

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

Ref. D.I. 6438

NOTICE OF FILING OF SOLICITATION CHANGES IN  
CONNECTION WITH DECLARATION OF CATHERINE NOWNES-WHITAKER  
OF OMNI AGENT SOLUTIONS REGARDING THE SOLICITATION OF VOTES  
AND FINAL TABULATION OF BALLOTS CAST ON THE SECOND MODIFIED  
FIFTH AMENDED CHAPTER 11 PLAN OF REORGANIZATION FOR  
BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. Concurrently herewith, the Debtors have filed the *Declaration of Catherine Nownes-Whitaker of Omni Agent Solutions Regarding the Solicitation of Votes and Final Tabulation of Ballots Cast on the Second Modified Fifth Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* (the "Final Voting Report").

2. Pursuant to Section VI of the Solicitation Procedures,<sup>2</sup> if the Debtors extend a deadline or provide a waiver pursuant to Section II, V.D.2, V.D.7, V.D.13, or V.D.20(b) (each, a "Solicitation Change") of the Solicitation Procedures, the Debtors are required to (a) memorialize the Solicitation Change in the Final Voting Report, and (b) concurrently or following the filing of the Final Voting Report, file a notice with the Court supporting the justification for the Solicitation Change. **Parties in interest have five (5) days to object to the Solicitation Changes.**

3. In accordance with Section V.D.7 of the Solicitation Procedures, the Debtors have identified twelve (12) defective or irregular votes of holders of Direct Abuse Claims recorded on

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of each Debtors' 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.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the *Second Modified Fifth Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* [D.I. 7832] (as may be amended, supplemented, or modified from time to time, the "Plan"), the *Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notices, (V) Establishing Certain Deadlines in Connection with Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief* [D.I. 6438] (the "Solicitation Procedures Order"), or the Solicitation Procedures.

Master Ballots, which are identified on **Exhibit A** attached hereto, for which the Debtors seek to waive the defect and modify the applicable vote or election on the Master Ballot to reflect the vote or election of such voting party. For each of these Master Ballot vote submissions, which were submitted via the Option (a) Certification method, the relevant law firm also submitted the underlying correspondence from the individual client holding a Class 8 Direct Abuse Claim. Review and audit of this correspondence revealed certain conflicting votes or release opt-out elections as compared to the Master Ballot exhibit completed and submitted by the relevant law firm.

4. The Debtors believe that accepting the selections submitted by each voting client on the underlying correspondence submitted to the Solicitation Agent best reflects the intent of each voting client, and submit that these votes and elections should be accepted as modified for this reason.

5. The Debtors reserve all rights to amend, modify, or supplement the notice of Solicitation Changes in accordance with the terms of the Solicitation Procedures and the Solicitation Procedures Order.

*[Remainder of Page Intentionally Left Blank]*

Dated: January 18, 2022

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**Exhibit A**

**Solicitation Changes for Defective or Irregular Ballots**

Boy Scouts of America  
Exhibit A - Report of Defective/Irregular Ballot Tabulation

Master Ballot ID	Master Ballot Firm	Certification	Ballot ID	Creditor Name	Claim Number	Vote to Accept or Reject Recorded on Master Ballot	Vote to Accept or Reject Indicated on Client Communication	Third Party Release Opt Out Recorded on Master Ballot	Third Party Release Opt Out Indicated on Client Communication	Election Changed per Claimant Correspondence	Documentation Provided
71	Fasy Law PLLC	Option (A)	283842	Redacted Abuse Claimant	48872	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
140	Law Office of Joseph A. Bluemel, III, P.S	Option (A)	264058	Redacted Abuse Claimant	41333	Accept	Accept	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
140	Law Office of Joseph A. Bluemel, III, P.S	Option (A)	264065	Redacted Abuse Claimant	41417	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264096	Redacted Abuse Claimant	104265	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264128	Redacted Abuse Claimant	104335	Reject	Abstain	False	False	Claimant did not indicate vote to accept or reject	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264104	Redacted Abuse Claimant	104532	Reject	Accept	True	True	Claimant indicated vote to accept	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264124	Redacted Abuse Claimant	104327	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264098	Redacted Abuse Claimant	104247	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264112	Redacted Abuse Claimant	104354	Reject	Accept	True	False	Claimant indicated vote to accept; did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264146	Redacted Abuse Claimant	105265	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264151	Redacted Abuse Claimant	104370	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission
257	Tamaki Law Offices	Option (A)	264089	Redacted Abuse Claimant	104240	Reject	Reject	True	False	Claimant did not indicate opt out	Tabulated pursuant to claimant correspondence submitted by law firm with Master Ballot submission