

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

In re:

BOY SCOUTS OF AMERICA and
DELAWARE BSA, LLC,

Debtors.

Chapter 11

Civil Action No. 20-cv-00798 (RGA)

**DECLARATION OF JONATHAN HACKER IN SUPPORT OF
CONSENTED TO MOTION FOR EXTENSION OF TIME
TO SUBMIT OPENING APPEAL BRIEF**

I, Jonathan Hacker, pursuant to 28 U.S.C. § 1746(2), under penalty of perjury, hereby declare as follows:

1. I am Partner at the firm O’Melveny & Myers LLP, Counsel for Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America and Indemnity Insurance Company of North America, Westchester Fire Insurance Company and Westchester Surplus Lines Insurance Company (“Century”), Appellants in this matter. I submit this declaration based on my personal knowledge.

2. Under the Court’s July 1, 2020 Order setting the briefing schedule in this matter, (D.I. 10) Appellants’ Opening Brief on appeal is due to be filed on July 31, 2020.

3. The parties had previously submitted a proposed briefing schedule to Magistrate Judge Thyng as part of their mediation submissions. The proposed stipulated briefing schedule was consented to by all parties to the appeal so that (1) Appellants’ Opening Brief is due on August 31, (2) Appellees’ Answering Briefs are due on September 30, and (3) Appellants’ Reply Brief is

due on October 14. These dates were chosen because of prior commitments of counsel in this matter and the competing demands of other motions and appeals pending in the case.

4. Both myself and my co-counsel Mr. Schiavoni have several prior commitments that conflict with the briefing schedule as set forth in the Court's July 1, 2020 Order. My commitments between now and July 31 are as follows:

- A motion for a protective order in another matter, due July 16, 2020;
- A response to a petition for appeal in another matter, due July 17, 2020;
- A petition to strike a complaint in another matter, due July 21, 2020;
- A reply brief in support of a motion for a protective order, due July 24, 2020;
- The Opening Brief in the other appeal in this matter, pending before this Court at 20-cv-00074, currently due July 27, 2020.

5. Mr. Schiavoni's commitments between now and July 31 are as follows:

- A discovery cutoff in another matter on July 31, 2020;
- A hearing in another matter scheduled for this Thursday, July 16, 2020;
- Depositions in another matter scheduled for Friday, July 17, 2020.

6. We respectfully request that the Court take these commitments into consideration in ruling on the parties' Motion for Extension of Time to Submit Opening Appeal Brief.

I declare under pain and penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: July 13, 2020

Respectfully Submitted,

By: /s/ Jonathan Hacker

JONATHAN HACKER