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*Counsel for the Official Committee of Unsecured
Creditors***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**THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS'
OBJECTION TO THE DEBTOR'S
NOTICE OF SUBMISSION OF ORDER
FOLLOWING NOVEMBER 12, 2025
STATUS CONFERENCE ON
DEBTOR'S MOTION TO DISMISS
CHAPTER 11 CASE PURSUANT TO 11
U.S.C. § 1112(b)**

Judge: Hon. William J. Lafferty

[Re: Dkt. No. 2456]



1 The Official Committee of Unsecured Creditors (the “**Committee**”) of The Roman
2 Catholic Bishop of Oakland (the “**Debtor**”) files this objection (this “**Objection**”) to the *Debtor’s*
3 *Notice of Submission of Order Following November 12, 2025 Status Conference on Debtor’s*
4 *Motion to Dismiss Chapter 11 Case Pursuant to 11 U.S.C. § 1112(b)* [Dkt. No. 2456] (the
5 “**Debtor’s Notice**”) through which the Debtor proposes a form of order (the “**Proposed Dismissal**
6 **Order**”) granting the *Debtor’s Motion to Dismiss Chapter 11 Case Pursuant to 11 U.S.C.*
7 *§1112(b)* [Docket No. 2293] (the “**Dismissal Motion**”). In support of this Objection, the
8 Committee states:

9 I.

10 **PRELIMINARY STATEMENT**

11 The Debtor’s Notice and Proposed Dismissal Order misconstrue the record of the Court’s
12 October 29, 2025 ruling on the Dismissal Motion and the November 12, 2025 Status Conference.
13 Through the Proposed Dismissal Order, the Debtor seeks unilateral authority to vacate this Court’s
14 ruling dismissing this Chapter 11 Case. In doing so, the Debtor tries to usurp this Court’s authority
15 to dismiss this Chapter 11 Case and substitute its own judgment as to (i) if, and when, this Chapter
16 11 Case should be dismissed and/ or (ii) whether it should be given the green light to commence
17 yet another contested Plan confirmation fight. There are two fundamental flaws in the Proposed
18 Dismissal Order.

19 ***First***, the Debtor manufactures a basis on which it alone can revoke this Court’s decision
20 on dismissal, arguing that the Dismissal Order should not be self-effectuating “if something is filed
21 indicating movement toward a fourth amended plan.” Debtor’s Notice at 6:22–23. But the Court
22 did not grant the Debtor an autarchic right to revoke dismissal and re-set the procedural course of
23 this case merely by filing “something.” Rather, the Court specified that it understood the Debtor’s
24 request to be that the Dismissal Order not be self-effectuating if “there’s either something signed
25 off that looks like at least the outline of a plan ...” See November 12, 2025 Hr’g Tr. at 16;1–4
26 [Dkt. No. 2453]. In other words, evidence of real, not perceived, progress. In any event, the notion
27 that the Committee would be wholly beholden to the Debtor’s determination on this matter is
28 gutted by this Court’s prior ruling at the October 29, 2025 hearing wherein it stated that the

1 Committee had a right to contest any assertion by the Debtor that adjourning dismissal is a good
2 idea. *See* October 29, 2025 Hr’g Tr. at 84:4–19 [Dkt. No. 2439] (The Court stating that Committee
3 can inform it of why further delaying dismissal is not a good idea).

4 ***Second***, the Debtor refuses to include an opportunity under the Proposed Dismissal Order
5 for parties-in-interest to respond to any notice filed by the Debtor asserting that progress has been
6 made or for a hearing for the Court to rule on any dispute over whether the Chapter 11 Case should
7 be dismissed (even though the Debtor acknowledges in the Notice of Dismissal that these rights
8 exist). *See* Debtor’s Notice at 6:9–10.

9 The Committee’s Proposed Dismissal Order provides a process through which all parties-
10 in-interest are granted an opportunity to be heard with respect to whether dismissal is appropriate
11 if no agreement on a consensual plan of reorganization is reached on or before November 26, 2025.
12 After the Debtor rejected the Committee’s proposal out of hand, the Committee offered to consider
13 modified language addressing its concerns. But the Debtor rejected any language protecting
14 fundamental notions of due process and is insistent that it alone has the authority to decide when
15 and if this case should be dismissed. The Debtor should not be given discretion to undo this
16 Court’s decision to dismiss this case.

17 In yet another attempt to find consensus, attached as **Exhibit A** is another alternative form
18 of Order which seeks to reconcile some of the concerns raised herein to the Notice of Dismissal.

19 II.

20 **ARGUMENT**

21 On October 29th, this Court granted the Debtor’s Motion to Dismiss this Chapter 11 Case,
22 accepting the Debtor’s allegations of lack of progress towards a consensual plan of reorganization
23 and the Debtor’s alleged inability to continue to fund administrative expenses as “cause” for the
24 requested relief. The Debtor then surprisingly veered away from the very relief it requested and
25 asked the Court to delay dismissal for two weeks to allow for additional opportunity to reach
26 agreement on a consensual plan. The Court granted this request over the Committee’s objection
27 and ruled that this case would be dismissed effective November 12, 2025, with two provisos:
28

1 **First**, the Court stated that parties-in-interest could jointly advise that they had agreed to
2 dismissal effective on a date earlier than November 12th. *See* October 29, 2025 Hr’g Tr. at 84:9–
3 11; and

4 **Second**, in response to Debtor’s counsel’s request, the Court stated that the Debtor could
5 request that the case not be dismissed on November 12th if circumstances changed. The
6 Committee was permitted to oppose that request. *See* October 29, 2025 Hr’g Tr. at 84:12–20. In
7 other words, the Court confirmed that it would afford parties-in-interest an opportunity to be heard
8 with respect to the timing of dismissal.

9 On November 10, 2025, the Debtor filed a Status Conference Statement (Dkt. No. 2444)
10 indicating that settlement discussions were ongoing, and that a further report would be made at the
11 November 12th Status Conference.¹ The November 12th Status Conference began with Judge
12 Newsome asking the Court for a two-week extension of the effective date of dismissal “**and not a**
13 **minute more.**” November 12, 2025 Hr’g Tr. at 10:3–16 (emphasis added). The Court
14 characterized that request as “at 4:59 on Wednesday the 26th, there’s either something signed off
15 that looks like at least the outline of a plan, or there isn’t,” [November 12, 2025 Hr’g Tr. at 16:2–
16 4] and ultimately granted the two-week extension stating: “I will indulge the request and go out
17 another two weeks.” *Id.* at 20;18–19.

18 The Court then asked whether it would be prudent to enter an order that would be self-
19 executing “unless something is filed by, you guys give me the date and time, the case is dismissed.”
20 *Id.* at 20;19–23. The Court did not specify who should do the filing or what the filing should say.

21 Given the record of the October 29th hearing and the November 12th Status Conference,
22 the Court did not rule that the dismissal order will be self-executing “unless ‘something is filed’
23 indicating progress toward a fourth amended plan” as the Debtor argues in the Debtor’s Notice (p.
24 8:20–22). Rather, the Court was clear that the case would not be dismissed by the self-effectuating
25 order **only** if “there’s either something signed off on that looks like at least the outline of plan, or
26 there isn’t.” *Id.* at 16;1-4.

27 ¹ Curiously, the Committee was excluded from those settlement discussions. The Debtor (and the mediators)
28 appear to have chosen to work around the Committee by contacting counsel for Survivors sitting on the
Committee.

1 Contrary to the Debtor's argument, the Committee is not insistent that there be a joint filing.
2 That would certainly be a sign of progress, although unlikely given that as of the date of this
3 Objection, the Debtor has yet to make a counteroffer to the Committee's last offer. Rather, the
4 Committee merely requests that (i) any filing by the Debtor contain evidence of meaningful
5 support for a fourth amended plan, not merely progress towards an agreement, and (ii) that any
6 dismissal order contain a provision permitting the Committee to respond to any notice filed by the
7 Debtor and an opportunity for a hearing to be conducted by the Court to decide whether the Chapter
8 11 Case should be dismissed or whether the Debtor may promulgate a Fourth Amended Plan of
9 Reorganization in an unprecedented second attempt to cram down a plan on Survivors.

10 The arguments made by the Debtor in support of the Proposed Dismissal Order further fail
11 because:

- 12 (i) The Committee saw no need to request the Court simply allow the Committee an
13 opportunity to oppose any requested vacatur of dismissal in light of the record and
14 the Court's prior holding that the Committee was entitled to oppose any extension
15 of the dismissal deadline; and
16 (ii) The Committee has no objection to the Debtor filing any extension request on
17 November 26th provided the Committee is given adequate time to respond and a
18 hearing is held on shortened notice.

19 The Debtor simply has no right to ignore this Court's approval of the very relief the Debtor
20 sought so that it may commence an extraordinary second plan confirmation fight. If any such
21 request is made, the Committee is eager to probe how the following statements made in the
22 Dismissal Motion are no longer true:

- 23 • "The Debtor can no longer afford the administrative expense associated with
24 pursuit of confirmation of its pending plan of reorganization through a contested
25 plan confirmation process, and even if the Debtor could afford this cost, it does not
26 believe it should continue to pay the administrative cost of the Chapter 11 Case
27 where there are no likely prospects for a global, consensual resolution." Dismissal
28 Motion, ii:6–10.
- "The Debtor has experienced substantial and continuing losses ... and it therefore
no longer has sufficient cash to seek confirmation of its pending plan through a
contested cramdown confirmation process." Dismissal Motion, v:9–11.
- "[T]he Debtor does not believe it makes any sense to continue to pay the cost to
remain a debtor in chapter 11 where there are no present prospects for a global
settlement. The cost is too high, and the survivors in this Chapter 11 Case – and
the 500,000+ faithful Catholics in the Diocese of Oakland – deserve better.
Dismissal Motion, v:13–16.

1 The Committee further seeks to explore the basis alleged by the Debtor for suspending
2 confirmation of the Third Amended Plan of Reorganization where the Debtor alleged that a
3 “pause” was necessary to afford it the opportunity to sell real estate to raise funds to pay for the
4 administrative expenses of this case. *See Debtor’s Motion to Continue Confirmation Hearing and*
5 *to Reset Confirmation Schedule* [Dkt. No. 2147] 3;19–23 (“As a result, the Debtor seeks to adjourn
6 the dates in the Confirmation Scheduling Order until November 15, 2025. This would reduce the
7 professional fee burn and provide time for the Debtor to sell real estate to pay administrative
8 expenses. If the Motion is granted, the Debtor would use this additional time to sell real estate to
9 fund the increased administrative expenses of the Chapter 11 Case ...”). To date, the Debtor has
10 not sold, and to the best of the Committee’s knowledge even listed, a single piece of real property
11 for sale. Before this Court permits the Debtor to backpedal on its previous assertions, many of
12 which were attested to by its officers, the Committee, Survivors and this Court are entitled to
13 understand how it is that the Debtor, yet again, has found money where once there was none.

14 **WHEREFORE**, the Committee requests (i) that the order approving the Dismissal Motion
15 be in the form of the Committee’s Proposed Dismissal Order or as set forth in Exhibit A and
16 (ii) any other relief that the Court may deem just and appropriate.

17 Dated: November 21, 2025

LOWENSTEIN SANDLER LLP
KELLER BENVENUTTI KIM LLP

18
19 By: /s/ Gabrielle L. Albert
Tobias S. Keller
20 Gabrielle L. Albert

21 -and-

22 Jeffrey D. Prol
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23 *Counsel for the Official Committee of*
24 *Unsecured Creditors*

EXHIBIT A

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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

**ORDER PURSUANT TO STATUS
CONFERENCE CONDUCTED ON
NOVEMBER 12, 2025, ON DEBTOR'S
MOTION TO DISMISS CHAPTER 11 CASE
PURSUANT TO 11 U.S.C. §1112(B)**

Judge: Hon. William J. Lafferty

1 Following the hearing conducted by the Court on October 29, 2025 on the *Debtor's Motion to*
2 *Dismiss Chapter 11 Case Pursuant to 11 U.S.C. §1112(b)* [Docket No. 2393] (the "Motion"),¹ filed by
3 the Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor in
4 possession (the "Debtor") in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case"),
5 and the Status Conference conducted in the Chapter 11 Case on November 12, 2025, for the reasons stated
6 on the record October 29, 2025 and November 12, 2025, which constitute the Court's findings of fact and
7 conclusions of law pursuant to Fed. Rule Bankr. Proc. 7052, **IT IS HEREBY ORDERED:**

8 1. The Motion is GRANTED for the reasons stated on the record October 29, 2025 and subject
9 to the terms set forth herein.

10 2. The Court concludes for the reasons stated on the record October 29, 2025, there is no bad
11 faith by the Debtor which would cause the Court to dismiss the Chapter 11 Case with prejudice or with a
12 bar to the Debtor filing another bankruptcy case.

13 3. The Court concludes the Chapter 11 Case shall be dismissed without prejudice unless, on
14 or before November 26, 2025 at or by 11:59 p.m. Pacific Time, the Debtor files a statement with the Court
15 outlining a settlement with respect to the terms of indicating that in the Debtor's judgment it has made
16 progress toward a settlement and accordingly will file and pursue confirmation of a fourth amended plan
17 of reorganization. Responses or objections to the Debtor's statement shall be filed on or before November
18 ____, 2025, and a further hearing on the Motion shall be held by the Court on November ____, 2025 at
19 _____ m. PT.

20 4. This Court shall retain jurisdiction with respect to all matters arising from or related to the
21 implementation of or interpretation of this Order.

22 *** END OF ORDER ***

23
24
25
26
27
28 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

COURT SERVICE LIST

All ECF Recipients.