

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**MOTION TO SHORTEN NOTICE PERIOD AND SCHEDULE HEARING
ON THE MOTION OF OFFICIAL COMMITTEE OF TORT CLAIMANTS
FOR ENTRY OF AN ORDER TERMINATING THE DEBTORS'
EXCLUSIVE PERIODS TO FILE A PLAN AND SOLICIT ACCEPTANCES
THEREOF PURSUANT TO SECTION 1121 OF THE BANKRUPTCY CODE**

The Official Committee of Tort Claimants (the "Tort Claimants' Committee") appointed in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the "Debtors") hereby files this motion to shorten (the "Motion to Shorten") for entry of an order, substantially in the form attached hereto as **Exhibit A** (the "Order"), scheduling a hearing and shortening the notice period with respect to the *Motion of Official Committee of Tort Claimants for Entry of an Order Terminating the Debtors' Exclusive Periods to File a Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code* (the "Motion"), filed concurrently herewith. In support of this Motion to Shorten, the Tort Claimants' Committee respectfully state as follows.

Jurisdiction

1. This Court has jurisdiction over this Motion to Shorten pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012. This is a core proceeding

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors' mailing address is 1325 West Walnut Hill Lane, Irving, Texas 75038.

pursuant to 28 U.S.C. § 157. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for the relief requested herein is Rule 9006(c)(1) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 9006-1(e) of the Local Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

Relief Requested

3. The Tort Claimants’ Committee requests that (a) the Court schedule a hearing on the Motion for the next scheduled omnibus hearing date of September 23, 2021, at 10:00 a.m. Eastern Time; and (b) shorten the response deadline on the Motion, with objections, if any, to be made at the scheduled hearing on the Motion. The Motion requests that the Court enter an order terminating the Debtors’ exclusivity periods (the “Exclusive Periods”) pursuant to sections 1121(b) and 1121(c) of the Bankruptcy Code and granting the Tort Claimants’ Committee such other relief as may be appropriate under the circumstances.

Basis for Relief

4. Local Rule 9006-1(c)(i) provides that unless the Bankruptcy Rules or the Local Rules state otherwise, “all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fourteen (14) days prior to the hearing date.” Local Rule 9006-1(e) provides in pertinent part that “no motion will be scheduled on less notice than required by these Local Rules or the Fed. R. Bankr. P. except by order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.”

5. In support of this Motion to Shorten, the Tort Claimants' Committee represents that the exigencies justify shortened notice of the Motion and scheduling a hearing on the Motion.

6. On August 18, 2021, the Court entered an order extending the Debtors' Exclusive Filing Periods² through August 18, 2021 (which coincided with the statutory limit) and also extended the Debtors' Exclusive Solicitation Period through October 18, 2021 (which coincides with the statutory limit). Inasmuch as BSA's Fifth Plan was filed on September 15, 2021, the Debtors will be unable to obtain approval of a disclosure statement and obtain acceptances to BSA's Fifth Plan within the Exclusive Solicitation Period. Accordingly, the Tort Claimants' Committee now seeks to file the TCC Plan (and Plan Summary) which will be confirmable and supported by survivors because it will realize the value that should be made available to 82,500 childhood sexual abuse victims.

7. Accordingly, the Tort Claimants' Committee submits that the exigencies justify shortening notice on the Motion.

AVERMENT PURSUANT TO LOCAL RULE 9006-1(E)

8. In accordance with Local Rule 9006-1(e), the Tort Claimants' Committee certifies that it has notified the United States Trustee (the "UST"), counsel to the Debtors, counsel the Official Committee of Unsecured Creditors (the "Creditors Committee"), and counsel the Future Claimants' Representative (the "FCR") of this Motion to Shorten. The UST does not oppose the relief requested in the Motion to Shorten. The Debtors, Creditors Committee and FCR have not yet responded to the Tort Claimants' Committee's inquiries regarding their respective positions regarding the relief requested in the Motion to Shorten.

² Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

Notice

9. This Motion to Shorten and the Motion will be served by e-mail, hand delivery, overnight mail, express mail, or facsimile on: (a) the Office of the United States Trustee for the District of Delaware; (b) counsel to the Debtors; (c) counsel to the Creditors Committee; (d) counsel to the FCR; and (e) all parties requesting notice in these chapter 11 cases pursuant to Bankruptcy Rule 2002 (collectively, the “Notice Parties”). The Tort Claimants’ Committee submits that, in light of the nature of the relief requested, no other or further notice need be given.

10. If the Court grants this Motion to Shorten, the Tort Claimants’ Committee will immediately serve a copy of the order on the above-noted Notice Parties by e-mail, hand delivery, overnight mail, express mail, or facsimile.

No Prior Request

11. No prior motion for the relief requested herein has been made to this or any other court.

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WHEREFORE, the Tort Claimants' Committee respectfully requests the entry of an order, substantially in the form attached hereto as **Exhibit A**: (a) scheduling the Motion for the next omnibus hearing date of September 23, 2021 at 10:00 a.m. Eastern Time; and (b) shortening the response deadline on the Motion, with objections, if any, to be made at the scheduled hearing on the Motion.

Dated: September 15, 2021

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/s/ James E. O'Neill

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Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

Re: Docket No. _____

**ORDER GRANTING MOTION TO SHORTEN NOTICE PERIOD AND SCHEDULE
HEARING ON THE MOTION OF OFFICIAL COMMITTEE OF TORT
CLAIMANTS FOR ENTRY OF AN ORDER TERMINATING THE DEBTORS'
EXCLUSIVE PERIODS TO FILE A PLAN AND SOLICIT ACCEPTANCES
THEREOF PURSUANT TO SECTION 1121 OF THE BANKRUPTCY CODE**

Upon consideration of the motion (the "Motion to Shorten")² filed by the Official Committee of Tort Claimants (the "Tort Claimants' Committee"), for entry of an order (this "Order") scheduling an expedited hearing on, and shortening the notice period of, the *Motion of Official Committee of Tort Claimants for Entry of an Order Terminating the Debtors' Exclusive Periods to File a Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code* (the "Motion"); and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that venue of this proceeding and the Motion to Shorten in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that notice of the Motion to Shorten was appropriate and no other notice need be provided; and this Court having reviewed

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² Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion to Shorten.

the Motion to Shorten and having determined that the legal and factual bases set forth in the Motion to Shorten establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion to Shorten is GRANTED.
2. The hearing on the Motion will be scheduled for September 23, 2021, at 10:00 a.m. (Eastern Time) (the "Hearing").
3. Any objections or responses to the Motion must be made at the Hearing.
4. Immediately after the entry of this Order, the Tort Claimants' Committee shall serve a copy of this Order and a notice for the Hearing on the Motion on the Notice Parties in the manner described in the Motion to Shorten.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

CERTIFICATE OF SERVICE

I, James E. O'Neill, hereby certify that on the 15th day of September, 2021, I caused a copy of the following document(s) to be served on the individual(s) on the attached service list(s) in the manner indicated:

Motion to Shorten Notice Period and Schedule Hearing on the Motion of Official Committee of Tort Claimants for Entry of an Order Terminating the Debtors' Exclusive Periods to File a Plan and Solicit Acceptances Thereof Pursuant to Section 1121 of the Bankruptcy Code

/s/ James E. O'Neill

James E. O'Neill (DE Bar No. 4042)

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Boy Scouts of America and
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2002 Service List EXPEDITED
Case No. 20-10343 (LSS)
Document No. 227583.2
003 – Express Mail
005 – Overnight Delivery
263 – Emails

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