

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

In re:

Boy Scouts of America and
Delaware BSA, LLC,¹

Debtors.

Lonnie Washburn,

Plaintiff,

v.

Boy Scouts of America; Delaware BSA, LLC;
Future Claimants' Representative; The Coalition;
Tort Claimants' Committee; and Creditors'
Committee,

Defendants.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

Adv. Proc. No. 21-51177 (LSS)

Re: D.I. 5

**MOTION TO DISMISS FIRST AMENDED COMPLAINT AND JOINDER OF THE
CREDITORS' COMMITTEE IN CO-DEFENDANTS' MOTIONS TO DISMISS**

The Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) of Boy Scouts of America and Delaware BSA, LLC (collectively, the “**Debtors**”) by and through the Creditors’ Committee’s undersigned counsel, hereby submits this *Motion to Dismiss First Amended Complaint and Joinder of the Creditors’ Committee in Co-Defendants’ Motions to Dismiss*, in response to the *First Amended Complaint* [D.I. 5] (the “**First Amended Complaint**”) filed by Lonnie Washburn, *pro se* (“**Plaintiff**”) and respectfully states as follows:

¹ The Debtors in these 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 West Walnut Hill Lane, Irving, TX 75038.

BACKGROUND

1. On October 4, 2022, Plaintiff filed his *Complaint* [D.I. 1].
2. On January 25, 2022, Plaintiff filed his First Amended Complaint.
3. On January 26, 2022, the Official Committee of Tort Claimants filed the *Motion of the Official Committee of Tort Claimants to Dismiss First Amended Complaint* [D.I. 6] (the “**TCC Motion to Dismiss**”).
4. On January 31, 2022, the Future Claimants’ Representative filed the *Future Claimants’ Representative’s Motion to Dismiss Amended Complaint for Failure to State a Claim* [D.I. 7] (the “**FCR Motion to Dismiss**”). Also on January 31, 2022, the Future Claimants’ Representative filed its *Memorandum of Law in Support of the Future Claimants’ Representative’s Motion to Dismiss Amended Complaint for Failure to State a Claim* (the “**FCR Opening Brief**”).
5. On February 7, 2022, the Debtors filed *The Boy Scouts of America and Delaware BSA, LLC’s Motion to Dismiss the Adversary Complaint* [D.I. 10] (the “**Debtors’ Motion to Dismiss**”). Also on February 7, 2022, the Debtors filed *The Boy Scouts of America and Delaware BSA, LLC’s Opening Brief in Support of Motion to Dismiss* [D.I. 12] (the “**Debtors’ Opening Brief**”).
6. On February 7, 2022, the Coalition of Abused Scouts for Justice (the “**Coalition**”) filed the *Motion of the Coalition of Abused Scouts for Justice to Dismiss First Amended Complaint* [D.I. 11] (the “**Coalition Motion to Dismiss**”).

MOTION TO DISMISS

The Creditors' Committee hereby moves (this "Motion") to dismiss the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the "Federal Rules"), as made applicable by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

JOINDER

In support of this Motion, the Creditors' Committee joins in, and incorporates as though fully set forth herein, the arguments set forth in (i) the TCC Motion to Dismiss, (ii) the FCR Motion to Dismiss and the FCR Opening Brief, (iii) the Debtors' Motion to Dismiss and the Debtors' Opening Brief, and (iv) the Coalition Motion to Dismiss.

LOCAL RULE 7012 STATEMENT

Pursuant to Local Rule 7012-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware, the Creditors' Committee advises the Court that the Creditors' Committee consents to entry of a final order or judgment by the Court in respect of the dismissal of the First Amended Complaint in this Adversary Proceeding.

WHEREFORE, for the reasons set forth herein and in (i) the TCC Motion to Dismiss, (ii) the FCR Motion to Dismiss and the FCR Opening Brief, (iii) the Debtors' Motion to Dismiss and the Debtors' Opening Brief, and (iv) the Coalition Motion to Dismiss, the Creditors' Committee respectfully requests that the Court enter an order, in substantially the same form as that attached hereto as **Exhibit A**, dismissing all counts of the First Amended Complaint as to the Creditors' Committee, with prejudice, and grant to the Creditors' Committee such other and further relief as is appropriate.

Dated: February 10, 2022
Wilmington, Delaware

Respectfully submitted,

REED SMITH LLP

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Unsecured Creditors*

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**ORDER GRANTING THE CREDITORS' COMMITTEE'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

Upon the *Motion to Dismiss First Amended Complaint and Joinder of the Creditors' Committee in Co-Defendants' Motions to Dismiss* (the "Motion")² filed by the Official Committee of Unsecured Creditors (the "Creditors' Committee") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as made applicable by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, for the reasons set forth in and relied upon in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having considered the Motion and the arguments relied upon and incorporated therein

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² Capitalized terms not defined herein have the meanings given to them in the Motion.

by reference and any opposition thereto; together with the arguments of the parties, and the Court having determined that the Creditors' Committee is entitled to the relief requested in the Motion; and for other good, and just cause appearing,

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The First Amended Complaint is DISMISSED as to the Creditors' Committee, with prejudice.
3. This Court shall retain jurisdiction to resolve any disputes arising from or related to this Order, and to interpret, implement and enforce the provisions of this Order.