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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

DEBTOR'S SECOND MOTION IN LIMINE TO EXCLUDE ARGUMENT AND EVIDENCE THAT A VOTE AGAINST THE DEBTOR PLAN REPRESENTS INFORMED CONSENT THAT DISMISSAL IS IN THE BEST INTEREST OF CREDITORS

Judge: Hon. William J. Lafferty

Date: June 12, 2026
Time: 9:00 a.m.
Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612

The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor in possession (the "Debtor" or "RCBO") in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case"), hereby files this second motion in limine (the "Motion") to exclude any argument or evidence, implying or asserting that the results of the vote on the Debtor's Plan constitutes or reflects informed consent with respect to the Committee's position that dismissal is in the best interest, either individually or as a whole, of the 345 Abuse Claimants,[1] including all of the constituents and the individual nine members of the Official Committee of Unsecured Creditors (the "Committee"). In support of this Motion, the Debtor submits the Declaration of David B. Goroff (the "Goroff Declaration"), filed concurrently herewith and incorporated herein, and supporting exhibits, and respectfully states as follows:[2]

I. INTRODUCTION

When the Committee withdrew its competing plan on April 24, 2026, it advocated dismissal was a better alternative than the Debtor's Plan which is before the Court for confirmation. The Committee, however, did not explain its reasons. Yet now the only alternative to the Debtor's Plan being presented at the Confirmation Hearing is no plan at all, indeed no bankruptcy. The Debtor believes this makes the process by which the Committee reached its conclusion a fair subject for inquiry, including whether and how the approximately 336 survivor claimants who are not on the Committee were informed about this alternative and what they were told about how their individual claims would likely fare in this alternative world—an appropriate subject of discovery, including through depositions of the Committee's representative witness under Fed. R. Civ. P. 30(b)(6), Matthew Babcock, and two members of the Committee the Debtor had previously identified as relevant witnesses relating to plan confirmation—Committee Chair Steven Woodall and Committee representative Kelly O'Lague. However, the Committee opposed any discovery of this process, leaving the parties at impasse.

At the parties' joint request, the Court received briefs and heard argument from the parties. It agreed with the Debtor that whether the Committee met on the alternative of dismissal, when they met

[1] The Committee stipulated to this number of claims during the hearing on April 29, 2026. *See* April 29, 2026 Hr'g Tr. at 69:23-24 ("MR. KAPLAN: Your Honor, we have no problem stipulating that in the debtor's view of the world, it is 345 claimants.").

[2] Capitalized terms not defined below have the meaning ascribed to them in the *Debtor's Modified Fourth Amended Plan of Reorganization* [Docket No. 2758].

and if they voted on this was relevant but agreed with the Committee that the specifics of what they discussed or advised non-committee survivor claimants was not. The Court stated it would not find the testimony of individual Committee members helpful to it in this matter and asked Debtor counsel if he wanted to proceed on a separate motion to compel the depositions of Mr. Woodall and Ms. O'Lague in light of that, which he agreed he would not, so long as no Committee members would be called to testify at the hearing in any capacity, including rebuttal. Counsel for the Committee agreed he would not call any witness that Debtor counsel had not had fair opportunity to depose.

However, this limitation on relevance and discovery must be applied evenly. Since the Debtor was precluded from exploring and using as evidence at the Confirmation Hearing what the survivor claimants, including their representatives, were advised and believed, then Committee counsel cannot argue their individual or collective votes demonstrate they made a rational or fair or informed decision that dismissal is better than the Plan.

For these reasons and those set forth below, this Motion should be granted.

II. BACKGROUND

A. Following a Jury Verdict for Mr. Woodall, the Committee Withdraws its Competing Plan and Newly Argues Dismissal is Better for Creditors Than the Debtor's Plan.

The Court approved a schedule for discovery and briefing leading up to a confirmation hearing, which is to commence on or about June 15, 2026 (the "Confirmation Hearing"). This schedule was memorialized in an order entered on April 6, 2026 [Docket No. 2790] (the "Scheduling Order").

On March 29, 2026, the Debtor filed its *Modified Fourth Amended Plan of Reorganization Dated March 27, 2026* (the "Plan") [Docket No. 2758] and *Disclosure Statement in Support of Debtor's Modified Fourth Amended Plan of Reorganization* [Docket No. 2759] (as later amended and modified, the "Disclosure Statement").[3] On April 15, 2026, the Committee filed an amended version of its competing plan of reorganization (the "Committee Plan") and supporting disclosure statement [Docket Nos. 2832, 2833]. Under the Committee Plan, the Debtor was expected to contribute $195.2 million to the Survivor's Trust. Thus, for a time, the Court was presented with competing plans, with the Debtor and the Committee

[3] The Debtor filed the solicitation version of the Debtor Disclosure Statement at Docket No. 2902.

each advocating that its individual plan satisfied the requirements for confirmation under 11 U.S.C. § 1129 and otherwise under the law.

However, on April 22, 2026, the jury reached a $16 million verdict in Mr. Woodall's individual state court case against the Debtor, which was the first of six state court actions for which this Court had lifted the automatic stay on July 25, 2025 pursuant to 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]. Directly following this, on April 24, 2026, the Committee changed tactics and withdrew both the Committee Plan and the Committee Disclosure Statement [Docket No. 2854] (the "Withdrawal Notice"), stating in its Withdrawal Notice its belief that it was "far more fair and equitable" for Survivors to resolve their abuse claims in state court (in other words, through each of its 345 constituents filing and pursuing individual lawsuits against the Debtor) than in the Debtor's Plan. The Committee provided no explanation or insight into how it reached this position, especially as for weeks before it was pushing its own plan as the fairest and most equitable means of resolution of this Chapter 11 Case. The Committee also noted its intent to move to dismiss this Chapter 11 Case, again providing no insight or explanation into its reasoning why having no certain process for payment to claimants of any amount is superior to the payments that abuse claimants would receive under the Debtor Plan, especially when compared to similar bankruptcies of other Dioceses.

B. The Debtor Seeks to Compel the Deposition Testimony of Mr. Woodall, Ms. O'Lague, and Mr. Babcock.

Pursuant to the Scheduling Order, the Debtor and the Committee have, in good faith, engaged in extensive fact and expert discovery. The Debtor sought to depose Mr. Babcock (as the Committee 30(b)(6) designee) on agreed topics and on those the Court agreed were relevant and has been able to complete that deposition as of June 3, 2026. However, that deposition was limited by the Court on the questions of what the Committee and individual survivor claimants were told about what would happen if the Chapter 11 Case is dismissed and what that might mean for each of their individual claims.

The Debtor also sought to depose Mr. Woodall, the Committee Chair, whom the Committee originally had identified as a Rule 30(b)(6) witness prior to his receiving a jury verdict in his individual

lawsuit against Debtor in California state court, and also sought to depose Ms. O'Lague, whom the Committee had identified for weeks as a witness before deciding to de-list her as a witness on May 13.

Even after they were removed as witnesses, the Debtor believed Mr. Woodall and Ms. O'Lague had relevant information as to how they and the Committee decided that no plan and dismissal would better serve the interests of the 345 survivor claimants (and other creditors) than the Debtor's Plan. The Debtor was also concerned that even after the Committee removed these individuals from its list of witnesses, it might call them as rebuttal witnesses, as it originally reserved the right to do. It believed deposing them was essential for these purposes. As described below, the Debtor was not able to obtain this discovery.

i. Steven Woodall and Kelly O'Lague were Critical Fact Witnesses.

On April 17, 2026, the Debtor served its Notice of 30(b)(6) Deposition on the Committee and related topics for designation. Originally, the Committee designated Mr. Woodall, the Committee Chairperson on 9 topics (out of 51), as one of its two corporate representatives under Federal Rule 30(b)(6).[4] These included, among others: (a) why the Debtor Plan was not proposed in good faith, (b) the advantages and disadvantages of the Committee Plan relative to the Debtor Plan, and vice versa, (c) the Committee's understanding as to whether RCWC, Adventus, RCC, CCCEB, or any other Non-Debtor Catholic Entity support the Committee Plan, and (d) whether the Insurers support the Committee Plan or the Debtor Plan.[5] However, after filing the Withdrawal Notice, the Committee amended its corporate designations, entirely removing Mr. Woodall as one of its representatives. The Debtor still intended to depose Mr. Woodall as a fact witness, but as discussed below, was unable to do so.

Separately, the Debtor sought to depose Kelly O'Lague because, among other reasons, until May 13, Ms. O'Lague was listed as the Committee's fact witness for the Confirmation Hearing.[6] And as a Committee member, she was one of the nine Committee members with personal knowledge of its

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[4] As noted, it also identified Mr. Babcock as a Rule 30(b)(6) witness, as discussed in the next subsection.
[5] *See* original Committee Response to Debtor's Rule 30(b)(6) Notice, dated April 23, 2026, attached to the Goroff Declaration as **Exhibit 3** (designating Mr. Woodall for topic numbers 1, 9, 11, 16, 19, 23, 26, 45 and 46).
[6] The original Committee's Fact Witness Disclosure, dated April 16, 2026, attached to the Goroff Declaration as **Exhibit 1**; Committee's Amended Fact Witness Disclosure, dated April 26, 2026, attached to the Goroff Declaration as **Exhibit 2**.

opposition to the Debtor Plan (or any chapter 11 plan, including the Committee Plan), as well as the Committee's reasons for pushing for withdrawal of the competing plan and dismissal. Specifically, the Committee disclosed that Ms. O'Lague, would testify "in her individual capacity, as to her view, as a survivor of childhood sexual abuse and holder of a claim against the Debtor,[7] that the Debtor Plan is not fair and equitable nor proposed in good faith, and that she believes dismissal provides for a better outcome for survivors of sexual abuse than the current Debtor Plan."[8] However, as described below, the Debtor did not depose Ms. O'Lague. When Mr. Woodall and Ms. O'Lague were still witnesses for the Committee, the Debtor asked Committee counsel to provide available dates, times and locations so scheduling could be mutually convenient.

When the Committee withdrew Mr. Woodall as its corporate designee, counsel for Debtor advised Committee counsel that the Debtor still wished to depose him. The Committee did not object to this but noted that the Debtor would need to subpoena him, in care of his personal attorney.

The same was true for Ms. O'Lague. And even while Ms. O'Lague remained listed as a fact witness, however, Committee counsel advised that it was having trouble securing available dates from her and she would need to be subpoenaed through her personal attorney.

Accordingly, the Debtor attempted to serve third-party subpoenas under Federal Rule 45 on Mr. Woodall and Ms. O'Lague and their respective personal counsel. However, Mr. Woodall's personal attorney, Richard Simons, in a telephone conversation, stated he would not produce Mr. Woodall for any circumstance and believed that all actions of the Committee would be protected from discovery by the attorney-client privilege. Ms. O'Lague's attorney did not return calls from Debtor's counsel, but advised Committee counsel he had no authority to accept service for her deposition.

Therefore, on May 14, 2026, the Debtor filed its *Motion to Compel the Deposition Testimony of Kelly O'Lague and Steven Woodall* (the "Motion to Compel") [Docket No. 2971] seeking to compel the deposition testimony of Mr. Woodall and Ms. O'Lague, in the personal capacities as Committee members

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[7] The Committee's belief that this fact is relevant to whether the Plan is fair and equitable vis-à-vis claimants in the bankruptcy are survivors of sexual abuse is the basis for a separate motion in limine the Debtor is filing contemporaneously.

[8] Committee's Amended Fact Witness Disclosure, dated April 26, 2026, attached to the Goroff Declaration as **Exhibit 2**.

and Survivors. As noted in the Motion to Compel, the Debtor believed (and still believes) that testimony from these Committee members was necessary and appropriate to ascertain "their belief and reasoning why dismissing the Chapter 11 Case—instead of confirming the Debtor Plan—is purportedly in the best interests of the Survivors." (Motion to Compel, at p. 10:25-26). Moreover, the Debtor wanted to know whether the Committee members had communicated with its constituents, "and whether those constituents understand the risks of denying confirmation and dismissing this Chapter 11 Case." (*Id.* at p.11:3-5).

The Committee, however, opposed this discovery.

ii. Matthew Babcock as the Committee's Corporate Designee is a Critical Witness.

The Debtor sought similar information from Mr. Babcock, as the Committee's designated 30(b)(6) corporate representative, during his deposition on April 30. Committee counsel, however, then took the position that this information was privileged and instructed the witness not to answer.[9] Committee counsel also objected that the Debtor had not noticed dismissal as a topic for the Rule 30(b)(6) deposition; however, the Committee did not file the Withdrawal Notice until after the Debtor had issued its *Notice of Intent to Take Deposition of the Official Committee of Unsecured Creditors' Corporate Representative*, dated April 17, 2026.[10] However, after conferral, Committee counsel agreed that the Debtor could amend its notice of deposition with new topics to address its Withdrawal Notice.

On May 7, the Debtor issued its Amended Notice of 30(b)(6) Deposition on the Committee and four new topics of designation related to the Withdrawal Notice.[11] Those included: (1) Committee's withdrawal of the Committee Plan and Committee Disclosure Statement; (2) the Committee's statements and representations made in the Withdrawal Notice; (3) the Committee's intent to move for dismissal; and (4) the Committee's understanding of the consequences of dismissal if the Chapter 11 Case was

[9] M. Babcock Depo Tr. (Apr. 30, 2026) at 61:25-65-3 ("I'm going to instruct the witness not to answer based on privilege on what the deliberations of the Committee are and what actions the Committee has taken.")

[10] Debtor's Notice of Intent to Take Deposition of the Official Committee of Unsecured Creditors' Corporate Representative, dated April 17, 2026, attached to the Goroff Declaration as **Exhibit 4**.

[11] Debtor's Amended Notice of Intent to Take Deposition of the Official Committee of Unsecured Creditors' Corporate Representative, dated May 7, 2026, attached to the Goroff Declaration as **Exhibit 5**.

dismissed.[12] The Committee responded with various objections, but agreed to designate Mr. Babcock only on (2) and (4).[13] The continued deposition took place on June 3, 2026.

On May 15, 2026, counsel for each of the Debtor and Committee met and conferred on the Committee's objections and responses. Committee counsel stated its position that *any* inquiry into the Committee deliberations and its conduct is privileged. Committee counsel also took the position that questions related to the dismissal and the statements made in the Withdrawal Notice were not relevant to confirmation. The Debtor vehemently disagreed (and does).

Counsel for Debtor and Committee counsel each agreed it would be fairest and most efficient to obtain the Court's ruling on their discovery dispute in advance of the second session for Mr. Babcock's deposition. Therefore, on May 19, 2026, the Debtor and the Committee filed a joint letter [Docket No. 2982] (the "Joint Letter") outlining each party's respective arguments. The Debtor reiterated its position that testimony about how and why the Committee decided to advocate for dismissal of the Chapter 11 Case is relevant to confirmation of the Debtor Plan. Specifically, the "but for" world of how creditors will fare in the absence of the plan is irrefutably relevant to whether a plan is in the creditors' best interests, for example. (Joint Letter at p. 2–3). This is all the more true, when the "but for" world provides nothing that each survivor claimant could not already get under the Litigation Option (indeed, less), while not offering any possibility of payment on the claim, while the Plan anticipates an average of $522,000 payout to individual survivor claimants, a record high for like-Diocese bankruptcies.

Specifically, because the Committee's position goes beyond merely advocating against the Debtor's Plan and actively advocates that dismissal (and therefore no process for an assured payment to each individual claimant) is a preferred alternative, whether the constituents of the Committee were sufficiently informed of the consequences of such an outcome, including that a constituent may recover nothing on his/her claim because the Debtor and/or its insurers may run out of cash, is highly relevant to confirmation.

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[12] *Id.*

[13] Committee's Responses and Objections to Debtor's Amended Notice of 30(b)(6) Deposition on the Committee, dated May 8, 2026, attached to the Goroff Declaration as **Exhibit 6**.

C. The Court Limits the Debtor's Inquiry into the Committee's Deliberative Process to Mr. Babcock.

As requested by the parties, on May 21, 2026, the Court held a hearing on the Joint Letter. There, the Court agreed with the Debtor that the process by which the Committee decided that dismissal is a preferred alternative to the plan is relevant to an extent, while also agreeing with the Committee that there are limits to what may be asked about deliberations. Specifically, the Court held that the Debtor could ask whether there was a vote and when, whether it was presented to the Committee members, whether Mr. Babcock attended the meetings, and the final factual and legal conclusion. (5/21 Tr. at 36:15–21).

The Court further held that, due to the nature of this Chapter 11 Case, seeking such an inquiry from individual Committee members would not be relevant to the issues that needed to be decided at confirmation. (5/21 Tr. at 36:24–37:3 ["I think this rationale is going to be quite relevant to the question of individual witnesses as well. So unless somebody has a different idea, I think I'm prepared to say I don't see the utility in having those individual witnesses as representatives of the committee, certainly, testify. I mean, for the same reasons I'm limiting Babcock, I would limit the individuals."]).[14] The Court acknowledged that a decision to simply pursue litigation outside bankruptcy might be irrational because a claimant may receive nothing even if it prevails, but said whether individual abuse claimants were properly advised of the consequences of rejecting the Debtor's Plan would not be material to confirmation because "even if it's irrational, it's for irrational people to make that decision." (5/21 Tr. at 38:14–25).

In that regard, the Court noted it did not believe that testimony from Mr. Woodall or Ms. O'Lague as to their individual understanding or as to their efforts to communicate with other Committee members or constituents would be relevant and on that basis. (5/21 Tr. at 36:24–37:5). The Court then asked Debtor counsel, David Goroff, if he still wished to pursue the motion to compel their depositions, which had not yet been scheduled for argument. (5/21 Tr. at 37:6-7). Mr. Goroff agreed that it would not be necessary to do so, so long as Mr. Woodall and Ms. O'Lague (or any other abuse claimant) was not going to testify at the Confirmation Hearing. (5/21 Tr. at 37:8-11). Counsel for the Committee, Michael Kaplan, stated that

[14] Counsel for the Debtor and the Committee have agreed that, in light of the Court's ruling and colloquy of counsel at the May 21 hearing, the Debtor will withdraw its Motion to Compel the depositions of Ms. O'Lague and Mr. Woodall. *See* Docket No. 3053.

the Committee would not call or present any witness whom the Committee had not subjected to discovery. (5/21 Tr. at 37:14–16 [MR. KAPLAN: I'm stating it for the record, Your Honor. We will not produce any witness that we have not subjected to discovery."]).

III. RELIEF REQUESTED

By this Motion, the Debtor requests that this Court enter order, substantially in the form attached hereto as **Exhibit A** (the "Proposed Order"), excluding any argument or evidence from the Confirmation Hearing regarding whether the Committee as a whole, its individual members or any of the 345 Abuse Claimants was properly informed, made an informed decision or gave informed consent to the decision by the Committee to urge that this Chapter 11 Case be dismissed in lieu of confirmation of the Debtor's Plan.

Lest there be any doubt, this would not preclude the Committee (or the Debtor) from discussing the dates on which the Committee met or voted on these issues or the fact of whether non-Committee members were contacted about this topic prior to the Withdrawal Notice being filed, but it would preclude the contents of those communications or any conclusion based on those communications. Nor would this preclude the Committee or the Debtor from stating that a vote of creditors regarding the Plan was solicited or the results of that vote. Nor would it preclude the use of materials used to solicit any vote, so long as these had been timely and appropriately served on or made available to the Debtor in advance of the hearing.

IV. BASIS FOR RELIEF

The Court has "broad discretion to make discovery and evidentiary rulings conducive to the conduct of a fair and orderly trial." *Campbell Indus. v. M/V Gemini*, 619 F.2d 24, 27 (9th Cir. 1980). This discretion includes the power "to exclude testimony of witnesses whose use at trial is in bad faith or would unfairly prejudice an opposing party." *Id.*

Here, any argument or evidence implying that votes cast against the Debtor's Plan proves that the Abuse Claimants were properly informed and in favor of dismissal should be excluded because the Debtor was precluded from such discovery. ***First***, counsel for the Committee and individual members refused to provide any discovery and objected on the basis of privilege. If such information was "privileged" (which

the Debtor believes it is not) during discovery, the Committee cannot be permitted to offer such information during the Confirmation Hearing. *See, e.g., Harewood v. Alexander*, No. 16-21874-CIV, 2017 WL 11926501 (S.D. Fla. Feb. 16, 2017) ("'[A] party may not use privileged documents to prove a claim or defense, then hide behind the shield of privilege to prevent the opposing party from effectively challenging such evidence.'") (quoting *Garcia v. Padilla*, No. 2:15-CV-735-FTM-29CM, 2016 WL 881143 (M.D. Fla. Mar. 8, 2016)). In other words, the Committee cannot refuse to provide the Debtor with evidence then turn around and attempt to offer the same evidence at the Confirmation Hearing in support of its case. *Gen. Atomic Co. v. Exxon Nuclear Co.*, 90 F.R.D. 290, 308 (S.D. Cal. 1981) ("[I]t is fundamental that a party that does not provide discovery cannot profit from its own failure.") (quoting *Dellums v. Powell*, 566 F.2d 231, 235 (D.C.Cir.1977)).

Second, the Debtor then sought court intervention to authorize it to take this discovery vis-à-vis the Joint Letter. The Court authorized discovery as to the facts of the process—whether there was a meeting and when and whether there was a vote, but not on the substance of discussion or on what Committee constituents were told prior to the withdrawal notice being filed (if anything) or their votes on the Plan being solicited. Indeed, at the May 21 hearing, the Court determined that evidence concerning whether Committee members understood the impact of dismissing this Chapter 11 Case—as opposed to confirming—and whether members discussed it with each other or its constituents was potentially privileged and otherwise irrelevant to the Confirmation Hearing. The Court made this determination in connection with Mr. Babcock's upcoming 30(b)(6) deposition and the Debtor's pending Motion to Compel depositions of Mr. Woodall and Ms. O'Lague. In light of these rulings, the Debtor did not have an opportunity to assess, challenge, or test any evidence regarding whether individual Committee members or constituents acted with informed consent in its vote against the Debtor's Plan and the Court has stated it would not find this information relevant to whether the Plan meets the standards for confirmation in any event. As a result, it is appropriate to preclude argument and evidence, including testimony, about whether the Committee, its members and any of the individual Abuse Claimants made an informed decision or gave informed consent to the opposition to the Plan or to the representation that dismissal would better serve their interests than would the Plan.

To be clear, this Motion does not preclude any one from presenting or using the voting results at the Confirmation Hearing to show that the requirements of the Bankruptcy Code are satisfied. Rather, the Court should preclude Committee counsel from arguing or introducing evidence at the Confirmation Hearing that the voting results demonstrate that Abuse Claimants fully understand the consequences of dismissal. To allow anything further without giving the Debtor a full opportunity to investigate whether the Committee constituents made an informed decision would be unfairly prejudicial to the Debtor.

V. CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court enter the Proposed Order and grant such other and further relief as may be just and proper.

DATED: June 4, 2026

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Shane J. Moses
Ann Marie Uetz
Matthew D. Lee
David B. Goroff
Mark C. Moore

/s/ Shane J. Moses
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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

[PROPOSED] ORDER GRANTING DEBTOR'S SECOND MOTION IN LIMINE TO EXCLUDE ARGUMENT AND EVIDENCE THAT A VOTE AGAINST THE DEBTOR PLAN REPRESENTS INFORMED CONSENT THAT DISMISSAL IS IN THE BEST INTEREST OF CREDITORS

Judge: Hon. William J. Lafferty

Date: June 12, 2026
Time: 9:00 a.m.
Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612

Upon the *Debtor's Second Motion in Limine to Exclude Argument and Evidence That a Vote Against the Debtor Plan Represents Informed Consent That Dismissal is in the Best Interest of Creditors* [Docket No. [•] (the "Motion"),[1] filed by the Roman Catholic Bishop of Oakland, a California corporation sole (the "Debtor") in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case"), for entry of an order, pursuant to Rule 403 of the Federal Rules of Evidence, made applicable by Rule 9017 of the Federal Rules of Bankruptcy Procedures, and section 105 of title 11 of the United States Code, excluding any argument or evidence from the Confirmation Hearing implying or asserting that the results of the vote on the Debtor's Plan constitutes or reflects informed consent with respect to the Committee's position that dismissal is in the best interest, either individually or as a whole, of the Abuse Claimants, including all of the constituents and the individual nine members of the Committee; the Court having found it has jurisdiction over this matter, venue in this Court is proper, and notice of the Motion was reasonable and sufficient under the circumstances; and the Court having found the relief requested in the Motion is in the best interests of the Debtor, its estate, its creditors, and other parties in interest; and after due deliberation and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.

2. No evidence or argument shall be admitted or allowed at the Confirmation Hearing, implying or asserting that the results of the vote on the Debtor's Plan constitutes or reflects informed consent with respect to the Committee's position that dismissal is in the best interest, either individually or as a whole, of the Abuse Claimants, including all of the constituents and the individual nine members of Committee.

3. For the avoidance of doubt, this Order does not preclude parties from (a) discussing the dates on which the Committee met or voted on these issues or the fact of whether non-Committee members were contacted about this topic prior to the Withdrawal Notice being filed, but it would preclude the contents of those communications or any conclusion based on those communications; (b) stating that a

[1] Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

vote of creditors regarding the Plan was solicited or the results of that vote; or (c) using of materials used to solicit any vote, so long as these had been timely and appropriately served on or made available to the other parties in advance of the hearing

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

*** END OF ORDER ***

COURT SERVICE LIST

All ECF Recipients.