

OCTOBER 10, 2023

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**LOWENSTEIN SANDLER LLP**

JEFFREY D. PROL

(admitted pro hac vice)

jprol@lowenstein.com

BRENT WEISENBERG

(admitted pro hac vice)

bweisenberg@lowenstein.com

COLLEEN M. RESTEL

(admitted pro hac vice)

crestel@lowenstein.com

One Lowenstein Drive

Roseland, New Jersey 07068

Telephone: (973) 597-2500

Facsimile: (973) 597-2400

The following constitutes the order of the Court.

Signed: October 7, 2023

 William J. Lafferty, III
U.S. Bankruptcy Judge
KELLER BENVENUTTI KIM LLP

TOBIAS S. KELLER (Cal. Bar No. 151445)

tkeller@kbkllp.com

JANE KIM (Cal. Bar No. 298192)

jkim@kbkllp.com

GABRIELLE L. ALBERT (Cal. Bar No. 190895)

galbert@kbkllp.com

425 Market Street, 26th Floor

San Francisco, California 94105

Telephone: (415) 496-6723

Facsimile: (650) 636-9251

*Counsel for the Official Committee of Unsecured
Creditors*

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

Case No. 23-40523 WJL

Chapter 11

In re:

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

Debtor.

**ORDER AUTHORIZING THE
RETENTION OF STOUT RISIUS ROSS,
LLC AS EXPERT CONSULTANT ON
VALUATION OF SEXUAL ABUSE
CLAIMS EFFECTIVE AS OF
SEPTEMBER 8, 2023**

Upon consideration of the *Application for the Retention of Stout Risius Ross, LLC as Expert
Consultant on Valuation of Sexual Abuse Claims, Effective as of September 8, 2023* (the



1 **“Application”**¹, pursuant to sections 328(a) and 1103(a) of title 11 of the United States Code (the
2 **“Bankruptcy Code”**) and Rules 2014(a) and 2016 of the Federal Rules of Bankruptcy Procedure
3 (the **“Bankruptcy Rules”**), for an order authorizing and approving the retention and employment
4 of Stout Risius Ross, LLC (**“Stout”**) as expert consultant, and expert witness if the Committee
5 deems necessary, on the valuation of sexual abuse claims in the above-captioned chapter 11 case
6 (the **“Chapter 11 Case”**); and upon consideration of the McNally Declaration filed in support of
7 the Application; and this Court having jurisdiction to consider the Application and the relief
8 requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and consideration of this
9 Application and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §
10 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it
11 appearing that the relief requested in the Application is in the best interests of the Debtor’s estate,
12 its creditors and other parties in interest; and the Committee having provided adequate and
13 appropriate notice of the Application; and that legal and factual bases set forth in the Application
14 establish just cause for the relief granted herein; and after due deliberation and good and sufficient
15 cause appearing therefor;

16 **IT IS HEREBY ORDERED THAT:**

- 17 1. The Application is granted as provided herein.
- 18 2. Applicant is authorized to retain and employ Stout as expert consultant in this
19 Chapter 11 Case, effective as of September 8, 2023.
- 20 3. Stout is authorized to render the following professional services:
 - 21 (a) Expert consulting services and, if it becomes necessary, expert
22 testimony, regarding the estimated value of aggregate Survivor
Claims in this case, and any related adversary proceedings;
 - 23 (b) Expert consulting services, and if it becomes necessary, expert
24 testimony, in connection with any contested matters and/or litigation
arising in this case;
 - 25 (c) Expert consulting services, and if it becomes necessary, expert
26 witness testimony, in connection with any plan or settlement filed
by any party-in-interest;

27
28 ¹ Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Application.

- 1 (d) Expert consulting services, and if it becomes necessary, expert
2 witness testimony, in connection with the review and evaluation of
3 reports prepared by the Debtor, its professionals, the Debtor's
4 insurers, and their professionals;
- 5 (e) As may be requested by the Committee, assisting with the
6 preparation of affidavits/declarations, depositions, and briefing in
7 this case concerning the issues for which Stout is providing expert
8 consulting services;
- 9 (f) As may be requested by the Committee, assisting with the allocation
10 of claims to potentially available insurance coverage;
- 11 (g) If it becomes necessary, preparing for and providing both deposition
12 and court expert testimony in this case regarding the issues for which
13 Stout is providing expert consulting services; and
- 14 (h) Such other consulting and advisory services as may be requested by
15 the Committee.

16 4. Stout shall apply for compensation of professional services rendered and
17 reimbursement of expenses incurred beginning on September 8, 2023 in connection with the
18 Debtor's case as set forth in the Application and in compliance with the provisions of the
19 Bankruptcy Rules, the Local Rules, and any other applicable procedures and orders of this Court.

20 5. No additional fee shall be paid to Stout, including the use of any retainer received
21 for postpetition services, without prior approval of this Court.

22 6. This Court further authorizes Stout access to proofs of claim filed by Survivors
23 and/or supplements thereto, as an Authorized Party, in accordance with the *Order Establishing*
24 *Deadlines for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Dkt.
25 No. 293].

26 7. If Applicant decides to retain Stout as an expert witness, it shall provide 10 days'
27 written notice to the Debtor and the U.S. Trustee (the "**Notice Period**"). If no objections are
28 timely received by Applicant to such notice, the retention shall be effective as of the conclusion
of the Notice Period. If an objection is received, and the parties are unable to resolve any issues
informally, Applicant shall file an application with this Court seeking to, among other things,
resolve the objection asserted by the Debtor and/ or the U.S. Trustee and obtain authority to
retain Stout as an expert witness.

1 8. This Court shall retain jurisdiction to hear and determine all matters arising from
2 or related to the implementation of this Order.

3 9. Notwithstanding anything to the contrary in this Order, or the Application, the
4 Court is not approving terms and conditions of Stout's employment under 11 U.S.C. § 328(a).

5 10. Notwithstanding any provision in the Bankruptcy Rules to the contrary, this Order
6 shall be immediately effective and affordable upon its entry.

7 **END OF ORDER**
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court Service List

All Registered ECF Participants.