

**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)

OFFICIAL TORT CLAIMANTS'  
COMMITTEE OF BOY SCOUTS OF  
AMERICA AND DELAWARE BSA, LLC,

Plaintiff,

v.

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,

Defendants.

Adv. Pro. No. 21-50032 (LSS)

**CERTIFICATION OF COUNSEL REGARDING DEBTORS' PROPOSED  
SCHEDULING ORDER**

Undersigned counsel to the Boy Scouts of America and Delaware BSA, LLC (together, the "Debtors") hereby certifies as follows:

1. On January 8, 2021, the Official Tort Claimants' Committee of Boy Scouts of America and Delaware BSA (the "Plaintiff") commenced the above-captioned adversary proceeding by filing a *Complaint for Declaratory Judgment* [D.I. 1] (the "Complaint") against the Debtors.

<sup>1</sup> The Debtors in the 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.

2. The deadline to answer, move, or otherwise response to the Complaint was March 3, 2021 (the “Response Deadline”). The Response Deadline was extended to April 2, 2021 [D.I. 5], April 16, 2021 [D.I. 10], and April 23, 2021 [D.I. 13].

3. On April 23, 2021, the Debtors filed the *Debtors’ Answer to the Tort Claimants’ Committee’s Complaint for Declaratory Judgment* [D.I. 16].

4. On April 23, 2021, JP Morgan Chase Bank, National Association (“JP Morgan”) filed the *Motion to Intervene of JP Morgan Chase Bank, National Association* [D.I. 15].

5. A pretrial conference for this matter has been scheduled for May 19, 2021 at 10:00 a.m. (ET) (the “Hearing”).

6. Pursuant to L.R. 7016-1(d), the Debtors hereby submit the proposed scheduling order (the “Proposed Order”), attached hereto as **Exhibit A**.

7. The Proposed Order has been circulated to the Plaintiff, JP Morgan, and the Official Committee of Unsecured Creditors. These parties have not agreed to the Proposed Order.

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

*[Remainder of Page Intentionally Left Blank]*

Dated: May 17, 2021  
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Eric W. Moats

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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, <sup>1</sup>  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)

**SCHEDULING ORDER**

To promote the efficient and expeditious disposition of the above-captioned adversary proceeding, the following schedule shall apply.<sup>2</sup>

**IT IS HEREBY ORDERED** that:

1. Initial Disclosures. Plaintiff and Defendant shall make their 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, by May 28, 2021. JP Morgan Chase Bank, National Association (“JPM”) and the Official Committee of Unsecured Creditors (the “Creditors’ Committee”) as intervening plaintiffs shall also make their initial disclosures by May 28, 2021.

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<sup>1</sup> 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.

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. Responses and Objections to Written Discovery. The Defendant shall serve responses and objections to Plaintiff's initial written discovery requests by June 14, 2021. All other parties shall serve responses and objections to any written discovery requests by June 25, 2021.

4. Document Production. All parties shall substantially complete their production of documents by June 25, 2021.

5. Expert Witness Reports. All parties shall serve their expert witness reports by June 30, 2021.

6. Rebuttal Expert Witness Reports. All parties shall serve their rebuttal expert witness reports by July 14, 2021.

7. Discovery Cut-Off and Depositions. All discovery and depositions shall be complete by July 27, 2021.

8. Exchange Deposition Designations, File Motions in Limine, and File Case Dispositive Motions. All parties shall exchange deposition designations, file motions in limine, and file case dispositive motions by July 30, 2021.

9. Exchange Deposition Counter-Designations and Objections. All parties shall exchange deposition counter-designations and objections by August 6, 2021.

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<sup>2</sup> This schedule contemplates that the Parties will meet and confer to reach a stipulation to identify the specific issues that would be necessary to litigate for purposes of the confirmation hearing, which Debtors believe relate to the liquidation analysis and best interest of creditors test.

10. Submit Oppositions to Motions in Limine and Case Dispositive Motions. All parties shall submit oppositions to motions in limine and case dispositive motions by August 11, 2021.

11. Submit Pretrial Order, Witness and Exhibit Lists, Replies to Oppositions to Motions in Limine and Case Dispositive Motions, and Objections to Deposition Counter-Designations. All parties shall submit a pretrial order, witnesses and exhibit lists, replies to oppositions to motions in limine and case dispositive motions, and for objections to counter-designations by August 16, 2021.

12. Final Pretrial Conference. A final pretrial conference in accordance with Local Rule 7016-2(a) is shall take place on August [●], 2021.

13. Confirmation Hearing and Trial. The confirmation hearing and trial will begin on August 30, 2021. To expedite and economize these issues pursuant to Federal Rule of Civil Procedure 42, Debtors propose to join this Adversary Proceeding with the confirmation hearing, presently scheduled for August 30, 2021 to September 3, 2021.

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

15. 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.

**BSA – Adversary Proceeding Draft Discovery Schedule**

The parties will meet and confer to agree on property of the estate issues that will need to be decided in the context of the confirmation hearing. For those matters, the following schedule will apply. To the extent that issues need to be adjudicated following the confirmation hearing, the BSA can agree on the schedule proposed by the TCC.

<b>Event</b>	<b>Date</b>
Deadline for Defendant, JMP, and Creditors' Committee to Serve Written Discovery Requests	May 26, 2021
Deadline to Serve Initial Disclosures	May 28, 2021
Deadline for Defendant to Serve Responses & Objections to Written Discovery Requests	June 14, 2021
Deadline for All Other Parties to Serve Responses & Objections to Written Discovery Requests	June 25, 2021
Document Production Substantially Complete	June 25, 2021
Expert Witness Reports Due	June 30, 2021
Rebuttal Expert Witness Reports Due	July 14, 2021
Discovery Cut-Off and Deadline to Complete Depositions	July 27, 2021
Deadline to Exchange Deposition Designations, File Motions in Limine, and File Case Dispositive Motions	July 30, 2021
Deadline to Exchange Deposition Counter-Designations and Objections	August 6, 2021
Deadline to Submit Oppositions to Motions in Limine and Case Dispositive Motions	August 11, 2021
Deadline to Submit Pretrial Order, Witness and Exhibit Lists, Replies to Oppositions to Motions in Limine and Case Dispositive Motions, and for Objections to Deposition Counter-Designations	August 16, 2021
Final Pretrial Conference	August [●], 2021
Confirmation Hearing and Trial	August 30, 2021- September 3, 2021