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May 28, 2021

**Tancred Schiavoni**  
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**VIA EMAIL**

The Honorable Laurie Selber Silverstein  
United States Bankruptcy Judge  
United States Bankruptcy Court for the District of Delaware  
824 North Market Street, 16th Floor  
Wilmington, Delaware 19081

**Re: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343***

Dear Judge Silverstein:

We are writing in response to the letter that counsel for the Coalition sent to the Court on Wednesday, May 26 about discovery served on Century on behalf of the Coalition, TCC and the Future Claimants' Representative [D.I. 5057].

While the Coalition's counsel suggests they met and conferred before sending the letter, the letter lacks a certification of a meet and confer and, in fact, there has been no meet and confer on the responses. The only call we had about the discovery served on Century was on May 18—before Century's responses were due or had been served—during which we indicated that Century was investigating in good faith the Coalition's 75 plus discovery requests of various kinds, would provide a timely response, and would meet and confer if any questions remained open after both side's discovery responses were served. We then confirmed this understanding in subsequent correspondence, including a May 26 letter to the Coalition's counsel, a copy of which is attached hereto as Exhibit 1. Century plans to begin making rolling document productions next week. Since the Coalition, TCC, and Future Claimants' Representative have yet to meet and confer on the Century's responses or review the documents that Century will be producing, any discussion of the adequacy of that production is entirely hypothetical and obviously premature.

Local Rule 7026-1 provides that parties are expected to “confer and in good faith attempt to reach agreement cooperatively on how to conduct discovery under Fed. R. Civ. P. 26-36 and these Local Rules.” Further, any discovery-related motion must be accompanied by certification from Delaware counsel that reasonable effort has been made to reach agreement with the opposing party. L.R. 7026-1(d). Failure to include that certification may result in denial of the discovery motion. *Id.*

Wednesday's letter was sent while the parties were at the mediation and appears to be another attempt to disrupt the mediation. The letter and confidential attachments were filed on the public docket, although the attachments were clearly labeled “Confidential” under the

protective order. Moreover, within minutes of filing the letter, the Coalition's founder, Tim Kosnoff, published it and Century's confidential discovery responses on the internet, also in violation of the applicable protective order. This follows on the heels of a stream of threats and false personal attacks directed at the Court and process. *See* Exhibits 2–4 attached hereto.

Given this background, we respectfully request that the Court not address the May 26 letter until after the claimant counsel have actually reviewed the documents that Century plans to produce and engaged in a meet and confer with Century about any specific (not hypothetical) concerns the claimants have about the production. If Your Honor would alternatively prefer that Century provide a substantive response to Wednesday's letter, we are prepared to provide that response once the ongoing mediation has concluded.

Respectfully submitted,

*/s/ Tancred Schiavoni*

Tancred Schiavoni  
O'MELVENY & MYERS LLP

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

# **EXHIBIT 1**



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File Number:  
0705810-00073

May 26, 2021

**Tancred Schiavoni**  
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**VIA E-MAIL**

Eric R. Goodman  
Brown Rudnick LLP  
601 13th St., NW #600  
Washington, DC 20005

**Re: In re Boy Scouts of America**

Dear Eric:

I am writing to follow up on my May 18 letter to you and in response to the emails that Cameron sent on May.18 and 24. When we spoke on May 18, you acknowledged that a response is not yet due by Century to the Coalition's requests for production and that we had thirty days to respond. Hence, there was nothing to meet and confer about at that time nor an extension to be granted. We suggest that we get together after the mediation if any issue remains open. We served request on Brown Rudnick for the KCIC policy model and modeling results supporting the Hartford settlement that was provided to you. It would further several goals at once if you could get this to us this week.

Sincerely,

/s/ Tancred Schiavoni

Tancred Schiavoni  
of O'MELVENY & MYERS LLP

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## **EXHIBIT 2**



**Kosnoff Law**  
@SexAbuseAttys



Judge Silverstein's house is on fire. She wants to kick the can down the road once more. Honey, judges judge. Just fucking judge! On behalf of my 17000 clients, let me put it in a song.



"I Can't Go For That" - Daryl Hall, Chromeo  
Live From Daryl's House [www.lfdh.com](http://www.lfdh.com)  
[youtube.com](https://www.youtube.com)

1:21 AM · May 24, 2021 · Twitter Web App

1 Like



# **EXHIBIT 3**



**Kosnoff Law** @SexAbuseAttys · May 5



This morning Her Highness is redacting NEWSPAPER ARTICLES attached to victim letters. UFB! Guess what folks? You don't have a right to know what is going on in your courts. [casedocs.omniagentsolutions.com/cmsvol2/pub\\_47](https://casedocs.omniagentsolutions.com/cmsvol2/pub_47)

...



**Kosnoff Law** @SexAbuseAttys · May 5

She's not even making findings supporting her redactions FRCP 5.2; US v McVeigh etc. She rules by judicial fiat, her Royal Highness does.

[twitter.com/SexAbuseAttys/...](https://twitter.com/SexAbuseAttys/)

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1



1



**Kosnoff Law**  
@SexAbuseAttys



Replying to [@SexAbuseAttys](#)

85 more BSA victims' voices snuffed out by Her Royal Highness today.

12:59 AM · May 6, 2021 · Twitter for iPhone





# **EXHIBIT 4**



**Kosnoff Law**  
@SexAbuseAttys



Replying to [@SexAbuseAttys](#)

What Judge Silverstein did is appalling and unforgivable. She should resign now. I'm sick for all the brave survivors who poured out their souls to her. She is a shill for the Boy Scouts of America. She's draped in a black robe under the authority of the US Constitution. Impeach.

11:20 PM · May 7, 2021 · Twitter for iPhone

