

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

In re: BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC, ¹ Debtors.	Chapter 11 Case No. 20-10343 (LSS) Jointly Administered
BOY SCOUTS OF AMERICA, Plaintiff, v. A.A., <i>et al.</i> , Defendants.	Adv. Pro. No. 20-50527 (LSS) Re: A.D.I Nos. 77 and 85

**CERTIFICATION OF COUNSEL REGARDING TERMINATION OF PRELIMINARY
INJUNCTION AS IT RELATES TO CIMARRON COUNCIL FOR FAILING TO
EXECUTE PRELIMINARY INJUNCTION ACKNOWLEDGMENT**

The undersigned hereby certifies that:

1. On June 9, 2020, the Court approved the second stipulation and agreed order [Adv. Docket No. 77] (this “Second Stipulation and Agreed Order”) modifying certain terms of the *Consent Order Pursuant to 11 U.S.C. §§ 105(a) and 362* Granting the BSA’s Motion for a Preliminary Injunction [Adv. Docket No. 54] (the “Consent Order”) and further extending the Termination Date of the Standstill Period thereunder entered into by and among the Boy Scouts of America (the “BSA”), the non-profit corporation that is, along with its affiliate, Delaware

¹ The Debtors in the chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors’ mailing address is 1325 West Walnut Hill Lane, Irving, Texas 75038.

BSA, LLC, a debtor and debtor in possession in the above-captioned chapter 11 cases, the official committee of survivors of childhood sexual abuse (the “Tort Claimants’ Committee”), the official committee of unsecured creditors, the ad hoc committee of local councils, and the future claims representative, by and through their respective counsel.

2. As a condition for the extension of the preliminary injunction under the Consent Order as it pertains to the local councils (the “Local Councils”), the stipulating parties agreed that by July 6, 2020 the Local Councils must execute an acknowledgment (the “Acknowledgment”), produce certain information, and provide certain retrospective and prospective reporting about real estate transfers, in addition to other action items. *See* Second Stipulation and Agreed Order, Para. 6 and Exhibit 4. Failure to timely execute an Acknowledgment authorizes the Tort Claimants’ Committee to serve a notice of default on the applicable Local Councils.

3. On July 7, 2020, the TCC served the Cimarron Council with a *Notice of Preliminary Injunction Acknowledgment Default* (the “Notice of Default”). As set forth in Exhibit 4 of the Second Stipulation and Agreed Order and the Notice of Default, the Cimarron Council had ten (10) days to respond and cure the default by executing the Acknowledgment and supplying the other information required under Exhibit 4 of the Second Stipulation and Agreed Order.

4. On July 8, 2020, the TCC filed a certificate of service evidencing service of the Notice of Default on the Cimarron Council [Adv. Docket No.85].

5. As of the date of this certification, the Cimarron Council has not responded to the Notice of Default.

6. Accordingly, the Tort Claimants' Committee requests entry of the attached order annexed hereto as **Exhibit A** terminating the Consent Order solely as it pertains to the Cimarron Council.

Dated: July 27, 2020

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

James I. Stang (CA Bar No. 94435)
John A. Morris (NY Bar No. 2405397)
James E. O'Neill (DE Bar No. 4042)
John W. Lucas (CA Bar No. 271038)
919 North Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899-8705 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
Email: jstang@pszjlaw.com
jmorris@pszjlaw.com
joneill@pszjlaw.com
jlucas@pszjlaw.com

Counsel for the Tort Claimants' Committee

Exhibit A

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

In re: BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC, ¹ Debtors.	Chapter 11 Case No. 20-10343 (LSS) Jointly Administered
BOY SCOUTS OF AMERICA, Plaintiff, v. A.A., <i>et al.</i> , Defendants.	Adv. Pro. No. 20-50527 (LSS) Re: A.D.I Nos. 77 and 85

**ORDER TERMINATING PRELIMINARY
INJUNCTION AS IT RELATES SOLELY TO CIMARRON COUNCIL**

Upon consideration of the terms and conditions of the second stipulation and agreed order [Adv. Docket No. 77] (this “Second Stipulation and Agreed Order”) modifying certain terms of the *Consent Order Pursuant to 11 U.S.C. §§ 105(a) and 362* Granting the BSA’s Motion for a Preliminary Injunction [Adv. Docket No. 54] (the “Consent Order”), which extended the preliminary injunction (the “Preliminary Injunction”) for the benefit of the local councils (the “Local Councils”) thereunder through November 16, 2020 on the condition that the Local Councils executed the “Acknowledgment” annexed to the Second Stipulation and Agreed Order as Exhibit 4 on or before July 6, 2020; and failure to timely execute an Acknowledgment

¹ The Debtors in the chapter 11 cases, together with the last four digits of each Debtors’ federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors’ mailing address is 1325 W. Walnut Hill Ln., Irving, TX 75038.

authorized the Official Tort Claimants' Committee (the "Tort Claimants' Committee") appointed in the chapter 11 cases to terminate the Preliminary Injunction as to each Local Council failing to execute an Acknowledgment after notice and opportunity to cure; and Tort Claimants' Committee having provided notice to the defaulting Local Council [Adv. Docket No. 85]; and this Court having jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and after due deliberation and good and sufficient cause appearing; it is HEREBY ORDERED THAT:

1. The Preliminary Injunction is hereby terminated immediately upon entry of this Order solely as it pertains to the Cimarron Council.
2. The Debtors and/or the Cimarron Council are not authorized to seek reinstatement of the Preliminary Injunction without the express written consent of the Tort Claimants' Committee.
3. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Consent Order are immediately effective and enforceable upon its entry.
4. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Consent Order.

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

In re: BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC, ¹ Debtors.	Chapter 11 Case No. 20-10343 (LSS) Jointly Administered
BOY SCOUTS OF AMERICA, Plaintiff, v. A.A., <i>et al.</i> , Defendants.	Adv. Pro. No. 20-50527 (LSS)

CERTIFICATE OF SERVICE

I, James E. O'Neill, hereby certify that on the 27th day of July, 2020, I caused a copy of the following document(s) to be served on the individual(s) on the attached service list(s) in the manner indicated:

Certification of Counsel Regarding Termination of Preliminary Injunction as It Relates to Cimarron Council for Failing to Execute Preliminary Injunction Acknowledgment

/s/ James E. O'Neill

James E. O'Neill (Bar No. 4042)

¹ The Debtors in the chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors' mailing address is 1325 West Walnut Hill Lane, Irving, Texas 75038.

Boy Scouts – Service List re Cimarron
Adv. Case No. 20-50527 (LSS)
Doc. No. 229931
02 – Overnight Delivery
07 – Emails

Overnight Delivery

Cimarron Council #474
317 N. Grand Street
Enid, OK 73701-4124

Overnight Delivery

Cimarron Council #474
PO Box 3146
Enid, OK 73702-3146

Email

Boy Scouts of America – se.legal@scouting.org

Email

Ad Hoc Committee of Local Councils – local_council_committee@wlrk.com

Email

Trevor Grayeb – tgrayeb@sidley.com

Email

Matthew Linder – mlinder@sidley.com

Email

Kevin Carey – kevin.carey@hoganlovells.com

Email

Paul Finn – pfinn@commonwealthmediation.com

Email

Timothy Gallagher – timg@thegallaghergroup.com