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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

Chapter 11

**DEBTOR’S MOTION FOR INTERIM AND
FINAL ORDERS AUTHORIZING THE
DEBTOR TO (I) PAY CERTAIN
PREPETITION INVOICES FOR ABUSE
SURVIVORS’ ASSISTANCE AND SAFE
ENVIRONMENT PROGRAMS, AND (II)
CONTINUE ITS PREPETITION PRACTICE
OF PAYING FOR ABUSE SURVIVORS’
ASSISTANCE AND SAFE ENVIRONMENT
PROGRAMS**

Judge: Hon. William J. Lafferty

Date: TBD

Time: TBD

Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612



1 The Roman Catholic Bishop of Oakland, a California corporation sole, and the debtor and debtor
2 in possession (the “Debtor” or “RCBO”) in the above-captioned chapter 11 bankruptcy case
3 (the “Chapter 11 Case” or the “Bankruptcy Case”), hereby files this motion (the “Abuse Survivor
4 Assistance Motion”) pursuant to sections 105 and 363(b) of title 11 of the United States Code (the
5 “Bankruptcy Code”) and Rules 9013 and 9014 of the Federal Rules of Bankruptcy Procedure (the
6 “Bankruptcy Rules”), for the entry of interim order and final orders, authorizing the Debtor (i) to pay
7 certain prepetition invoices for abuse survivors’ assistance and safe environment programs, and (ii) to
8 continue to pay certain invoices for such programs in the ordinary course of its business.

9 By a separate application, the Debtor is requesting an order shortening time for notice and setting
10 a hearing on this matter and other first day motions on an expedited basis.

11 This Abuse Survivor Assistance Motion is based on the Memorandum of Points and Authorities
12 set forth herein, the notice of hearing on first day motions filed by the Debtor, the *Declaration of*
13 *Charles Moore, Managing Director of Alvarez & Marsal North America, LLC, Proposed Restructuring*
14 *Advisor to the Roman Catholic Bishop of Oakland, in Support of Chapter 11 Petition and First Day*
15 *Pleadings* (the “First Day Declaration”) filed concurrently herewith and incorporated herein by
16 reference and upon such oral and documentary evidence as may be presented at the hearing on the
17 Abuse Survivor Assistance Motion.

18 The Debtor’s proposed forms order granting the relief requested herein on an interim basis (the
19 “Interim Order”) and a final basis (the “Final Order”) are attached hereto as **Exhibit A** and **Exhibit B**.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTION**

4 1. Through the Debtor’s Ministry for Survivors of Clergy Sexual Abuse, the Debtor has
5 established a process for survivors of clergy abuse to have access to trained professionals who can help
6 them address their trauma. To support these survivors, among other things, the Debtor pays for the
7 survivors’ counseling with licensed therapists.

8 2. In addition, the Debtor has implemented safe environment programs to prevent the future
9 occurrence of sexual abuse by clergy or others affiliated with the Debtor. These safe environment
10 programs involve, among other things, strict education and training protocols for all who minister or
11 volunteer within the diocese and mandatory fingerprinting and background checks for employees,
12 clergy, and volunteers who have direct, ongoing contact with children.

13 3. These programs are meant to serve those affected by historical clergy sexual abuse and to
14 prevent future abuse. They must continue uninterrupted during this Bankruptcy Case. It is therefore
15 necessary and appropriate to authorize the Debtor to pay any outstanding prepetition balances owed for
16 these programs and to continue to fund these programs on a postpetition basis in the ordinary course of
17 business.

18 **II.**
19 **JURISDICTION**

20 4. This is a core proceeding pursuant to 28 U.S.C. § 157(b), the *Order Referring Bankruptcy*
21 *Cases and Proceedings to Bankruptcy Judges*, General Order No. 24 (N.D. Cal.), and Local Rule of
22 Bankruptcy Procedure for the Northern District of California 5011-1(a). Venue for this matter is proper
23 in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

24 5. The legal bases for the relief requested herein are sections 105(a) and 363(b) of the
25 Bankruptcy Code and Bankruptcy Rules 6003 and 6004.
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**III.
BACKGROUND FACTS**

A. General Background

6. On the date of this Motion (the "Petition Date"), the Debtor caused its attorneys to file a voluntary petition for chapter 11 bankruptcy relief under Bankruptcy Code. The Debtor continues to operate its ministry and manage its properties as a debtor in possession under sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee has been appointed in this Chapter 11 Case.

7. The Debtor is a corporation sole organized under the laws of the State of California. The Debtor conducts its civil affairs under the laws of the State of California and the United States of America and in accordance with the Code of Canon Law ("Canon Law"), the ecclesiastical law of the Roman Catholic Church (the "Catholic Church").

8. The Diocese of Oakland was established by the Holy See on January 13, 1962 as the spiritual home of the Catholic Church in Northern California. The diocese spans roughly 1,467 square miles and encompasses two counties, Alameda and Contra Costa. The diocese is situated along the eastern shore of the San Francisco Bay.

9. The Debtor estimates that it serves nearly 550,000 resident Catholics and assists approximately 260,000 people through its ministry and charitable services. The Debtor has been under the leadership of the incumbent bishop, Most Reverend Michael C. Barber, SJ ("Bishop Barber" or the "Bishop"), since his appointment on May 25, 2013. The diocese includes 82 parishes and missions and is home to 159 diocesan priests, 160 religious priests, 35 extern priests and 118 permanent deacons.

10. The Debtor provides resources, programming, spiritual leadership, and other key services and support to local Catholics and the East Bay community at large, including substantial support for the poor and for minority communities. The ministry of the Debtor is therefore critical to not only the faithful within the diocese, but also to the public-at-large, including non-Catholics.

11. To carry out its Catholic mission, the Debtor works closely with its 82 parish churches (the "Churches"). The Churches play a central role in the lives of Catholics living within the diocese by

1 administering key aspects of the Catholic Faith, including baptism, education, communion, Mass,
2 confirmation, marriage, and bereavement, including last rites, funeral services and grief support. In this
3 way, the Churches provide the critical connection between the Debtor and the faithful from the
4 beginning of life to the end.

5 12. None of the Churches within the diocese are separately incorporated entities under
6 California law. To the extent the Bishop holds goods belonging to a parish—including, for example,
7 real and personal property—he does so in trust for the benefit of the applicable Church.

8 13. Through common missions, the Debtor is affiliated with certain entities that are
9 separately incorporated under California law and which are not debtors in this Bankruptcy Case (each
10 such affiliated incorporated entity a “Non-Debtor Catholic Entity,” and collectively, the “Non-Debtor
11 Catholic Entities”). The Debtor provides administrative services (centralized human resources,
12 accounting, and financial management) and programmatic support services to certain Non-Debtor
13 Catholic Entities in support of their religious, educational and charitable missions. Each Non-Debtor
14 Catholic Entity operates independently and accounts for its operations separately. None of the Non-
15 Debtor Catholic Entities have sought relief under chapter 11 or are debtors in this Bankruptcy Case.

16 14. Among the affiliates of the Debtor are the Non-Debtor Catholic Entities. This includes,
17 without limitation, the Roman Catholic Welfare Corporation of Oakland, a California nonprofit religious
18 corporation (“RCWC”), and the Roman Catholic Cemeteries of the Diocese of Oakland, a California
19 corporation (“RCC”). RCWC oversees 32 elementary schools and two high schools. RCC operates and
20 administers the six diocesan cemeteries, five diocesan mortuaries, two mausoleums, and one crematory.
21 RCC is also the Debtor’s secured lender.

22 15. Under Canon Law, a diocese is “a portion of the people of God which is entrusted to a
23 bishop for him to shepherd with the cooperation of the presbyterium....” (c. 369). As such, a diocese is
24 inherently *territorial*, comprised of a specific geographic area and the faithful within it. A diocese
25 conducts its civil affairs for the practice of the Catholic Church within that geographic area and for the
26 faithful within the area.

1 16. Also under Canon Law, every diocese is divided into distinct parts, known as parishes,
2 that are ecclesiastical entities consisting of communities of the faithful whose pastoral care is entrusted
3 to a pastor (i.e., a priest) whom the bishop appoints to serve the parish to which he is assigned. (cc. 374
4 §1, 515 §1.)

5 17. Each diocese, and each parish within a diocese, is a separate public juridic person. (cc.
6 573, 515 §3.) The administration of property belonging to a juridic person pertains to its administrator,
7 such as the diocesan bishop over the property of a diocese, and the priest over the property of a parish.
8 (cc. 393, 532.) Each such administrator is obligated to acquire, hold, administer, and/or alienate such
9 property in accordance with Canon Law (c. 1257), which requires that property held by any juridic
10 person—diocese, parish, or otherwise—must be used for the purposes of the Catholic Church. The
11 bishop is responsible for administering the property belonging to the diocese, and each pastor is
12 responsible for being the exclusive administrator of the property belonging to his parish. Similarly, the
13 pastoral care of the faithful across the entire diocese is entrusted to the bishop, whereas the pastoral care
14 of the faithful within each particular parish is entrusted to the pastor for the parish.

15 18. Addressing the needs of victim-survivors of clergy sexual abuse, and the protection of
16 children, have long been priorities of the Debtor. More than a decade before the U.S. Conference of
17 Catholic Bishops adopted in the Spring of 2002 the *Charter for the Protection of Children and Young*
18 *People* (the “Charter”), the Debtor established a “Sensitive Issues Committee” to assist the bishop in
19 reviewing and handling allegations of sexual abuse by persons acting in the name of the Catholic
20 Church.

21 19. Following the Charter’s adoption, the Sensitive Issues Committee was renamed the
22 Diocesan Review Board in 2003 and again renamed the Minor Diocesan Review Board in 2022 (the
23 “MDRB”). The MDRB actively functions today. Its five lay members (including a victim-survivor of
24 clergy sexual abuse and business consultant, a former district attorney, a social worker, a retired
25 educational administrator, and a lay pastoral associate) and three clergy members meet at least quarterly
26 to assess allegations and make recommendations on the handling of those allegations of sexual abuse of
27 children by clergy. This consultative body is critical to the Debtor’s work to address crimes against
28

1 children. The MDRB works with the bishop to analyze and properly respond to claims so credibility can
2 be determined and acted upon in the best interest of the victim-survivor.

3 20. In 2004, the Debtor began developing specific “safe environment” trainings for all adults
4 – whether volunteer or employed – who serve in the diocese. The Debtor gives rigorous attention to
5 training materials and teaches adult parish and school leaders to facilitate the training program.
6 Processes have been put in place to refer anyone with claims regarding clergy sexual abuse to law
7 enforcement and Debtor representatives for assistance.

8 21. The Office of Safe Environment has continually improved the content of its trainings and,
9 when online platforms became available, former Bishop John S. Cummins approved their use. In 2016,
10 Bishop Barber moved the training program to an online synchronous platform provided by The National
11 Catholic Risk Retention Group known as Virtus, an international leader in abuse awareness training. The
12 Debtor now has local safe environment coordinators in each of the Churches. There are local safe
13 environment coordinators in every Catholic school within the diocese.

14 22. In the State of California, there have been two “open window” periods allowing
15 individuals to bring claims under civil law for childhood sexual abuse which otherwise were barred
16 because the statute of limitations (prescription) had expired. In 2002, the California Legislature
17 permitted certain expired claims of childhood sexual abuse not only against the perpetrators but also
18 against third-party defendants (like the Debtor) for a one-year period starting January 1, 2003 (the “First
19 Legislation”). The Debtor paid approximately \$56,000,000 to 52 plaintiffs in settlement of claims
20 brought in the wake of the First Legislation.

21 23. On October 13, 2019, Governor Gavin Newsom signed into law California Assembly Bill
22 No. 218 (“AB 218”). AB 218 revived the statute of limitations for individuals to file civil lawsuits for
23 childhood sexual abuse. This allowed certain individuals to bring what had been time-barred claims
24 against individuals and entities for such claims through and including December 31, 2022. As of May 4,
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1 2023, there were approximately 332 separate, active lawsuits or mediation demands pending against the
2 Debtor filed by plaintiffs alleging sexual abuse by clergy or others associated with the Debtor.¹

3 24. In this Chapter 11 Case, the Debtor will pursue a plan of reorganization that will (a)
4 ensure a fair and equitable outcome for victim-survivors of sexual abuse, and (b) allow the Debtor to
5 stabilize its finances, continue its mission to serve the needs of the faithful within the diocese, and
6 continue to provide services to underserved people and groups in the East Bay.

7 25. Additional information regarding the Debtor, its mission, ministries, and operations, and
8 the events and circumstances preceding the Petition Date is set forth in the First Day Declaration.

9 **B. Diocesan Mission Programs**

10 26. Supporting the needs of survivors of sexual abuse and protecting children have long been
11 priorities of the Debtor. In that spirit, the Debtor offers (i) counseling, treatment, and programming for
12 those who both claim to have been and have been credibly found to be survivors of abuse by members
13 of the clergy, and (ii) safe environment scanning, training and classes for prevention. These programs
14 (collectively, the “Abuse Survivors’ Assistance and Safe Environment Programs”) are important and
15 necessary to the Debtor’s ongoing obligations, and to its moral and ethical responsibility to support
16 abuse victims in the Bay Area.

17 *1. Abuse Survivors’ Assistance*

18 27. Since at least 2002, the Debtor has provided care and compensation to survivors of abuse
19 by clergy. Broadly, the Debtor pays for survivors to receive psychological counseling and related
20 medical treatment, including medications where appropriate (“Abuse Survivors’ Assistance”).

21 28. The Debtor’s Ministry for Survivors of Clergy Sexual Abuse oversees the Debtor’s
22 Abuse Survivors’ Assistance programs. The Debtor also employs a Victims Assistance Coordinator to
23 ensure that the aims of the Abuse Survivors’ Assistance programs are met and that the programs’ needs
24 are satisfied.²

25
26 ¹ It is the Debtor’s understanding that there is a backlog associated with the processing of these cases in the Clerk’s Office for
27 Alameda County, and it is possible that other timely filed claims will be processed after the filing of this case of which the
28 Debtor is not currently aware.

² Any compensation that may be paid to the Victims Assistance Coordinator is included in the relief set forth in the *Debtor’s*
Motion for Interim and Final Orders Authorizing the Debtor to (I) Pay Prepetition Employee Wages, Salaries, Benefits, and

1 29. Abuse Survivors' Assistance is available for any requesting individual who makes an
2 allegation of abuse by clergy or non-clergy affiliated with the Debtor. In some cases, the Debtor makes
3 these programs available to family members who have been affected by the abuse of a loved one.

4 30. Abuse Survivors' Assistance is administered by psychologists, psychiatrists, licensed
5 clinical social workers, and licensed marriage and family therapists selected by the recipient (each a
6 "Counselor"). Before engaging a Counselor, the Debtor requires the Counselor to provide evidence that
7 he or she is a state-licensed mental health professional with at least a master's degree in a relevant field.
8 The Debtor recommends Counselors who have a background in trauma therapy, but does not require that
9 background. The Counselors are not employed by or otherwise affiliated with the Debtor.

10 31. Counselors generally invoice the Debtor on a monthly basis. The Debtor pays the
11 Counselors directly and in arrears. Some Counselors do not invoice the Debtor until well after they have
12 performed services. Depending on a Counselor's billing practices, there can be a lag of up to six months
13 between the date of service and payment to the Counselor.

14 32. The Debtor requests updates from the Counselors on the goals of the therapy and the
15 progress toward those goals.

16 33. As part of Abuse Survivors' Assistance, the Debtor reimburses the cost of medications
17 and medication management services for recipients of Abuse Survivors' Assistance who require
18 medication as a result of abuse. Other costs of Abuse Survivors' Assistance include, for example,
19 renting space at neutral locations for individual and group therapy sessions for survivors and their
20 families, and advertising the existence and accessibility of Abuse Survivors' Assistance therapy
21 opportunities.

22 34. No written settlement agreement or court order legally obligates the Debtor to pay for any
23 Abuse Survivors' Assistance.

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27 *Other Related Items; (II) Reimburse Prepetition Employee Business Expenses; (III) Continue Employee Benefit Programs;*
28 *and (IV) Pay All Costs and Expenses Incident to the Foregoing (the "Wages and Benefits Motion"), filed contemporaneously*
herewith.

1 2. Safe Environment

2 35. The Debtor also incurs expenses in the ordinary course of its business in connection with
3 “safe environment” training and background check programs that provide a safe environment for
4 parishioners and visitors to diocesan facilities (“Safe Environment”). Safe Environment is described
5 above in the General Background section. (See ¶¶ 20, 21, *supra*.)

6 36. As part of the Safe Environment program, the Debtor requires that all employees, clergy,
7 and volunteers who have direct, ongoing contact with children be live-scan fingerprinted and cleared by
8 law enforcement before performing ministry in the diocese.

9 37. The Debtor continues to require training programs for all adult volunteers and employees
10 whose ministry within the diocese involves direct, ongoing contact with children. The training focuses
11 on, among other things, the nature of child sexual abuse, how it is perpetrated, how to report it, and
12 strategies for prevention. As stated above, in 2016, the Debtor adopted the online synchronous platform
13 called “Virtus,” which is sponsored by The National Catholic Risk Retention Group and is used
14 nationwide by Catholic entities like the Debtor.

15 38. Training through Virtus and other platforms is mandatory, even for a parent volunteering
16 in their child’s school. In addition to this initial training, the Debtor also requires its volunteers and
17 employees to renew the training no less than every three years thereafter. The Debtor also employs a
18 Safe Environment Coordinator to ensure that the aims of the Safe Environment programs are met and
19 that the programs’ needs are satisfied.³

20 39. Safe Environment costs include fees for live-scan fingerprinting, background checks
21 performed through the assistance of the U.S. Department of Justice, and the cost of the training
22 programs such as licensing fees for the Virtus software and amounts paid to trainers. The Debtor also
23 pays for periodic audits (both location-specific and diocese-wide) overseen by its Office of Safe
24 Environment, which allow the Debtor to assess compliance with Safe Environment policies and address
25 any shortfalls.

26
27 _____
28 ³ Any compensation that may be paid to the Safe Environment Coordinator is included in the relief set forth in the Wages and Benefits Motion.

1 unpaid. Paying the Prepetition Costs is critical to ensuring that the diocese’s parishioners continue to
2 have access to the Abuse Survivors’ Assistance and Safe Environment Programs. The Abuse Survivors’
3 Assistance and Safe Environment Programs are provided in furtherance of the diocese’s charitable and
4 religious mission. Maintaining the uninterrupted continuity of these programs is in the best interests of
5 the Debtor’s estate.

6 45. Section 105(a) of the Bankruptcy Code, which codifies the equitable powers of
7 bankruptcy courts, authorizes the Court to “issue any order, process, or judgment that is necessary or
8 appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

9 46. It is well established under the “doctrine of necessity” that bankruptcy courts have the
10 equitable power to authorize the payment of prepetition claims where such payments are necessary to a
11 successful reorganization. *See, e.g., Miltenberger v. Logansport, Crawfordsville and Southwestern Ry.*
12 *Co.*, 106 U.S. 286, 311 (1882) (holding that “[m]any circumstances may exist which may make it
13 necessary and indispensable to . . . the preservation of the property, for the receiver to pay pre-existing
14 debts of certain classes out of the earnings of the receivership . . .”); *see also Mich. Bureau of Workers’*
15 *Disability Comp. v. Chateaugay (In re Chateaugay Corp.)*, 80 B.R. 279, 285-87 (S.D.N.Y. 1987)
16 (finding that a court’s equitable powers include authorizing a debtor to pay prepetition debts). A
17 bankruptcy court’s use of its equitable powers to “authorize the payment of pre-petition debt when such
18 payment is needed to facilitate the rehabilitation of the debtor is not a novel concept.” *In re Ionosphere*
19 *Clubs, Inc.*, 98 B.R. 174, 175 (Bankr. S.D.N.Y. 1989) (citing *Miltenberger*, 106 U.S. at 311).

20 47. The Debtor estimates that the aggregate amount of the unpaid invoices for the Prepetition
21 Costs is approximately \$67,000. Approximately half of this amount, or \$33,500, will become due
22 within the first 30 days after the Petition Date.

23 48. By this Motion, the Debtor seeks authorization to pay all invoices for Prepetition Costs in
24 accordance with its prepetition practices, with approximately \$33,500 to be paid on an interim basis and
25 approximately \$67,000 to be paid on a final basis.

1 **B. The Postpetition Abuse Survivors' Assistance and Safe Environment Programs**

2 49. The Debtor believes that continuing to pay the costs of maintaining the Abuse Survivors'
3 Assistance and Safe Environment Programs after the Petition Date ("Postpetition Costs") is consistent
4 with prepetition practice and in furtherance of the Debtor's charitable and religious mission, and is
5 therefore in the ordinary course of its operations. The Debtor should therefore be authorized to pay the
6 Postpetition Costs as they come due in accordance with the Debtor's prepetition practice pursuant to
7 section 363(c) of the Bankruptcy Code, which provides that "the trustee . . . may use property of the
8 estate in the ordinary course of business without notice or a hearing." 11 U.S.C. § 363(c)(1).

9 50. However, in an abundance of caution, the Debtor seeks authorization to pay all
10 Postpetition Costs as they come due in accordance with its prepetition practices. Section 363(b) of the
11 Bankruptcy Code provides that "[t]he [debtor], after notice and a hearing, may use, sell, or lease, other
12 than in the ordinary course of business, property of the estate." 11 U.S.C. § 363(b)(1). In order to use
13 property of the estate under this provision, "there must be some articulated business justification, other
14 than appeasement of major creditors." *In re Lionel Corp.*, 722 F. 2d 1063, 1070 (2d Cir. 1983).

15 51. The Abuse Survivors' Assistance and Safe Environment Programs are crucial to the
16 Debtor's ability to continue its mission to support its community and to maintain the trust of the
17 communities it serves. Accordingly, the Debtor submits that sound reasons exist to continue to provide
18 and pay for Ministerial and Mission Programs on a postpetition basis.

19 52. The Debtor estimates that Postpetition Costs will total approximately \$20,000 per month.
20 By this motion, the Debtor seeks authorization to pay all Postpetition Costs in the ordinary course of
21 business and in accordance with its prepetition practices.

22 **C. Basis for Relief Under Bankruptcy Rule 6003(b)**

23 53. Bankruptcy Rule 6003(b) provides that, to the extent relief is necessary to avoid
24 immediate and irreparable harm, the Court may issue an order within the first 21 days of a chapter 11
25 case granting "a motion to use, sell, lease, or otherwise incur an obligation regarding property of the
26 estate, including a motion to pay all or part of a claim that arose before the filing of the petition." Fed.
27 R. Bankr. P. 6003(b). As described above and in the First Day Declaration, the relief requested is
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1 necessary for the Debtor to continue the Abuse Survivors' Assistance and Safe Environment Programs
2 without interruption. Accordingly, the Debtor respectfully submits that the interim relief requested
3 herein is necessary to avoid immediate and irreparable harm, and, therefore, Bankruptcy Rule 6003 is
4 satisfied as to entry of an interim order.

5 **D. Basis for Waiver of Bankruptcy Rule 6004(h)**

6 54. For all the reasons set forth above and in the First Day Declaration, immediate interim
7 relief is necessary to avoid immediate and irreparable harm that would result from interruption in the
8 Abuse Survivors' Assistance and Safe Environment Programs. Accordingly, ample cause exists to grant
9 a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h), and enter interim and final orders that
10 are immediately effective.

11 **VI.**
12 **RESERVATION OF RIGHTS**

13 55. Nothing contained in this Motion is intended to be or shall be construed as (i) an
14 admission as to the validity of any claim against the Debtor, (ii) a waiver of the Debtor's or any
15 appropriate party in interest's rights to dispute any claim, or (iii) an approval or assumption of any
16 agreement, contract, program, policy, or lease under section 365 of the Bankruptcy Code. Likewise, if
17 the Court grants the relief sought in this Motion, any payment made pursuant to the Court's order is not
18 intended to be, and should not be construed as, an admission to the validity of any claim or a waiver of
19 the Debtor's rights to dispute such claim subsequently.

20 56. Nothing contained in this Motion is intended to be or shall be construed as a waiver of
21 any of the Debtor's rights under any applicable law, including, without limitation, the Code of Canon
22 law, the First Amendment of the United States Constitution, the Constitution of the State of California,
23 California Corporations Code §§ 10000-10015, the Religious Freedom Restoration Act of 1993 (42
24 U.S.C. §§ 2000bb-2000bb-4), the church autonomy doctrine, charitable trust law, California trust law,
25 and the Debtor's rights under any insurance policies and to proceeds thereof, and to object to disclosure
26 of information and contend that certain assets discussed in this Motion are not property of the estate.
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**VII.
NOTICE**

57. Notice of this Motion will be provided to (i) the Office of the U.S. Trustee for Region 17; (ii) the Debtor's 20 largest unsecured creditors; (iii) the Office of the California Attorney General; (iv) counsel for RCC; and (v) those persons who have formally appeared in this Chapter 11 Case and requested service pursuant to Bankruptcy Rule 2002. Based on the urgency of the circumstances surrounding this Motion and the nature of the relief requested herein, the Debtor respectfully submits that no further notice is required.

**VIII.
CONCLUSION**

58. WHEREFORE, the Debtor respectfully requests that the Court enter interim and final orders as requested herein and grant such other and further relief as may be appropriate.

DATED: May 8, 2023

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Exhibit A

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16 *Proposed Counsel for the Debtor
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17 **UNITED STATES BANKRUPTCY COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **OAKLAND DIVISION**

20 In re:

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

23 Debtor.

24 Case No. 23-40523

25 Chapter 11

26 **[PROPOSED] INTERIM ORDER
27 AUTHORIZING THE DEBTOR TO (I) PAY
28 CERTAIN PREPETITION INVOICES FOR
ABUSE SURVIVORS' ASSISTANCE AND
SAFE ENVIRONMENT PROGRAMS, AND
(II) CONTINUE ITS PREPETITION
PRACTICE OF PAYING FOR ABUSE
SURVIVORS' ASSISTANCE AND SAFE
ENVIRONMENT PROGRAMS**

Judge: Hon. William J. Lafferty

Date: TBD

Time: TBD

Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612

1 Upon the *Debtor's Motion For Interim and Final Orders Authorizing the Debtor to (I) Pay Certain*
2 *Prepetition Invoices For Abuse Survivors' Assistance and Safe Environment Programs, and (II) Continue*
3 *its Prepetition Practice of Paying For Abuse Survivors' Assistance and Safe Environment Programs,*
4 dated May 8, 2023 (the "Abuse Survivor Assistance Motion"),¹ filed by the Roman Catholic Bishop of
5 Oakland, a California corporation sole, and the debtor and debtor in possession (the "Debtor" or "RCBO")
6 in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case" or the "Bankruptcy Case") for
7 entry of interim and final orders authorizing the Debtor (i) to pay certain prepetition amounts owed for
8 Abuse Survivors' Assistance and Safe Environment Programs, and (ii) to continue to pay certain invoices
9 for such programs in the ordinary course of its business; the Court having reviewed and considered the
10 Abuse Survivor Assistance Motion, the First Day Declaration, all other filings in support of any opposition
11 to the Abuse Survivor Assistance Motion, and the arguments made at the interim hearing on the Abuse
12 Survivor Assistance Motion; the Court finding that it has jurisdiction over this matter, that venue in this
13 Court is proper, and that notice of the Abuse Survivor Assistance Motion and the interim hearing thereon
14 was reasonable and sufficient under the circumstances for the granting of interim relief; the Court finding
15 that there is good cause for entry of an immediate interim order pursuant to Fed. R. Bankr. P. 6003, and
16 that ample cause exists to grant a waiver of the 14-day stay imposed by Bankruptcy Rule 6004(h) for the
17 entry of an interim order granting the Abuse Survivor Assistance Motion; and the Court further finding
18 that the relief requested in the Abuse Survivor Assistance Motion is in the best interests of the Debtor, its
19 creditors, and other parties in interest; and after due deliberation and good cause appearing,

20 **IT IS HEREBY ORDERED THAT:**

- 21 1. The Motion is GRANTED on an interim basis as set forth herein.
- 22 2. The Debtor is authorized, but not directed, to pay invoices for prepetition Abuse Survivors'
23 Assistance and Safe Environment Programs on an interim basis.
- 24
- 25
- 26

27 _____
28 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Abuse Survivor Assistance Motion.

Exhibit B

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16 *Proposed Counsel for the Debtor
and Debtor in Possession*

17 **UNITED STATES BANKRUPTCY COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **OAKLAND DIVISION**

20 In re:

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

23 Debtor.

Case No. 23-40523

Chapter 11

**[PROPOSED] FINAL ORDER
AUTHORIZING THE DEBTOR TO (I) PAY
CERTAIN PREPETITION INVOICES FOR
ABUSE SURVIVORS' ASSISTANCE AND
SAFE ENVIRONMENT PROGRAMS, AND
(II) CONTINUE ITS PREPETITION
PRACTICE OF PAYING FOR ABUSE
SURVIVORS' ASSISTANCE AND SAFE
ENVIRONMENT PROGRAMS**

Judge: Hon. William J. Lafferty

Date: TBD

Time: TBD

Place: United States Bankruptcy Court
1300 Clay Street
Courtroom 220
Oakland, CA 94612

1 Upon the *Debtor's Motion For Interim and Final Orders Authorizing the Debtor to (I) Pay Certain*
2 *Prepetition Invoices For Abuse Survivors' Assistance and Safe Environment Programs, and (II) Continue*
3 *its Prepetition Practice of Paying For Abuse Survivors' Assistance and Safe Environment Programs,*
4 dated May 8, 2023 (the "Abuse Survivor Assistance Motion"),¹ filed by the Roman Catholic Bishop of
5 Oakland, a California corporation sole, and the debtor and debtor in possession (the "Debtor" or "RCBO")
6 in the above-captioned chapter 11 bankruptcy case (the "Chapter 11 Case" or the "Bankruptcy Case") for
7 entry of interim and final orders authorizing the Debtor (i) to pay certain prepetition amounts owed for
8 Abuse Survivors' Assistance and Safe Environment Programs, and (ii) to continue to pay certain invoices
9 for such programs in the ordinary course of its business; the Court having reviewed and considered the
10 Abuse Survivor Assistance Motion, the First Day Declaration, all other filings in support of any opposition
11 to the Abuse Survivor Assistance Motion, and the arguments made at the interim and final hearings on the
12 Abuse Survivor Assistance Motion; the Court finding that it has jurisdiction over this matter, that venue
13 in this Court is proper, and that notice of the Abuse Survivor Assistance Motion and the interim and final
14 hearings thereon was reasonable and sufficient under the circumstances for the granting of interim and
15 final relief; the Court finding that ample cause exists to grant a waiver of the 14-day stay imposed by
16 Bankruptcy Rule 6004(h) for the entry of an interim and final order granting the Abuse Survivor
17 Assistance Motion; and the Court further finding that the relief requested in the Abuse Survivor Assistance
18 Motion is in the best interests of the Debtor, its creditors, and other parties in interest; and after due
19 deliberation and good cause appearing,

20 **IT IS HEREBY ORDERED THAT:**

- 21 1. The Motion is GRANTED as set forth herein.
- 22 2. The Debtor is authorized, but not directed, to pay amounts owed for prepetition Abuse
23 Survivors' Assistance and Safe Environment Programs on a final basis.
- 24
- 25
- 26

27 ¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Abuse Survivor Assistance
28 Motion.

