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*Counsel for the Debtor
and Debtor in Possession***UNITED STATES BANKRUPTCY COURT****NORTHERN DISTRICT OF CALIFORNIA****OAKLAND DIVISION**

In re:

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

Debtor.

Case No. 23-40523

Chapter 11

**DEBTOR'S OPPOSITION IN RESPONSE
TO MOTION TO ALLOW FILING OF
LATE PROOFS OF CLAIM**

Judge: Hon. William J. Lafferty

Date: August 13, 2025

Time: 10:30 a.m.

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

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” or the “Bankruptcy Case”), hereby files this opposition (the “Opposition”) in response to the
4 *Motion to Allow Filing of Late Proofs of Claim* [Docket No. 2130] (the “Motion”), filed by Claimant 564
5 and Claimant 565 (“Movants”), who are represented by the law firm of Peiffer Wolf Carr Kane Conway
6 & Wise, LLP (the “Firm”). In support of this Opposition, the Debtor respectfully states as follows:

7 The Motion was filed on or about July 14, 2025—nearly twenty-two (22) months after the
8 established bar date of September 11, 2023 (the “Bar Date”)—and seeks an order to enlarge the Bar Date
9 to allow Movants to file late proofs of claim. At bottom, the reasons for the relief sought therein is lack
10 of notice of the Bar Date (Mot. pg. 13).

11 Bankruptcy Rule 9006(b)(1) “empowers a bankruptcy court to permit a late filing if the movant's
12 failure to comply with an earlier deadline ‘was the result of excusable neglect’” and governs claims in
13 chapter 11 cases. *Pioneer Inv. Servs. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 382 (1993). The
14 Supreme Court established factors to consider in determining excusable neglect, but “the determination is
15 at bottom an equitable one, taking account of all relevant circumstances surrounding the party’s omission.”
16 *Id.* at 395 (considering factors such as (i) the prejudice to the debtor; (ii) the length of the delay and its
17 impact on case administration; (iii) the reasons for delay, including whether it was within the reasonable
18 control of the movant; and (iv) whether the movant acted in good faith).

19 Permitting Movants to file a claim over twenty-two (22) months after Bar Date would be
20 manifestly unjust to the Debtor as it would disrupt administration of the case as the Debtor has already
21 completed its solicitation process. Movants argue, however, that because a plan has not yet been confirmed
22 there is no prejudice to the Debtor, nor does the 22-month delay impact the administration of the Chapter
23 11 Case. A similar argument was made and rejected by the bankruptcy court in *In re AMR Corp.*, 492
24 B.R. 660 (Bankr. S.D.N.Y. 2013) (finding that filing a claim three months after the bar date would disrupt
25 the administration of the case). In particular, the bankruptcy court noted that “if a late claim was permitted
26 so long as it was filed before the plan, the bar date would serve little purpose.” *Id.* at 667. Moreover, the
27 bankruptcy court noted that the debtors had made “great strides” in their claims reconciliation process and
28

1 were “well advanced in their plan to emerge from Chapter 11.” *Id.* The same is true for the Debtor here.
2 Not only has the Debtor filed, and subsequently amended, its chapter 11 plan of reorganization and
3 disclosure statement in support of same, the Debtor has already completed soliciting votes. [*See, e.g.,*
4 Docket Nos. 1830, 1874, 1877, & 1884].

5 The Motion explains that the reason for the delay is lack of awareness of this Chapter 11 Case and
6 the existence of the Bar Date. In the Motion, the Movants acknowledge that they became aware of the
7 bankruptcy case as early as February 2024, upon receiving correspondence from the Debtor’s counsel.
8 *See Declaration of Brian J. Perkins in Support of Motion to Allow Filing of Late Proofs of Claim*, ¶ 8.
9 Despite this, they did not file their proofs of claim until December 2024—more than ten months later. The
10 Firm contends that the delay resulted from a misunderstanding, namely the mistaken belief that the proofs
11 of claim, once filed in December 2024, were deemed accepted by the Court without further action. But in
12 light of the circumstances and current stage of the Chapter 11 Case, the Motion fails to demonstrate that
13 the reasons for delay warrant a finding of excusable neglect.

14 Moreover, it is unreasonable for the Movants to assert that they were unaware of the bankruptcy
15 proceedings or the Bar Date. The bankruptcy filing was widely reported in both local and national media
16 outlets. The Debtor is not the only Catholic diocese to have filed for bankruptcy—either nationally or
17 within California. In fact, there are currently five other Catholic diocesan bankruptcy cases pending in the
18 state. Given that the Firm has an office in California and regularly practices in this jurisdiction, it strains
19 credulity for them to claim ignorance of this case. In addition, the Bar Date Order was mailed out to “(a)
20 the Attorney General of the State of California, and (b) for each of the counties of Alameda and Contra
21 Costa, the district attorney’s office, the sheriff’s office, any county government center, at least one public
22 health agency (if any), and at least one substance abuse agency or hospital (if any).” [Docket No. 181].
23 The Court entered *Order Establishing Deadlines for Filing proofs of claim and Approving the Form and*
24 *Manner of Notice Thereof* [Docket No. 293] (the “Bar Date Order”), therefore approving the notice as
25 sufficient publication. After entry of the Bar Date Order, the Debtor published the links to the Sexual
26 Abuse Claim Notice Package to the Diocese and certain churches websites and posted it to its Facebook
27 and Twitter accounts. *Id.* There was ample opportunity for the Firm to be aware of the Bar Date.
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1 Accordingly, the Firm's claim of lack of notice regarding the Bar Date is without merit. These
2 circumstances do not constitute excusable neglect.

3 The Debtor is sympathetic and understands that in certain circumstances, administrative oversight
4 provides a basis for excusable neglect. Indeed, the Debtor did not oppose similar requests by other
5 claimants [*See* Docket Nos. 607 & 1081]. For instance, the Debtor did not oppose counsel's request to
6 deem certain claims timely filed when such claims were filed less than twenty-four (24) hours after the
7 Bar Date. *See Debtor's Statement of Non-Opposition in Response to Motion to Allow Filing of Late Proof*
8 *of Claim* [Docket No. 668]. The Debtor also did not oppose a similar request where counsel explained that
9 she failed to file a timely claim (which was filed on January 4, 2024) because of a serious medical and
10 physiological illness of her daughter which became life-threatening in August 2023. *Debtor's Statement*
11 *of Non-Opposition in Response to Motion to Allow Filing of Late Proof of Claim* [Docket No. 1131] at
12 p.4; *Declaration of Mary Parker in Support of Motion to Allow Filing of Late Proof of Claim* [Docket No.
13 1083] at ¶ 20. Unfortunately, those circumstances are not present here. Here, it has been 22 months (and
14 counting) since the Bar Date expired in September of 2023. The Debtor has already solicited the Plan.
15 As such, the Motion has failed to demonstrate excusable neglect, and should be denied.

16 To be clear, the Debtor does not believe any party involved here has acted in bad faith, or even not
17 in good faith; the Debtor takes the Firm's acknowledgement of its own culpability at face value. One of
18 the key *Pioneer* factors in the context of excusable neglect is the reason for the delay. Here, that reason—
19 the Firm's misunderstanding and lack of notice—does not justify the relief Movants seek, particularly
20 when considered in the larger context of this bankruptcy case. The Bar Date did not pass yesterday, or
21 last month, or even last year. It occurred more than 672 days prior to the filing of the Motion, and the
22 Firm cannot dispute that *it was aware of that deadline the entire time*.

23 RCBO reserves all other rights with respect to the claim and *other* claims not filed prior to the
24 September 11, 2023 Bar Date, for which a corresponding motion to allow late-filed claim(s) has not yet
25 been filed. Should any such motions be filed in the future, RCBO shall review the specific facts and
26 circumstances applicable and proceed accordingly.

1 WHEREFORE, for the reasons and on the bases set forth above, the Debtor respectfully submits
2 the Court deny the Motion and grant all other relief it deems just and proper.

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4 DATED: August 6, 2025

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/s/ Shane J. Moses

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