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8 *Proposed Special Insurance Counsel for*
9 *the Debtor*

10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 In re:

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

16 Debtor.

CASE No: 23-40523 WJL

CHAPTER 11

ADVERSARY CASE No. 23-04037

**RULE 26 CASE MANAGEMENT
STATEMENT/REQUEST FOR
CONTINUANCE**

17 THE ROMAN CATHOLIC BISHOP OF
18 OAKLAND,

19 PLAINTIFF,

20 v.

21 AMERICAN HOME ASSURANCE CO., a
22 New York corporation; LEXINGTON
23 INSURANCE CO., a Delaware corporation,

24 DEFENDANTS.



1 The Roman Catholic Bishop of Oakland ("RCBO"), Plaintiff in the above-captioned adversary
2 proceeding (the "Adversary Proceeding"), and the debtor and debtor in possession in the underlying
3 chapter 11 case (the "Debtor"), hereby submits this Case Management Statement under Federal Rule of
4 Civil Procedure Rule 26, the Standing Order for All Judges of the Northern District of California, and
5 Local Civil Rule 16-9.

6 **1. JURISDICTION**

7 The Court has subject matter jurisdiction over RCBO's claims under section 157 and 1334 of title
8 28 of the United States Code.

9 **2. FACTS**

10 Plaintiff's Statement: RCBO is the debtor and debtor in possession in the chapter 11 case
11 underlying this adversary proceeding. On May 8, 2023, RCBO caused its attorneys to file a voluntary
12 petition for chapter 11 bankruptcy relief under the Bankruptcy Code. RCBO continues to operate its
13 ministry and manage its properties as a debtor in possession under section 1107(a) and 1108 of the
14 Bankruptcy Code. The Defendants in this Adversary Proceeding are two insurance companies and related
15 entities (the "Insurers") with which RCBO maintained primary, excess layer, and umbrella policies over
16 various periods from the early 1960s continuously through the present.

17 RCBO has been named in more than 300 complaints primarily filed in the Superior Court of
18 Alameda County, California, seeking recovery for alleged negligent supervision and hiring of certain
19 clerical and ministerial personnel over a period of decades (the "Underlying Lawsuits"). These suits have
20 been filed as a result of California's passing of AB 218, which extended the statute of limitations for the
21 filing of similar civil suits. RCBO is also informed, and believes, that additional suits may be filed and/or
22 served during the pendency of this Adversary Proceeding. RCBO has tendered through its broker both
23 RCBO's defense and indemnity of these suits under all applicable insurance policies, where the insurance
24 company that issued those policies was not insolvent. RCBO contends that the Insurers have denied or
25 failed to confirm coverage and/or provide defense and/or indemnity to RCBO with respect to the above-
26 described lawsuits RCBO faces. Insurers deny these allegations.

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1 **3. STATUS OF PLEADINGS AND RELATED CASE**

2 Related Case: The action is related to Adversary Case No. 23-04028-WJL. The legal issues in the
3 two cases are identical, pertaining to the Insurers' obligations to confirm 1) coverage, 2) defense, and 3)
4 indemnity, with respect to the Underlying Lawsuits, pursuant to the respective insurance policies
5 applicable to each Insurer. Plaintiff asks that these cases be formally consolidated once the Court rules
6 on the pending motions to dismiss in the related proceeding.

7 Status of Pleadings: Plaintiff intends to file a First Amended Complaint based upon the Court's
8 ruling on Insurers' Motions to Dismiss in the related action. Based upon this Plaintiff has granted
9 Defendants an extension to answer or file a responsive pleading in this action Twenty (20) days after
10 service of the First Amended Complaint is filed.

11 **4. CONTINUATION OF CASE MANAGEMENT CONFERENCE**

12 In light of the above, Plaintiff asks that this Case Management Conference be continued to February 7,
13 2024.

14 DATED: DECEMBER __, 2023

BREALL & BREALL, LLP

16 By: /s/ Joseph M. Breall
17 Joseph M. Breall
18 *Proposed Special Insurance Counsel for Debtor,*
19 *The Roman Catholic Bishop of Oakland*
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