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 Westchester Fire Insurance Company*

**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

**APPELLANTS PACIFIC INSURERS'
 STATEMENT OF ISSUES ON APPEAL,
 DESIGNATION OF ITEMS TO BE
 INCLUDED IN THE RECORD ON
 APPEAL, AND CERTIFICATE
 REGARDING TRANSCRIPTS**



Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, made applicable by rule 6(c)(2)(A) of the Federal Rules of Appellate Procedure, Pacific Indemnity Company, Pacific Employers Insurance Company, Insurance Company of North America, and Westchester Fire Insurance Company (collectively, “Pacific Insurers”), by and through their undersigned counsel, submit the following: (i) statement of issues to be considered on appeal, (ii) designation of items to be included in the record on appeal, and (iii) certificate regarding transcripts. The Appellants appeal from the Order Granting Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs’ Personal Injury Claims to Proceed in State Court, Docket No. 2168.

STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

Appellants present the following statement of issues to be considered on appeal:

1. Whether the bankruptcy court erred in granting the *Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs’ Personal Injury Claims to Proceed in State Court* (the “Motion”) and lifting the automatic stay (11 U.S.C. § 362(a)) so that six, unspecified personal injury claims can proceed against the Diocese allowing those six claimants’ cases to advance to verdict, while discriminating against the remaining 358 similarly situated claimants whose cases remain subject to the automatic stay contrary to fundamental principles of bankruptcy law.
2. Whether the bankruptcy court erred in granting the Motion when the Motion did not identify the cases for which the stay will be lifted and delegated to the state court the bankruptcy court’s jurisdiction over stay relief.
3. Whether the bankruptcy court erred in granting the Motion by the Committee to lift the stay when the Committee does not represent individual claimants.
4. Whether the bankruptcy court erred in granting the Motion because the Committee failed to demonstrate cause for relief from the stay under *In re Curtis*, 40 B.R. 795, 802 (Bankr. D. Utah 1984) and, instead, relied on speculative assertions that lifting the stay would pressure insurers to resolve the bankruptcy case.

Pacific Insurers reserve the right to modify, restate, or supplement the foregoing issues to the fullest extent permitted by the Bankruptcy Code and Rules.

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Item	Date	Dkt.	Description
1.	05/08/2023	1	Chapter 11 Voluntary Petition for Non-Individual, Filed by The Roman Catholic Bishop of Oakland.
2.	05/08/2023	19	Declaration of Charles Moore, Managing Directors of Alvarez & Marsal North America, LLC, Proposed Restructuring Advisor to The Roman Catholic Bishop of Oakland, in Support of Chapter 11 Petition and First Day Pleadings
3.	11/20/2024	1460	Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
4.	11/20/2024	1461	Declaration of Gabrielle L. Albert In Support of Motion of the Official committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
5.	11/20/2024	1467	Notice of (I) Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed In State Court; and (II) The Official Committee of Unsecured Creditors' Motion for Standing to Prosecute Claims of the Debtor's Estate
6.	11/22/2024	1471	Debtor's Application for Order Enlarging Time for Filing of Response Briefs and For Notice of Hearing on (1) The Committee's Motion to Lift the Automatic Stay, and (2) The Committee's Motion for Derivative Standing
7.	11/22/2024	1472	Declaration of Matthew D. Lee In Support of Debtor's Application for Order Enlarging Time for Filing of Response Briefs and For Notice of Hearing on (1) The Committee's Motion to Lift the Automatic Stay, and (2) The Committee's Motion for Derivative Standing
8.	11/25/2024	1473	Corrected Declaration of Matthew D. Lee In Support of Debtor's Application for Order Enlarging Time for Filing of Response Briefs and For Notice of Hearing on (1) The Committee's Motion to Lift the Automatic Stay, and (2) The Committee's Motion for Derivative Standing
9.	11/25/2024	1475	The Official Committee of Unsecured Creditors' Objection to the Debtor's Application for Order Enlarging Time for Filing of Response Briefs and For Notice of Hearing on the Committee's Motions (1) To Lift the Automatic Stay and (2) For Derivative Standing
10.	11/25/2024	1476	Declaration of Gabrielle L. Albert In Support of Motion of the Official Committee of Unsecured Creditors' Objection to the Debtor's Application for order Enlarging Time for Filing of Response Briefs and For Notice of Hearing on the Committee's

Item	Date	Dkt.	Description
			Motions (1) To Lift the Automatic Stay and (2) For Derivative Standing
11.	11/26/2024	1481	Order Scheduling Status Conference
12.	12/05/2024	1497	Transcript Regarding Hearing Held November 27, 2024
13.	12/23/2024	1563	Joinder of Certain Sexual Abuse Claimants to the Committee of Unsecured Creditors' Motion for Relief from Automatic Stay
14.	12/24/2024	1568	Transcript Regarding Hearing Held December 18, 2024
15.	12/26/2024	1570	Joinder by the Zalkin Law Firm Claimants to the Committee of Unsecured Creditors' Motion for Relief from Automatic Stay
16.	12/26/2024	1572	State Court Co-Liaison Counsel's Joinder in Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
17.	12/26/2024	1573	The Panish/PCVA Claimants' Joinder to the Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
18.	12/30/2024	1581	Debtor's Brief in Opposition to the Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
19.	12/30/2024	1582	Declaration of Mark C. Moore In Support of Debtor's Brief in Opposition to the Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
20.	12/30/2024	1583	Certain Insurers' Opposition to (i) The Committee's Motion to Lift the Automatic Stay to Permit Six Abuse Claims to Proceed in State Court and (ii) Joinders Therein by Counsel for Certain Claimants
21.	12/30/2024	1585	Westport Insurance Corporation's Opposition to (1) The Committee's Motion to Lift the Automatic Stay and (2) The Committee's Motion to Prosecute Claims Against the Insurers
22.	12/30/2024	1589	Joinder to Westport Insurance Corporation's Opposition to (1) The Committee's Motion to Lift the Automatic Stay and (2) The Committee's Motion to Prosecute Claims Against the Insurers
23.	12/30/2024	1591	Pacific Insurers Supplemental Opposition to (1) The Committee's Motion to Lift the Automatic Stay and (2) The Committee's Motion to Prosecute Claims Against the Insurers
24.	01/06/2025	1603	Reply of the Official Committee of Unsecured Creditors In Support of the Motion to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court

Item	Date	Dkt.	Description
25.	01/08/2025	1612	Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
26.	01/08/2025	1613	Declaration Of Attila Bardos In Support Of Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
27.	01/08/2025	1614	Application For Order Shortening Time For Notice Of Hearing On Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
28.	01/10/2025	1621	Order Shortening Time For Notice Of Hearing On Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
29.	01/10/2025	1622	Notice Of Hearing On Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
30.	01/14/2025	1630	Transcript Regarding Hearing Held January 8, 2025 re: Hearing
31.	01/15/2025	1631	The Official Committee Of Unsecured Creditors' Objection To Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
32.	01/15/2025	1632	Pacific Insurers' Response To Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
33.	01/15/2025	1636	Debtor's Reply In Support Of Its Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
34.	01/15/2025	1637	Declaration Daniel Flanagan In Support Of Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
35.	01/15/2025	1638	Debtor's Reply In Support Of Its Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation
36.	01/17/2025	1645	Transcript Regarding Hearing Held January 15, 2025 re: Motion Hearing
37.	01/23/2025	1659	Transcript Regarding Hearing Held January 16, 2025 re: Hearing, Motion, Status Conference
38.	01/27/2025	1667	Transcript Regarding Hearing Held January 21, 2025 re: Motion Hearing
39.	02/11/2025	1721	Order on Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
40.	06/25/2025	2093	Motion for Relief from Stay Fee, Filed by Creditor Committee Official Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland (Attachments: # 1 Exhibit A)

Item	Date	Dkt.	Description
41.	06/25/2025	2094	Declaration of Gabrielle L. Albert in Support of <i>Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claim</i> (RE: related document(s)2093 Motion for Relief From Stay). Filed by Creditor Committee Official Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5 # 6 Exhibit 6 # 7 Exhibit 7 # 8 Exhibit 8 # 9 Exhibit 9)
42.	06/25/2025	2095	Notice of Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court
43.	06/25/2025	2097	Corrected Notice of Hearing <i>Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claim</i> (RE: related document(s)2093 Motion for Relief From Stay). Filed by Creditor Committee Official Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland
44.	07/09/2025	2112	Brief/Memorandum in Opposition to <i>Debtors Opposition to the Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claims to Proceed in State Court</i> (RE: related document(s)2093 Motion for Relief From Stay). Filed by Debtor The Roman Catholic Bishop of Oakland
45.	07/09/2025	2113	Declaration <i>Declaration of Thomas F. Carlucci in Support of Debtors Opposition to the Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claims to Proceed in State Court</i> (RE: related document(s)2112 Opposition Brief/Memorandum). Filed by Debtor The Roman Catholic Bishop of Oakland
46.	07/09/2025	2114	Declaration <i>Declaration of Mark C. Moore in Support of Debtors Opposition to the Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claims to Proceed in State Court</i> (RE: related document(s)2112 Opposition Brief/Memorandum). Filed by Debtor The Roman Catholic Bishop of Oakland (Attachments: # 1 Ex A - First Opposition)
47.	07/09/2025	2115	Brief/Memorandum in Opposition to <i>Certain Insurers' Opposition to the Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs Personal Injury Claims to Proceed in State</i>

Item	Date	Dkt.	Description
			<i>Court</i> (RE: related document(s)2093 Motion for Relief From Stay). Filed by Creditor Westport Insurance Corporation
48.	07/09/2025	2117	Brief/Memorandum in Opposition to (RE: related document(s)2093 Motion for Relief From Stay). Filed by Creditors Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, Pacific Employers Insurance Company, Pacific Indemnity Company, Insurance Company of North America, and Pacific Employers Insurance Company, Westchester Fire Insurance Company (Attachments: # 1 Declaration of Justine M. Daniels # 2 Exhibit A # 3 Exhibit B)
49.	07/10/2025	2120	Joinder to <i>Pacific Insurers' Opposition to the Committee's Renewed Motion to Lift the Automatic Stay</i> (RE: related document(s)2117 Opposition Brief/Memorandum). Filed by Interested Party Certain Underwriters at Lloyd's of London Subscribing to Slip Nos. CU 1001, K66034, K78138 and CU 3061
50.	07/14/2025	2129	Reply <i>The Official Committee of Unsecured Creditors' Reply in Support of its Renewed Motion to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court</i> (RE: related document(s)2093 Motion for Relief From Stay). Filed by Creditor Committee Official Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland
51.	07/14/2025	2140	Joinder (RE: related document(s)2093 Motion for Relief From Stay). Filed by Interested Party The Zalkin Law Firm, P.C.
52.	7/16/2025	2147	Motion to Continue Hearing On Confirmation and to Reset Confirmation Schedule (RE: related document(s)1884 Notice of Hearing filed by Debtor The Roman Catholic Bishop of Oakland). Filed by Debtor The Roman Catholic Bishop of Oakland
53.	7/17/2025	2151	Response (RE: related document(s)2147 Motion to Continue/Reschedule Hearing). Filed by Creditors Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America, Pacific Employers Insurance Company, Pacific Indemnity Company, Pacific Indemnity Company, Insurance Company of North America, and Pacific Employers Insurance Company
54.	07/21/2025	2158	Transcript regarding Hearing Held 7/16/2025 RE: Motion Hearing.
55.	7/18/2025	2162	Hearing Set On (RE: related document(s)2147 Motion to Continue Hearing On Confirmation and to Reset Confirmation Schedule, Hearing Continued. Status Conference scheduled for

Item	Date	Dkt.	Description
			11/12/2025 at 10:30 AM in/via Oakland Room 220 - Lafferty. (rs).
56.	07/25/2025	2168	Order Granting Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court (Related Doc # 2093)
57.	8/08/2025	2201	Notice of Appeal and Statement of Election. (RE: related document(s) 2168 Order on Motion for Relief From Stay). Filed by Creditor Westport Insurance Corporation
58.	08/08/2025	2202	Notice of Appeal and Statement of Election. Filed by Creditors Pacific Indemnity Company, Insurance Company of North America, and Pacific Employers Insurance Company, Westchester Fire Insurance Company (Related Doc # 2168)
59.	08/08/2025	2203	Notice of Appeal to District Court Notice Of Appeal And Statement Of Election. Filed by Interested Party Certain Underwriters at Lloyd's of London Subscribing to Slip Nos. CU 1001, K66034, K78138 and CU 3061
60.	8/11/2025	2207	Notice of Appeal and Statement of Election (RE: related document(s) 2168 Order on Motion for Relief From Stay). Filed by Interested Party Continental Casualty Company
61.	8/12/2025	2214	Transcript regarding Hearing Held 7/18/2025 RE: Motion Hearing.

CERTIFICATION REGARDING TRANSCRIPTS
PURSUANT TO BANKRUPTCY RULE 8009(b)

Pursuant to Rule 8009(b)(1) of the Federal Rules of Bankruptcy Procedure, made applicable by Rule 6(c)(2)(A) of the Federal Rules of Appellate Procedure, Appellants hereby certify that they have already ordered all the hearing transcripts that they intend to use in their appeal and are not ordering any additional transcripts.

1 Dated: August 22, 2025

Respectfully submitted,

2 By: 

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