

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re Boy Scouts of America and Delaware BSA, LLC, Debtors.	Civil Action No. 20-cv-00774 (RGA)
Century Indemnity Company, Appellant, v. Boy Scouts of America, Appellee Delaware BSA, LLC Appellee	On appeal from the U.S. Bankruptcy Court for the District of Delaware Bankruptcy Case No. 20-10343 (LSS) Bankruptcy BAP No. 20-14

**MOTION OF BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC TO DISMISS INTERLOCUTORY APPEAL**

Boy Scouts of America and Delaware BSA, LLC, by and through their undersigned counsel, hereby move to dismiss the appeal of third-party Century Indemnity Company (“Century”), one of BSA’s insurers, from the bankruptcy court’s Order Pursuant to 11 U.S.C. § 502(b)(9), Bankruptcy Rules 2002 and 3003(c)(3) and Local Rules 2002-1(e), 3001-1 and 3003-1, (I) Establishing Deadlines for Filing Proofs of Claim, (II) Establishing the Form and Manner and Notice Thereof, (III) Approving Procedures for Providing Notice of Bar Date and Other Important Information to Abuse Survivors, and (IV) Approving Confidentiality Procedures for Abuse Survivors (the “Bar Date Order”). Bankr. Dkt. 695.

The appeal should be dismissed for two independent reasons. First, Century lacks standing to appeal the Bar Date Order because Century is not “directly and adversely affected pecuniarily” by the order. *In re Combustion Eng’g*, 391 F.3d 190, 214 (3d Cir. 2004), *as amended* (Feb. 23, 2005) (internal citations omitted). Second, because the Bar Date Order is an interlocutory order, *see In re Energy Future Holdings Corp.*, 949 F.3d 806, 817 (3d Cir. 2020), Century has no right of appeal under 28 U.S.C. § 158, and has not shown—and cannot show—that “exceptional circumstances” exist which justify the need for immediate review, *In Re Magic Rests., Inc.*, 202 B.R. 24, 26 (D. Del. 1996). For these reasons, and the reasons set forth in the accompanying Memorandum in Support of Motion of Boy Scouts of American and Delaware BSA, LLC to Dismiss Interlocutory Appeal, the appeal should be dismissed.

Respectfully submitted this 22nd day of June 2020.

By: /s/ Eric W. Moats

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Exhibit A

Proposed Order

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Century Indemnity Company, Appellant, v. Boy Scouts of America, Appellee Delaware BSA, LLC Appellee

Civil Action No. 20-cv-00774 (RGA)

On appeal from the U.S. Bankruptcy Court
for the District of Delaware

Bankruptcy Case No. 20-10343 (LSS)
Bankruptcy BAP No. 20-14

**ORDER GRANTING MOTION OF BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC TO DISMISS INTERLOCUTORY APPEAL**

Upon the Motion of the Boy Scouts of America and Delaware BSA, LLC to Dismiss Interlocutory Appeal (the "Motion"); and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided under the circumstances, and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion, establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, **IT IS**

HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Court grants Boy Scouts of America and Delaware BSA, LLC/appellee's motion to dismiss and dismisses the appeal.
3. The Court shall retain jurisdiction over any matter or dispute arising from or relating to the implementation, interpretation, or enforcement of this Order.

Dated: _____, 2020
Wilmington, Delaware

UNITED STATES DISTRICT JUDGE