

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

<p>In re:</p> <p>BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC,¹</p> <p style="text-align:center">Debtors.</p> <hr/> <p>BOY SCOUTS OF AMERICA,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>A.A., <i>et al.</i>,</p> <p style="text-align:center">Defendants.</p>	<p>Chapter 11</p> <p>Case No. 20-10343 (LSS)</p> <p>Jointly Administered</p> <p>Adv. Pro. No. 20-50527 (LSS)</p> <p>Re: Dkt. Nos. 144, 145</p>
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**JOINDER OF THE AD HOC COMMITTEE OF LOCAL COUNCILS IN
BSA’S MOTION TO EXTEND PRELIMINARY INJUNCTION
PURSUANT TO 11 U.S.C. §§ 105(a) AND 362**

The Ad Hoc Committee of Local Councils of the Boy Scouts of America (the “Ad Hoc Committee”)² hereby joins in the *BSA’s Motion to Extend Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362* [Dkt. No. 144] (the “Motion”) and states as follows:

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 Lane, Irving, TX 75038.

² The Ad Hoc Committee consists of eight Local Councils: the Andrew Jackson Council, the Atlanta Area Council, the Crossroads of America Council, the Denver Area Council, the Grand Canyon Council, the Greater New York Councils, the Mid-America Council, and the Minsi Trails Council. For the avoidance of doubt, this Joinder is submitted on behalf of the Ad Hoc Committee and not on behalf of any individual member. The undersigned represent only the Ad Hoc Committee and not any of its members individually. The Ad Hoc Committee does not represent (and this Joinder should not be construed as a statement on behalf of) any of the individual Local Councils.

1. On June 9, 2020, the Court entered an order referring the Debtors, the Ad Hoc Committee of Local Councils, the Future Claimants' Representative, the Official Committee of Tort Claimants, certain insurers, and others to mediation.³ Over the past nine months, the number of mediation parties has grown to 24 and substantial progress has been made. While much of this progress cannot be publicly disclosed because of the mediation privilege, some is on display in recent filings with the Court. *See, e.g., Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* [Case No. 20-50527; Dkt. No. 2293]; *First Mediators' Report* [Case No. 20-50527; Dkt. No. 2292] (announcing settlement between National BSA, Official Committee of Unsecured Creditors, and JPMorgan Chase). Nonetheless, there is still more to do. *See id.* at 2 (“The Mediators are confident that the Mediation will foster additional constructive discussions between and among the Debtors and other Mediation Parties. Accordingly, the Mediators do not consider the Mediation to be closed.”).

2. The Ad Hoc Committee, for its part, has spent thousands of hours working towards a global resolution. Moreover – and remarkably – in aid of that effort, over 250 independent, non-debtor Local Councils (only eight of which are participating in the mediation *via* the Ad Hoc Committee) have collectively gathered and produced over 327,000 pages of documents about their assets and operations. Local Councils have voluntarily collected deeds and gift agreements, produced lists and analyses of their assets, and pored through historical files to identify insurance policies that could enhance abuse claimant recoveries. Indeed, Local Councils continue to identify and produce pertinent documents. All of these documents have been made available to the mediation parties and have informed the substance of mediation negotiations.

³ *Order Appointing Mediators, Referring Certain Matters to Mediation, and Granting Related Relief* [Case No. 20-50527; Dkt. No. 812].

3. If the Preliminary Injunction is terminated, however, there is a significant likelihood that these negotiations may come to an end. The Ad Hoc Committee and the hundreds of Local Councils more broadly will be forced to turn their attention to litigation, such that Local Councils' financial ability and willingness to contribute to a trust may evaporate, jeopardizing the success of the BSA's chapter 11 case.

4. By contrast, a further extension of the Preliminary Injunction, consistent with this Court's previous orders and the governing law cited by the Debtors, would continue to support a path forward toward a successful reorganization. The mediation is coming to a head and, for those negotiations to continue, the parties need to remain focused. As explained in detail by the Debtors, the bankruptcy stay exists precisely to encourage productive engagement without the distraction of litigation, and its extension to Local Councils here is essential if the National BSA's chapter 11 case is to succeed.

CONCLUSION

5. For these reasons, and those set forth in the Debtors' Motion and supporting papers, the Ad Hoc Committee respectfully requests that the Court grant the Motion extending the Preliminary Injunction. The Ad Hoc Committee reserves its rights to respond to any objections filed to the Motion, and to be heard at any hearing regarding the Motion.

Dated: March 4, 2021
Wilmington, Delaware

DLA PIPER, LLP (US)

/s/ R. Craig Martin

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*Attorneys for the Ad Hoc Committee of Local
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 4th day of March 2021, a copy of the foregoing *Joinder of the Ad Hoc Committee of Local Councils in BSA's Motion to Extend Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362* was served via the Court's CM/ECF system to all parties registered to receive such notices and on the attached service list to all parties via electronic mail.

Dated: March 4, 2021

/s/ R. Craig Martin

R. Craig Martin

