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*Proposed Special Insurance Counsel for
the Debtor*

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

In re:

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

Debtor.

THE ROMAN CATHOLIC BISHOP OF
OAKLAND,

Plaintiff,

v.

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

Defendants.

CHAPTER 11

Case No. 23-40523 WJL

Adversary Case No. 23-04037

**STIPULATION TO WITHDRAW
HEARING DATE AND BRIEFING
SCHEDULE FOR MOTION TO DISMISS**

**TO THE HONORABLE COURT, AND TO ALL PARTIES AND THEIR
ATTORNEYS OF RECORD:**

WHEREAS, on January 26, 2024 Defendant American Home Assurance Company (“Defendant”) filed a motion to dismiss Debtor’s First Amended Complaint for Declaratory Judgment Relief, Breach of Contract, and Breach of Statutory Duty (Motion to Dismiss) with a hearing date of March 27, 2024 and an objection date of March 13, 2024.



1 **WHEREAS**, on February 12, 2024, the Court informed all parties that in light of the
2 anticipated motion to withdraw the reference in this matter, the Court would not hear the pending
3 Motion to Dismiss

4 **NOW, THEREFORE**, in consideration of the foregoing, the parties hereto, by and
5 through their attorneys of record, hereby agreed and stipulate as follows:

6 1. The current hearing date for the Motion to Dismiss should be taken off the
7 calendar and re-set after the Defendant makes a motion to withdraw the reference. Debtor will
8 be excused from filing any opposition to the current motion until Defendant determines its
9 course of action, at which time a new date and hearing schedule will be set.

10 2. Nothing herein shall constitute a waiver of any objection/opposition Debtor has to
11 the Motion to Dismiss.

12
13
14 Dated: February 20, 2024

Dated: February 20, 2024

15 NICOLAIDES FINK THORPE
16 MICHAELIDES SULLIVAN LLP

BREALL & BREALL, LLP

17 By: */s/ Amy P. Klie*

/s/ Joseph M. Breall

18 _____
19 Amy P. Klie
20 Attorney for Defendants AMERICAN
HOME ASSURANCE CO. and
LEXINGTON INSURANCE CO.

Joseph M. Breall
Special Insurance Counsel for Debtor,
The Roman Catholic Bishop of Oakland