

**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)
OFFICIAL TORT CLAIMANTS' COMMITTEE OF BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Plaintiffs, -against- BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Defendants.	Adv. Pro. No. 21-50032 (LSS)

CERTIFICATION OF COUNSEL REGARDING PROPOSED SCHEDULING ORDER

The undersigned hereby certifies that:

1. On January 8, 2021, the official committee of tort claimants (consisting of survivors of childhood sexual abuse) (the "Tort Claimants' Committee" or the "Plaintiff"), of the above-captioned debtors and debtors in possession (collectively, the "Debtors" or the "Defendants"), filed the *Complaint for Declaratory Judgment* (the "Complaint") [Docket No. 1].
2. The deadline to answer, move, or otherwise respond to the Complaint was March 3, 2021 (the "Response Deadline"). The Response Deadline was extended to April 2, 2021 [Docket No. 5], April 16, 2021 [Docket No. 10], and April 23, 2021 [Docket No. 13].

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 ("BSA") (6300) and Delaware BSA, LLC ("Delaware BSA") (4311). The Debtors' mailing address is 1325 West Walnut Hill Lane, Irving, Texas 75038.

3. On April 23, 2021, the Debtors filed the *Debtors' Answer to the Tort Claimants' Committee's Complaint for Declaratory Judgment* [Docket No. 16].

4. On April 23, 2021, JPMorgan Chase Bank, National Association ("JPM") filed the *Motion to Intervene of JPMorgan Chase Bank, National Association* [Docket No. 15].

5. A pretrial conference has been scheduled for this matter on May 19, 2021 at 10:00 a.m. Eastern Time (the "Hearing").

6. Pursuant to L.R. 7016-1(d), Plaintiff submits the proposed *Scheduling Order* (the "Proposed Order") attached hereto as **Exhibit A**.

7. The Proposed Order has been circulated to the Debtors, JPM, and the Official Committee of Unsecured Creditors (the "Creditors Committee"), as intervening plaintiffs. These parties have not agreed to the Proposed Order.

8. Accordingly, the Plaintiff will present the Proposed Order at the Hearing.

Dated: May 14, 2021

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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Counsel for the Official Tort Claimants' Committee of Boy Scouts of America and Delaware BSA, LLC

Exhibit A

**IN THE UNITED STATES BANKRUPTCY COURT
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OFFICIAL TORT CLAIMANTS' COMMITTEE OF BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Plaintiffs, -against- BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Defendants.	Adv. Pro. No. 21-500932 (LSS)

SCHEDULING ORDER

To promote the efficient and expeditious disposition of the above-captioned adversary proceeding, the following schedule shall apply.

IT IS HEREBY ORDERED that:

1. Federal Rule of Civil Procedure 26(a)(1) Initial Disclosures. Plaintiff made its initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), made applicable to the Adversary Proceeding pursuant to Federal Rule of Bankruptcy Procedure 7026, on May 13, 2021. Defendants JP Morgan Chase Bank, National Association (“JPM”) and the Official Committee of Unsecured Creditors (the “Creditors’ Committee) as intervening plaintiffs, shall make their initial disclosures by May 28, 2021.

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2. Initial Written Discovery Requests. The Plaintiff has served its initial document requests and interrogatories on Defendant on April 30, 2021. Initial written discovery requests by Defendant, JPM and the Creditors' Committee must be served by May 26, 2021.

3. Document Production. All parties shall complete their production of documents by June 30, 2021.

4. Fact Discovery Cut-Off. All fact discovery will be completed on or before July 30, 2021. Unless otherwise ordered by the Court or agreed to by the parties, pursuant to Local Rule 7016-1(b)(ii), the limitations on discovery set forth in District Court Local Rule 26.1 shall be strictly observed. Any request to add additional depositions beyond the 10-per-side permitted by Federal Rule of Civil Procedure 30 shall be subject to a meet and confer between the parties and, if necessary, a motion with the Court.

5. Disclosure of Expert Testimony. The parties shall serve their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony or before August 20, 2021, for any issue on which they bear the burden of proof. If applicable, the parties shall file a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party on or before September 3, 2021. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B).

6. Expert Discovery Cut-Off: All expert discovery, including depositions, will be completed on or before September 24, 2021.

7. Dispositive Motion Deadline: Pursuant to Local Rule 7007-1, the following deadlines shall apply to the filing and briefing of dispositive motions: All dispositive motions shall be filed and served by no later than five 14 days after the close of expert discovery (currently, October 8, 2021), pursuant to Rule 7056 of the Federal Rules of Bankruptcy

Procedure. Opposition papers shall be filed and served fourteen (14) days later (currently, October 22, 2021). Reply papers shall be filed and served ten (10) days later (currently, November 1, 2021).

8. Exhibit and Witness Lists. The parties shall exchange their exhibit and witness lists for trial no later than November 17, 2021.

9. Pretrial Conference. A final pre-trial conference in accordance with Local Rule 7016-2(a) is shall take place on November 17, 2021.

10. Joint Pre-Trial Memorandum. The parties shall file, no later than five (5) business days prior to the date set for Trial, their Pretrial Memorandum and shall contemporaneously deliver two (2) copies thereof to Judge Silverstein's chambers.

11. Trial. Trial will begin on November [], 2021.

12. The parties are separately negotiating discovery and ESI protocols.

13. The parties intend that the Order Approving Confidentiality and Protective Order (ECF Doc. 799 in the chapter 11 case) will apply in this Adversary Proceeding.

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OFFICIAL TORT CLAIMANTS' COMMITTEE OF BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Plaintiffs, -against- BOY SCOUTS OF AMERICA and DELAWARE BSA, LLC, Defendants.	Adv. Pro. No. 21-50032 (LSS)

CERTIFICATE OF SERVICE

I, James E. O'Neill, hereby certify that on the 14th day of May, 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:

Certification of Counsel Regarding Proposed Scheduling Order

/s/ James E. O'Neill
James E. O'Neill (Bar No. 4042)

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Boy Scouts – Adversary Service List
Case No. 21-50032 (LSS)
Doc. No. 234104
35 – Email

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