



Office of the Clerk  
United States Bankruptcy Court, Northern District of California

Edward J. Emmons, Clerk of Court  
450 Golden Gate Avenue  
Mail Box 36099  
San Francisco, CA 94102  
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**April 11, 2024**

Mark B. Busby, Clerk of Court  
United States District Court  
Phillip Burton Federal Building & United States Courthouse  
450 Golden Gate Avenue, 16th Floor  
San Francisco, CA 94102

District Court Appeal Number:

**24-cv-01850-RFL**

**Re: Transmittal of Record on Appeal to District Court:**

**Case Name: The Roman Catholic Bishop of Oakland Case Number: 23-40523; Judge William J. Lafferty**

Dear Clerk:

We are electronically transmitting the following documents to your court for the above referenced matter:

- ☒ Docket Report
- ☒ Certificate of Record
- ☒ Appellant's Designation of Items and Statement of Issues
- ☒ Appellee's Designation of Additional Items (if applicable)
- ☐ Cross-Appellant's Designation of Additional Items and Statement of Issues (if applicable)
- ☐ Cross-Appellee's Designation of Additional Items (if applicable)
- ☐ Certificate of No Transcript Requests (if applicable)
- ☐ Statement of Evidence When a Transcript is Unavailable (if applicable)
- ☐ Agreed Statement as the Record on Appeal (if applicable)
- ☐ Other

If you have any questions, please contact me at **(888) 821-7606** .

Edward Emmons, Clerk  
United States Bankruptcy Court

By: /s/Phyllis L. Wright

Phyllis L. Wright

Deputy Clerk



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

In Re:

**The Roman Catholic Bishop of  
Oakland**

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Bankruptcy Case No.: **23-40523 WJL**

District Court Appeal Case No.:  
**24-cv-01850-RFL**

**CERTIFICATE OF RECORD**

The undersigned Clerk of the U.S. Bankruptcy Court hereby certifies the record on appeal is complete and ready for transmission. The Designation of Content for Record on Appeal and Statement of Issues have been filed. The status of the transcripts are as follows:

- ☒ Designated transcript(s) have been filed with this Court. Docket #: 553,622,774,858,866
- ☐ No transcripts were requested by Appellant or Appellee.
- ☐ Other:

Edward Emmons, Clerk  
United States Bankruptcy Court

Date: 4/11/2024

By: /s/Phyllis L Wright

Phyllis L. Wright Deputy Clerk

**U.S. Bankruptcy Court  
California Northern Bankruptcy Court (Oakland)  
Bankruptcy Petition #: 23-40523**

*Assigned to:* Judge William J. Lafferty  
Chapter 11  
Voluntary  
Asset

*Date filed:* 05/08/2023  
*341 meeting:* 06/21/2023  
*Deadline for filing claims:* 09/11/2023  
*Deadline for filing claims (govt.):* 11/06/2023

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Filing Date	#	Docket Text
03/13/2024	<u>962</u>	Statement of Issues on Appeal,, Appellant Designation of Contents For Inclusion in Record On Appeal (RE: related document(s) <u>905</u> Notice of Appeal and Statement of Election filed by Interested Party Certain Underwriters at Lloyd's of London Subscribing to Slip Nos. CU 1001, K66034, K78138 and CU 3061). Appellee designation due by 03/29/2024. Filed by Interested Party Certain Underwriters at Lloyd's of London Subscribing to Slip Nos. CU 1001, K66034, K78138 and CU 3061 (Reinhardt, Nathan) (Entered: 03/13/2024)
03/26/2024	<u>1010</u>	Appellee Designation of Contents for Inclusion in Record of Appeal /Additional Designation of Record (RE: related document(s) <u>905</u> Notice of Appeal and Statement of Election filed by Interested Party Certain Underwriters at Lloyd's of London Subscribing to Slip Nos. CU 1001, K66034, K78138 and CU 3061). Filed by Creditor Committee Official Committee of Unsecured Creditors of the Roman Catholic Bishop of Oakland (Sekona, Jullian) (Entered: 03/26/2024)

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Attorneys for Appellants, *Certain Underwriters at Lloyd's, London, subscribing severally and not jointly to Slip Nos. CU 1001 and K 66034 issued to the Roman Catholic Archbishop of San Francisco, and Nos. K 78138 and CU 3061 issued to the Roman Catholic Bishop of Oakland*

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

In re:

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

Debtor.

Case No.: \_\_\_\_\_

Bankruptcy Case No.: 23-40523 WJL

**STATEMENT OF ISSUE ON  
APPEAL AND DESIGNATION OF  
THE RECORD**

## **STATEMENT OF ISSUE AND DESIGNATION OF THE RECORD**

Appellants Certain Underwriters at Lloyd's, London, subscribing, severally and not jointly, to Slip Nos. CU 1001 and K 66034 and Nos. K 78138 and CU 3061 (collectively, "London Market Insurers" or "LMI"), naming the Roman Catholic Bishop of Oakland as an Assured, by and through their undersigned counsel, hereby provide a statement of issue and designation of the record on appeal, each pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 8009 and bankruptcy local rule 8009-1 of the United States Bankruptcy Court, Northern District of California.

### **I. Statement of Issue on Appeal**

Whether LMI's loss reserve and insurance underwriting information is discoverable under FRBP 2004, where no party has alleged a bad faith insurance claim.<sup>1</sup>

### **II. Designation of the Record on Appeal**

LMI designate the following record on appeal:

<b><u>Bankruptcy Docket No.<sup>2</sup></u></b>	<b><u>Date</u></b>	<b><u>Description</u></b>
1	5/8/2023	Petition
19	5/8/2023	Declaration of Charles Moore, Managing Director of Alvarez & Marsal North America, LLC, Proposed Restructuring Advisor to the Roman Catholic Bishop of Oakland, in support of Chapter 11 Petition and First Day Pleadings
502	10/5/2023	The Official Committee of Unsecured Creditors Ex Parte Application for Federal Rule of Bankruptcy Procedure 2004 Examination of Insurers

<sup>1</sup> LMI previously provided a question of law for review in its *Memorandum of Points and Authorities in support of Motion for Leave to Appeal*.<sup>1</sup> See *In re Roman Catholic Bishop of Oakland*, No. 23-40523, Doc. No. 906 (Bankr. N.D. Cal. February 28, 2024) ("Bankruptcy Case"). LMI adopt the same question of law as its statement of issue on appeal.

<sup>2</sup> See Bankruptcy Case.



513	10/10/2023	Certification of Michael A. Kaplan in support of Proposed Scheduling Order regarding the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
521	10/11/2023	Insurers' (I) Preliminary Statement & Response to Committee's 2004 Motion and (II) Request for Court to Abstain Entry of an Order in connection therewith Pending Further Discussion
527	10/12/2023	Official Committee of Unsecured Creditors' Response to Certain Insurers' Preliminary Statement Concerning Proposed Briefing Schedule
528	10/12/2023	Joinder of Underwriters in Insurers' (I) Preliminary Statement & Response to Committee's 2004 Motion and (II) Request for Court to Abstain Entry of an Order in connection therewith Pending Further Discussion
532	10/12/2023	Debtor's Response to the Official Committee of Unsecured Creditors Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
546	10/18/2023	Courtroom Recording. Court Date & Time [10/18/2023 10:30:15 AM]
547	10/18/2023	Courtroom Recording. Court Date & Time [10/18/2023 1:30:01 PM]
553	10/24/2023	Transcript of Hearing held on 10/18/2023
555	10/25/2023	Certification of Michael A. Kaplan in support of Proposed Scheduling Order
558	10/26/2023	Pacific's Response to Certification of Michael A. Kaplan in support of Proposed Scheduling Order
571	11/1/2023	Insurers' Objection to Committee's Rule 2004 Motion Seeking Discovery from Debtor's Insurers
573	11/2/2023	Scheduling Order

583	11/7/2023	Official Committee of Unsecured Creditors' Reply in support of Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
584	11/7/2023	Declaration of Timothy W. Burns in support of the Committee's Reply in support of Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
604	11/10/2023	Moving Insurers' Request for Judicial Notice in support of Insurers' Objection to Committee's Rule 2004 Motion Seeking Discovery from Debtor's Insurers
616	11/14/2023	Courtroom Recording. Court Date & Time [11/14/2023 9:00:02 AM]
617	11/16/2023	Order after Hearing
622	11/20/2023	Transcript of Hearing held on 11/14/2023
678	12/11/2023	Certification of Michael A. Kaplan in support of Proposed Order Granting Committee's Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
686	12/12/2023	Declaration of Mark D. Plevin in Response to Certification of Michael A. Kaplan
687	12/13/2023	Certification of Colleen M. Restel in support of Proposed Order Granting Committee's Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
697	12/15/2023	LMI's Motion to Clarify or, in the Alternative Amend, Alter, or Reconsider the Court's Oral Ruling on the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
698	12/15/2023	Notice of Hearing on Certain Underwriters at Lloyd's, London's Motion to Clarify or, in the Alternative, Amend, Alter, or

		Reconsider the Court's Oral Ruling on the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
766	1/09/2024	Courtroom Recording. Court Date & Time [1/09/2024 9:00:01 AM]
774	1/11/2024	Transcript of Hearing held on 1/09/2024
788	1/17/2024	Official Committee of Unsecured Creditors' Objection to LMI's Motion to Reconsider the Court's Ruling on the Committee's Rule 2004 Application
796	1/18/2024	Order Granting the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
812	1/24/2024	Reply in support of Motion to Clarify or, in the Alternative, Amend, Alter, or Reconsider the Court's Oral Ruling on the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
824	1/29/2024	Notice of Continued Hearing on Motion to Clarify or, in the Alternative, Amend, Alter, or Reconsider the Court's Oral Ruling on the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
833	1/30/2024	Order to Continue Hearings Currently Set for January 31, 2024 to February 7, 2024
846	2/7/2024	Courtroom Recording. Court Date & Time [2/7/2024 10:30:10 AM]
855	2/12/2024	Courtroom Recording. Court Date & Time [2/12/2024 10:00:03 AM]
858	2/13/2024	Transcript of Hearing held on 2/7/2024
863	2/14/2024	Transcript of Hearing held on 2/12/2024

875	2/14/2024	Order Denying Motion to Clarify or, in the Alternative, Amend, Alter, or Reconsider the Court's Oral Ruling on the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
905	2/28/2024	Notice of Appeal and Statement of Election
906	2/28/2024	Motion for Leave to Appeal and Memorandum of Points and Authorities in support of Motion for Leave to Appeal
907	2/28/2024	LMI's Motion for Stay Pending Appeal of Order Granting the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
908	2/28/2024	Notice of Hearing of LMI's Motion for Stay Pending Appeal of Order Granting the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
909	2/28/2024	Ex Parte Application for an Order Shortening Time for Notice of Hearing on LMI's Motion for Stay Pending Appeal of Order Granting the Official Committee of Unsecured Creditor's Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b> Examination of Insurers
911	2/29/2024	Official Committee of Unsecured Creditors' Response to LMI's Ex Parte Application for an Order Shortening Time for Notice of Hearing for Stay Pending Appeal of Order Granting the Official Committee of Unsecured Creditors' Ex Parte Application for <b>Federal Rule of Bankruptcy Procedure 2004</b>

918	3/4/2024	Certain Underwriters at Lloyd's, London, Subscribing Severally and Not Jointly to Slip Nos. CU 1001 and K 66034 Issued to the Roman Catholic Archbishop of San Francisco, and Nos. K78138 and CU 3061 Issued to the Roman Catholic Bishop of Oakland's Motion for Protective Order
919	3/4/2024	Notice of Hearing on Certain Underwriters at Lloyd's, London, Subscribing Severally and Not Jointly to Slip Nos. CU 1001 and K 66034 Issued to the Roman Catholic Archbishop of San Francisco, and Nos. K 78138 and CU 3061 Issued to the Roman Catholic Bishop of Oakland's Motion for Protective Order
938	3/8/2024	Stipulation to Shorten Time on the Notice of Hearing of Certain Underwriters at Lloyd's, London, Subscribing Severally and Not Jointly to Slip Nos. CU 1001 and K 66034 Issued to the Roman Catholic Archbishop of San Francisco, and Nos. K 78138 and CU 3061 Issued to the Roman Catholic Bishop of Oakland's Motion for Protective Order

Dated: March 13, 2024

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

*In re:*

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

Debtor.

Case No.: \_\_\_\_\_<sup>1</sup>

Bankruptcy Case No. 23-40523 WJL

Chapter 11

**APPELLEE'S ADDITIONAL  
DESIGNATION OF THE RECORD**

Re: Dkt. Nos. 905 & 962

<sup>1</sup> As of the date filing this *Appellee's Additional Designation of the Record*, a case had not yet been opened in the District Court and no case number had been assigned.



The Official Committee of Unsecured Creditors (the “**Committee**”) of The Roman Catholic Bishop of Oakland (the “**Debtor**”), by and through their undersigned counsel, hereby designate the following additional record on appeal, in addition to Appellant’s *Statement of Issue on Appeal and Designation of the Record* [D.I. 962], pursuant to **Federal Rule of Bankruptcy Procedure 8009:**

<b><u>Bankruptcy</u></b> <b><u>Docket No.</u></b>	<b><u>Date</u></b>	<b><u>Description</u></b>
828	1/30/2024	Stipulation to Continue Hearings Currently Set for January 31, 2024 to February 7, 2024
832	1/30/2024	Confidentiality and Protective Order
838	2/2/2024	Certificate of Service

Dated: March 26, 2024

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Michael A. Kaplan  
Brent Weisenberg  
Colleen M. Restel

- and -

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