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Attorneys for Continental Casualty Company

**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF CALIFORNIA**

In re:

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

 Debtor.

Chapter 11

Case No. 23-40523 WJL

**CONTINENTAL CASUALTY COMPANY'S
 (i) STATEMENT OF ISSUES ON APPEAL
 AND (ii) DESIGNATION OF RECORD**

Pursuant to Bankruptcy Rule 8009(a)(1), appellant Continental Casualty Company hereby submits its (i) statement of the issues to be presented on appeal from the Bankruptcy Court's *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* (the "Order," Dkt. No. 2168), entered on July 25, 2025, and (ii) designation of the items to be included in the record on appeal:

I. Statement of Issues on Appeal

Continental hereby identifies the following issues to be presented on appeal from the Bankruptcy Court's Order:

1. Did the Bankruptcy Court err in entering the Order?



2. Did the Bankruptcy Court err 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* (Dkt. No. 2093, the "Motion")?

3. Did the Bankruptcy Court err in lifting the automatic stay of 11 U.S.C. § 362 so that six unspecified underlying tort cases may proceed to trial in California state court?

4. Did the Bankruptcy Court err in granting the Motion by the Committee to lift the automatic stay when the Committee does not represent individual claimants?

5. Did the Bankruptcy Court err in granting the Motion where the Committee failed to demonstrate "cause" for relief from the automatic stay and, instead, relied on speculative assertions that lifting the stay would pressure insurers to resolve the bankruptcy case?

Continental reserves the right to modify, restate, or supplement the foregoing issues to the fullest extent permitted by the Bankruptcy Code and Rules.

II. Designation of Record

Continental hereby designates the following items to be included in the record on appeal from the Order:

| Designation No. | Filing Date | Docket No. | Description |
|-----------------|-------------|------------|--|
| 1 | 11/20/24 | 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 |
| 2 | 11/20/24 | 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 |
| 3 | 11/20/24 | 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 |
| 4 | 11/22/24 | 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 |

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| | | | the Automatic Stay, and (2) the Committee's Motion for Derivative Standing |
| 5 | 11/22/24 | 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 |
| 6 | 11/25/24 | 1473 | 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 (with Exhibits) |
| 7 | 11/25/24 | 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 |
| 8 | 11/25/24 | 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 Motions (1) to Lift the Automatic Stay and (2) for Derivative Standing |
| 9 | 11/26/24 | 1481 | Order Scheduling Status Conference (RE: related document(s)1471 Motion to Extend Time filed by Debtor The Roman Catholic Bishop of Oakland). |
| 10 | 12/5/24 | 1497 | Transcript Regarding Hearing Held November 27, 2024 |
| 11 | 12/23/24 | 1563 | Joinder of Certain Sexual Abuse Claimants to the Committee of Unsecured Creditors' Motion for Relief from Automatic Stay |
| 12 | 12/24/24 | 1568 | Transcript Regarding Hearing Held December 18, 2024 |
| 13 | 12/26/24 | 1570 | Joinder By the Zalkin Law Firm Claimants to the Committee of Unsecured Creditors' Motion for Relief from Automatic Stay |
| 14 | 12/26/24 | 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 |

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| 1 | | | | Proceed in State Court |
| 2 | 15 | 12/26/24 | 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 |
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| 5 | 16 | 12/30/24 | 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 |
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| 8 | 17 | 12/30/24 | 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 (with Exhibits) |
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| 12 | 18 | 12/30/24 | 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 |
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| 15 | 19 | 12/30/24 | 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 |
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| 17 | | | | |
| 18 | 20 | 12/30/24 | 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 |
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| 21 | 21 | 12/30/24 | 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 |
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| 23 | 22 | 1/6/25 | 1603 | Reply of the Official Committee of Creditors in Support of the Motion to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Proceed in State Court |
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| 26 | 23 | 1/8/25 | 1612 | Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
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| 28 | 24 | 1/8/25 | 1613 | Declaration Of Attila Bardos In Support Of Debtor's Motion For Entry Of An Order |

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| | | | Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
| 25 | 1/8/25 | 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 |
| 26 | 1/10/25 | 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 |
| 27 | 1/10/25 | 1622 | Notice Of Hearing On Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
| 28 | 1/14/25 | 1630 | Transcript Regarding Hearing Held January 8, 2025 |
| 29 | 1/14/25 | 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 |
| 30 | 1/15/25 | 1632 | Pacific Insurers' Response To Debtor's Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
| 31 | 1/15/25 | 1636 | Debtor's Reply In Support Of Its Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
| 32 | 1/15/25 | 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 |
| 33 | 1/15/25 | 1638 | Debtor's Reply In Support Of Its Motion For Entry Of An Order Amending Mediation Orders And Requiring Parties To Attend Global Mediation |
| 34 | 1/17/25 | 1645 | Transcript Regarding Hearing Held January 15, 2025 re: Motion Hearing |
| 35 | 1/23/25 | 1659 | Transcript Regarding Hearing Held January 16, 2025 |

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| 1 | 36 | 1/27/25 | 1667 | Transcript Regarding Hearing Held January 21, 2025 |
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| 3 | 37 | 2/11/25 | 1721 | Order on Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiff's Personal Injury Claims to Proceed in In State Court |
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| 5 | 38 | 6/25/25 | 2093 | 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 |
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| 8 | 39 | 6/25/25 | 2094 | Declaration of Gabrielle L. Albert in Support 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 (with Exhibits) |
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| 11 | 40 | 6/25/25 | 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 |
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| 14 | 41 | 6/25/25 | 2097 | Corrected 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 |
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| 17 | 42 | 7/9/25 | 2112 | Debtor's 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 |
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| 20 | 43 | 7/9/25 | 2113 | Declaration of Thomas F. Carlucci in Support of Debtor's 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 |
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| 23 | 44 | 7/9/25 | 2114 | Declaration of Mark Moore in Support of Debtor's 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 (with Exhibits) |
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| 27 | 45 | 7/9/25 | 2115 | Certain Insurers' Opposition to Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to |
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| | | | Procced in State Court (with Exhibits) |
| 46 | 7/9/25 | 2117 | Pacific Insurers' Opposition to the Committee's Renewed Motion to Lift the Automatic Stay (with Exhibits) |
| 47 | 7/10/25 | 2120 | London Market Insurers' Joinder to Pacific Insurers' Opposition to the Committee's Renewed Motion to Lift the Automatic Stay |
| 48 | 7/14/25 | 2129 | 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 Procced in State Court |
| 49 | 7/14/25 | 2140 | The Zalkin Claimants' Joinder to the Renewed Motion of the Official Committee of Unsecured Creditors to Lift the Automatic Stay to Permit Certain Plaintiffs' Personal Injury Claims to Procced in State Court |
| 50 | 7/16/25 | 2147 | Motion to Continue Hearing On Confirmation and to Reset Confirmation Schedule |
| 51 | 7/17/25 | 2151 | Pacific Insurers' Response to Motion to Continue/Reschedule Hearing). |
| 52 | 7/21/25 | 2158 | Transcript Regarding Hearing Held July 16, 2025 |
| 53 | 07/26/25 | 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 Procced in State Court |
| 54 | 8/12/25 | 2214 | Transcript Regarding Hearing Held on July 18, 2025 |
| 55 | 8/8/25 | 2201 | Westport Insurance Corporation's Notice of Appeal and Statement of Election |
| 56 | 8/8/25 | 2202 | Pacific Indemnity Company, <i>et al.</i> 's Notice of Appeal and Statement of Election |
| 57 | 8/8/25 | 2203 | LMI's Notice of Appeal and Statement of Election |
| 58 | 8/11/25 | 2207 | Continental Casualty Company's Notice of Appeal and Statement of Election |

Continental also hereby incorporates into this designation any docket items

1 designated by other parties who have appealed from the Order.

2 **Certification Pursuant to Bankruptcy Rule 8009(b)**

3 Continental certifies that other parties appealing from the Order have certified that
4 they have ordered copies of all the transcripts listed above, including the transcript of the July 18,
5 2025 hearing at which, among other things, the Bankruptcy Court issued an oral ruling regarding
6 lifting of the automatic stay bankruptcy stay to permit six of the underlying tort claims to proceed
7 to trial in California state court (*see* Dkt. No. 2250).

8 **Reservation of Rights**

9 This Designation of Record on Appeal is without waiver of any arguments on
10 appeal and Continental expressly reserves the right to modify, restate, or supplement the
11 designations above to the fullest extent permitted by the Bankruptcy Code and Rules.

12 Dated: August 24, 2025

Respectfully submitted,

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14 By: /s/Mark D. Plevin
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