

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**Proposed Hearing Date:** [\_\_\_\_], 2021

**Re: Dkt. 6212, 6213, 6222, 6223**

**JOINING INSURERS' JOINDER TO THE OFFICIAL COMMITTEE OF TORT  
CLAIMANTS' COMMITTEE'S MOTION TO ADJOURN THE HEARING TO  
CONSIDER APPROVAL OF DISCLOSURE STATEMENT AND SOLICITATION  
PROCEDURES FOR THE FIFTH AMENDED CHAPTER 11 PLAN OF  
REORGANIZATION FOR BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC  
[D.I. 6222] AND THE ACCOMPANYING MOTION TO SHORTEN NOTICE [D.I. 6223]**

The Joining Insurers<sup>1</sup> respectfully join<sup>2</sup> in the *Tort Claimants' Committee's Motion to Adjourn the Hearing to Consider Approval of Disclosure Statement and Solicitation Procedures for the Fifth Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* (the "Motion to Adjourn") [D.I. 6222]<sup>3</sup> and the related motion to shorten notice period and schedule a hearing [D.I. 6223], which lay out how the Plan, [D.I. 6212] TDPs, [D.I. 6212-1] and Disclosure Statement [D.I. 6213] have been substantively revised in significant ways—on the eve of Yom Kippur—that will require time to digest before proceeding on the hearing to approve the Disclosure Statement and the Debtors' related Motions. Further, key documents critical to

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<sup>1</sup> The "Joining Insurers" are those identified in the signature block below.

<sup>2</sup> The Joining Insurers do not join in the TCC's statements in paragraph 3 in the Motion to Adjourn, including the TCC's intent to file a motion to terminate exclusivity and reserve all rights with respect to any such motion.

<sup>3</sup> Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion to Adjourn.

understanding the Plan and Disclosure Statement, such as the LDS and Hartford agreements that will be part of the Plan, have not yet been drafted or disclosed.

The new Plan, Disclosure Statement, and TDPs are the product of the closed-door meetings from which the Joining Insurers were excluded. Drafts were not provided to the Joining Insurers prior to their filing this morning. The LDS settlement appears to be predicated on the assignment of non-debtor insurance and the purported adjudication of claims against the insurers by a settlement trust. The revisions to the Plan also appear to include assignment of other non-debtor insurance policies and rights. Time is necessary to review and assess the impact of these changes.

The issues raised by the changes are novel and have not been analyzed or briefed in prior papers. Judicial economy counsels in favor of an adjournment, which will give the parties sufficient time to review, assess and brief the issues posed by the changes in an orderly manner. It is the Debtors' actions that have created a situation where there is an inability to meaningfully digest and respond on the current timeframe.<sup>4</sup>

## CONCLUSION

WHEREFORE, for the reasons set forth herein, the Joining Insurers respectfully request that the Court adjourn the Disclosure Statement hearing and grant such other and further relief as the Court deems just and proper.

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<sup>4</sup> Further, the changes to the Solicitation Procedures highlight the importance of the discovery directed at the claims aggregators. The document requests of the claims aggregators ordered by this Court, including Archer Systems, Verus Claims Services, and Consumer Attorney Marketing Group (see D.I. 6184) were issued promptly but responses are not due until September 24, 2021, at the earliest.

Dated: September 15, 2021

Respectfully Submitted,

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