

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

In re  Boy Scouts of America and Delaware BSA, LLC,  Debtors.
Century Indemnity Company,  Appellant,  v.  Boy Scouts of America,  Appellee  Delaware BSA, LLC  Appellee

Civil Action No. 20-cv-00798 (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

**APPELLANTS' MOTION TO ACCEPT  
DOCUMENTS UNDER SEAL INTO APPELLATE RECORD**

Pursuant to Federal Rule of Bankruptcy Procedure 8009(f), Appellants move this Court to accept into the record of this appeal those documents designated as "Sealed" in the Appellants' Designation of Items to be Included in the Record on Appeal filed in the Bankruptcy Court proceeding at Docket No. 907, and in this case at Docket No. 4.

As grounds, Appellants state as follows:

1. Appellants have filed Appellants' Designation of Items to be Included in the Record on Appeal with the Bankruptcy Court identifying those items Appellants seek to include in the appellate record in this case. The designation includes material kept

- under seal by the Bankruptcy Court (the “Sealed Material”).
2. Rule 8009(f) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) provides that the Sealed Materials may be transmitted to this Court only upon this Court’s order. Fed. R. Bankr. P. 8009(f).
  3. Bankruptcy Rule 8009(f) states that: “A document placed under seal by the bankruptcy court may be designated as part of the record on appeal. In doing so, a party must identify it without revealing confidential or secret information, but the bankruptcy clerk must not transmit it to the clerk of the court where the appeal is pending as part of the record. Instead, a party must file a motion with the court where the appeal is pending to accept the document under seal. If the motion is granted, the movant must notify the bankruptcy court of the ruling, and the bankruptcy clerk must promptly transmit the sealed document to the clerk of the court where the appeal is pending.” Fed. R. Bankr. P. 8009(f).
  4. The rule, “which is new and has no counterpart in the Appellate Rules, deals with the manner in which . . . secret or confidential information is to be protected in the event the document or documents containing such information are included in the record on appeal.” Collier on Bankruptcy ¶ 8009.11 (Alan N. Resnick & Henry J. Sommer eds. 16th ed. 2016).
  5. As the relief Appellees seek is procedural, this Court may rule on it at any time without awaiting a response. Fed. R. Bankr. P. 8013(b).

WHEREFORE, Appellants request that this Court enter an order substantially in the form attached accepting the Sealed Material into the appellate record, and grant such other relief as it deems just and proper.

Dated: June 23, 2020

Respectfully Submitted,

By: /s/ Stamatios Stamoulis

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FOR THE DISTRICT OF DELAWARE

In re  Boy Scouts of America and Delaware BSA, LLC,  Debtors.	Civil Action No. 20-cv-00798 (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

**ORDER GRANTING APPELLANTS’ MOTION TO ACCEPT  
DOCUMENTS UNDER SEAL INTO APPELLATE RECORD**

Upon the Motion of Appellants’ to Accept Documents under Seal into Appellate Record (the “Motion”), for good cause shown; it is hereby ORDERED, ADJUDGED and DECREED that:

1. The Motion is granted; and
2. The Clerk for the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) is permitted and authorized to transmit to the United States District Court for the District of Delaware (the “District Court”) those portions of the appellate record, as designated by the Appellants, which were received by the Bankruptcy Court under seal (the “Sealed Portion”).

3. This Court will accept, under seal, the Sealed Portion, and the Sealed Portion shall be dealt with by the parties pursuant to this Court's usual practices and procedures concerning sealed materials.

4. Upon entry, Appellants shall give notice of this Order to counsel for the Appellees.

Dated: \_\_\_\_\_, 2020

Wilmington, Delaware

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UNITED STATES DISTRICT JUDGE