

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

In re:

BOY SCOUTS OF AMERICA and
DELAWARE BSA, LLC,
Debtors.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

Civil Action No. 20-cv-01643 (RGA)

**APPELLANTS' DESIGNATION OF ITEMS TO BE INCLUDED
IN THE RECORD ON APPEAL AND STATEMENT OF ISSUES
PURSUANT TO FED. R. BANKR. P. 8009(a)**

STATEMENT OF THE ISSUES ON APPEAL

Pursuant to Fed. R. Bankr. P. 8009(a), and Rule 8009-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware, Century Indemnity Company ("Appellant") hereby submits its designation of the record and statement of issues on appeal in connection with their appeal from the Orders (Dkt. 1698) granting Debtors' Motion to Retain White & Case LLP as Attorneys for the Debtors and Debtors in Possession (Dkt. 1571):

1. Did the Bankruptcy Court err in granting Debtors' motion to retain White & Case LLP as its attorney pursuant to 11 USC § 327?
2. Did the Bankruptcy Court err in failing to apply the standard set out in Rule 1.7 to a conflict that was concurrent when it arose?

**DESIGNATION OF ITEMS TO BE INCLUDED
IN THE RECORD ON APPEAL**

Century designates the following pleadings and other documents as the record on appeal:

Date Filed	DKT No.	Description
02/18/2020	5 (88 pgs)	Motion to Approve Use of Cash Collateral <i>Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363 and 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); and (IV) Granting Related Relief</i> Filed By Boy Scouts of America (Abbott, Derek) (Entered: 02/18/2020)
02/18/2020	13 (431 pgs)	Motion to Maintain Bank Accounts Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing Debtors to (A) Continue Using Existing Cash Management System, Including Existing Bank Accounts, (B) Honor Certain Prepetition Obligations Related Thereto, and (C) Maintain Existing Business Forms; and (II) Waiving the Requirements of 11 U.S.C. § 345(b); and (III) Granting Related Relief Filed By Boy Scouts of America (Abbott, Derek) (Entered: 02/18/2020)
02/18/2020	16 (104 pgs)	Affidavit/Declaration in Support of First Day Motion Declaration of Brian Whittman in Support of the Debtors' Chapter 11 Petitions and First Day Pleadings Filed By Boy Scouts of America (Abbott, Derek) (Entered: 02/18/2020)
02/18/2020	17 (18 pgs; 2 docs)	Exhibit(s) <i>Debtors' Motion for Entry of an Order (I) Appointing a Judicial Mediator, (II) Referring Certain Matters to Mandatory Mediation, and (III) Granting Related Relief</i> Filed by Boy Scouts of America. (Attachments: # 1 Exhibit A) (Abbott, Derek) (Entered: 02/18/2020)
02/18/2020	20 (90 pgs)	Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC Filed by Boy Scouts of America (Abbott, Derek) (Entered: 02/18/2020)
02/18/2020	21 (82 pgs)	Disclosure Statement for the Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC Filed by Boy Scouts of America (Abbott, Derek) (Entered: 02/18/2020)
02/20/2020	78 (86 pgs; 3 docs)	Exhibit(s) Notice of Filing of Revised Proposed Interim Order (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363, 503 And 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); And (IV) Granting Related Relief (related document(s)5) Filed by Boy Scouts of America. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Barsalona II,

		Joseph) (Entered: 02/20/2020)
02/20/2020	85 (64 pgs; 3 docs)	Certification of Counsel Regarding Proposed Interim Order (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363, 503 And 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); and (IV) Granting Related Relief (related document(s)5) Filed by Boy Scouts of America. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Remming, Andrew) (Entered: 02/20/2020)
02/20/2020	90 (29 pgs; 2 docs)	Interim Order (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363 and 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); and (IV) Granting Related Relief (related documents 5, 85) Order Signed on 2/20/2020. (Attachments: # 1 Exhibit 1) (LJJ) (Entered: 02/20/2020)
03/17/2020	204 (109 pgs; 5 docs)	Application/Motion to Employ/Retain Sidley Austin LLP as Attorneys Filed by Boy Scouts of America. Hearing scheduled for 4/15/2020 at 10:00 AM at US Bankruptcy Court, 824 Market St., 6th Fl., Courtroom #2, Wilmington, Delaware. Objections due by 3/31/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C) (Topper, Paige) (Entered: 03/17/2020)
04/13/2020	400 (14 pgs; 4 docs)	Declaration in Support Declaration of Brian Whittman in Support of the Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Parties Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363 and 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); and (IV) Granting Related Relief (related document(s)5) Filed by Alvarez & Marsal North America, LLC. (Attachments: # 1 Exhibit A-1 # 2 Exhibit A-2 # 3 Exhibit A-3) (Topper, Paige) (Entered: 04/13/2020)
04/14/2020	413 (61 pgs; 3 docs)	Certification of Counsel <i>Regarding Debtors' Motion for Interim and Final Orders (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363 And 507; (III) Scheduling a Final Hearing Pursuant to Bankruptcy Rule 4001(b); and (IV) Granting Related Relief</i> (related document(s)5, 90, 276, 403) Filed by Boy Scouts of America. (Attachments: # 1 Exhibit A # 2 Exhibit B) (Topper, Paige) (Entered: 04/14/2020)
04/15/2020	433 (53 pgs; 2 docs)	Final Order (I) Authorizing the Debtors to Utilize Cash Collateral Pursuant to 11 U.S.C. § 363; (II) Granting

		Adequate Protection to the Prepetition Secured Party Pursuant to 11 U.S.C. §§ 105(a), 361, 362, 363 and 507; and (III) Granting Related Relief (Related Doc # 5) Order Signed on 4/15/2020. (Attachments: # 1 Exhibit 1) (CMB) (Entered: 04/15/2020)
04/28/2020	500 (33 pgs; 6 docs)	Declaration in Support // <i>Declaration of Jessica C.K. Boelter in Support of Response by Sidley Austin LLP in Further Support of the Debtors' Application for Entry of an Order Authorizing the Retention and Employment of Sidley Austin LLP as Attorneys for the Debtors and Debtors in Possession, Nunc Pro Tunc to the Petition Date</i> (related document(s)498) Filed by Sidley Austin LLP. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5) (Simon, Christopher) (Entered: 04/28/2020)
06/02/2020	755 (16 pgs)	Bench Ruling Delivered May 29, 2020 on Debtors Application to Retain Sidley Austin LLP as Attorneys for the Debtors and Debtors In Possession (related document(s)204) Order Signed on 6/2/2020. (CMB) (Entered: 06/02/2020)
06/02/2020	760 (172 pgs; 4 docs)	Monthly Application for Compensation <i>Consolidated (First) of Sidley Austin LLP For Allowance of Compensation and Reimbursement of Expenses</i> for the period <i>February 18, 2020 to March 31, 2020</i> Filed by Sidley Austin LLP. Objections due by 6/16/2020. (Attachments: # 1 Notice # 2 Exhibit A (Fees Statement) # 3 Exhibit B (Expense Detail)) (Topper, Paige) (Entered: 06/02/2020)
06/16/2020	861 (108 pgs; 4 docs)	Monthly Application for Compensation <i>(Second) of Sidley Austin LLP for Allowance of Compensation and Reimbursement of Expenses</i> for the period <i>April 1, 2020 to April 30, 2020</i> Filed by Sidley Austin LLP. Objections due by 6/30/2020. (Attachments: # 1 Notice # 2 Exhibit A (Fees Statement) # 3 Exhibit B (Expense Detail)) (Topper, Paige) (Entered: 06/16/2020)
07/02/2020	949 (7 pgs)	<i>Stipulation With Prepetition Secured Parties Reserving Certain Committee Rights Pursuant to Final Cash Collateral Order Between Tort Claimants' Committee and Official Committee of Unsecured Creditors, Future Claimants' Representative, JPMorgan Chase Bank, National Association, as Sole Lender and Collateral Agent</i> (related document(s)433) Filed by Tort Claimants' Committee. (O'Neill, James) (Entered: 07/02/2020)
07/17/2020	1029 (83 pgs; 4 docs)	Application for Compensation <i>(Second) of Haynes and Boone, LLP for Allowance of Compensation and Reimbursement of Expenses</i> for the period <i>May 1, 2020 to June 30, 2020</i> Filed by Haynes and Boone LLP. Objections due by 7/31/2020. (Attachments: # 1 Notice # 2 Exhibit A (Redacted) # 3 Exhibit B) (Moats, Eric) (Entered: 07/17/2020)
07/24/2020	1044 (104 pgs; 4 docs)	Monthly Application for Compensation <i>(Fourth) of Sidley Austin LLP for Allowance of Compensation and Reimbursement of Expenses</i> for the period <i>June 1, 2020 to June 30, 2020</i> Filed by Sidley Austin LLP. Objections due by 8/7/2020. (Attachments: # 1 Notice

		# 2 Exhibit A (Fees Statement) # 3 Exhibit B (Expense Detail)) (Topper, Paige) (Entered: 07/24/2020)
08/07/2020	1083 (46 pgs; 4 docs)	Monthly Application for Compensation (<i>Fifth</i>) of Morris, Nichols, Arsht & Tunnell LLP, as Bankruptcy Co-Counsel for the Debtors and Debtors in Possession, for Allowance of Monthly Compensation and for Monthly Reimbursement of All Actual and Necessary Expenses Incurred for the period June 1, 2020 to June 30, 2020. Filed by Morris, Nichols, Arsht & Tunnell LLP. Objections due by 8/21/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B) (Topper, Paige) (Entered: 08/07/2020)
08/24/2020	1142 (49 pgs; 4 docs)	Third Application for Compensation of Haynes and Boone, LLP for Allowance of Compensation and Reimbursement of Expenses for the period July 1, 2020 to July 31, 2020. Filed by Haynes and Boone LLP. Objections due by 9/8/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B) (Moats, Eric) (Entered: 08/24/2020)
08/26/2020	1167 (97 pgs; 4 docs)	Monthly Application for Compensation (<i>Fifth</i>) of Sidley Austin LLP for Allowance of Compensation and Reimbursement of Expenses for the period July 1, 2020 to July 31, 2020 Filed by Sidley Austin LLP. Objections due by 9/9/2020. (Attachments: # 1 Notice # 2 Exhibit A (Fees Statement) # 3 Exhibit B (Expense Detail)) (Topper, Paige) (Entered: 08/26/2020)
08/27/2020	1174 (90 pgs; 4 docs)	Monthly Application for Compensation and Reimbursement of Expenses of Pachulski Stang Ziehl & Jones LLP, as Counsel to the Tort Claimants' Committee for the period from June 1, 2020 to June 30, 2020 (<i>Fourth</i>) Filed by Pachulski Stang Ziehl & Jones LLP. Objections due by 9/10/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Certificate of Service) (O'Neill, James) (Entered: 08/27/2020)
08/27/2020	1175 (8 pgs)	Stipulation (<i>Second</i>) With Prepetition Secured Parties Reserving Certain Committee Rights Pursuant to Final Cash Collateral Order Between Official Committee of Unsecured Creditors and Official Tort Claimants' Committee, Future Claims Representative, JPMorgan Chase Bank, N.A. and the Debtors .(related document(s)433, 949) Filed by Official Committee of Unsecured Creditors. (Morales, Katelin) (Entered: 08/27/2020)
09/08/2020	1285 (4 pgs; 2 docs)	Notice of Service /Notice of Filing of Exhibit in Support of the Objection of the Tort Claimants' Committee to 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 (related document(s)1228) Filed by Tort Claimants' Committee. (Attachments: # 1 Exhibit 1 - BSA email) (O'Neill, James) (Entered: 09/08/2020)
09/18/2020	1344 (94 pgs; 4 docs)	Application for Compensation of Sidley Austin LLP for the period August 1, 2020 to August 31, 2020 Filed by Sidley Austin LLP. Objections due by 10/2/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B) (Topper, Paige)

		(Entered: 09/18/2020)
09/18/2020	1349 (39 pgs; 3 docs)	Monthly Application for Compensation (<i>Fourth</i>) of Haynes and Boone, LLP for Allowance of Compensation and Reimbursement of Expenses for the period August 1, 2020 to August 31, 2020 Filed by Haynes and Boone LLP. Objections due by 10/2/2020. (Attachments: # 1 Notice # 2 Exhibit A (Summary of Services, August 1-31, 2020 REDACTED)) (Topper, Paige) (Entered: 09/18/2020)
10/08/2020	1451 (2 pgs)	Notice of Withdrawal of Appearance. <i>Jessica Boelter, Michael Andolina, and Matthew E. Linder Withdraw as Counsel and Request for Removal from Electronic and Paper Noticing Matrix</i> has withdrawn from the case. Filed by Boy Scouts of America, Delaware BSA, LLC. (Moats, Eric) (Entered: 10/08/2020)
10/08/2020	1452 (3 pgs)	Notice of Appearance. Filed by Boy Scouts of America, Delaware BSA, LLC. (Moats, Eric) (Entered: 10/08/2020)
10/15/2020	1526 (95 pgs; 5 docs)	Monthly Application for Compensation (<i>Sixth</i>) of Kramer Levin Naftalis & Frankel LLP for the period August 1, 2020 to August 31, 2020 Filed by Official Committee of Unsecured Creditors. Objections due by 10/29/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B # 4 Exhibit C) (Morales, Katelin) (Entered: 10/15/2020)
10/19/2020	1550 (9 pgs)	Stipulation (<i>Third</i>) Between Official Committee of Unsecured Creditors and Prepetition Secured Parties Reserving Certain Committe Rights Pursuant to Final Cash Collateral Order.(related document(s)433, 949, 1175) Filed by Official Committee of Unsecured Creditors. (Gwynne, Kurt) (Entered: 10/19/2020)
10/22/2020	1566 (97 pgs; 5 docs)	Application/Motion to Employ/Retain White & Case LLP as Attorneys Filed by Boy Scouts of America, Delaware BSA, LLC. Objections due by 11/5/2020. (Attachments: # (1) Notice # (2) Exhibit A (Proposed Order) # (3) Exhibit B (Boelter Declaration) # (4) Exhibit C (McGowan Declaration)) (Entered: 10/22/2020)
10/22/2020	1570 (2 pgs)	Notice of Withdrawal of Document (Debtors' Application for Entry of an Order Authorizing the Retention and Employment of White & Case LLP as Attorneys to the Debtors and Debtors in Possession Effective as of October 23, 2020) (related document(s)1566) Filed by Boy Scouts of America. (Moats, Eric) (Entered: 10/22/2020)
10/22/2020	1571 (179 pgs; 5 docs)	Application/Motion to Employ/Retain White & Case LLP as Attorneys to the Debtors and Debtors in Possession Filed by Boy Scouts of America. Objections due by 11/5/2020. (Attachments: # 1 Notice # 2 Proposed Form of Order Exhibit A # 3 Exhibit B # 4 Exhibit C) (Moats, Eric) (Entered: 10/22/2020)
10/19/2020	1550 (9 pgs)	Monthly Application for Compensation (<i>Seventh</i>) of Sidley Austin LLP for Allowance of Compensation and Reimbursement of Expenses for the period September 1, 2020 to September 30, 2020. Filed by Sidley Austin LLP.

		Objections due by 11/10/2020. (Attachments: # 1 Notice # 2 Exhibit A # 3 Exhibit B) (Moats, Eric) (Entered: 10/27/2020)
10/27/2020	1585 (9 pgs)	Affidavit/Declaration of Mailing re: Debtors Application for Entry of an Order Authorizing the Retention and Employment of White & Case LLP as Attorneys to the Debtors and Debtors in Possession Effective as of September 23, 2020 [Docket No. 1571]. Filed by Omni Agent Solutions, Inc.. (related document(s)1571) (Osborne, Brian) (Entered: 10/27/2020)
11/06/2020	1637 (14 pgs)	Objection of Century Indemnity to Retention Application (related document(s)1571) Filed by Century Indemnity Company (Stamoulis, Stamatios) (Entered: 11/06/2020)
11/13/2020	1656 (20 pgs)	Response to Centurys Objection to Debtors Application for Entry of an Order Authorizing the Retention and Employment of White & Case LLP as Attorneys to the Debtors and Debtors in Possession Effective as of September 23, 2020 Filed by Boy Scouts of America, Delaware BSA, LLC (related document(s)1571, 1637). (Moats, Eric) (Entered: 11/13/2020)
11/13/2020	1657 (15 pgs; 3 docs)	Supplemental Declaration in Support Supplemental Declaration of Jessica C. K. Boelter in Support of Debtors Application for Entry of an Order Authorizing the Retention and Employment of White & Case LLP as Attorneys to the Debtors and Debtors in Possession Effective as of September 23, 2020 (related document(s)1571, 1637, 1656) Filed by Boy Scouts of America, Delaware BSA, LLC. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2) (Moats, Eric) (Entered: 11/13/2020)
11/17/2020	1689 (6 pgs)	Reply in Further Support of Century Indemnity's Objection to the Retention of White & Case LLP (related document(s)1571) Filed by Century Indemnity Company (Stamoulis, Stamatios) (Entered: 11/17/2020)
11/18/2020	1698 (3 pgs)	Order Authorizing the Retention and Employment of White & Case LLP As Attorneys to the Debtors and Debtors In Possession, Effective as of September 23, 2020 (Related Doc # 1571) Order Signed on 11/18/2020. (CMB) (Entered: 11/18/2020)

Dated: December 16, 2020

Respectfully Submitted,

By: /s/ Stamatios Stamoulis
Stamatios Stamoulis (#4606)

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