class 6 Claims (Non-Abuse Litigation Claims) attached hereto as Exhibit 4.

24 5. The form of Confirmation Hearing Notice is approved in substantially the form attached ~~to~~
25 ~~the Motion~~ hereto as Exhibit 75.

26 6. The form of Notice of Non-Voting Status is approved in substantially the form attached ~~to~~
27 ~~the Motion~~ hereto as Exhibit 86.

1 ~~7. The form of Opt-Out Release Form is approved in substantially the form attached to the Motion~~
2 ~~as Exhibit 9.~~

3 The Confirmation Hearing

4 7. ~~8.~~ A hearing to consider confirmation of the Plan (the “Confirmation Hearing”) shall
5 commence at [•] (prevailing Pacific time) on [•] [•], ~~2024~~2025, and continue thereafter as
6 necessary.

7 8. ~~9.~~ The Confirmation Hearing may be adjourned or continued from time to time by the Court
8 or the Debtor without further notice except for as announced in open court or as filed on the Court’s
9 docket. The Plan may be modified pursuant to Section 1127 of the Bankruptcy Code prior to, during, or
10 as a result of the Confirmation Hearing, in each case without further notice to parties in interest.

11 9. ~~10.~~ Objections or responses to confirmation of the Plan, if any, must (a) be in writing; (b)
12 conform to the Bankruptcy Rules and the Local Rules; (c) state the basis for the objection, and the specific
13 grounds therefor; and (d) be filed with the Court and served so as to be actually received not later than [
14 •] [•], 2025, by (i) counsel to the Debtor, Foley & Lardner LLP, 555 California Street, Ste. 1700, San
15 Francisco, CA 94104, Attn: Ann Marie Uetz (auetz@foley.com), Matthew Lee (mdlee@foley.com), and
16 Shane Moses (smoses@foley.com); (ii) the Office of the United States Trustee for the Northern District
17 of California, Office of the United States Trustee, 450 Golden Gate Avenue, Room 05-0153, San
18 Francisco, California 94102, Attn: Jason Blumberg (jason.blumberg@usdoj.gov), (iii) counsel to the
19 Official Committee of Unsecured Creditors, Keller Benvenuti Kim LLP, 425 Market Street, 26th Floor
20 San Francisco, California 94105, Attn: Gabrielle L. Albert (galbert@kblp.com) and Lowenstein Sandler
21 LLP, One Lowenstein Drive Roseland, New Jersey 07068, Attn: Jeffrey D. Prol (jprol@lowenstein.com)
22 and Brent Weisenberg (bweisenberg@lowenstein.com); and (iv) those persons who have formally
23 appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy
24 Procedure. All objections not timely filed and served in accordance with the provisions of this Order are
25 hereby deemed waived and will not be considered by this Court.

26 10. ~~11.~~ The Debtor and any other party in interest supporting the Plan shall file any reply to
27 any objections to confirmation no later than [•] [•], 2025.

1 **Solicitation Procedures**

2 11. ~~12.~~ For the purposes of determining (a) upon whom service must be made following
3 approval of the Disclosure Statement pursuant to Rule 3017(d), and (b) which Holders of Claims are
4 entitled to vote on the Plan pursuant to Rule 3018(a), the Voting Record Date (the “Voting Record Date”)
5 shall be [•] [•], ~~2024~~2025.

6 12. ~~13.~~ The Voting Record Date shall also be the record date for purposes of determining which
7 Creditors are entitled to receive a Notice of Non-Voting Status.

8 13. ~~14.~~ No later than [•] [•], ~~2024~~2025 (the “Solicitation Mailing Date”), the Debtor
9 shall complete the mailing of Solicitation Packages to Holders of Claims in ~~the Classes~~Class 3 (General
10 Unsecured Claims), Class 4 (Abuse Claims), ~~5 (Unknown Abuse Claims), and Class~~ 6 (Non-Abuse
11 Litigation Claims), and ~~8 (OPF Claim~~to the Unknown Claims Representative on behalf of Holders of
12 Claims in Class 5 (Unknown Abuse Claims) (collectively, the “Voting Classes”), entitled to vote on the
13 Plan as of the Voting Record Date.

14 14. ~~15.~~ Solicitation Packages distributed to Holders of Claims in Voting Classes and to the
15 Unknown Abuse Claims Representative shall contain a copy of (i) the Confirmation Hearing Notice; (ii)
16 this Order; (iii) the appropriate Ballot to accept or reject the Plan, with detailed voting instructions and a
17 pre-addressed, postage prepaid return envelope; and (iv) ~~as to Class 4 and Class 5, the Opt Out Release~~
18 ~~Form (as defined below); and (v)~~ the Disclosure Statement and Plan. The Debtor is authorized to make
19 non-substantive changes to the Disclosure Statement, the Plan, and related documents without further order
20 of the Court, including ministerial changes to correct typographical and grammatical errors, and to make
21 conforming changes among the Disclosure Statement, the Plan, and any other materials in the Solicitation
22 Packages, before mailing the Solicitation Packages.

23 15. ~~16.~~ Solicitation Packages shall be provided to all Holders of Claims in the Voting Classes
24 appearing in the Debtor’s Schedule F (as amended, *see* Docket No. 161 at pp. 40-157) or who filed Proofs
25 of Claim before the applicable Bar Date (or whose Claims were deemed timely by order of this Court)
26 and whose Claims are not the subject of a pending objection as of the Voting Record Date (as defined
27 below). Notwithstanding the foregoing, all persons who filed a Proof of Claim asserting an Abuse Claim
28

1 shall receive a Solicitation Package containing a Ballot for voting on the Plan, regardless of the contingent,
2 unliquidated, and disputed nature of such Claim, and notwithstanding any pending objections to their
3 Claims.

4 16. ~~17.~~ Solicitation Packages for Holders of Claims in Classes 3, and 6, ~~and 8~~ shall be sent to
5 the names and addresses reflected in the Proofs of Claim filed by the claimants, or in the Debtor's
6 schedules if no Proof of Claim was filed by the Voting Record Date.

7 17. ~~18.~~ Solicitation Packages for Holders of Class 4 Claims shall be served via the noticing
8 address included on their Proof of Claim, if any, based on the information reflected on the claims register
9 maintained by Verita as of the Voting Record Date. If such noticing address is the address of the Holder
10 of such Class 4 Claim's attorney, such Holder shall be served the Solicitation Package through such
11 attorney unless either the Holder or their attorney has notified the Debtor or Verita that the representation
12 has terminated. The Debtor may serve attorneys who represent more than one Holder of a Class 4 Claim
13 with only one copy of the Solicitation Package, and with the consent of such attorneys may serve such
14 solicitation packages via email, provided the Debtor shall provide separate Ballots for each such Holder
15 of a Class 4 Claim.

16 18. ~~19.~~ The Debtor shall provide the Unknown Abuse Claims Representative, appointed
17 pursuant to this Court's Order entered on [•] [•], 2024 [Docket No. [•]], with a single Class 5
18 Ballot for purposes of voting to accept or reject the Plan in their capacity as representative for the Holders
19 of Class 5 Claims. Compliance with this paragraph shall constitute sufficient notice and service of the
20 Solicitation Package with regard to Class 5 Claims.

21 19. ~~20.~~ The Debtor may provide creditors who have more than one Claim with only one
22 Solicitation Package and one Ballot for each Voting Class to which they belong.

23 20. ~~21.~~ The Debtor is not required to distribute a Solicitation Package to any person who holds
24 a Claim as to which no Proof of Claim has been filed and that either (i) is scheduled as contingent,
25 unliquidated, or disputed, or (ii) is not scheduled in an amount greater than \$0, unless the Holder of such
26 Claim files a motion for temporary allowance of a claim under Bankruptcy Rule 3018.

1 21. ~~22.~~ Not later than the Solicitation Mailing Date, the Debtor shall serve Holders of Claims
2 in Classes 1, 2, 7A, and 7B (the “Non-Voting Classes”) with (i) the Confirmation Hearing Notice, and (ii)
3 the Notice of Non-Voting Status.

4 22. ~~23.~~ Not later than the Solicitation Mailing Date, the Debtor shall distribute a copies of the
5 Confirmation Hearing Notice, this Order, and the Disclosure Statement and Plan to: (a) the United States
6 Trustee; (b) counsel for the Committee; (c) the United States Attorney for the Northern District of
7 California; and (d) all other persons that have filed notices of appearances and requests for documents in
8 the Chapter 11 Case, to the extent such persons are not separately receiving a Solicitation Package or
9 Notice of Non-Voting Status.

10 23. ~~24.~~ Not later than the Solicitation Mailing Date, the Debtor shall distribute a copy of the
11 Confirmation Hearing Notice to any other persons listed on the master mailing matrix maintained for the
12 Chapter 11 Case, to the extent such persons are not previously identified herein to received notice.

13 24. ~~25.~~ The Debtor is not required to distribute copies of the Plan, Disclosure Statement, or
14 Disclosure Statement Order to any Holder of a Claim in a Non-Voting Class, or any Holder of an
15 Unclassified Claim, unless such party makes a request for copies of such documents by (a) calling the
16 Debtor’s toll-free restructuring hotline at (888)-733-1425 (U.S./Canada) or (310)-751-2631
17 (International), or (b) e-mailing RCBOInfo@veritaglobal.com.

18 25. ~~26.~~ Any party-in-interest may obtain free of charge an electronic or paper copy of the Plan,
19 Disclosure Statement, this Order, or related documents by (a) calling the Debtor’s toll-free restructuring
20 hotline at (888)-733-1425 (U.S./Canada) or (310)-751-2631 (International), or (b) e-mailing
21 RCBOInfo@veritaglobal.com.

22 26. ~~27.~~ The Ballots, the Notice of Non-Voting Status, and the Confirmation Hearing Notice
23 shall be distributed in paper format; however, because the Plan and Disclosure Statement may be
24 cumbersome and costly to print and mail, the Debtor is authorized to distribute, or cause to be distributed,
25 the Plan, Disclosure Statement, and this Order via USB flash drive, at its discretion.

26 27. ~~28.~~ Verita shall serve the Solicitation Package, the Notice of Non-Voting Status, and
27 notices regarding the Confirmation Hearing, as set forth above. Should any mailing of Solicitation
28

1 Packages, Notice of Non-Voting Status, and Confirmation Hearing Notices be returned by the United
2 States Postal Service or courier, the Debtor and Verita need not resend those documents to the same
3 address(es). The Debtor and Verita are further relieved of any obligation to attempt to locate the correct
4 address and resend, before the Voting Deadline, the Solicitation Packages, Notice of Non-Voting Status,
5 and Confirmation Hearing Notices that are returned as undeliverable, unless and until the Debtor is
6 provided with accurate addresses for such persons. The Debtor's failure to ensure receipt by mail of
7 Solicitation Packages or any other materials related to voting or confirmation of the Plan by such persons
8 (a) shall not constitute inadequate notice of the Confirmation Hearing or Voting Deadline and (b) shall not
9 constitute a violation of Bankruptcy Rule 3017(d).

10 28. ~~29.~~ Service of the Confirmation Hearing Notice together in accordance with this Order is
11 hereby found to be adequate and reasonably calculated under the circumstances to comply with the due
12 process rights of all creditors and parties in interest, including without limitation, all Holders of Claims
13 that may be subject to the Third-Party Releases provided for under the Plan, and no other or further notice
14 of the Confirmation Hearing is necessary or shall be required.

15 Voting and Tabulation

16 29. ~~30.~~ To be counted as a vote to accept or reject the Plan, all Ballots must be properly
17 completed, signed, dated and returned by only one of the following return methods: (a) first-class mail
18 (whether in the return envelope provided with each Ballot or otherwise); (b) overnight courier; (c) hand
19 delivery; or (d) electronic, online transmission, through a customized online balloting portal (the "E-
20 Balloting Portal") on the Bankruptcy Case website maintained by Verita. Any parties entitled to vote on
21 the Plan may cast an electronic Ballot which allows the claimant to electronically sign and submit a Ballot
22 instantly by using the E-Balloting Portal. In order to be counted, Ballots must be **actually received** no
23 later than [•] [•], ~~2024~~2025 (the "Voting Deadline"). The Debtor may extend the Voting Deadline
24 in its discretion as to any individual Claim or Claims or as to all Claims. Consistent with the form of Class
25 4 Ballot, the E-Balloting Portal will include a requirement for any person submitting a Ballot on behalf of
26 a Class 4 claimant to certify that that he or she has consulted the claimant on whose behalf the Ballot is
27 being submitted regarding the decisions reflected therein.

1 30. ~~31.~~ Solely for purposes of voting to accept or reject the Plan and not for the purpose of the
2 allowance of, or distribution on account of, any Claim, and without prejudice to the rights of any party in
3 interest in any other context, each Holder of a Class 3, or Class 6 ~~or Class 8~~ Claim entitled to vote on the
4 Plan is entitled to vote the amount of such Claim as provided: (a) in a timely filed Proof of Claim or, if no
5 Proof of Claim was filed, the amount of such Claim as provided in, the Debtor's Schedules of Assets and
6 Liabilities (as amended, the "Schedules"), or (b) an agreement with the Debtor fixing the allowed amount
7 of such Claim for voting purposes, subject to the following exceptions and specific procedures:

- 8 a) if a Claim is deemed Allowed under the Plan, such Claim is Allowed for voting purposes
9 in the deemed Allowed amount set forth in the Plan;
- 10 b) if a Claim for which a Proof of Claim has been timely filed is contingent, unliquidated,
11 or disputed, and such Claim has not been Allowed, such Claim will be temporarily
12 Allowed, for voting purposes only, in the non-contingent and fully liquidated amount
13 listed on the Proof of Claim (disregarding any unliquidated or contingent amounts); and
14 if such filed Proof of Claim does not clearly and expressly state a non-contingent and
15 liquidated amount, then a vote on account of such Claim shall be counted as \$1, unless
16 such Claim is objected to as set forth in paragraph (f) below;
- 17 c) if a Claim has been estimated or otherwise Allowed for voting purposes by order of the
18 Court, such Claim is temporarily allowed in the amount so estimated or allowed by the
19 Court for voting purposes only, and not for purposes of allowance or distribution;
- 20 d) a Claim shall be disallowed for voting purposes if the Claim is listed in the Schedules as
21 contingent, unliquidated, or disputed and a Proof of Claim for such Claim was not (i)
22 filed by the applicable bar date for the filing of Proofs of Claim established by the Court
23 or (ii) deemed timely filed by an order of the Court before the Voting Deadline;
- 24 e) if a party has served an objection or request for estimation as to a Claim at least ten (10)
25 days before the Voting Deadline, such Claim is temporarily disallowed for voting
26 purposes only and not for purposes of allowance or distribution, except as ordered by the
27 Court before the Voting Deadline;
- 28 f) Proofs of Claim filed for \$0.00 or which do not specify a claim amount are not entitled
 to vote, other than Claims in Class 4 or Class 5 which are treated as set forth below;
- g) for purposes of voting, classification and treatment, under the Plan, each person that
 holds or has filed more than one Claim shall be treated as if such person has only one
 Claim in each applicable Class in the amount of the total of the aggregated Claims of
 such entity in such Class;

- 1 h) any person that filed or purchased duplicate Claims in the same Class shall be provided
2 with only one Solicitation Package and one Ballot for voting a single Claim in such
3 Class, regardless of whether the Debtor has objected to such duplicate Claims;
4 i) if a Proof of Claim has been amended by a later Proof of Claim filed on before the Voting
5 Record Date, the later filed amending Claim shall be entitled to vote in a manner consistent
6 with these tabulation rules, and the earlier filed Claim shall be disallowed for voting
7 purposes, regardless of whether the Debtor has objected to such amended Claim; and
8 j) except as otherwise ordered by the Court, any amendments to a Proof of Claim after the
9 Voting Record Date shall not be considered for purposes of these tabulation rules.

10 31. ~~32.~~ Solely for purposes of voting to accept or reject the Plan and not for the purpose of the
11 allowance of, or distribution on account of, any Claim, and without prejudice to the rights of any party in
12 interest in any other context, each Holder of a Class 4 Claim who has filed a Proof of Claim shall have
13 their Claim temporarily allowed in the Amount of \$1.00, notwithstanding the contingent, unliquidated,
14 and disputed nature of such Claim, or any objections that may be pending with respect to such Claim. The
15 foregoing general procedure will be subject to the following exceptions and specific procedures:

- 16 a) for purposes of voting, classification and treatment, under the Plan, each Holder of a Class
17 4 Claim that holds or has filed more than one Claim shall be treated as if they have only
18 one Class 4 Claim;
19 b) any Holder of a Class 4 Claim that filed or purchased duplicate Class 4 Claims shall be
20 provided with only one Solicitation Package and one Ballot for voting a single Class 4
21 Claim, regardless of whether any party in interest has objected to such duplicate Claims;
22 and
23 c) any Person scheduled as having a contingent, unliquidated or disputed Class 4 Claim who
24 has not filed a Proof of Claim shall have their claim disallowed for voting purposes
25 unless they file a Rule 3018 Motion in accordance with the procedures below.

26 32. ~~33.~~ The Unknown Abuse Claims Representative shall be entitled to vote a single Class 5
27 Claim on behalf of Holders of Class 5 Claims, which shall be Allowed for voting purposes only in the
28 amount of \$1.00.

33. ~~34.~~ The following procedures shall apply for tabulating votes:

- 29 a) Verita shall date-stamp all Ballots when received, with any Ballots received on the
30 Voting Deadline date *and* time-stamped;
31 b) any Ballot that is otherwise properly completed, executed, and timely returned but does
32 not indicate an acceptance or rejection of the Plan, or that indicates both an acceptance
33 and rejection of the Plan, will not be counted;

[PROPOSED] ORDER APPROVING DISCLOSURE STATEMENT

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- 1 c) if a Creditor casts more than one Ballot voting the same Claim before the Voting
2 Deadline, the last dated, validly executed Ballot received before the Voting Deadline
3 shall be deemed to reflect the voter's intent and thus to supersede any prior Ballots;
- 4 d) Creditors must vote all of their Claims within a particular Class to either accept or reject
5 the Plan, and may not split their votes within the Voting Class and thus a Ballot (or group
6 of Ballots) within the Voting Class that partially accepts and partially rejects the Plan
7 shall be deemed to have voted to accept the Plan;
- 8 e) notwithstanding anything contained herein to the contrary, the Debtor, in its discretion,
9 may waive any defects in a Ballot, or enter into a stipulation to settle or resolve any
10 dispute in relation thereto, with a Holder of a Claim that has completed a Ballot;
- 11 f) notwithstanding anything contained herein to the contrary, Verita, with the Debtor's
12 consent, may contact entities entitled to vote to cure any defects in their Ballots;
13 provided, however, that Verita shall contact counsel of record for any such Holder of a
14 Class 4 Claim represented by counsel; and
- 15 g) except as otherwise provided in this Motion, for purposes of determining whether the
16 numerosity and Claim amount requirements of Sections 1126(c) and 1126(d) of the
17 Bankruptcy Code have been satisfied, Verita will tabulate only those Ballots received on
18 or before the Voting Deadline.

19 34. ~~35.~~ The following Ballots will not be counted or considered for any purpose in determining
20 whether the Plan has been accepted or rejected: (i) any Ballot received after the Voting Deadline unless the
21 Debtor, in writing, grants an extension of the Voting Deadline with respect to such Ballot; (ii) any Ballot
22 that is illegible or contains insufficient information to permit the identification of the voter; (iii) any Ballot
23 cast by a person or entity that does not hold a Claim in a Class entitled to vote to accept or reject the Plan;
24 (iv) any unsigned Ballot; and (v) any Ballot submitted by email, facsimile, or any other means of electronic
25 submission other than utilization of the E-Balloting Portal, unless the Debtor specifically consents in
26 writing to receipt of such Ballot by such means.

27 35. ~~36.~~ If any creditor seeks to challenge the allowance or disallowance of its Claim for voting
28 purposes in accordance with the above procedures, such creditor shall serve a motion for an order pursuant
to Bankruptcy Rule 3018(a) (a "Rule 3018 Motion") temporarily allowing such Claim for purposes of
voting to accept or reject the Plan on or before the 10th day after the later of (i) service of the Confirmation
Hearing Notice, and (ii) service of notice of an objection or request for estimation, if any, as to such Claim.

36. ~~37.~~ Any Rule 3018 Motion shall (i) be made in writing, (ii) comply with the Bankruptcy
Code, the Bankruptcy Rules, and the Local Rules, (iii) set forth the name of the party asserting the Rule

1 3018 Motion, and (iv) state with particularity the legal and factual bases for the Rule 3018 Motion. In the
2 event a Rule 3018 Motion is filed, the Debtor shall provide such creditor with a provisional Ballot, to be
3 counted only in accordance with the terms of any order adjudicating such Rule 3018 Motion entered by the
4 Court prior to the Voting Deadline.

5 37. ~~38.~~ Upon the expiration of the Voting Deadline, the Debtor shall file a certification
6 provided by Verita in writing (the "Tabulation Certification") of the amount and number (as applicable)
7 of Allowed Claims in the Voting Classes that voted to accept or reject the Plan. The Debtor shall file the
8 Tabulation Certification and copies of all voting ballots not later than three (3) days prior to the
9 Confirmation Hearing pursuant to Local Bankruptcy Rule 3020-1(a).

10 ##

11 Third-Party Release Procedures

12 38. ~~39.~~ The following procedures regarding the Third-Party Releases (as defined in the Plan)
13 are hereby approved:

14 ~~a) the Solicitation Package provided to each Holder of a Class 4 Claim and to the Unknown~~
15 ~~Claims Representative on behalf of all Holders of Class 5 Claims will include the Opt-~~
16 ~~Out Release Form;~~

17 a) ~~b)~~ any Holder of a Class 4 Claim or the Unknown Claims Representative on behalf of
18 Class 5 Claims may indicate that they do not consent to, and opt out of, the Third-Party
19 Releases by returning ~~a completed and signed Opt Out Release Form,~~ the appropriate
20 Class 4 or Class 5 Ballot with the box checked in Item 4 of each such Ballot to indicated
21 their opt out (such Ballot, an "Opt-Out Ballot"), (a) by first-class mail (whether in the
22 return envelope provided with each Ballot or otherwise); (b) by overnight courier; (c) by
23 hand delivery; or (d) via Verita's E-Balloting Portal (~~described below~~) so it is actually
24 received by Verita no later than the ~~date that is fourteen (14) days prior to the initial date~~
25 ~~set for the Confirmation Hearing (the "Release Opt-Out Voting Deadline")~~;

26 b) ~~e)~~ in order to be effective to opt out of the Third-Party Releases, an Opt-Out ~~Release~~
27 ~~Form~~ Ballot must be actually received no later than the ~~Release Opt-Out Voting~~ Deadline,
28 and ~~any Opt Out Release Form~~ the opt out election on any Ballot received after the
~~Release Opt-Out Voting~~ Deadline shall be disregarded, and shall have no effect; and,

29 c) ~~d)~~ any Holder of a Class 4 Claim, or the Unknown Claims Representative on behalf of
30 all Holders of Class 5 Claims, who ~~is provided an Opt Out Release Form~~ returns a Ballot
31 and does not affirmatively opt out of the Third Party Releases as provided in paragraph
32 ~~ba)~~ above or by filing a timely objection to the Plan indicating that they are withholding
33 their consent to the releases and injunctions provided for in the Plan, will be deemed to
34 have consented to the Third-Party Releases.

[PROPOSED] ORDER APPROVING DISCLOSURE STATEMENT

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1 **Other Matters**

2 39. ~~40.~~ The Debtor and Verita are authorized and empowered to take such steps, expend such
3 monies, and perform such acts as may be necessary to implement and effectuate the terms of this Order.

4 40. ~~41.~~ The terms and conditions of this Order shall be immediately effective and enforceable
5 upon its entry.

6 41. ~~42.~~ This Court retains jurisdiction over any and all matters arising out of or related to the
7 interpretation or implementation of this Order.

8 *** END OF ORDER ***

COURT SERVICE LIST

All ECF Recipients

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2
3
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[PROPOSED] ORDER APPROVING DISCLOSURE STATEMENT

-2-

Summary report:	
Litera Compare for Word 11.7.0.54 Document comparison done on 3/18/2025 10:01:57 AM	
Style name: Color	
Intelligent Table Comparison: Active	
Original DMS: nd://4870-1448-1142/1/RCBO - Ex 1 Proposed Order on Motion to Approve Disclosure Statement.docx	
Modified DMS: nd://4925-6945-3867/1/RCBO - Revised Proposed Order on Motion to Approve Disclosure Statement_3-18-2025.docx	
Changes:	
Add	93
Delete	98
Move From	3
Move To	3
Table Insert	0
Table Delete	0
Table moves to	0
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Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	197

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EXHIBIT B

Revised Form of Ballot for Class 4 (Abuse Claims)

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4 In re:

5 THE ROMAN CATHOLIC BISHOP OF
6 OAKLAND, a California corporation sole,

7 Debtor.

Case No. 23-40523 WJL

Chapter 11

8 **BALLOT FOR ACCEPTING OR REJECTING THE DEBTOR'S PLAN OF**
9 **REORGANIZATION**

10 *CLASS 4- Abuse Claims*

11 **THE VOTING DEADLINE TO ACCEPT OR REJECT**
12 **THE PLAN IS 5:00 P.M., PREVAILING PACIFIC TIME,**
13 **ON [•] [•], 2025 (the "Voting Deadline")**

14 This ballot (the "Ballot") is provided to you to solicit your vote to accept or reject the *Debtor's*
15 *Third Amended Plan of Reorganization for The Roman Catholic Bishop of Oakland* dated and filed on
16 *November 8 March 17, 2024 2025* (as may be amended from time to time, the "Plan"), for the Roman
17 Catholic Bishop of Oakland (the "Debtor"), in the above-captioned Chapter 11 Case.¹

18 Please use this Ballot to cast your vote to accept or reject the Plan if you are, as of [•]
19 [•], *2024 2025* (the "Voting Record Date"), a holder of a Claim against the Debtor based on sexual
20 abuse that arose before the May 8, 2023, filing of the Debtor's Bankruptcy Case.

21 In addition, the Plan provides that if the Plan is confirmed, certain release, injunction,
22 exculpation and discharge provisions set forth in Article XIII of the Plan will become effective as of the
23 Effective Date of the Plan. These include the "Releases by Holders of Abuse Claims" set forth in
24 Section 13.9 of the Plan, and in Schedule 1 attached hereto (the "Third-Party Release"). The
25 Third-Party Release provides for release by consenting claimants of claims against certain non-
26 debtor affiliates of the Debtor, including the Roman Catholic Welfare Corporation.

27 In accordance with the terms of the Plan, by casting this Ballot to vote either to accept or
28 reject the Plan you will be deemed to grant the Third-Party Release unless you "opt out" of the
Third-Party Release by checking the box in Item 4 below.

The Bankruptcy Court has approved a *Third Amended Disclosure Statement for Debtor's Third*
Amended Plan of Reorganization dated and filed on *November 8 March 17, 2024 2025* (the "Disclosure
Statement") with respect to the Plan. A copy of the Disclosure Statement, along with the Plan, was
included in the package of materials you received with this Ballot (the "Solicitation Package"). The
Disclosure Statement provides information to assist you in deciding how to vote on the Plan. If you do
not have the Solicitation Package, you may obtain a copy free of charge from the website for the Chapter
11 Case at <https://veritaglobal.net/rcbo>. Copies of the Disclosure Statement and Plan will also be on

¹ Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Plan.
Case: 23-40523 Doc# 1835-2 Filed: 03/18/25 Entered: 03/18/25 10:28:08 Page 2
of 10

1 file with the Office of the Clerk of the Court for review during normal business hours (a fee may be
2 charged).

3 **You should review the Disclosure Statement and the Plan in their entirety before you vote.**
4 **You may wish to seek independent legal advice concerning the Plan and the classification and**
5 **treatment of your Claim under the Plan. Your claim has been placed in Class 4 (Abuse Claims)**
6 **under the Plan. If you hold claims in more than one class under the Plan, you will receive a Ballot**
7 **for each class in which you are entitled to vote.**

8 The Bankruptcy Court's approval of the Disclosure Statement does not indicate its approval of
9 the Plan. The Plan will be confirmed by the Bankruptcy Court and thereby made binding on you only if
10 the Plan (i) is accepted by the holders of at least two-thirds in amount and more than one-half in number
11 of the Claims in each impaired Class of Claims that vote on the Plan, and (ii) otherwise satisfies the
12 applicable requirements of section 1129(a) of the Bankruptcy Code. If the requisite acceptances are not
13 obtained, the Bankruptcy Court nonetheless may confirm the Plan if it finds the Plan (i) provides fair and
14 equitable treatment to, and does not unfairly discriminate against, the Class or Classes rejecting the Plan
15 and (ii) otherwise satisfies the requirements of section 1129(b) of the Bankruptcy Code.

16 **If your Ballot is not received on or before [•] [•], 2025 at 5:00 P.M. (PT) and such**
17 **deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**
18 **To have your vote counted, please complete, sign, and date this ballot and return it so that it is**
19 **received no later than the Voting Deadline, as follows:**

20 **SUBMISSION BY MAIL, OVERNIGHT, OR PERSONAL DELIVERY**

21 **YOUR BALLOT MUST BE SENT VIA FIRST CLASS MAIL (IN THE ENCLOSED**
22 **ENVELOPE)**
23 **OR VIA OVERNIGHT COURIER OR PERSONAL DELIVERY TO:**

24 **The Roman Catholic Bishop of Oakland**
25 **Ballot Processing c/o Verita**
26 **222 N. Pacific Coast Highway, 3rd Floor**
27 **El Segundo, CA 90245**

28 **OR**

ELECTRONIC ONLINE SUBMISSION

Alternatively, parties may submit a Ballot via electronic online transmission solely through the
customized online balloting portal (the “E-Balloting Portal”) on the Debtors’ case website,
<https://veritaglobal.net/rcbo> clicking on the “E-Ballot” link on or before the Voting
Deadline. Parties submitting a Ballot via the E-Balloting Portal must not submit a paper
ballot.

IMPORTANT NOTE: You will need the following information to retrieve and submit your
customized E-Ballot:

Unique E-Ballot ID#: _____

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PLEASE READ THE ATTACHED VOTING INFORMATION AND INSTRUCTIONS BEFORE COMPLETING THIS BALLOT.

PLEASE COMPLETE ALL APPLICABLE ITEMS BELOW. PLEASE REVIEW THE ACKNOWLEDGEMENT CONTAINED IN ITEM 3 AND FILL IN ALL OF THE INFORMATION REQUESTED. IF THIS BALLOT IS NOT SIGNED ON THE APPROPRIATE LINES BELOW, THIS BALLOT WILL NOT BE VALID OR COUNTED AS HAVING BEEN CAST.

[Continued on the Next Page]

PLEASE COMPLETE THE FOLLOWING:

Item 1. Certification of Claim. For purposes of voting to accept or reject the Joint Plan, the undersigned certifies that as of the Voting Record Date, the undersigned holds a Claim in Class 4 (Abuse Claims) against the Debtor.

Item 2. Vote to Accept or Reject the Plan. Please vote below either to accept or to reject the Plan with respect to your Claim in Class 4. Any Ballot not marked either to accept or reject the Plan, or marked both to accept and to reject the Plan, shall not be counted in determining acceptance or rejection of the Plan. The undersigned, the holder of Claim in Class 4 (Abuse Claims) set forth in Item 1, votes as follows (check *only* one box below):

<input type="checkbox"/> ACCEPTS THE PLAN	<input type="checkbox"/> REJECTS THE PLAN
---	---

Item 3. Election Regarding Immediate Distribution Payment. Under section 9.7 of the Plan, Holders of Class 4 Claims (also called Abuse Claims) have the option of electing to receive an Immediate Distribution Payment (as defined in section 1.1.65 of the Plan) within 30 days of the Effective Date in the amount of \$50,000. If you elect to receive an Immediate Distribution Payment, all recovery on your Abuse Claim is limited to the Immediate Distribution Payment, and you will not be able to seek any additional recovery on account of the Abuse Claim from any other party, including Non-Settling Insurers. Correspondingly, if you elect the Immediate Distribution Payment, your Abuse Claim will not be scored or subject to Claim objections.

If you wish to elect to receive the Immediate Distribution Payment, you may do so by checking the box below. Alternatively, you may elect to receive the Immediate Distribution Payment at any time prior to the Effective Date of the Plan. **Before making the election below, you should carefully read Sections I.C. and VII.F of the Disclosure Statement.** If you do not make an election prior to the Effective Date of the Plan, you will be considered to have not elected the Immediate Distribution Payment, and will be paid as a Trust Claimant.

The undersigned, the holder of the Claim in Class 4 (Abuse Claims) set forth in Item 1, elects as follows (check *only* one box below):

<input type="checkbox"/> I elect to receive an Immediate <u>Distribution Payment</u> as the sole distribution I will receive under the Plan.
<input type="checkbox"/> I DO NOT elect to receive an Immediate <u>Distribution Payment</u> .

Item 4. Opt-Out of Third-Party Release Form for Third Party Releases. ~~Accompanying this Ballot is an Opt-Out Release Form. The checkbox below is~~ for purposes of indicating whether you decline to grant ~~releases of certain third parties~~ the Third-Party Release as provided in Section 13.9 of the Plan, and described in Article II and Article III.F., III.G., and III.I. of the Disclosure Statement. **If you do not wish to grant the releases in Section 13.9 of the Plan, then you need to check the box in Item 2 of the accompanying Opt-Out Release Form and return that completed form with your Ballot. You will be deemed to have consented to grant the releases ~~in Section 13.9 of the Plan~~ and be subject to the injunctions in Section 13.10 of the Plan if: (i) you return this Ballot and do not return the Opt-Out Release Form regardless of whether you vote to accept or reject the Plan; (ii) you return this Ballot and return this Opt-Out Release Form, but do not affirmatively elect not to grant the release found in section 13.9 of the**

1 ~~Plan; or (iii) you do not return the Ballot or the Opt-Out Release Form~~ below.

2 By checking this box, the undersigned Holder of a Claim in Class 4 (Abuse Claims):

3 Elects **not** to grant the Third-Party Release contained in Section 13.9 of the Plan.

4
5 **YOU MUST AFFIRMATIVELY CHECK THE BOX ABOVE IN ORDER TO OPT-OUT OF THE**
6 **THIRD-PARTY RELEASE. If you return this Ballot without checking the box to opt-out, you will**
7 **be deemed to consent to the Third-Party Release.**

8 As set forth in the Plan and Disclosure Statement, the contribution of up to \$28.50 million by The Roman
9 Catholic Welfare Corporation (“RCWC”) to the Survivors’ Trust will be reduced depending on the
10 number of Abuse Claimants that opt out of releasing claims against RCWC through the Third-Party
11 Release. **Opting out of the Third-Party Release may therefore reduce the amount available for**
12 **distribution to Abuse Claimants.** More information on RCWC’s contribution is provided in the
13 Disclosure Statement.

14 Please also be advised that the debtor release contained in section 13.8 of the plan is separate from and
15 independent of the Third-Party Release. If you object to the debtor release, you must file a separate
16 objection with the bankruptcy court in accordance with the procedures described in the disclosure
17 statement order.

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Item 5. Acknowledgments. By signing this Ballot, the undersigned acknowledges receipt of a copy of the Disclosure Statement, the Plan, and the other applicable solicitation materials, and acknowledges that the solicitation is being made pursuant to the terms and conditions set forth ~~herein~~therein. The undersigned ~~claimant~~further certifies that: 1) as of the Voting Record Date he or she is the holder of the Claim identified in Item 1 above (or is the authorized signatory of such holder), and 2) if the undersigned is not the claimant, that he or she has consulted the claimant on whose behalf this Ballot is being completed, executed, and returned regarding the decisions reflected herein. The undersigned understands that an otherwise properly completed, executed, and ~~timely~~ returned Ballot failing to indicate either acceptance or rejection of the Plan, or indicating both acceptance and rejection of the Plan, will not be counted.

Print Name of Creditor

Signature

Name and Title of Signatory (if different ~~than~~than creditor)

Relationship to Creditor (if not the creditor)

Street Address

E-mail Address

Telephone Number

Date Completed

1 **VOTING INFORMATION AND INSTRUCTIONS FOR COMPLETING THE BALLOT**

- 2 1. The Debtor mailed this Ballot to you for the purpose of soliciting your vote to accept or reject the Plan.
3 The terms of the Plan are described in the Disclosure Statement, including all exhibits thereto.
4 **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE**
5 **COMPLETING THE BALLOT.**
- 6 2. Item 1. Confirm that Item 1 is correct.
- 7 3. Item 2. In one of the boxes provided in Item 2 of the Ballot, please indicate acceptance or rejection of
8 the Plan (not both). If you hold multiple claims in Class 4, the Debtor will aggregate those claims for
9 voting purposes as one (1) claim. You must vote your entire Class 4 Claim to accept or reject the Plan.
10 You may not split your vote.
- 11 4. Item 3. Indicate whether you wish to elect the Immediate ~~Distribution~~Payment by checking the
12 appropriate box.
- 13 5. Item 4. Review the information provided and indicate whether you opt out of providing the releases
14 in Section 13.9 of the Plan ~~by returning the accompanying Opt-Out Release Form~~. If you wish to opt
15 out, check the box in Item 4 on the Ballot. If you wish to not opt out, leave the box unchecked.
- 16 6. Item 5. Review the certifications and acknowledgements in Item 5. Complete the Ballot by providing
17 all the information requested in Item 5.
- 18 7. **SIGN THE BALLOT.**
- 19 8. The Debtor will not count any executed ballot received that either (a) does not indicate either an
20 acceptance or rejection of the plan, or (b) that indicates both an acceptance and rejection of the Plan.
- 21 9. **BALLOTS RECEIVED AFTER THE VOTING DEADLINE WILL NOT BE COUNTED.**
- 22 10. If you are completing this Ballot on behalf of another person or entity, indicate your relationship with
23 such person or entity and the capacity in which you are signing, confirm that you have consulted the
24 claimant regarding the decisions reflected in the Ballot, and, if requested, submit satisfactory evidence
25 of your authority to do so (*e.g.*, a power of attorney).
- 26 11. The Ballot does not constitute and shall not be deemed a Proof of Claim or an assertion of a Claim.
- 27 12. In the event that (i) the Debtor revokes or withdraws the Plan, or (ii) the Confirmation Order is not
28 entered or the Effective Date of the Plan does not occur, this Ballot shall automatically be null and
void and deemed withdrawn without any requirement of affirmative action by or notice to you.

22 **IF YOU (1) HAVE ANY QUESTIONS REGARDING THIS BALLOT, (2) DID NOT RECEIVE A**
23 **RETURN ENVELOPE, (3) DID NOT RECEIVE A COPY OF THE DISCLOSURE STATEMENT**
24 **OR PLAN, OR (4) NEED ADDITIONAL COPIES OF THE BALLOT OR OTHER ENCLOSED**
25 **MATERIAL, PLEASE CONTACT VERITA, THE DEBTORS CLAIMS AND VOTING AGENT**
26 **AT (888)-733-1425 (U.S./CANADA) OR (310)-751-2631 (INTERNATIONAL), OR EMAIL**
27 **RCBOINFO@VERITAGLOBAL.COM. VERITA IS NOT AUTHORIZED TO, AND WILL NOT,**
28 **PROVIDE LEGAL ADVICE.**

PLEASE DO NOT DIRECT ANY INQUIRIES TO THE BANKRUPTCY COURT.

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Schedule 1 to Class 4 Ballot: Third-Party Release From Plan

Releases by Holders of Abuse Claims. As of the Effective Date, except for the rights that remain in effect from and after the Effective Date to enforce the Plan and the Confirmation Order, pursuant to Section 1123(b) of the Bankruptcy Code, for good and valuable consideration, the adequacy of which is hereby confirmed, including the service of the Released Parties to facilitate and implement the reorganization of the Debtor, as an integral component of the Plan, and except as otherwise expressly provided in the Plan or the Confirmation Order, to the maximum extent permitted under applicable law, as such law may be extended subsequent to the Effective Date, all Abuse Claimants (including without limitation Unknown Abuse Claims and any Abuse Claims that are Disputed Claims) that timely return a Ballot but do not affirmatively opt out of the Releases pursuant to Section 6.2 of the Plan, shall, and shall be deemed to, expressly, conclusively, absolutely, unconditionally, irrevocably, and forever discharge and release each and all of the Released Parties and their respective property and successors and assigns of and from all Abuse Claims and any and all Claims and Causes of Action whatsoever, whether known or unknown, asserted or unasserted, derivative or direct, foreseen or unforeseen, existing or hereinafter arising, in law, equity, or otherwise, whether for tort, fraud, contract, veil piercing or alter-ego theories of liability, successor liability, contribution, indemnification, joint liability, or otherwise, arising from or related in any way to such Abuse Claims.

Injunction Related to Releases. As of the Effective Date, and except as set forth in Articles VIII and IX hereof for Abuse Claimants who elect the Litigation Option to sue the Debtor (as a nominal party only), all Abuse Claimants that are the subject of Section 13.9 hereof are, and shall be, expressly, conclusively, absolutely, unconditionally, irrevocably, and forever stayed, restrained, prohibited, barred and enjoined from taking any of the following actions against any Released Party or its property or successors or assigns on account of or based on the subject matter of such Claims, whether directly or indirectly, derivatively or otherwise: (a) commencing, conducting or continuing in any manner, directly or indirectly, any suit, action or other proceeding (including any judicial,

1 arbitral, administrative or other proceeding) in any forum; (b) enforcing, attaching (including,
2 without limitation, any prejudgment attachment), collecting, or in any way seeking to recover any
3 judgment, award, decree, or other order; (c) creating, perfecting or in any way enforcing in any
4 matter, directly or indirectly, any lien or encumbrance; and/or (d) setting off, seeking
5 reimbursement or contributions from, or subrogation against, or otherwise recouping in any
6 manner, directly or indirectly, any amount against any liability or obligation that is discharged
7 under Section 13.3 of the Plan or released under Section 13.9 of the Plan.

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EXHIBIT C

Revised Form of Ballot for Class 5 (Unknown Abuse Claims)

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1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4 In re:

5 THE ROMAN CATHOLIC BISHOP OF
6 OAKLAND, a California corporation sole,

7 Debtor.

Case No. 23-40523 WJL

Chapter 11

8 **BALLOT FOR ACCEPTING OR REJECTING THE DEBTOR'S PLAN OF**
9 **REORGANIZATION**

10 *CLASS 5 – Unknown Abuse Claims*

11 **THE VOTING DEADLINE TO ACCEPT OR REJECT**
12 **THE PLAN IS 5:00 P.M., PREVAILING PACIFIC TIME,**
13 **ON [•] [•], 2025 (the “Voting Deadline”)**

14 This ballot (the “Ballot”) is provided to you to solicit your vote to accept or reject the *Chapter*
15 *11 Debtor’s Third Amended Plan of Reorganization for The Roman Catholic Bishop of Oakland dated*
16 *November 8, 2024* dated and filed on *March 17, 2025* (as may be amended from time to time, the “Plan”),
17 for the Roman Catholic Bishop of Oakland (the “Debtor”), in the above-captioned Bankruptcy Case.¹

18 **Please use this Ballot to cast your vote to accept or reject the Plan on behalf of Holders of**
19 **Unknown Abuse Claims (as defined in the Plan) against the Debtor based on sexual abuse that**
20 **arose before the May 8, 2023, filing of the Debtor’s Bankruptcy Case.**

21 In addition, the Plan provides that if the Plan is confirmed, certain release, injunction,
22 exculpation and discharge provisions set forth in Article XIII of the Plan will become effective as of the
23 Effective Date of the Plan. These include the “Releases by Holders of Abuse Claims” set forth in
24 Section 13.9 of the Plan, and in Schedule 1 attached hereto (the “Third-Party Release”). The
25 Third-Party Release provides for release by consenting claimants of claims against certain non-
26 debtor affiliates of the Debtor, including the Roman Catholic Welfare Corporation.

27 In accordance with the terms of the Plan, by casting this Ballot to vote either to accept or
28 reject the Plan you will be deemed to grant the Third-Party Release unless you “opt out” of the
Third-Party Release by checking the box in Item 3 below.

The Bankruptcy Court has approved a *Third Amended Disclosure Statement for Debtor’s Third*
Amended Plan of Reorganization dated and filed on *November 8 March 17, 2024 2025* (the “Disclosure
Statement”) with respect to the Plan. A copy of the Disclosure Statement, along with the Plan, was
included in the package of materials you received with this Ballot (the “Solicitation Package”). The
Disclosure Statement provides information to assist you in deciding how to vote on the Plan. If you do
not have the Solicitation Package, you may obtain a copy free of charge from the website for the Chapter
11 Case at <https://veritaglobal.net/rcbo>. Copies of the Disclosure Statement and Plan will also be on

¹ Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Plan.
Case: 23-40523 Doc# 1835-3 Filed: 03/18/25 Entered: 03/18/25 10:28:08 Page 2
of 9

1 file with the Office of the Clerk of the Court for review during normal business hours (a fee may be
2 charged).

3 **You should review the Disclosure Statement and the Plan in their entirety before you vote.**
4 **You may wish to seek independent legal advice concerning the Plan and the classification and**
5 **treatment of the Unknown Abuse Claims under the Plan.**

6 The Bankruptcy Court's approval of the Disclosure Statement does not indicate its approval of
7 the Plan. The Plan will be confirmed by the Bankruptcy Court and thereby made binding on you only if
8 the Plan (i) is accepted by the holders of at least two-thirds in amount and more than one-half in number
9 of the Claims in each impaired Class of Claims that vote on the Plan, and (ii) otherwise satisfies the
10 applicable requirements of section 1129(a) of the Bankruptcy Code. If the requisite acceptances are not
11 obtained, the Bankruptcy Court nonetheless may confirm the Plan if it finds the Plan (i) provides fair and
12 equitable treatment to, and does not unfairly discriminate against, the Class or Classes rejecting the Plan
13 and (ii) otherwise satisfies the requirements of section 1129(b) of the Bankruptcy Code.

14 **If your Ballot is not received on or before [•] [•], 2025 at 5:00 P.M. (PT) and such**
15 **deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.**
16 **To have your vote counted, please complete, sign, and date this ballot and return it so that it is**
17 **received no later than the Voting Deadline, as follows:**

18 **SUBMISSION BY MAIL, OVERNIGHT, OR PERSONAL DELIVERY**

19 **YOUR BALLOT MUST BE SENT VIA FIRST CLASS MAIL (IN THE ENCLOSED**
20 **ENVELOPE)**
21 **OR VIA OVERNIGHT COURIER OR PERSONAL DELIVERY TO:**

22 **The Roman Catholic Bishop of Oakland**
23 **Ballot Processing c/o Verita**
24 **222 N. Pacific Coast Highway, 3rd Floor**
25 **El Segundo, CA 90245**

26 **OR**

27 **ELECTRONIC ONLINE SUBMISSION**

28 **Alternatively, parties may submit a Ballot via electronic online transmission solely through the**
29 **customized online balloting portal (the "E-Balloting Portal") on the Debtors' case website,**
30 **<https://veritaglobal.net/rcbo> clicking on the "E-Ballot" link on or before the Voting**
31 **Deadline. Parties submitting a Ballot via the E-Balloting Portal must not submit a paper**
32 **ballot.**

33 **IMPORTANT NOTE: You will need the following information to retrieve and submit your**
34 **customized E-Ballot:**

35 **Unique E-Ballot ID#:**

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2 PLEASE READ THE ATTACHED VOTING INFORMATION AND INSTRUCTIONS BEFORE
3 COMPLETING THIS BALLOT.

4 PLEASE COMPLETE ALL APPLICABLE ITEMS BELOW. PLEASE REVIEW THE
5 ACKNOWLEDGEMENT CONTAINED IN ITEM 3 AND FILL IN ALL OF THE
6 INFORMATION REQUESTED. IF THIS BALLOT IS NOT SIGNED ON THE APPROPRIATE
7 LINES BELOW, THIS BALLOT WILL NOT BE VALID OR COUNTED AS HAVING BEEN
8 CAST.

9 **PLEASE COMPLETE THE FOLLOWING:**

10 **Item 1. Certification of Claim.** For purposes of voting to accept or reject the Joint Plan, the undersigned
11 certifies that as of the Voting Record Date, the undersigned is the duly appointed Unknown Abuse Claims
12 Representative in this Bankruptcy Case for holders Claim in Class 5 (Unknown Abuse Claims) against
13 the Debtor. For voting purposes only, you will vote a single Class 5 Claim valued at \$1.00. This amount
14 shall have no effect on the amount of any distribution a Class 5 Claim may receive and is solely for
15 purposes of tabulating votes.

16 **Item 2. Vote to Accept or Reject the Plan.** Please vote below either to accept or to reject the Plan with
17 respect to the Class 5 Claims. Any Ballot not marked either to accept or reject the Plan, or marked both to
18 accept and to reject the Plan, shall not be counted in determining acceptance or rejection of the Plan. The
19 undersigned, the Unknown Abuse Claims Representative on behalf of Class 5 Unknown Abuse Claims
20 votes as follows (check *only* one box below):

21 ACCEPTS THE PLAN

22 REJECTS THE PLAN

23 ~~**Item 3. Election Regarding Immediate Distribution.** Under section 9.7 of the Plan, Holders of Class 5
24 Abuse Claims have the option of electing to receive an Immediate Distribution (as defined in section
25 1.1.65 of the Plan) within 30 days of the Effective Date in the amount of \$50,000. If you elect to receive
26 an Immediate Distribution, all recovery on your Abuse Claim is limited to the Immediate Distribution,
27 and you will not be able to seek any additional recovery on account of the Abuse Claim from any other
28 party, including Non-Settling Insurers. Correspondingly, if you elect the Immediate Distribution, your
Abuse Claim will not be scored or subject to Claim objections.~~

~~If you wish to elect to receive the Immediate Distribution, you may do so by checking the box below.
Alternatively, you may elect to receive the Immediate Distribution at any time prior to *the Effective Date
of the Plan.* **Before making the election below, you should carefully read Sections I.C. and VII.F of
the Disclosure Statement.** If you do not make an election prior to *the Effective Date of the Plan*, you will
be considered to have not elected the Immediate Distribution, and will be paid as a Trust Claimant.~~

~~The undersigned, the duly appointed Unknown Abuse Claims Representative set forth in Item 1, elects as
follows (check *only* one box below) on behalf of *Holders of Unknown Abuse Claims*:~~

25 ~~**I elect to receive an Immediate Distribution as the sole distribution I will receive
26 under the Plan.**~~

27 ~~**I DO NOT elect to receive an Immediate Distribution.**~~
28

1 **Item 43. Opt-Out of Third-Party Release Form for Third Party Releases.** ~~Accompanying this~~
2 ~~Ballot is an Opt-Out Release Form. The checkbox below is~~ for purposes of indicating whether you decline
3 ~~on behalf of the Holders of Unknown Abuse Claims to grant releases of certain third parties~~ the Third-
4 Party Release as provided in Section 13.9 of the Plan, and described in Article II and Article III.F., III.G.,
5 and III.I. of the Disclosure Statement. **If you do not wish to grant the releases in Section 13.9 of the**
6 **Plan, then you need to check the box in Item 2 of the accompanying Opt-Out Release Form and**
7 **return that completed form with your Ballot.** You will be deemed to have consented to grant the
8 releases in Section 13.9 of the Plan if: (i) you return this Ballot and do not return the Opt Out Release
9 Form regardless of whether you vote to accept or reject the Plan; (ii) you return this Ballot and return this
10 Opt-Out Release Form, but do not affirmatively elect not to grant the release found in section 13.9 of the
11 Plan; or (iii) you do not return the Ballot or the Opt-Out Release Form. below.

By checking this box, the undersigned Unknown Abuse Claims Representative:

Elects **not** to grant the Third-Party Release contained in Section 13.9 of the Plan.

12 **YOU MUST AFFIRMATIVELY CHECK THE BOX ABOVE IN ORDER TO OPT-OUT OF THE**
13 **THIRD-PARTY RELEASE. If you return this Ballot without checking the box to opt-out, *Holders***
14 **of Unknown Abuse Claims will be deemed to consent to the Third-Party Release.**

15 As set forth in the Plan and Disclosure Statement, the contribution of up to \$14.25 million by The
16 Roman Catholic Welfare Corporation (“RCWC”) to the Survivors’ Trust will be reduced depending on
17 the number of Abuse Claimants that opt out of releasing claims against RCWC through the Third-Party
18 Release. **Opting out of the Third-Party Release may therefore reduce the amount available for**
19 **distribution to Abuse Claimants.** More information on RCWC’s contribution is provided in the
20 Disclosure Statement.

21 **Item 54. Acknowledgments.** By signing this Ballot, the undersigned acknowledges receipt of a
22 copy of the Disclosure Statement, the Plan, and the other applicable solicitation materials, and
23 acknowledges that the solicitation is being made pursuant to the terms and conditions set forth herein. The
24 undersigned claimant certifies that as of the Voting Record Date he or she is the duly appointed Unknown
25 Abuse Claims Representative. The undersigned understands that an otherwise properly completed,
26 executed, and timely returned Ballot failing to indicate either acceptance or rejection of the Plan, or
27 indicating both acceptance and rejection of the Plan, will not be counted.

28 _____
Print Name of Creditor

Signature

Name and Title of Signatory (if different ~~that~~than creditor)

Street Address

E-mail Address

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Telephone Number

Date Completed

1 **VOTING INFORMATION AND INSTRUCTIONS FOR COMPLETING THE BALLOT**

2 1. The Debtor mailed this Ballot to you for the purpose of soliciting your vote to accept or reject the Plan.
3 The terms of the Plan are described in the Disclosure Statement, including all exhibits thereto.
4 **PLEASE READ THE PLAN AND DISCLOSURE STATEMENT CAREFULLY BEFORE COMPLETING THE BALLOT.**

5 2. Item 1. Confirm that the information in Item 1 of the Ballot is correct.

6 3. Item 2. In one of the boxes provided in Item 2 of the Ballot, please indicate acceptance or rejection of
7 the Plan (not both).

8 ~~4. Item 3. Indicate whether you wish to elect the Immediate Distribution by checking the appropriate box.~~

9 ~~4. 5-Item 43. Review the information provided and indicate whether you opt out of providing the releases~~
10 ~~in Section 13.9 of the Plan by returning the accompanying Opt-Out Release Form. If you wish to opt~~
11 ~~out, check the box in Item 4 on the Ballot. If you wish to not opt out, leave the box unchecked.~~

12 ~~5. 6-Item 54. Review the certifications and acknowledgements in Item 5. Complete the Ballot by~~
13 ~~providing all the information requested in Item 5.~~

14 ~~6. 7-SIGN THE BALLOT.~~

15 ~~7. 8-The Debtor will not count any executed ballot received that either (a) does not indicate either an~~
16 ~~acceptance or rejection of the plan, or (b) that indicates both an acceptance and rejection of the Plan.~~

17 ~~8. 9-BALLOTS RECEIVED AFTER THE VOTING DEADLINE WILL NOT BE COUNTED.~~

18 ~~9. 10-If you are completing this Ballot on behalf of another person or entity, indicate your relationship~~
19 ~~with such person or entity and the capacity in which you are signing.~~

20 ~~10. 11-The Ballot does not constitute and shall not be deemed a Proof of Claim or an assertion of a Claim.~~

21 ~~11. 12-In the event that (i) the Debtor revokes or withdraws the Plan, or (ii) the Confirmation Order is not~~
22 ~~entered or the Effective Date of the Plan does not occur, this Ballot shall automatically be null and~~
23 ~~void and deemed withdrawn without any requirement of affirmative action by or notice to you.~~

24 **IF YOU (1) HAVE ANY QUESTIONS REGARDING THIS BALLOT, (2) DID NOT RECEIVE A**
25 **RETURN ENVELOPE, (3) DID NOT RECEIVE A COPY OF THE DISCLOSURE STATEMENT**
26 **OR PLAN, OR (4) NEED ADDITIONAL COPIES OF THE BALLOT OR OTHER ENCLOSED**
27 **MATERIAL, PLEASE CONTACT VERITA, THE DEBTORS CLAIMS AND VOTING AGENT**
28 **AT (888)-733-1425 (U.S./CANADA) OR (310)-751-2631 (INTERNATIONAL), OR EMAIL**
RCBOINFO@VERITAGLOBAL.COM. VERITA IS NOT AUTHORIZED TO, AND WILL NOT,
PROVIDE LEGAL ADVICE.

PLEASE DO NOT DIRECT ANY INQUIRIES TO THE BANKRUPTCY COURT.

1 Schedule 1 to Class 5 Ballot: Third-Party Release From Plan

2
3 *Releases by Holders of Abuse Claims.* As of the Effective Date, except for the rights that
4 remain in effect from and after the Effective Date to enforce the Plan and the Confirmation Order,
5 pursuant to Section 1123(b) of the Bankruptcy Code, for good and valuable consideration, the
6 adequacy of which is hereby confirmed, including the service of the Released Parties to facilitate
7 and implement the reorganization of the Debtor, as an integral component of the Plan, and except
8 as otherwise expressly provided in the Plan or the Confirmation Order, to the maximum extent
9 permitted under applicable law, as such law may be extended subsequent to the Effective Date, all
10 Abuse Claimants (including without limitation Unknown Abuse Claims and any Abuse Claims that
11 are Disputed Claims) that timely return a Ballot but do not affirmatively opt out of the Releases
12 pursuant to Section 6.2 of the Plan, shall, and shall be deemed to, expressly, conclusively, absolutely,
13 unconditionally, irrevocably, and forever discharge and release each and all of the Released Parties
14 and their respective property and successors and assigns of and from all Abuse Claims and any and
15 all Claims and Causes of Action whatsoever, whether known or unknown, asserted or unasserted,
16 derivative or direct, foreseen or unforeseen, existing or hereinafter arising, in law, equity, or
17 otherwise, whether for tort, fraud, contract, veil piercing or alter-ego theories of liability, successor
18 liability, contribution, indemnification, joint liability, or otherwise, arising from or related in any
19 way to such Abuse Claims.

20
21 *Injunction Related to Releases.* As of the Effective Date, and except as set forth in Articles
22 VIII and IX hereof for Abuse Claimants who elect the Litigation Option to sue the Debtor (as a
23 nominal party only), all Abuse Claimants that are the subject of Section 13.9 hereof are, and shall
24 be, expressly, conclusively, absolutely, unconditionally, irrevocably, and forever stayed, restrained,
25 prohibited, barred and enjoined from taking any of the following actions against any Released Party
26 or its property or successors or assigns on account of or based on the subject matter of such Claims,
27 whether directly or indirectly, derivatively or otherwise: (a) commencing, conducting or continuing
28 in any manner, directly or indirectly, any suit, action or other proceeding (including any judicial,
arbitral, administrative or other proceeding) in any forum; (b) enforcing, attaching (including,

1 without limitation, any prejudgment attachment), collecting, or in any way seeking to recover any
2 judgment, award, decree, or other order; (c) creating, perfecting or in any way enforcing in any
3 matter, directly or indirectly, any lien or encumbrance; and/or (d) setting off, seeking
4 reimbursement or contributions from, or subrogation against, or otherwise recouping in any
5 manner, directly or indirectly, any amount against any liability or obligation that is discharged
6 under Section 13.3 of the Plan or released under Section 13.9 of the Plan.

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EXHIBIT D

Revised Form of Confirmation Hearing Notice

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1 **FOLEY & LARDNER LLP**

2 Thomas F. Carlucci (CA Bar No. 135767)
3 Tel: (415) 984-9824; tcarlucci@foley.com
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9 Tel: (608) 258-4203; mdlee@foley.com
10 [Geoffrey S. Goodman \(pro hac vice requested\)](#)
11 [Tel: \(312\) 832-4515; ggoodman@foley.com](#)
12 Mark C. Moore (admitted *pro hac vice*)
13 [Tel: \(214\) 999-4150; mmoore@foley.com](#)
14 ~~[Tel: \(214\) 999-4150; mmoore@foley.com](#)~~
15 555 California Street, Suite 1700
16 San Francisco, CA 94104-1520

17 *Counsel for the Debtor*
18 *and Debtor in Possession*

19 **UNITED STATES BANKRUPTCY COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **OAKLAND DIVISION**

22 In re:
23 THE ROMAN CATHOLIC BISHOP OF
24 OAKLAND, a California corporation sole,
25 Debtor.

Case No. 23-40523 WJL

Chapter 11

**NOTICE OF (A) HEARING TO CONSIDER
CONFIRMATION OF CHAPTER 11 PLAN
OF REORGANIZATION; (B) DEADLINES
FOR VOTING TO ACCEPT OR REJECT
PLAN AND FILING ANY OBJECTIONS TO
PLAN; AND (C) RELATED MATTERS**

Judge: Hon. William J. Lafferty

Date: [TBD]

Time: [TBD]

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

26 **TO: THE COURT, ALL HOLDERS OF CLAIMS, AND PARTIES-IN-INTEREST**

1 **PLEASE TAKE NOTICE THAT:**

2 **Approval of Disclosure Statement.** On [•] [•], ~~2024~~2025, the United States Bankruptcy
3 Court for the Northern District of California (the “Bankruptcy Court”) entered an order [Docket. No [•
4]] (the “Disclosure Statement Order”) approving the *Third Amended Disclosure Statement for Debtor’s*
5 *Third Amended Plan of Reorganization* dated and filed on ~~November 8~~March 17, ~~2024~~2025 [Docket No.
6 ~~1445~~] (the “Disclosure Statement”) in connection with the Debtor’s *Third Amended Plan of*
7 *Reorganization* dated and filed on ~~November 8~~March 17, ~~2024~~2025 [Docket No. ~~1444~~] (together
8 with the Plan Supplement and Exhibits thereto, as they may be amended, the “Plan).¹ The Disclosure
9 Statement Order authorizes the Debtor to solicit votes to accept or reject the Plan pursuant to chapter 11
10 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”).

11 If you wish to review the Plan, Disclosure Statement, and/or Disclosure Statement Order (the “Plan
12 Documents”), you may receive a copy of the Plan Documents free of charge from Kurtzman Carson
13 Consultants, LLC dba Verita Global, the balloting agent retained by the Debtor in this Chapter 11 Case
14 (“Verita”), by: (a) accessing the Chapter 11 case website at <https://veritaglobal.net/rcbo>; (b) writing to
15 The Roman Catholic Bishop of Oakland Ballot Processing c/o Verita 222 N. Pacific Coast Highway, 3rd
16 Floor El Segundo, CA 90245; (c) emailing at: RCBOInfo@veritaglobal.com; and/or (d) calling the case
17 hotline at (866) 662-2072. Please be advised that Verita is authorized to answer questions and provide
18 additional copies of solicitation materials but may **not** advise you as to whether you should object to the
19 Plan, or provide any other legal advice. You may also obtain copies of any pleadings filed in this Chapter
20 11 Case for a fee via PACER at: <https://ecf.canb.uscourts.gov/bankruptcy>.

21 **INFORMATION REGARDING CONFIRMATION HEARING**

22 **Confirmation Hearing.** A hearing to consider confirmation of the Plan (the “Confirmation
23 Hearing”), shall commence at [•] a.m. (prevailing Pacific time) on [•] [•], 2025 at the United
24 States Bankruptcy Court, 1300 Clay Street, Oakland, California, before the Honorable William J. Lafferty,
25 United States Bankruptcy Judge. The Confirmation Hearing may be adjourned or continued from time to
26 time without further notice except as announced in open court or filed on the Court’s docket. The Debtor
27 may modify the Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing in accordance
28 with the terms of the Plan without further notice.

The Hearing will be held in person in the courtroom, provided that (1) parties in interest may attend by Zoom Webinar/AT&T Teleconference; (2) additional information is available on Judge Lafferty’s Procedures page on the Court’s website, which is <http://www.canb.uscourts.gov>; and (3) information on how to attend the hearing by Zoom Webinar/AT&T Teleconference will be included with each calendar posted under Judge Lafferty’s calendar on the court’s website.

21 **INFORMATION REGARDING VOTING TO CONFIRM OR REJECT PLAN**

22 **Record Date for Voting Purposes.** Only holders of Claims in Class 3 (General Unsecured
23 Claims), Class 4 (Abuse Claims), Class 5 (Unknown Abuse Claims), and Class 6 (Non-Abuse Litigation
24 Claims), ~~and Class 8 (OPF Claim)~~, each as described in the Disclosure Statement and Plan, as of [•]
25 [•], ~~2024~~2025 (the “Voting Record Date”) are entitled to vote on the Plan.

26 **Voting Procedures.** If you are entitled to vote on the Plan, you will receive a Solicitation Package
27 which shall include a copy of (i) the Disclosure Statement Order, (ii) this Notice, (iii) the Disclosure
28 Statement, attached to which is the Plan, and (iv) a ballot (the “Ballot”). If you are a Holder of a Claim in
Class 4 or Class 5, ~~you will also receive an Opt Out Release Form (the “Opt Out Release Form”) for~~

¹ All capitalized terms used but not defined herein have the meanings ascribed to such terms in the Plan and Disclosure Statement, as applicable.

1 ~~purposes of indicating whether~~ your Ballot will also include a section whereby you may elect to opt out of
2 certain releases provided under the Plan. Please review the Ballot for specific instructions as to how to
vote. **Failure to follow the voting instructions may disqualify your vote.**

3 **Voting Deadline.** The deadline to vote on the Plan is [•] [•], 2025 at 5:00 p.m. (prevailing
4 Pacific time) (the “Voting Deadline”). **If you are entitled to vote on the Plan,** your ballot must be sent by
5 first class mail, overnight mail or hand delivery to **The Roman Catholic Bishop of Oakland Ballot
6 Processing c/o Verita 222 N. Pacific Coast Highway, 3rd Floor El Segundo, CA 90245**, or submitted
via electronic online transmission solely through the customized online balloting portal (the “E-Balloting
7 Portal”) on the case website, <https://veritaglobal.net/rcbo> and must be **actually received** by the Voting
Deadline. **Otherwise your vote will not be counted.** **Ballots submitted by facsimile or email will not
8 be counted.**

9 **Creditors and Parties in Interest Not Entitled to Vote.** Only Holders of Claims in Classes 3, 4, 5,
10 and 6, ~~and 8~~ are entitled to vote on the Plan. Holders of Administrative Claims, Priority Tax Claims,
11 Professional Fee Claims, and U.S. Trustee Fee Claims (the “Unclassified Claims”), and Holders of Claims
12 in Class 1 (RCC Secured Claim), Class 2 (Priority Unsecured Claims, other than Unclassified Claims),
13 Class 7A (Contribution Claims Related to Class 4 Claims), and Class 7B (Contribution Claims Related to
14 Class 5 Claims) are not entitled to vote on the Plan. Such holders will receive a Notice of Non-Voting Status
15 instead of a Ballot. If you have timely filed a Proof of Claim and disagree with the Debtor’s classification
16 of, objection to, or request for estimation of your Claim and believe you should be entitled to vote on the
Plan, then you must serve counsel for the Debtor and file with the Court a motion (a “Rule 3018 Motion”)
17 for an order pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
18 Rules”) temporarily allowing your claim in a different amount or in a different class for purposes of voting
19 to accept or reject the Plan. All Rule 3018 Motions must be filed **on or before** [•] [•], 2025. As
20 to any creditor filing a Rule 3018 Motion, such creditor’s Ballot will not be counted unless/until otherwise
21 ordered by the Court. Creditors may contact the Debtor’s counsel at the contact information listed herein
22 to receive an appropriate Ballot for any claim for which a proof of claim has been timely filed and a Rule
23 3018 Motion has been granted. **Rule 3018 Motions that are not timely filed and served in the manner
24 set forth above will not be considered.**

OBJECTIONS TO CONFIRMATION OF THE PLAN

25 Objections to confirmation of the Plan, if any, must (a) be in writing; (b) conform to the Bankruptcy
26 Rules and the Local Rules; (c) state the basis for the objection, and the specific grounds therefor; and (d) be
27 filed with the Court and served so as to be actually received not later than [•] [•], 2025, by (i) counsel
28 to the Debtor, Foley & Lardner, LLC, 555 California Street, Ste. 1700, San Francisco, CA 94104, Attn: Ann
Marie Uetz (auez@foley.com), Matthew Lee (mdlee@foley.com), and Shane Moses (smoses@foley.com);
(ii) the Office of the United States Trustee for the Northern District of California, Office of the United States
Trustee, 450 Golden Gate Avenue, Room 05-0153, San Francisco, California 94102, Attn: Jason Blumberg
(jason.blumberg@usdoj.gov), (iii) counsel to the Official Committee of Unsecured Creditors, Keller
Benvenuti Kim LLP, 425 Market Street, 26th Floor San Francisco, California 94105, Attn: Gabrielle L.
Albert (galbert@kbkllp.com) and Lowenstein Sandler LLP, One Lowenstein Drive Roseland, New Jersey
07068, Attn: Jeffrey D. Prol (jprol@lowenstein.com) and Brent Weisenberg
(bweisenberg@lowenstein.com); and (iv) those persons who have formally appeared and requested service
in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. **Any objections not timely
filed and served in accordance with the provisions set forth above may not be considered by the Court.**
Failure to file and serve a timely objection may result waiver of any objection.

PLAN RELEASE, ~~EXCLUPATION~~EXCULPATION, AND INJUNCTION PROVISIONS

27 The Plan proposes certain releases, injunctions, and exculpations in furtherance of the Plan,
28 **including releases by Holders of Claims in Class 4 (Abuse Claims), and Class 5 (Unknown Abuse
Claims) of Claims against certain non-debtor entities.** The Plan provides the Debtor (including its

1 Churches), other related entities including the Roman Catholic Welfare Corporation of Oakland
2 (“RCWC”) and Adventus (together with RCWC, the “Contributing Non-Debtor Catholic Entities”), and
3 Settling Insurers (as defined in the Plan), shall receive the benefit of certain releases, exculpation, and
injunctions, which are summarized below, and set forth in more detail in the Disclosure Statement and in
the Plan.

4 **Exculpation.** Section 13.6 of the Plan provides that, to the extent permitted under
5 applicable Ninth Circuit law, (a) the Exit Facility Lender, (b) the Debtor, including the
6 Churches, (c) the Reorganized Debtor, including the Churches, (d) the Committee, (e) the
7 Committee’s members, (f) each Contributing Non-Debtor Catholic Entity, (g) the College
8 of ~~Consulters~~ Consultors of the Diocese of Oakland and each of its members, (h) The
9 Diocese of Oakland Finance Council and each of its members, (i) the Presbyteral Council
10 of the Diocese of Oakland and each of its members, (j) the ~~Meditators~~ Mediators, (k) the
11 Unknown Abuse Claims Representative, and (l) for each of the foregoing, their respective
12 officers, directors, agents, employees, equity holders, attorneys, financial advisors,
accountants, ~~representatives~~, and other duly authorized employed Professionals in this
Chapter 11 Case, will be released from certain of their acts and omissions that occurred
from the Petition Date through Effective Date, or in preparation of the Chapter 11 Case.
None of these parties will be exculpated for (i) any express contractual obligation owing
by any such Person or Entity, (ii) willful misconduct or gross negligence, and (iii) with
respect to Professionals, liability arising from claims of professional negligence which
shall be governed by the standard of care otherwise applicable to professional negligence
claims under applicable non-bankruptcy law. Nor shall these parties be exculpated with
respect to their respective obligations or covenants arising under the Plan.

13 **Releases.** The Plan states certain parties, including the Contributing Non-Debtor
14 Catholic Entities, will be granted releases and a channeling injunction regarding all Abuse
15 Claims to the extent such releases are granted by the Holders of those Claims in accordance
16 with the terms of the Plan the (“Third-Party Release”). **If the Plan is confirmed, Holders
of Class 4 or Class 5 Claims will not be able to recover directly from or pursue further
litigation against such parties to the extent such Holders granted them releases in
accordance with the terms of the Plan and recoveries on account of Class 4 and Class
5 Claims will be limited by the terms of the Plan.**

17 **Injunctions.** The Plan provides for certain injunctions, including a channeling
18 injunction which will channel certain Claims, including all Abuse Claims against the
19 Debtor or any ~~of the released claims against~~ Contributing Non-Debtor Catholic Entities,
20 into the Survivors’ Trust. This means that any Holder of a Claim that is channeled will no
longer be permitted to pursue their Claim except as set forth in the Plan.

21 If you are the Holder of an Abuse Claim in either Class 4 or are the Unknown Abuse Claims
22 Representative on behalf of Class 5, you have the ability to opt out of providing the ~~releases and
channeling injunction provisions of the Plan (see Sections 13.9, 13.10, 13.12, and 13.13) as they relate to
23 the Third-Party Release of~~ Contributing Non-Debtor Catholic Entities by affirmatively withholding
24 consent or “opting out” of such ~~releases and injunctions by submitting the Opt Out Release Form included
with the solicitation package sent to Holders of Abuse Claims (the “Opt Out Release Form”)~~ Third-Party
25 Release by checking the box on your Ballot indicating your decision to opt out of providing the Third-
Party Release. Opting out of the ~~releases~~ Third-Party Release for Contributing Non-Debtor Catholic
26 Entities does not change the proposed treatment for any Holder of an Abuse Claim except to the extent
27 opting out results in a reduction of the amount such Contributing Non-Debtor Catholic Entity contributes
to the Survivors’ Trust. As set forth in the Plan and Disclosure Statement, the contribution of up to \$28.
5 million by The Roman Catholic Welfare Corporation (“RCWC”) to the Survivors’ Trust will be reduced
depending on the number of Abuse Claimants that opt out of releasing claims against RCWC through the
Third-Party Release. Opting out of the Third-Party Release may therefore reduce the amount

1 available for distribution to Abuse Claimants. More information on RCWC's contribution to the
2 Survivors' Trust and the Third-Party Release is provided in the Disclosure Statement.

3 You may be deemed to grant ~~releases to third parties~~ **Third-Party Release of Non-Debtor**
4 **Catholic Entities** under the Plan. Holders of ~~a~~ Class 4 or Class 5 ~~Claim~~ **Claims are deemed under**
5 **the Plan ~~who do not affirmative opt out of the releases described in Section 13.9 of the Plan are~~**
6 **~~deemed to have released the Contributing Non-Debtor Catholic Entities~~ to have consented to the**
7 **Third-Party Release pursuant to Section 13.9 of the Plan, ~~and their Claims will then be subject to a~~**
8 **~~channeling injunction pursuant to Section 13.12 of the Plan. A Holder of a Class 4 or Class 5 Claim~~**
9 **~~will have consented to the releases in Section 13.9 of the Plan and the injunctions in Section 13.10 of~~**
10 **~~the Plan if such Holder: (i) returns their Ballot and does not return the Opt-Out Release Form~~**
11 **~~regardless of whether they vote to accept or reject the Plan; (ii) returns the Ballot and returns the~~**
12 **~~Opt-Out Release Form, but does not affirmatively elect not to grant the release found in section 13.9~~**
13 **~~of the Plan; or (iii) does not return either the Ballot or the Opt-Out Release Form, if: 1) they return~~**
14 **~~a ballot voting for or against the Plan, and 2) they do not check the box indicating their election to~~**
15 **~~opt out of the third-party release in favor of Contributing Non-Debtor Catholic Entities. Holders of~~**
16 **~~Class 4 or Class 5 Claims that do not return a ballot will not be deemed to consent to the Third-~~**
17 **~~Party Release.~~**

18 **Opt-Out Deadline. The deadline for Holders of Class 4 or Class 5 Claims to submit a Ballot**
19 **indicating an *election to opt out of the* Third-Party Release is the Voting Deadline.**

20 If the Plan is confirmed by the Bankruptcy Court and the Effective Date occurs, all Holders of
21 Claims against the Debtor, including all Holders of Abuse Claims, will be bound the by the terms of the
22 Plan and the transactions contemplated thereby, including the release provisions contained therein
23 (including Holders of Claims who do not submit Ballots to accept or reject the Plan or who are not entitled
24 to vote on the Plan, but excluding Holders of Abuse Claims who are entitled to, and affirmatively do, opt
25 out of the release and channeling injunction provisions contained in the Plan).

26 ~~**Opt-Out Deadline. The deadline to submit an Opt-Out Release Form is [~~●~~] [~~●~~], 2024,**~~
27 ~~**at 5:00 p.m. (prevailing Pacific time) (the "Opt-Out Deadline"). Your Opt-Out Release Form must be**~~
28 ~~**sent by first class mail, overnight mail or hand delivery to The Roman Catholic Bishop of Oakland Ballot**~~
29 ~~**Processing c/o Verita 222 N. Pacific Coast Highway, 3rd Floor El Segundo, CA 90245, or submitted via**~~
30 ~~**electronic online transmission solely through the customized online balloting portal (the "E-Balloting**~~
31 ~~**Portal") on the case website, <https://veritaglobal.net/rebo> and must be *actually received* by the Opt-Out**~~
32 ~~**Release Form Deadline. *Otherwise your election to opt out of the releases in Section 13.9 of the Plan***~~
33 ~~***will not be effective.* Opt-Out Release Forms submitted by facsimile or email will not be counted.**~~

34 DATED: ~~December~~ April [], ~~2024~~ 2025

35 **FOLEY & LARDNER LLP**
36 Thomas F. Carlucci
37 Shane J. Moses
38 Ann Marie Uetz
39 Matthew D. Lee
40 Geoffrey S. Goodman
41 Mark C. Moore

42 /s/ DRAFT
43 _____
44 Shane J. Moses
45 *Counsel for the Debtor*
46 *and Debtor in Possession*

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Summary report:	
Litera Compare for Word 11.7.0.54 Document comparison done on 3/18/2025 10:14:44 AM	
Style name: Color	
Intelligent Table Comparison: Active	
Original DMS: nd://4938-2442-6510/1/Original form of notice of confirmation hearing_11-13-2024.docx	
Modified DMS: nd://4921-1577-7322/1/RCBO - Further Revised Form of Notice of Confirmation Hearing - 3-18-25.docx	
Changes:	
Add	49
Delete	35
Move From	1
Move To	1
Table Insert	2
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	88