

BY: FRANK JOSEPH SCHWINDLER

323208/A-2-12-B
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FILED
2020 MAR 31 AM 9:36
CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

Plaintiff, pro se

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

**BOY SCOUTS OF AMERICA, AND
DELAWARE, BSA, LLC,**

Debtors.

BOY SCOUTS OF AMERICA,

Plaintiff,

v.

A.A., et al.,

Defendants.

Chapter 11

Case No. 20-10343 (LSS)

Joint Administration Pending

Adv. Pro. No. 20-50527 (LSS)

**VERIFIED ANSWER OF DEFENDANT FRANK JOSEPH SCHWINDLER TO VERIFIED
COMPLAINT FOR INJUNCTIVE RELIEF**

Frank Joseph Schwindler is a *pro se* defendant in this action, and the *pro se* plaintiff against Patriots Path Council, BSA, pending abuse claim # 73 on Exhibit "A" to the verified complaint for injunctive relief filed in this Court on February 18, 2020, by the Boy Scouts of America (the "BSA"), the plaintiff in this adversary proceeding. Schwindler makes this verified answer in opposition to the BSA's verified complaint, upon the knowledge of his own acts and upon information and belief as to other matters, as follows:

NATURE OF THE ACTION AND THE CLAIMED NEED FOR RELIEF

1. This is an adversary action brought by the BSA against the 285 pending abuse claim plaintiffs listed at Exhibit "A" to its verified complaint for injunctive relief. Schwindler is the pro se plaintiff at #73 of the list. At the same time the BSA filed the verified complaint at issue, it removed all 285 pending abuse claims to the bankruptcy courts of the federal districts across the nation, and moved to transfer all such removed cases to this Court. In the course of these actions by the BSA, plaintiff made certain assertions of fact that Schwindler, and other pending abuse plaintiffs, dispute.
2. The BSA seeks to stay all pending abuse actions against it, and what it characterizes as BSA related parties for a period of 180 days. In support of this stay, the BSA claims that it will suffer irreparable harm if any of the pending abuse claims were to be permitted to continue in their original jurisdictions. As set forth below, Schwindler disputes this claim.
3. The BSA asserts that granting a stay in all 285 pending abuse actions will support its strategy of restructuring the BSA and its affiliate Delaware BSA, LLC, in such a manner as to facilitate "timely and equitably compensating victims of abuse in scouting," and "ensuring that the BSA emerges from bankruptcy with the ability to continue its vital charitable mission." As set forth below, Schwindler disputes both this claim, and the assertion that the continued existence of the BSA is in the public interest.

JURISDICTION AND VENUE

4. The BSA sets forth a series of legal justifications for asserting jurisdiction and venue in this court. Schwindler neither disputes, nor agrees that this Court has jurisdiction over the properly filed adversary actions related to the BSA's chapter 11 bankruptcy, and that venue in this Court is arguably proper for those adversary actions, but as set forth below, Schwindler argues that this Court lacks jurisdiction over his pending abuse claim, and venue is therefore proper with this Court.

THE PARTIES

5. The BSA has provided the Court with an arguably vague listing of parties to this action. Four parties (or groups of parties) are named. The first of these is the BSA, itself. Second on the list are the local BSA councils, all the scouting program sponsoring organizations, and a few so-called affiliated

entities. The BSA then refers to a category of BSA related parties who are not parties to the adversary action, but are set forth anyway in Exhibit "B" to the complaint. Lastly, the BSA refers the Court to the 285 pending abuse claim plaintiffs listed on Exhibit "A" to the complaint. As set forth below, Schwindler disputes both the listing of parties, and the characterization of the relationships between them.

FACTUAL BACKGROUND

6. The BSA provides the Court with a very brief factual background that can be summarized as follows. The BSA is a defendant or co-defendant in at least 275 pending sexual abuse claims. The BSA has been trying to figure out how to avoid or mitigate responsibility and liability for slightly over a year, and filing for chapter 11 bankruptcy relief has automatically stayed the onslaught of sexual abuse claims. As set forth below, Schwindler disputes the factual background provided by the BSA.

7. Under the sub-heading of **Impact of Pending Abuse Actions on the Debtor's Resources**, the BSA claims that allowing the pending sexual abuse claims to proceed will "deplete estate assets, consume management attention, and severely harm the BSA's ability to carry out its mission." The BSA complains that the costs of litigating hundreds of actions is too burdensome to continue, as well as impacting day-to-day operations because too much time and energy needs to be expended by management as part of this widespread litigation. As set forth below, Schwindler disputes these assertions.

8. Under the sub-hearing **The Bankruptcy Proceeding**, the BSA claims that the entire purpose for filing the chapter 11 bankruptcy action is to equitably compensate victims of abuse in scouting and continue operating as before. As set forth below, Schwindler disputes both the claims, and the goals.

CLAIM FOR RELIEF

9. In the sole count of the claim for relief, the BSA reiterates each of the preceding assertions, and argues that if the stay is granted, the likelihood of a successful reorganization of the BSA is great, but that without a stay not only will there be irreparable harm to the BSA's estate, there will be no prospects for a successful reorganization. As set forth below, Schwindler disputes every part of the BSA's Count One, except the claims as to the Court's authority.

SCHWINDLER'S POINT-BY-POINT ANSWER

AS TO THE BSA'S NATURE OF THE ACTION AND CLAIMED NEED FOR RELIEF:

10. Schwindler cannot speak to the facts related to the other 284 pending abuse claims on the BSA's Exhibit "A" list, but he can assure this Court that he specifically DID NOT name the BSA as a defendant in the complaint he filed against the Patriots Path Council of the Boy Scouts of America, Inc. (a New Jersey corporation) on the 15th of January, 2020, in the Superior Court of New Jersey, Morris County Law Division, case number MRS-L-000123-20. Throughout Schwindler's complaint, he made clear that he was suing one defendant, and one defendant only: the Patriots Path Council. The BSA would have the plaintiffs and the Court believe that a lawsuit against any of the local councils is a lawsuit against the National Council of the Boy Scouts of America. This assertion is contrary to fact, and is precisely the opposite of what the BSA has argued, with varying degrees of success, in courts across this country for almost a century. (See: *Joseph Davis v. BSA*, 457 F. Supp. 665 [D. NJ, 1978], in which the BSA argued that the local councils are NOT part of the National Council of the BSA, and that the BSA does NOT own or control any local council assets.)

11. The Morris County pending abuse claim was served by the Sheriff of Morris County, New Jersey, on only the New Jersey corporation: Patriots Path Council, BSA, Inc. Schwindler has thus argued in his motion for remand in the U.S. Bankruptcy Court for the District of New Jersey that the BSA had no standing to remove his pending abuse claim, and that the New Jersey Court thus lacked jurisdiction in case number 20-01107. That court has yet to enter an order on Schwindler's motion for remand, but the point remains the same: a non-party has no standing to remove a case to the federal courts in bankruptcy or anywhere else. Nothing in 28 U.S.C. § 1452 or Federal Rules of Bankruptcy Procedure 9027(c) confers the ability to remove an action from a state forum to a federal forum upon a non-party, and the BSA is most assuredly a non-party to Schwindler's pending abuse claim as it stood in the New Jersey trial court.

12. Nothing in the past behavior of the BSA related to its handling of sexual assault and abuse claims by literally thousands of child sexual abuse victims gives any indication that the Court should have any

confidence in the BSA's assertion that it now suddenly desires to reverse a hundred years of practice to expeditiously and equitably compensate any of the victims of sexual abuse at the hands of employees, agents and affiliates of the BSA. Even the BSA's choice of wording undermines the seriousness of its promises.

13. The claims against the BSA and its various affiliates and local councils are SEXUAL abuse claims involving young men who were MINORS at the time of abuse. The term chosen by the BSA, "pending abuse claims" is yet another example of the BSA's refusal to come to grips with what it has known with a moral certainty for over 100 years. Pedophiles and Ephebophiles employed by the BSA and its local councils as either professional scouters or volunteers have been sexually abusing scouts just like Schwindler for over 100 years. Not once in all that time has the BSA or any of its so-called affiliates reported any of this abuse to Congress (in spite of the National Council's charter), or law enforcement (in spite of a plethora of legal statutes), or the public (in spite of plain old common sense), or even to the families of the victims.

14. More specifically, as to Schwindler's sexual abuse complaint against the Patriots Path Council, BSA, Inc., Schwindler reached out to the scout executive of that local council by letter over six months prior to filing his New Jersey complaint. This effort coincides with the BSA's claimed intense efforts to reach settlements. He detailed exactly what had happened to him at the hands of employees of that local council, and made it as clear as possible that he didn't want to end up in a protracted legal battle, all he wanted was an acknowledgement that what had happened should never have happened, that steps would be taken to guarantee that no other young man would ever be similarly sexually abused, and for the local council to propose some form of compensation for what had happened. Schwindler could not even get a response from these paragons of virtue until after the local scout executive's last day on the job when he emailed a message to Schwindler giving him his replacement's name and wishing him good luck. In short, the BSA's current claims to desire an equitable and expeditious resolution of any of the pending sexual assault claims - especially including Schwindler's - is belied by the BSA's and its local council's own actions. The Court should give no credence whatsoever to the BSA's words. It is the 100 years of

the BSA's actions which should guide the Court. Does this organization even deserve to survive in any form? In what way has the BSA shown that it is in the public interest to systematically expose so many young men to sexual abuse?

AS TO THE BSA'S ASSERTION OF JURISDICTION AND VENUE

15. As noted at paragraph 10, above, the BSA has never been a party to Schwindler's pending sexual abuse claim against the Patriot's Pat Council, BSA, Inc., and there is no real shared identity of interest, purpose or common mission between the party sued in Morris County case MRS-L-000123-20 , and the National Council of the Boy Scouts of America (the BSA). These are different entities with different assets, different locations, and different methods of operation. Schwindler's pending sexual abuse claim was improperly removed by the non-party BSA, thus this Court does not have jurisdiction due to the BSA's lack of standing to do anything in the New Jersey case against Patriots Path Council, BSA. If the BSA had believed that it truly had a shared identity of interest, purpose or common mission with the Patriots Path Council, BSA, Inc., it should have moved to be added to Schwindler's New Jersey case under the rules of the Superior Court of New Jersey, or should have otherwise sought to intervene in that matter as prescribed by law. The BSA's failure to take any steps to properly involve itself in Schwindler's sexual abuse claim deprives it of the necessary standing to remove the action to federal court, or to include it as a part of this adversary proceeding in bankruptcy. It is of particular note that the BSA's chapter 11 bankruptcy does not include a bankruptcy filing by the Patriots Path Council, BSA, Inc., and in fact, specifically exempts all such local councils from participating in the bankruptcy proceeding except by reference.

16. Since this Court should not find that it has jurisdiction in this matter due to the BSA's lack of standing in Schwindler's pending sexual abuse claim, it should also find that venue is not proper in this Court as to any actions concerning Schwindler.

17. Should the Court find that it does have jurisdiction over this matter, and that the BSA is somehow a proper party to Schwindler's pending sexual abuse lawsuit, Schwindler agrees to submit his claim to early-neutral evaluation under the Alternate Dispute Resolution (ADR) program, rather than immediate

resort to trial before a judge. Schwindler's agreement in this regard is consistent with the goals enunciated by him in his initial letter to the Patriots Path Council, BSA, Inc. Scout Executive.

AS TO THE BSA'S CLAIMED PARTIES TO THE ACTION

18. Schwindler reiterates his assertions above that the BSA is not, never has been, and was never contemplated to be a party to Morris County case MRS-L-000123-20. Schwindler expresses no opinion as to the BSA's claims as related to the other adversary defendants.

19. Schwindler points the Court to the scores of prior legal matters in which it is abundantly clear that the BSA and its local councils have kept the lines of authority and responsibility deliberately vague. Whenever it has been convenient to the National Council to claim a degree of control that it does not in fact possess, the BSA has argued that the local councils are integral parts of the whole. Whenever it has been convenient to the same National Council to claim a defense of no liability, it has argued that the local councils are largely autonomous. In *Wilson v. BSA, et al.*, 784 F. Supp. 1422, the BSA argued that the National Council is NOT vicariously liable for the acts of unpaid volunteers at the local council level. In *Costello v. BSA, et al.* 1991 US App. LEXIS 6177, the BSA explained that it is not responsible for the actions of its local councils concerning the hiring or firing of professional scouters. In *Ingison v. BSA, et al.*, 1981 US Dist. LEXIS 15103 (US Dist. Of Mass.), the National Council argued that each local council is a separate entity.

20. As it happens, Schwindler might have an advantage over some litigants when it comes to navigating the precise relationship between the National Council and the local councils because he was employed by three different local councils between 1961 and 1967, and attended college as a member of the American Humanics Foundation for the express purpose of being trained for a career as a professional scouter. Moreover, as set forth in his sexual abuse complaint in the state court, he was molested by a professional scouter employed by the Morris-Sussex Area Council (now Patriots Path Council) at, among other places, the BSA's National Training School at Schiff Scout Reservation in Mendham, Morris County, NJ, and he subsequently worked for the National Council at that training center in the television advertising department in 1967. As fate would have it, Schwindler appears to be a potential fact witness

in the only other sexual assault claim currently extant against the old Morris-Sussex Area Council, due to his employment by that council as the Camp Commissioner in 1966 and 1967, when that council first became aware of certain problems with the Stillwater troop named in *Fredericks v. BSA, et al.*, Superior Court of New Jersey, Sussex County Law Division case number SSX-L-000027-20, found at Attachment 5 to the *Declaration of Bruce A. Griggs in Support of the BSA's Motion for a Preliminary Injunction*. In other words, Schwindler has had a birds-eye view of precisely what the relationship is between the national and local councils, and can unequivocally state that the view presented to the Court is deliberately vague and misleading.

AS TO THE BSA'S CLAIMED FACTUAL BACKGROUND

21. As outlined in paragraphs 13 and 14, above, the BSA has no credibility concerning any facet of the factual background of this action - or any of the 285 pending sexual abuse claims. The Court should not insult the sexual assault victims in the 285 cases which the BSA seeks to subvert for its own purposes by accepting any part of the BSA's claimed factual background. The BSA knowingly commissioned individuals who were known to be sexually attracted to the very people the BSA was claiming to mold into moral and upright men. At least one of those commissioned scouters (the person identified in Schwindler's pending sexual assault and abuse case) was known to have molested at least one other scout in an upstate New York council prior to being recommended for employment by the BSA to the Morris-Sussex Area Council in New Jersey.¹ The BSA trained and commissioned at least two professional scouters who harassed and psychologically abused Schwindler as part of their cover-up of the actions of

¹ Randy Gray was initially employed by an upstate New York local council of the boy scouts. The circumstances of his transfer to the Morris-Sussex Area Council are unknown, due to the BSA's refusal to provide any answers or information. It is known that Randy Gray had sexually abused a young teen-aged boy while in the employee of the upstate New York Council. It is also certain that Randy Gray repeatedly sexually assaulted and abused Schwindler while serving as the Morristown District Scout Executive for the Morris-Sussex Area Council, as well as during his employment by that council as the Camp Director for Camp Allamuchy. It is not known whether Randy Gray continued to work as a professional scouter for some other local council after his dismissal by the Morris-Sussex Area Council.

the known ephebophilic professional scouters in his case.² As revealed by the recitations of facts throughout the various sexual abuse claims currently pending, the local councils all followed a pattern of ignoring or blaming the victims of sexual abuse by employees and agents/volunteers that were extremely similar to those used against Schwindler. In each of these cases, the local councils knew, or should have known that they were exposing vulnerable young men to the most horrific kinds of sexual assault and abuse.

22. As set forth in great detail in several of the pending sexual abuse claims, the BSA has known about pedophiles and ephebophiles in its ranks for over a century, but never once took any action to protect any of the young men it knew would be sexually assaulted. NOT ONCE. The BSA went so far as to maintain lists of known and potential sexual abusers, but deliberately chose to not reveal any of the information on the list to anyone. In one of the most brazen efforts at covering up its knowledge and legal liability, the BSA caused the files of certain known sexual abusers to be destroyed sometime in the 1970s. All of the lists of sexual predators now known to exist involve local council level volunteers. Not one of the names on the known lists is known to be in any way involved with the National Council of the BSA. In this way, the BSA has been seeking to protect its local councils from legal liability by removing this information from local council offices, while at the same arguing in courts that it (the BSA) has no vicarious liability for the actions of volunteers at the local level because each of the local councils is a private non-profit corporation under the laws of the states in which they operate. (*Wilson v. BSA, et al.*, supra.)

23. Given the extent the BSA has gone to document and protect the names of the local council volunteers known to be pedophiles and ephebophiles, it is inconceivable that similar records were not

² Bill Bressler and Robert Montgomery, both of whom engaged in an extensive and deeply personal harassment and psychological abuse of Schwindler as part of their cover-up of Randy Gray's sexual assaults on Schwindler were both commissioned by the BSA and recommended for employment to the Morris-Sussex Area Council. At least one of these two, Bill Bressler, had previously been assigned to an upstate New York local council.

maintained by the BSA related to pedophiles and ephebophiles within the ranks of its local council professional scouters. Of course, no one has ever seen any of those records because it is certain that the revelation of the existence of such files would eliminate any shred of credibility the BSA might once have had. Schwindler submits to the Court that it is not only reasonable to conclude that such records exist (or once existed), but they help explain why approximately half of the 285 pending sexual abuse claims are from upstate New York and New Jersey. Schwindler knows for certain that local council executives knew all about Randy Gray's relationship with Schwindler, and all about his prior relationship with a young teen-aged boy from upstate New York. Those local scout executives took no action to protect Schwindler from Randy Gray's sexual abuse, and took no action concerning Randy Gray until after that previous victim showed up at the local council's Camp Allamuchy. Randy Gray was gone within a day of the prior sexual abuse victim's arrival, and the harassment and psychological abuse of Schwindler by those local professional scouters began immediately, and in some ways, lasted for years. It should not come as a surprise that if the BSA knew that some of its local professional scouters were pedophiles and ephebophiles, like it undoubtedly did with Randy Gray, that those individuals - who are and always have been those responsible for vetting local volunteers - would have no problem permitting or facilitating pedophiles and ephebophiles as volunteers. Such a fact would go a long way towards explaining why certain local councils had disproportionate numbers of sexual assault victims, and why nothing was done about it until the BSA was exposed by the media in 2018 (not unlike how certain diocese of the Catholic Church were exposed 20 years ago).

AS TO THE BSA'S IMPACT OF PENDING ABUSE CLAIMS ON THE DEBTOR'S RESOURCES

24. This is what it is all about - protecting assets. It is not uncommon in a bankruptcy action. It makes sense for a debtor to try to maintain as many assets as possible so as to emerge from bankruptcy in a viable fashion. Unfortunately, the "it" Schwindler refers to is not just that the BSA seeks to survive as an entity (although just how it's in the public interest to ensure the survival of an organization that has systematically abstained from protecting any of its millions of members over the last century from the

sexual assault and abuse the BSA knew was going on has yet to be explained), the "it" is the explanation for the deliberately vague relationship between the BSA and the local councils. The relationship is, and always has been kept vague so as to hide and protect assets.

AS TO THE BSA'S CLAIMS RELATING TO THE BANKRUPTCY PROCEEDING

25. In many ways, the relationship is a mirror image of that found within the Catholic Church, and the experiences of the lawsuits and bankruptcies of various Catholic diocese should govern this Court. The Roman Catholic Church has enormous assets worldwide (which is a different position than the BSA finds itself in - where the individual councils together hold far more assets). It also has what is considered to be a mission that is in the public interest. Like the BSA, the Roman Catholic Church is divided into local units, which are called diocese - rather than local councils. Each Catholic Diocese is an independently incorporated non-profit corporation within the State where it is located - exactly like how each local BSA council is incorporated. The Roman Catholic Church sets the rites to be followed, ordains (commissions) the priests who can perform those rites, and sets the general direction for the Church at large - exactly like how each local BSA council obtains its professional scouts and rules for general operation of scouting from the BSA National Council. Each Catholic diocese hires (and fires) all of its own employees - but is constrained as to who can be hired as priests - just like the local BSA council's relationships with its professional scouts. Each Catholic diocese vets each and every volunteer within its jurisdiction, and is liable for the actions of all its employees and volunteers - just like each local BSA council. Each Catholic diocese owns all its own real estate and other assets - just like each local BSA council. AND, each Catholic diocese that has faced a deluge of sexual abuse claims - almost all of which have involved the exact same class of victims of the various employees and agents of the BSA - has had to liquidate its own assets to pay the damages, because the so-called "deep pockets" of the Roman Catholic Church and the Vatican are not available to settle claims against the local units of that church.

26. The overwhelming bulk of assets belonging to "the Boy Scouts" are those wholly owned and operated by the local councils. This distribution of assets is not even close. It is the local councils which own all the camps and all the infrastructure. It is to the local councils that most of the deeds of donation

are made. It is the local councils which collect the camping fees, and receive a share of the profits of BSA licensed materials. It is the local councils that share in the United Way campaigns. What the BSA is seeking to do here is remove the overwhelming bulk of assets from any pool for potential settlements of the pending sexual abuse claims. Schwindler isn't making an unsupported claim here. He was intimately involved with the operation of two different local councils, and was trained to become a professional scout. The most constant complaint of professional scouters has always been the extreme emphasis on raising money, and seeking deeds of donation for the local councils. The Morris-Sussex Area Council owns some of the most expensive real estate in the country. Much of the infrastructure at its primary camp was donated by the Dodge family a century ago. Much of the operation of the camp comes from endowments worth millions of dollars. None of these assets are available to the BSA for settlements of any claims. Many of these assets are prohibited from being transferred to the BSA as part of the deeds of donation. The BSA's callous attitude towards the youth the BSA claims to want to serve, and towards the benefactors who have sought to help serve those youth is illustrated in its attempt to shift the liability from where it lies - where the assets are greatest (the local councils where the sexual abuse occurred) - to the BSA National Council - where the assets are the least (and no sexual abuse occurred). The BSA's callousness is also illustrated by its desire to make the local councils where there was little or no sexual abuse pay the costs for the local councils where the sexual abuse was rampant. The Court should put itself in the position of a boy in a local council where the local council leaders have always protected the youth under their care. Why should his local council have to pay any penalty in lost assets, or lost services from the BSA in order to pay damages for a local council where the local council leaders actively facilitated the sexual abuse of young men and boys? Why should that boy in the well-administered local council have to suffer any diminishment in his scouting experience? Moreover, the Court should put itself in the shoes of a long time or potential benefactor in such a well-administered local council. Why should that benefactor's donation be consumed by paying for sexual abuse claims in a badly-administered council?


AS TO THE BSA'S CLAIM FOR RELIEF

27. The BSA seeks an injunction preventing all 285 of the pending sexual abuse claims from being prosecuted in any forum or fashion. Schwindler's claim is not against the BSA, it is against the successor local council to the Morris-Sussex Area Council. There are a total of 4 complaints involving that local council. One of those complaints, in addition to his own, is against the old Morris-Sussex Area Council. There are approximately 25 complaints against 5 different New Jersey local councils. Half of those involve the Northern New Jersey Council. There are approximately 90 complaints against 18 different New York local councils. 11 of those complaints are against 1 upstate New York local council - Niagara Frontier Council. Why does the BSA want to protect the assets of Northern New Jersey Council and Niagara Frontier Council at the expense of councils with no complaints such as Lake of the Ozarks Council in central Missouri? More accurately, why should the BSA National Council be permitted to deflect liability for the misconduct within Niagara Frontier and Northern New Jersey Councils, while simultaneously protecting those bad-conduct council's local assets, and significantly reducing the potential pool of assets for compensating all the sexual abuse victims nationwide? The Greater New York City Councils have over a third of the claims against New York local councils.³ The Greater New York City Councils also own real estate and infrastructure ranging from Ten Mile River Scout Reservation in western New Jersey, to buildings all over the most expensive real estate in the world. The Greater New York City Council owns far more assets than the Catholic Archdiocese of Boston held when it had to liquidate assets to pay a far larger number of sexual abuse claims. Schwindler submits that perhaps it is the local councils where the sexual abuse of minors occurred that should be seeking chapter 11 relief rather than the National Council of the BSA. Regardless of which portion of the Boy Scouts should be liquidating assets, the BSA's complaint seeking a temporary injunction in this case is simply not warranted. It is merely one more attempt by the BSA to silence the sexual assault victims and ignore both

³ Schwindler cannot attest to the veracity of the statement, but a reporter for a New Jersey newspaper reported to him that Randy Gray lives in New York City.

the needs and rights of the victims, while perpetuating the badly flawed operational model known as the Boy Scouts of America. Schwindler should not be enjoined from prosecuting his claims against the local council which was responsible for the sexual abuse he suffered at the hands of professional scouter employees of that council. Schwindler's case should be remanded to the Superior Court of New Jersey, Morris County Law Division, and the BSA should be denied an injunction, because it is both the local councils and national council who should be bearing the burden of compensating the victims of sexual abuse nationwide. The BSA's current litigation strategy contains nice words and platitudes, but not only does the organization lack any credibility in this matter, it proposes to retain the basic flawed system of permitting badly managed local councils to continue operating precisely how they have for over a century. If anyone proposed such a resolution to the Catholic Church's similar sexual abuse claims, the media and American society would have them publicly drawn and quartered.

WHEREFORE, Schwindler prays the Court deny the BSA's requested temporary injunction, and enters an order remanding Schwindler's case back to the Superior Court of New Jersey, Morris-County Law Division. This 10th day of March, 2020.

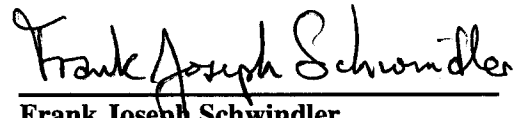


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CERTIFICATE OF SERVICE

I certify that a true copy of the within and foregoing **VERIFIED ANSWER OF DEFENDANT FRANK JOSEPH SCHWINDLER TO VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF** upon counsel by first class mail and email, addressed to:

Derek C. Abbott
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Plaintiff, pro se

March 10, 2020

Clerk of Court
U.S. Bankruptcy Court
District of Delaware
824 Market Street, 3rd Floor
Wilmington, DE 19801

RE: BOY SCOUTS OF AMERICA V. A.A., ET AL., 20-10343 (LSS); Adv. Pro. No. 20-50527 (LSS)

Dear Clerk of Court;

You are requested to file the enclosed **VERIFIED ANSWER OF DEFENDANT FRANK JOSEPH SCHWINDLER TO VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF**, and present to the Court for consideration prior to the scheduled pretrial conference set for March 24, 2020, at 10:00 a.m., in 6th Floor Courtroom #2, before the Honorable Laurie Selber Silverstein.

Please take notice that within my enclosed answer I have agreed to participate in early-neutral evaluation under the Alternate Dispute Resolution (ADR) program should that become available.

Please acknowledge receipt and filing by providing a copy of the first page of my Answer showing your office's date filing stamp via the email address shown above.

Thank you for your time and assistance.

Respectfully,



Frank Joseph Schwindler

BY: FRANK JOSEPH SCHWINDLER

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**UNITED STATES BANKRUPTCY COURT
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In re:

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Debtors.

BOY SCOUTS OF AMERICA,

Plaintiff,

v.

A.A., et al.,¹

Defendants.

Chapter 11

Case No. 20-10343 (LSS)

Joint Administration Pending

Adv. Pro. No. 20-50527 (LSS)

**NOTICE OF FILING VERIFIED ANSWER OF DEFENDANT FRANK JOSEPH SCHWINDLER
TO VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF**

PLEASE TAKE NOTICE that on March 10, 2020, the above identified defendant pro se, Frank Joseph Schwindler, filed **VERIFIED ANSWER OF DEFENDANT FRANK JOSEPH SCHWINDLER TO VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF**.

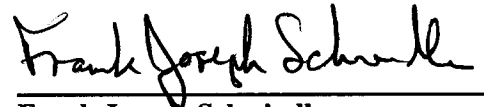
PLEASE TAKE FURTHER NOTICE THAT Schwindler is unable to attend the scheduled hearing to be held on March 24, 2020, at 10:00 a.m. before the Honorable Laurie Selber Silverstein, at the United States Bankruptcy Court for the District of Delaware, 824 Market Street, 6th Floor, Courtroom #2, Wilmington, Delaware 19801.

¹ Frank Joseph Schwindler is identified in Exhibit "A" to Verified Complaint For Injunctive Relief as pending sexual abuse claim #73. His initial complaint was filed in the Superior Court of New Jersey, Morris County Law Division, case MRS-L-000123-20.

PLEASE TAKE FURTHER NOTICE THAT Schwindler's Answer opposes the BSA's motion for injunctive relief, and seeks the remand of his case to the Superior Court of New Jersey, Morris County Law Division.

YOUR RIGHTS MAY BE AFFECTED.

Dated: March 10, 2020
Buford, GA 30519-4118



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