

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,

Debtors.<sup>1</sup>

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**AMENDED CERTIFICATION OF COUNSEL WITH CONSENT OF ALL PARTIES  
REGARDING ORDER ON MOTION OF THE COALITION OF ABUSED  
SCOUTS FOR JUSTICE FOR ORDER APPROVING THE ADEQUACY AND  
SUFFICIENCY OF THE AMENDED VERIFIED RULE 2019 STATEMENT AND  
ORDER TO PARTICIPATE IN MEDIATION**

1. On October 14, 2020, the Court heard argument on the Motion of the Coalition Of Abused Scouts For Justice For Order Approving the Adequacy and Sufficiency of the Amended and Verified Rule 2019 Statement and the Motion of the Coalition Of Abused Scouts For Justice To Participate in Mediation (the “Motions”).

2. On October 16, 2020, the Court issued an oral ruling approving the Motions and requesting that the Parties meet and confer regarding confidentiality issues related to the Mediation Motion and, if possible, submit the Orders under Certification of Counsel. The

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<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of 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.

Court noted it would conduct a status conference on Friday, October 23<sup>rd</sup> at 10:00 a.m. ET in the event Orders were not submitted.

3. The Coalition circulated draft orders and had a meet and confer to address the issues related to confidentiality. Ultimately, the Coalition was able to address the comments made by all Parties to the proposed Orders, however, Century requested additional time to review both Orders and make comments.

4. As of the filing of the original Certification, the Coalition has not received any comments from Century.

5. Shortly after the filing of the original Certification, the Coalition received suggested revisions from Century regarding the Mediation Motion and the Coalition advised Century that the suggested revisions were acceptable.

6. The Orders are now fully consensual and no status conference is required. Attached as Exhibit "A" is the Order on the Adequacy and Sufficiency of the Rule 2019 and attached as Exhibit "B" is the Order on Participation in Mediation.

7. We respectfully request that the Orders be entered.

Dated: October 22, 2020  
Wilmington, Delaware

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*Co-Counsel to the Coalition of Abused Scouts for  
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# **EXHIBIT A**

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,

Debtors.<sup>1</sup>

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**Re D.I. 1106, 1144, 1257, 1510**

**ORDER APPROVING THE ADEQUACY AND SUFFICIENCY OF THE  
AMENDED VERIFIED RULE 2019 STATEMENT FILED BY THE  
COALITION FOR ABUSED SCOUTS FOR JUSTICE**

Upon the *Motion of the Coalition of Abused Scouts for Justice for an Order Approving the Sufficiency of Amended 2019 Statement* (the “Motion”)<sup>2</sup> [D.I. 1144] and the related pleadings amending and supporting the sufficiency of the Amended 2019 Statement of the Coalition for Abused Scouts for Justice (the “Supplemental Pleadings”) [D.I. 1106, 1257, 1510] and the Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and the opportunity for a

<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of 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.

<sup>2</sup> On October 7, 2020, the Court entered the *Order Granting in Part and Continuing in Part the Motion of the Coalition of Abused Scouts for Justice for an Order (i) Authorizing the Coalition to File Under Seal Exhibit A to the Amended 2019 Statement and (ii) Approving the Sufficiency of the Amended 2019 Statement* [D.I. 1435] pursuant to which the Court addressed the portion of the Motion addressing the confidentiality of the documents filed as Exhibit A to the Amended 2019 Statement.

hearing on the Motion having been given, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and all objections and responses to the Motion, including the objections and responses filed by Century and Hartford Accident and Indemnity Company [D.I. 1164], Joinder to the Objection filed by Alianz Global Risks U.S. Insurance Co. and National Surety Corporation [D.I. 1177], Joinder to the Objection filed by Agricultural Insurance Co. [D.I. 1218], Objection of the U.S. Trustee [D.I. 1227], Objection of the Tort Claimant's Committee [D. I. 1268], having been overruled; it is HEREBY ORDERED THAT:<sup>3</sup>

1. The Motion is GRANTED, as set forth herein.
2. The *Second Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019* [D.I. 1429] (the "Amended 2019 Statement"), as supplemented by the *Supplement to Amended Verified Statement of the Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019* (the "Supplement") [D.I. 1510] complies with and satisfies Rule 2019.
3. Consistent with the Supplement, the Coalition shall file an amended Rule 2019 statement with a revised Exhibit A within seven (7) days of the date hereof, which Exhibit A (and all Rule 2019 Statements filed by the Coalition in the future) shall reflect as Coalition Members only the Sexual Abuse Survivors that have executed the Request for Written Acknowledgment (i.e., the "Affirmative Consent").
4. Approval of the Amended 2019 Statement (including all attachments) does not, in any way, prejudice any party's right to raise, in the Bankruptcy Court or elsewhere, any ethical

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<sup>3</sup> Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

or other issue that might arise or have arisen from the Coalition's Rule 2019 disclosures and the Coalition's formation or actions.

5. Approval of the Amended 2019 Statement does not in any manner alter or abridge the Coalition's obligation to supplement its disclosures in accordance with Rule 2019(d).

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: \_\_\_\_\_, 2020  
Wilmington, Delaware



# **EXHIBIT B**

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,

Debtors.<sup>1</sup>

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**Re D.I. 1161, 1257, 1432**

**ORDER APPROVING THE MOTION OF THE COALITION FOR  
ABUSED SCOUTS FOR JUSTICE TO PARTICIPATE IN THE MEDIATION**

Upon the *Motion of the Coalition of Abused Scouts for Justice to Participate in the Mediation* (the "Motion") [D.I. 1161] and supplemental pleadings by the Coalition of Abused Scouts for Justice in support of the Motion [D.I. 1257 and 1432]; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference from the United States District Court for the District of Delaware*, dated February 29, 2012; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and appropriate notice of and the opportunity for a hearing on the Motion having been given, and it appearing that no other or further notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the

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<sup>1</sup> The Debtors in these chapter 11 cases, together with the last four digits of 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.

relief requested therein at hearings before this Court; and all objections and responses to the Motion having been overruled; it is HEREBY ORDERED THAT:<sup>2</sup>

1. The Motion is GRANTED, as set forth herein.
2. The Coalition of Abused Scouts for Justice is designated a Mediation Party as defined in the Mediation Order and may participate in the Mediation.
3. The Coalition shall be designated a party to the *Order Approving Confidentiality and Protective Order* [D.I. 799] (the "Protective Order").
4. Subject to the terms of the Protective Order, the Coalition may receive Discovery Material (as defined in the Protective Order) as follows<sup>3</sup>:

- a. Outside Counsel and Other Retained Professionals of the Coalition that assent to be bound by the Protective Order by executing a copy of the "Acknowledgment and Agreement to Be Bound" annexed as Exhibit A to the Protective Order and agree to submit to the jurisdiction of this Court shall have access to information and items designated "CONFIDENTIAL," "HIGHLY CONFIDENTIAL" and "COMMITTEE ADVISOR ONLY" subject to and in accordance with the Protective Order.

- b. State Court Counsel that assent to be bound by the Protective Order by executing a copy of the "Acknowledgment and Agreement to Be Bound" annexed as

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

<sup>3</sup> Brown Rudnick LLP and Monzack Mersky Browder and Hochman, P.A. ("Coalition Counsel") shall constitute "Outside Counsel" as defined in the Protective Order; professionals or other advisors retained by the Coalition, if any, shall constitute "Other Retained Professionals" as defined in the Protective Order; members of the Coalition as set forth in the *Second Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019* [D.I. 1429] (as may be amended or supplemented, the "Amended 2019 Statement"), as supplemented by the *Supplement to Amended Verified Statement of the Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019* (the "Supplement") [D.I. 1510] shall constitute "Members" as defined in the Protective Order; and the state court counsel representing individual Coalition members and identified in the Amended 2019 Statement, as may be supplemented from time to time (the "State Court Counsel") shall constitute "Counsel" as defined in the Protective Order, provided, however, the State Court Counsel shall not include any counsel that has resigned or withdrawn from the Coalition, nor any counsel that shares a co-counsel relationship with any State Court Counsel (other than those identified in the Amended 2019 Statement).

Exhibit A to the Protective Order shall have access to information and items designated “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL.”

c. Members of the Coalition’s Advisory Board that assent to be bound by the Protective Order by executing a copy of the “Acknowledgment and Agreement to Be Bound” annexed as Exhibit A to the Protective Order and agree to submit to the jurisdiction of this Court shall have access to information and items designated as “CONFIDENTIAL” under the Protective Order, provided, however, that Members of the Coalition may share such CONFIDENTIAL information only with its State Court Counsel that are entitled to receive CONFIDENTIAL AND HIGHLY CONFIDENTIAL information pursuant to the Protective Order.

d. Upon request, the Coalition will provide copies of the “Acknowledgment and Agreement to Be Bound” to other Mediation Parties.

5. Coalition Counsel shall be a “Permitted Party” pursuant to the *Order Pursuant to 11 U.S.C. § 502(b)(9), Bankruptcy Rules 2002 and 3003(c)(3), and Local Rules 2002-1(e), 3001-1, and 3003-1, (i) Establishing the Deadlines for Filing Proofs of Claim, (ii) Establishing the Form and Manner of Notice Thereof, (iii) Approving Procedures for Providing Notice of Bar Date and Other Important Information to Abuse Survivors, and (iv) Approving Confidentiality Procedures for Abuse Survivors* [D.I. 695] (the “Bar Date Order”) and may receive copies of Sexual Abuse Proofs of Claim and General Proofs of Claim provided that all personally identifiable information shall be redacted from any proofs of claim provided to Coalition Counsel; provided, that (a) notice is given to the holders of all filed Sexual Abuse Proofs of Claim and General Proofs of Claim pursuant to Paragraph 7(e)(14) of the Bar Date Order and (b) Coalition Counsel executes a “Confidentiality Agreement” (as set forth in footnote 4 of the Bar

Date Order). Coalition Counsel may provide summaries and/or aggregated claims data to the State Court Counsel and members of the Advisory Board of the Coalition provided that State Court Counsel and the members of the Advisory Board execute the foregoing referenced Confidentiality Agreement.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

Dated: \_\_\_\_\_, 2020  
Wilmington, Delaware