

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

In re: Boy Scouts of America and Delaware BSA, LLC	:	Chapter 11
	:	
Debtors.	:	Bankruptcy Case No. 20-10343 (LSS)
	:	Bankruptcy BAP No. 20-14
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CENTURY INDEMNITY COMPANY,	:	
	:	
Appellant,	:	
	:	
v.	:	C. A. No. 20-798-RGA
	:	
BOY SCOUTS OF AMERICA and	:	
DELAWARE BSA, LLC,	:	
	:	
Appellees.	:	

**RECOMMENDATION**

At Wilmington this 30<sup>th</sup> day of **June, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

None of the parties to this appeal believe mediation would be productive or represent an effective use of the Court's and the parties resources in this matter.

Sidley Austin LLP appeared separately and submitted materials separate from Boy Scouts of American to the Bankruptcy Court under seal. It is the Boy Scouts and Sidley's position that Sidley should be identified separately as an appellee.

Appellant Century and Appellees Boy Scout of America and Delaware BSA, Inc. request the following briefing schedule be entered.

Appellants' Opening Brief	On or before 60 days after entry by the Court of the briefing schedule for this appeal
Appellees' Answering Brief	On or before 60 days after service of Appellants' opening brief
Appellants' Reply brief	On or before 30 days after service of Appellees' answering brief

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections are anticipate to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 since it is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng  
Chief U.S. Magistrate Judge Mary Pat Thyng

SO ORDERED this 1 day of July, 2020

/s/ Richard G. Andrews  
United States District Judge