

**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: D.I. 341, 3161

**CENTURY'S REQUEST THAT THE COURT GO FORWARD
WITH THE JUNE 17 OMNIBUS AS ORIGINALLY SCHEDULED
TO ADDRESS PENDING MOTIONS**

Century respectfully requests that the Court goes forward as originally scheduled on Thursday, June 17, with a hearing on Century's *Motion to Amend the Court's Order (I) Approving Procedures for (A) Interim Compensation and Reimbursement of Expenses of Retained Professionals and (B) Expense Reimbursement for Official Committee Members and (II) Granting Related Relief* (the "Fee Holdback Motion") [D.I. 3161].

The Fee Holdback Motion has been fully briefed since May 17, 2021 [D.I. 4113]. There appears to be consensus that the general nature of the relief requested is warranted with the only issue being the precise form of the order that should be entered. Responses were only filed by the Debtors and TCC and only addressed the precise form of the proposed order; not the nature of the relief requested. [D.I. 3775, 4094].

The estate professionals have pending interim fee applications for the period of August 1, 2020, through October 31, 2020, that were submitted under certification of counsel on May 14, 2021. Given the ongoing professional expense that continues to accrue, Century respectfully

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.

submits that the Court should address the Fee Holdback Motion now to facilitate the preservation of the estates' resources and ensure that pending applications are paid. Century has no objection to the matter being decided on the papers without argument or a hearing.

Century also respectfully requests that the Court decide Century's pending Rule 2004 and Rule 2019 motions [D.I. 1972, 1975, 2029, 2030]. As occurred in *In re Imerys*, the insurers have been excluded from the meetings that took place between BSA and Coalition/TCC on the terms of a plan, and it is evident that a non-consensual plan will be sought. The Rule 2004 discovery is foundation to proceeding. It is important that the Rule 2019 disclosures are up to date as the insurers have been told by BSA that the Brown Rudnick firm, not an estate professional, is now "in charge" of its insurance and decision making concerning it. If there are other or new financial or other terms that are part of their engagement, disclosure of those terms should be made forthwith under Rule 2019.

PROPOSED AMENDED AGENDA FOR HEARING ON JUNE 17, 2021

MATTERS PROPOSED TO FORWARD

1. Century's Motion to Amend the Court's Order (I) Approving Procedures for (A) Interim Compensation and Reimbursement of Expenses of Retained Professionals and (B) Expense Reimbursement for Official Committee Members and (II) Granting Related Relief (Dkt. No. 341) (D.I. 3161, filed 5/5/21).

Objection Deadline: May 12, 2021, at 4:00 p.m. (ET), extended to May 14, 2021, for the Debtors.

Responses Received:

- a) Response of the Tort Claimants' Committee to Century's Motion to Amend the Court's Order (I) Approving Procedures for (A) Interim Compensation and Reimbursement of Expenses of Retained Professionals and (B) Expense Reimbursement for Official Committee Members and (II) Granting Related Relief (D.I. 3775, filed 5/12/21); and
- b) Debtors' Response to Century's Motion to Amend the Court's Order (I) Approving Procedures for (A) Interim Compensation and Reimbursement of Expenses of Retained Professionals and (B) Expense Reimbursement for Official Committee

Members and (II) Granting Related Relief (Dkt. No. 341) (D.I. 4094, filed 5/14/21).

Related Pleadings:

- a) Declaration of Stamatios Stamoulis (D.I. 3286, filed 5/6/21); and
- b) Century's Submission of Proposed Order in Further Support of its Motion to Amend the Court's Order (I) Approving Procedures for (A) Interim Compensation and Reimbursement of Expenses of Retained Professionals and (B) Expense Reimbursement for Official Committee Members and (II) Granting Related Relief (Dkt. No. 341) (D.I. 4113, filed 5/17/21).

Status: This matter is going forward.

Dated: June 16, 2021

Respectfully Submitted,

By: /s/ Stamatios Stamoulis
Stamatios Stamoulis (#4606)

STAMOULIS & WEINBLATT LLC
800 N. West Street
Third Floor
Wilmington, Delaware 19801
Telephone: 302 999 1540
Facsimile: 302 762 1688

O'MELVENY & MYERS LLP
Tancred Schiavoni (*pro hac vice*)
Daniel Shamah (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: 212 326 2000
Facsimile: 212 326 2061

*Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as successor
to Insurance Company of North America*