

**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: Dkt. No. 151

**PCVA CLAIMANTS' JOINDER TO STIPULATION
REGARDING PRELIMINARY INJUNCTION**

The Claimants represented by Pfau Cochran Vertetis Amala PLLC (the “PCVA Claimants”), including Claimants Nos. 4480, 16251, and 42705, by and through their undersigned counsel, cautiously join and support the stipulation reached between the Tort Claimants Committee (“TCC”) and the Debtors regarding BSA’s Motion to Extend Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 (Dkt. No. 145). The PCVA Claimants file this joinder to explain why they support the stipulation, and to ensure the record reflects why some of the PCVA Claimants may need to seek additional relief if the stipulation is ultimately not productive. This joinder relies upon the contemporaneously filed Declaration of Jason P. Amala in Support of PCVA Claimants’ Joinder to Stipulation Regarding Preliminary Injunction (“Amala Decl.”).

The PCVA Claimants support the stipulation because it requires the Debtors and local councils to provide certain records, including rosters and charters, that may help the PCVA Claimants identify and/or confirm 1) the local council who was responsible for their individual Scouting unit

(e.g., Boy Scout Troop or Cub Scout Pack), and 2) the chartering organization who sponsored their individual Scouting unit. In the event the Debtors and local councils are unable to provide those records, the stipulation allows a PCVA Claimant to ask the Court for permission to pursue additional discovery to assist the PCVA Claimant in identifying and/or confirming the correct local council and/or chartering organization. Amala Decl., at ¶ 4.

The relief afforded by the stipulation is critically important to the PCVA Claimants because (1) some of them do not know or recall the name of the chartering organization who sponsored their Scouting unit, (2) some of them are not certain they have identified the correct local council who was responsible for their individual Scouting unit, 3) some of them are not certain they have identified the correct chartering organization who sponsored their Scouting unit, but (4) all PCVA Claimants must timely file a lawsuit against the correct local council and chartering organization in order to preserve the viability of their claim, particularly with regard to the statute of limitations. Amala Decl., at ¶ 5.

As the Court and all parties are aware, neither the automatic stay nor the preliminary injunction toll or otherwise protect an individual Claimant's statute of limitations as to a local council or chartering organization. To the contrary, the preliminary injunction (and the proof of claim form) made clear that Claimants must take separate steps to protect any claim(s) they may have against non-Debtor entities, including local councils and chartering organizations. While the preliminary injunction allows the PCVA Claimants to file lawsuits against local councils and chartering organizations, it does not allow them to pursue discovery so they can confirm they have identified the correct local council and the correct chartering organization. Amala Decl., at ¶ 6.

While most of the PCVA Claimants believe they have identified the correct local council, many of the PCVA Claimants have *not* named a chartering organization because they do not know the name of the correct chartering organization. For example, out of approximately 137 PCVA Claimants who have filed, or will file, state court lawsuits in New York before its "window" closes

in mid-August 2021, approximately 25 of them have not named, and cannot name, a chartering organization because they do not know the name of the chartering organization who sponsored their individual Scouting unit. Similarly, out of approximately 62 PCVA Claimants who have filed, or will file, state court lawsuits in New Jersey before its “window” closes on December 1, 2021, approximately 13 of them have not named, and cannot name, a chartering organization because they do not know the name of the chartering organization who sponsored their individual Scouting unit. Amala Decl., at ¶ 7.

The claims filed by PCVA Claimant Nos. 4480, 16251, and 42705 illustrate the concern and why the PCVA Claimants (cautiously) support the stipulation. Amala Decl., Exs. 1-3.

For example, Claimant No. 4480 was sexually abused in North Carolina by an assistant Scout leader in his Scouting unit, Timothy Tilley. Amala Decl., Ex. 1, at 7. After the first instance of sexual abuse, Claimant No. 4480 reported the sexual abuse to his Scout leader. *Id.* at 10. In response, the Scout leader told Claimant No. 4480 that “it was probably sleep actions that were harmless and to just forget about it because it probably meant nothing.” *Id.* at 10-11. After the Scout leader failed to protect Claimant No. 4480, Tilley continued sexually abusing Claimant No. 4480 until Claimant No. 4480 eventually dropped out of Scouting. *Id.* at 11.

North Carolina has suspended its civil statute of limitations for child sexual abuse until December 31, 2021. N.C. Gen. Stat. § 1-52. Under the foregoing facts, Claimant No. 4480 likely has a claim against the chartering organization for his Scouting unit because the Scout leader who ignored his complaint was likely an agent of the chartering organization and the organization was likely responsible for protecting Claimant No. 4480 and other children from foreseeable harm. Amala Decl., at ¶ 8. Unfortunately, Claimant No. 4480 does not recall the organization that sponsored his Scouting unit so he is currently unable to file a claim against that organization in North Carolina before its “window” closes later this year. Amala Decl., Ex. 1, at 8.

On the other hand, Claimant No. 4480's proof of claim includes information that should allow the Debtors and/or the relevant local council to identify the chartering organization of his Scouting unit, including his Scouting unit number, the physical location of his Scouting unit, and the years he was involved in Scouting. Amala Decl., Ex. 1, at 5-8. If the Debtors and/or the relevant local council are unable to help Claimant No. 4480 identify the correct chartering organization, Claimant No. 4480 will need to ask the Court for permission to pursue other discovery to find the missing information. Amala Decl., at ¶ 8.

Another example is Claimant No. 16251, who was sexually abused in New Jersey by a Scout leader in his Scouting unit, John Hollender, Jr. Amala Decl., Ex. 2, at 6. During the first instance of sexual abuse, other Scout leaders and adult volunteers in Claimant No. 16251's Scouting unit witnessed Hollender sexually abusing Claimant No. 16251 and other youth Scout members. *Id.* at 10-11. However, none of the Scout leaders or adult volunteers stopped or reported the sexual abuse. *Id.* As a result, Hollender continued sexually abusing Claimant No. 16251. *Id.* at 9-10.

New Jersey has suspended the civil statute of limitations for child sexual abuse until December 1, 2021. NJ Stat Ann 2A:14-2b. Under the foregoing facts, Claimant No. 16251 likely has a claim against the chartering organization for his Scouting unit because the Scout leaders and adult volunteers who ignored his abuse were likely agents of the chartering organization and the organization was likely responsible for protecting Claimant No. 16251 and other children from foreseeable harm. Amala Decl., at ¶ 9. Unfortunately, Claimant No. 16251 does not recall the organization that sponsored his Scouting unit so he is currently unable to file a claim against that organization in New Jersey before its "window" closes later this year. Amala Decl., Ex. 2, at 7.

It is worth pointing-out that Claimant No. 16251 recalls that his Scouting unit met at the Woodlynne Log Cabin in Woodlynne, New Jersey, but he does not recall the entity that owned and operated the Woodlynne Log Cabin at the time of the abuse. Amala Decl., Ex. 2, at 7. Rather than guess, and risk guessing wrong, Claimant No. 16251's proof of claim includes information that

should allow the Debtors and/or the relevant local council to identify the chartering organization of his Scouting unit, including his Scouting unit number, the physical location of his Scouting unit, and the years he was involved in Scouting. Amala Decl., Ex. 2, at 5-7. If the Debtors and/or the relevant local council are unable to help Claimant No. 16251 identify the correct chartering organization, Claimant No. 16251 will need to ask the Court for permission to pursue other discovery to find the missing information. Amala Decl., at ¶ 9.

A final example is Claimant No. 42705, who was sexually abused in New York by a camp official at Camp Keowa. Amala Decl., Ex. 3, at 6. After the first instance of sexual abuse, Claimant No. 42705 reported the sexual abuse to the Scout leader for his Scouting unit. *Id.* at 11. In response, his Scout leader did not take any action to protect Claimant No. 42705, including reporting the abuse so that the camp official could be removed from Camp Keowa and/or removed from Scouting. *Id.* As a result, the camp official continued sexually abusing Claimant No. 42705 at Camp Keowa. *Id.*

New York has suspended the civil statute of limitations for child sexual abuse until August 14, 2021. N.Y. C.P.L.R. 214-g. Under the foregoing facts, Claimant No. 42705 likely has a claim against the chartering organization for his Scouting unit because the Scout leader who ignored his complaint was likely an agent of the chartering organization and the organization was likely responsible for protecting Claimant No. 42705 and other children from foreseeable harm. Amala Decl., at ¶ 10. Unfortunately, Claimant No. 42705 does not recall the organization that sponsored his Scouting unit so he is currently unable to file a claim against that organization in New York before its “window” closes later this year. Amala Decl., Ex. 3, at 8.

On the other hand, Claimant No. 42705’s proof of claim includes information that should allow the Debtors and/or the relevant local council to identify the chartering organization of his Scouting unit, including his Scouting unit number, the physical location of his Scouting unit, and the years he was involved in Scouting. Amala Decl., Ex. 3, at 5-8. If the Debtors and/or the relevant local council are unable to help Claimant No. 42705 identify the correct chartering organization,

Claimant No. 42705 will need to ask the Court for permission to pursue other discovery to find the missing information. Amala Decl., at ¶ 10.

As noted above, most of the PCVA Claimants believe they have identified the correct local council based on the geographic location of their Scouting unit or where the abuse occurred, but without discovery they have no way of independently confirming they have identified the correct local council. While this concern may be resolved if all of the local councils participate in the bankruptcy, the prospect of such a resolution does nothing to protect the legal rights of the PCVA Claimants, particularly with regard to the statute of limitations. For example, if a PCVA Claimant has identified the wrong New York local council in their New York lawsuit, and if the correct New York local council does not participate in the bankruptcy, the correct local council can try to object to the claim as untimely if it is not filed before the New York “window” closes in mid-August 2021. Amala Decl., at ¶ 11.

The PCVA Claimants support the stipulation because it is a first step toward helping them ensure that they have each identified the correct local council and/or chartering sponsoring organization. Not only are the PCVA Claimants entitled to this information so they can protect their legal rights as to all such entities, but this process would seem to be important to the Debtors, the local councils, and the chartering organizations to the extent the Debtors have proposed a plan that would allow local councils and chartering organizations to obtain channeling injunctions. Not only do the PCVA Claimants and others presumably have a right to know which of their claims may be released, but all parties presumably have an interest in making sure 1) any released entity makes an appropriate contribution for the release, 2) the insurance carriers make an appropriate contribution for any release of their insureds, 3) all liable parties have an opportunity to make an appropriate contribution for a release, 4) all available insurance policies are triggered, which generally requires that an insurer be presented with a claim that identifies one or more of its insureds, and 5) the Debtors’

plan can be confirmed because it satisfies the “best interests” test as to all parties who are released. Amala Decl., at ¶ 12.

For example, it appears each local council maintained its own insurance for a long period of time, and given the dates of those policies, it appears most of the policies do not have aggregate limits. In order to negotiate with the insurer(s) who sold those “council only” policies, the insurers presumably need to know the number of claims that trigger each policy. The same is true for any separate insurance policy maintained by a chartering organization, and the same is presumably true for any policy that named a local council or chartering organization as additional insured. In addition to insurance, many of these entities have significant assets – not only do many of the councils publicly report tens of millions of dollars in assets, but many of the chartering organizations have significant wealth, like the Mormon Church. The Debtors have proposed a plan that provides an opportunity for these entities to participate in their bankruptcy, but it is unclear how such participation can happen until each entity (and their insurer(s)) know how many claims they are facing and what they will need to contribute in order to obtain a channeling injunction. Amala Decl., at ¶ 13.

The PCVA Claimants cautiously support the stipulation because it is a step in the right direction in terms of ensuring they are able to take steps to protect their legal rights as to all entities who may be liable for the sexual abuse they suffered.

Dated: March 9, 2021

Respectfully submitted,

/s/ David M. Klauder

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and

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Counsel to the PCVA Claimants

**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: Dkt. No. 151

**DECLARATION OF JASON P. AMALA IN SUPPORT OF PCVA CLAIMANTS’
JOINDER TO STIPULATION REGARDING PRELIMINARY INJUNCTION**

I, Jason P. Amala, declare as follows:

1. I am one of the attorneys of record for the Claimants represented by Pfau Cochran Vertetis Amala PLLC (the “PCVA Claimants”), including Claimants Nos. 4480, 16251, and 42705.
2. I have personal knowledge of the facts set forth in this declaration.
3. I submit this declaration in support of PCVA Claimants’ Joinder to Stipulation Regarding Preliminary Injunction.
4. The PCVA Claimants support the stipulation because it requires the Debtors and local councils to provide certain records, including rosters and charters, that may help the PCVA Claimants identify and/or confirm 1) the local council who was responsible for their individual Scouting unit (e.g., Boy Scout Troop or Cub Scout Pack), and 2) the chartering organization who sponsored their individual Scouting unit. In the event the Debtors and local councils are unable

to provide those records, the stipulation allows a PCVA Claimant to ask the Court for permission to pursue additional discovery to assist the PCVA Claimant in identifying and/or confirming the correct local council and/or chartering organization.

5. The relief afforded by the stipulation is critically important to the PCVA Claimants because (1) some of them do not know or recall the name of the chartering organization who sponsored their Scouting unit, (2) some of them are not certain they have identified the correct local council who was responsible for their individual Scouting unit, 3) some of them are not certain they have identified the correct chartering organization who sponsored their Scouting unit, but (4) all PCVA Claimants must timely file a lawsuit against the correct local council and chartering organization in order to preserve the viability of their claim, particularly with regard to the statute of limitations.

6. Neither the automatic stay nor the preliminary injunction toll or otherwise protect an individual Claimant's statute of limitations as to a local council or chartering organization. To the contrary, the preliminary injunction (and the proof of claim form) made clear that Claimants must take separate steps to protect any claim(s) they may have against non-Debtor entities, including local councils and chartering organizations. While the preliminary injunction allows the PCVA Claimants to file lawsuits against local councils and chartering organizations, it does not allow them to pursue discovery so they can confirm they have identified the correct local council and the correct chartering organization.

7. While most of the PCVA Claimants believe they have identified the correct local council, many of the PCVA Claimants have *not* named a chartering organization because they do not know the name of the correct chartering organization. For example, out of approximately 137 PCVA Claimants who have filed, or will file, state court lawsuits in New York before its "window" closes in mid-August 2021, approximately 25 of them have not named, and cannot name, a chartering organization because they do not know the name of the chartering

organization who sponsored their individual Scouting unit. Similarly, out of approximately 62 PCVA Claimants who have filed, or will file, state court lawsuits in New Jersey before its “window” closes on December 1, 2021, approximately 13 of them have not named, and cannot name, a chartering organization because they do not know the name of the chartering organization who sponsored their individual Scouting unit.

8. Based on the facts set forth in Claimant No. 4480’s proof of claim, Claimant No. 4480 likely has a claim against the chartering organization for his Scouting unit because the Scout leader who ignored his complaint was likely an agent of the chartering organization and the organization was likely responsible for protecting Claimant No. 4480 and other children from foreseeable harm. If the Debtors and/or the relevant local council are unable to help Claimant No. 4480 identify the correct chartering organization, Claimant No. 4480 will need to ask the Court for permission to pursue other discovery to find the missing information. A true and accurate copy of Claimant No. 4480’s proof of claim is attached as **Exhibit 1**.

9. Based on the facts set forth in Claimant No. 16251’s proof of claim, Claimant No. 16251 likely has a claim against the chartering organization for his Scouting unit because the Scout leaders and adult volunteers who ignored his abuse were likely agents of the chartering organization and the organization was likely responsible for protecting Claimant No. 16251 and other children from foreseeable harm. If the Debtors and/or the relevant local council are unable to help Claimant No. 16251 identify the correct chartering organization, Claimant No. 16251 will need to ask the Court for permission to pursue other discovery to find the missing information. A true and accurate copy of Claimant No. 16251’s proof of claim is attached as **Exhibit 2**.

10. Based on the facts set forth in Claimant No. 42705’s proof of claim, Claimant No. 42705 likely has a claim against the chartering organization for his Scouting unit because the Scout leader who ignored his complaint was likely an agent of the chartering organization and

the organization was likely responsible for protecting Claimant No. 42705 and other children from foreseeable harm. If the Debtors and/or the relevant local council are unable to help Claimant No. 42705 identify the correct chartering organization, Claimant No. 42705 will need to ask the Court for permission to pursue other discovery to find the missing information. A true and accurate copy of Claimant No. 42705's proof of claim is attached as **Exhibit 3**.

11. Most of the PCVA Claimants believe they have identified the correct local council based on the geographic location of their Scouting unit or where the abuse occurred, but without discovery they have no way of independently confirming they have identified the correct local council. While this concern may be resolved if all of the local councils participate in the bankruptcy, the prospect of such a resolution does nothing to protect the legal rights of the PCVA Claimants, particularly with regard to the statute of limitations. For example, if a PCVA Claimant has identified the wrong New York local council in their New York lawsuit, and if the correct New York local council does not participate in the bankruptcy, the correct local council can try to object to the claim as untimely if it is not filed before the New York "window" closes in mid-August 2021.

12. The PCVA Claimants support the stipulation because it is a first step toward helping them ensure that they have each identified the correct local council and/or chartering sponsoring organization. Not only are the PCVA Claimants entitled to this information so they can protect their legal rights as to all such entities, but this process would seem to be important to the Debtors, the local councils, and the chartering organizations to the extent the Debtors have proposed a plan that would allow local councils and chartering organizations to obtain channeling injunctions. Not only do the PCVA Claimants and others presumably have a right to know which of their claims may be released, but all parties presumably have an interest in making sure 1) any released entity makes an appropriate contribution for the release, 2) the insurance carriers make an appropriate contribution for any release of their insureds, 3) all liable

parties have an opportunity to make an appropriate contribution for a release, 4) all available insurance policies are triggered, which generally requires that an insurer be presented with a claim that identifies one or more of its insureds, and 5) the Debtors' plan can be confirmed because it satisfies the "best interests" test as to all parties who are released.

13. It appears each local council maintained its own insurance for a long period of time, and given the dates of those policies, it appears most of the policies do not have aggregate limits. In order to negotiate with the insurer(s) who sold those "council only" policies, the insurers presumably need to know the number of claims that trigger each policy. The same is true for any separate insurance policy maintained by a chartering organization, and the same is presumably true for any policy that named a local council or chartering organization as additional insured. In addition to insurance, many of these entities have significant assets – not only do many of the councils publicly report tens of millions of dollars in assets, but many of the chartering organizations have significant wealth, like the Mormon Church. The Debtors have proposed a plan that provides an opportunity for these entities to participate in their bankruptcy, but it is unclear how such participation can happen until each entity (and their insurer(s)) know how many claims they are facing and what they will need to contribute in order to obtain a channeling injunction.

I declare under penalty of perjury that the foregoing is true and correct.



Jason P. Amala

Executed on March 8, 2021

Exhibit 1

**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)

SEXUAL ABUSE SURVIVOR PROOF OF CLAIM

This Sexual Abuse Survivor Proof of Claim must be submitted and received by **5:00 p.m. (Eastern Time)** on **November 16, 2020**. Please carefully read the following instructions included with this SEXUAL ABUSE SURVIVOR PROOF OF CLAIM and complete ALL applicable questions to the extent of your knowledge or recollection. If you do not know the answer to an open-ended question, you can write “I don’t recall” or “I don’t know.” If a question does not apply, please write “N/A.” If you are completing this form in hard copy, please write or type clearly using blue or black ink.

The Sexual Abuse Survivor Proof of Claim must be delivered to Omni Agent Solutions, the Court-approved claims and noticing agent (the “Claims Agent”), by either:

- (i) Hand delivery, first class mail, or courier the *original* proof of claim to: BSA Abuse Claims Processing, c/o Omni Agent Solutions, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367, so that it is *received* on or before **November 16, 2020 at 5:00 p.m. (Eastern Time)**;² or
- (ii) Electronically using the interface available at: www.OfficialBSAClaims.com on or before **November 16, 2020 at 5:00 p.m. (Eastern Time)**.

Sexual Abuse Survivor Proofs of Claim sent by email or facsimile transmission **will not** be accepted.

“You” and/or “Sexual Abuse Survivor” refers to the person asserting a Sexual Abuse Claim against the Boy Scouts of America (“BSA”) related to the Sexual Abuse Survivor’s sexual abuse. For this claim to be valid, the Sexual Abuse Survivor must sign this form. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor’s representative or the attorney for the Sexual Abuse Survivor’s estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the survivor’s parent or legal guardian or attorney. Any Sexual Abuse Survivor Proof of Claim signed by a representative or legal guardian must attach documentation establishing such person’s authority to sign the claim for the Sexual Abuse Survivor.

Who Is a Sexual Abuse Survivor?

¹ The Debtors in these 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.

² If you are mailing your Sexual Abuse Survivor Proof of Claim, do not attach original documents with your Sexual Abuse Survivor Proof of Claim.

For purposes of this Sexual Abuse Survivor Proof of Claim, the term **Sexual Abuse Survivor** refers to a person who was sexually abused *before* turning eighteen (18) years of age.

Who Should File a Sexual Abuse Survivor Proof of Claim?

This Sexual Abuse Survivor Proof of Claim is only for people who were sexually abused before turning eighteen (18) years of age and where the sexual abuse (defined below) occurred on or before February 18, 2020. This Sexual Abuse Survivor Proof of Claim is the way you assert an unsecured claim against BSA seeking damages based on Scouting-related sexual abuse. Any person asserting a claim based on anything other than childhood sexual abuse should use the General Proof of Claim form (official bankruptcy form 410).

What Is Sexual Abuse?

For the purposes of this Sexual Abuse Survivor Proof of Claim, **sexual abuse** means, with respect to a child under the age of eighteen (18) at the time of the sexual abuse, sexual conduct or misconduct, sexual abuse or molestation, sexual exploitation, sexual touching, sexualized interaction, sexual comments about a person's body, or other verbal or non-verbal behaviors that facilitated, contributed to, or led up to abuse, regardless of whether or not such behavior was itself sexual or against the law, and regardless of whether the child thought the behavior was sexual abuse at the time. Sexual abuse includes behavior between a child and an adult and between a child and another child, in each instance without regard to whether such activity involved explicit force, whether such activity involved genital or other physical contact, and whether the child associated the abuse with any physical, psychological, or emotional harm. It involves behaviors including penetration or fondling of the child's body, other body-on-body contact, or non-contact, behaviors such as observing or making images of a child's naked body, showing or making pornography, or having children behave in sexual behavior as a group.

If you have a claim arising from sexual abuse and you were at least eighteen (18) years of age at the time the sexual abuse began or if you have a claim arising from other types of abuse, including non-sexual physical abuse, non-sexual emotional abuse, bullying or hazing, you should consult the *Notice of Deadlines Requiring Filing of Proof of Claim* and file a General Proof of Claim (Official Bankruptcy Form 410).

For the avoidance of doubt, if you have a claim for sexual abuse and you were a child under the age of eighteen (18) when the sexual abuse began you must complete this form.

You May Wish to Consult an Attorney Regarding This Matter.

You may also obtain information from the Claims Agent by: (1) calling toll free at 866-907-2721, (2) emailing at BSAInquiries@omniagnt.com, or (3) visiting the case website at www.OfficialBSAClaims.com (do not contact the Claims Agent for legal advice).

What If I Don't File on Time?

Failure to complete and return this Sexual Abuse Survivor Proof of Claim by November 16, 2020 at 5:00 p.m. (Eastern Time) may result in your inability to vote on a plan of reorganization and/or to receive a distribution from this bankruptcy for sexual abuse related to BSA.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

PART 1: CONFIDENTIALITY

Unless you indicate below, your identity and your Sexual Abuse Survivor Proof of Claim will be kept **confidential**, under seal, and outside the public record. However, information in this Sexual Abuse Survivor Proof of Claim will be confidentially provided, pursuant to Court-approved guidelines, to the Debtors, the Debtors’ counsel and retained advisors, certain insurers of BSA, the Tort Claimants’ Committee, counsel to the Ad Hoc Committee of Local Councils (with personally identifiable information redacted), individual Local Councils solely with respect to Sexual Abuse Claims asserted against them, attorneys at the Office of the United States Trustee for the District of Delaware, the Future Claimants’ Representative, the Court, and confidentially to such other persons that the Court determines need the information in order to evaluate the claim. Information in this Sexual Abuse Survivor Proof of Claim may be required to be disclosed to governmental authorities under mandatory reporting laws in many jurisdictions.

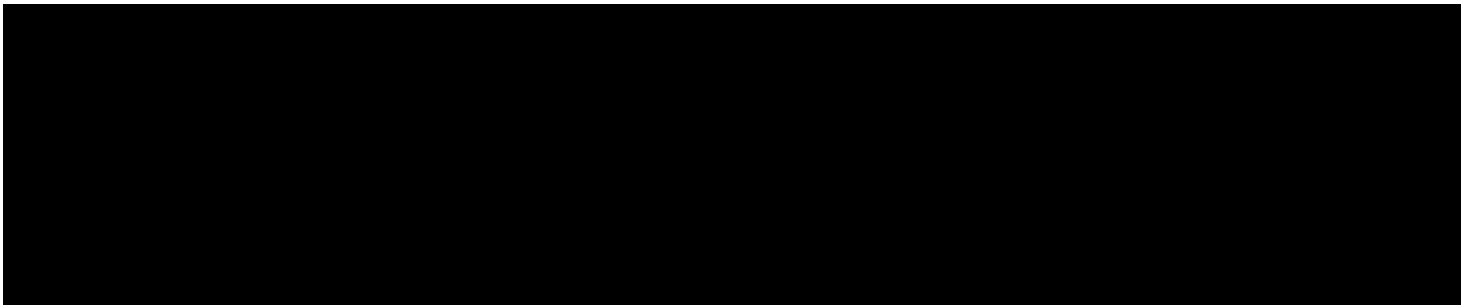
This Sexual Abuse Survivor Proof of Claim (along with any accompanying exhibits and attachments) will be maintained as confidential unless you expressly request that it be publicly available by checking the “public” box and signing below.

☐ **PUBLIC:** I want my identity and this Sexual Abuse Survivor Proof of Claim (together with any exhibits and attachments) to be made part of the official claims register in these cases. **My claim will be available for review by any and all members of the public.**

Signature: _____

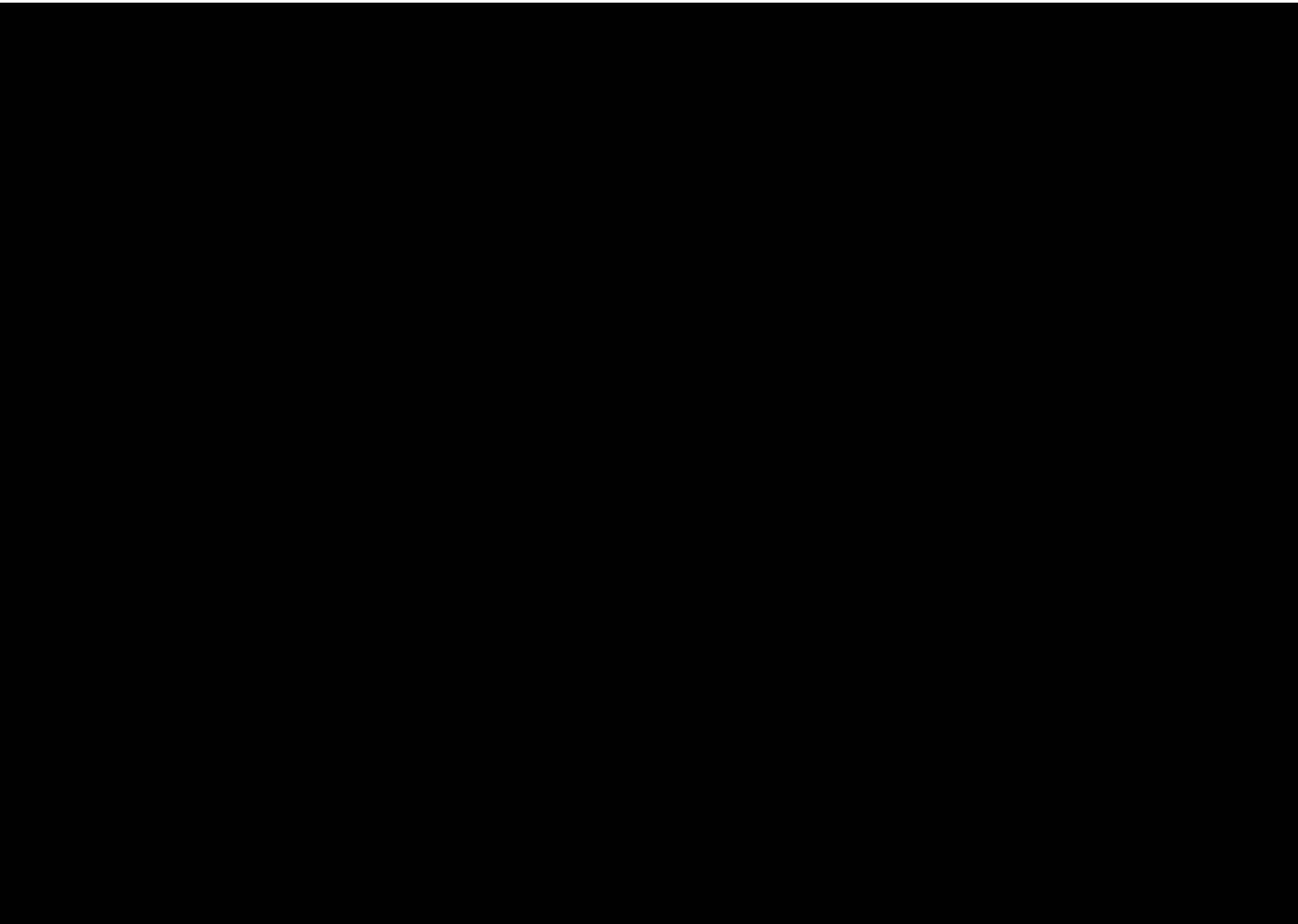
Print Name: _____

PART 2: IDENTIFYING INFORMATION



Law Firm Name:	Pfau Cochran Vertetis Amala PLLC				
Attorney's Name:	Michael T. Pfau				
Number and Street:	403 Columbia St. Ste. 500				
City:	Seattle	State:	Washington	Zip Code:	98104
Country (not USA):	USA	Email Address:	michael@pcvalaw.com		
Telephone (Work):	(206) 462-4334	Fax No.:	(206) 623-3624		

PART 3: BACKGROUND INFORMATION FOR SEXUAL ABUSE SURVIVOR



E. Involvement with Scouting:

- a. Have you ever been affiliated with Scouting and/or a Scouting program?

Yes ☒ No ☐

- b. When were you involved with Scouting?

I was involved with Scouting from approximately 1977 to 1982.

- c. What type of Scouting unit (i.e., troop) were you involved with and, if you recall, when you were involved and what was your troop or unit number?

- ☒ Boy Scouts Unit # 562
- ☐ Cub Scouts _____
- ☐ Exploring Scouts _____
- ☐ Sea Scouts _____
- ☐ Venturing _____
- ☐ Other (please explain your involvement with Scouting):

PART 4: NATURE OF THE SEXUAL ABUSE

(Attach additional sheets if necessary)

For each of the questions listed below, please complete your answers to the best of your recollection.

Note: If you have previously filed a lawsuit about your Scouting-related sexual abuse in state or federal court, you may attach a copy of the complaint. If you have not filed a lawsuit, or if the complaint does not contain all of the information requested below, you must provide the information below to the extent of your recollection.

Please answer each of the following questions to your best ability. If you do not know or recall, please so indicate.

If you are the survivor of sexual abuse by more than one sexual abuser, please respond to each of the questions in this Part 4 for each sexual abuser.

A. Please answer “Yes” or “No” to each of the following:

i. Were you sexually abused by more than one person? Yes ☐ No ☒

ii. Were you sexually abused in more than one state? Yes ☐ No ☒

B. Please name each person who sexually abused you in relation to your involvement in Scouting. (“Scouting” includes Cub Scouts, Boy Scouts, Exploring Scouts, Sea Scouts and Venturing.)

If you do not remember the name of the sexual abuser(s), provide as much identifying information about the sexual abuser(s) that you can recall, such as their approximate age and their relationship to Scouting (e.g., the Scoutmaster of Troop 100, another Troop member of Troop 200, camp staff member, etc.).

I was sexually abused by Timmy Tilley who was an Assistant Scoutmaster while I was in

Scouting as described above.

- C. Other than the sexual abuser(s), please identify any person(s) you can remember who were leaders or other adults involved in your Scouting unit or the camp(s) you attended.

Billy Barrow (Scoutmaster) and Keith Sands (adult volunteer).

- D. What was each sexual abuser's position, title, or relationship to you in Scouting (check all that apply)?

- ☒ Adult Scout leader in my Scouting unit
- ☐ Adult Scout leader not in my Scouting unit
- ☐ Youth Scout in my Scouting unit
- ☐ Youth Scout not in my Scouting unit
- ☐ Camp personnel (e.g., camp staff) not in my Scouting unit
- ☐ I don't know
- ☐ Other (please explain why you believe the person(s) who sexually abused you had a relationship with Scouting):

- E. Where were you at the time you were sexually abused (city, state, territory and/or country)?

At the time of the sexual abuse I was in Madison and Mayodan, Rockingham County, North Carolina.

- F. What was the type of Scouting you were involved with during the sexual abuse (check all that apply)?

- ☒ Boy Scouts
- ☐ Cub Scouts
- ☐ Exploring Scouts
- ☐ Venturing
- ☐ Sea Scouts

- ☐ Other (please explain why you believe you had a connection to Scouting during the sexual abuse):
-
-
-

- G. What was the Scouting unit number and physical location (city, state, territory and/or country) of the Scouting unit(s) or provisional troop you were in during the time of the sexual abuse?

During the sexual abuse I believe I was in Boy Scout unit number 562 located in Mayodan, North Carolina.

- H. What was the name and location (city, state, territory and/or country) of the organization that chartered or sponsored your Scouting unit, including the organization that hosted meetings of your Scouting unit, during the time of the sexual abuse (e.g., church, school, religious institution, or civic group)?

(Note that such organizations are not currently parties to the bankruptcy so if you believe you may have a claim against any such organization you must take additional action to preserve and pursue any such claim.)

I believe the organization that chartered or sponsored my Scouting unit during the time of the sexual abuse was the owner of a building in town on 5th Avenue, located in Mayodan, North Carolina, that we referred to as the "Boy Scout hut."

- I. What was the name of the BSA Local Council(s) affiliated with your Scouting unit(s), any Boy Scout camp or other Scouting activity during the time of the sexual abuse?

(Note that such BSA Local Councils are not currently parties to the bankruptcy so if you believe you may have a claim against any such BSA Local Council(s) you must take additional action to preserve and pursue any such claim.)

I believe the BSA Local Council(s) affiliated with my Scouting unit was the Cherokee Council.

- J. In which of the following places did the sexual abuse take place? Check all that apply.

- ☐ At or in connection with a Scout meeting.
- ☐ At or in connection with a Scout camp.

☒ At or in connection with another Scouting-related event or activity (please explain): Scout
camping trip and merit badge activities

☐ Other (please explain – for example, schools, churches, cars, homes or other locations): _____

K. When did the first act of sexual abuse take place? If you do not remember the calendar date, what school grade were you in at the time and what season of the year was it (spring, summer, fall, winter), and what age were you when it started? If the sexual abuse took place over a period of time, please state when it started and when it stopped. If you were sexually abused by more than one sexual abuser indicate when the sexual abuse by each of the sexual abusers started and stopped.

I believe the first act of sexual abuse by Timmy Tilley happened in approximately 1979 or 1980 and ended in approximately 1980 or 1981. I was approximately 12/13 to 14/15 years old during the sexual abuse.

L. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below.

i. About how many times were you sexually abused?

☐ I was sexually abused once.

☒ I was sexually abused more than once.

If you were sexually abused more than once, please state how many times (if you recall): **See below narrative. I was sexually abused by Tilley 3 times.**

M. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below. (Check all that apply.) **Please note that the boxes are not meant to limit the characterization or description of your sexual abuse.**

i. What did the sexual abuse involve? **See below narrative.**

☒ The sexual abuse involved touching outside of my clothing.

☒ The sexual abuse involved touching my bare skin.

☒ The sexual abuse involved fondling or groping.

☒ The sexual abuse involved masturbation.

- ☐ The sexual abuse involved oral copulation / oral sex.
- ☐ The sexual abuse involved the penetration of some part of my body.
- ii. Did any of the following occur in connection with the sexual abuse: **See below narrative.**
- ☒ The acts of sexual abuse against me also involved other youth.
- ☐ The sexual abuse involved photographs or video.
- ☐ Even though I did not want it, my body responded sexually to the sexual abuse.
- ☒ The sexual abuse involved actual or implied threats of violence or other adverse consequences if I disclosed the sexual abuse.
- ☐ The sexual abuse involved gifts, privileges, experiences, and other rewards or bribes in addition to the activities and awards normally part of Scouting.
- ☒ The sexual abuser(s) made my family think they could be trusted.
- ☐ At the time of the sexual abuse, my family or I had significant financial, social, behavioral or other challenges.

If you wish to provide a narrative, please describe the sexual abuse in as much detail as you can recall in the lines below. You may attach additional pages if needed.

My Assistant Scoutmaster, Timmy Tilley, sexually abused me three times. Before the abuse, he ingratiated himself with me and the Scouts by using merit badges to separate us to study first aid and other types of badges. He would allow us to bypass different tests to gain badges we didn't earn. He was a police officer, and would take us to the fire department and police department vehicle storage areas to study. A place we normally had no access to see. It made earning badges easier and faster. We all thought he was a really cool guy with all these cool things. He was also very intimidating, often talking about his fighting skills and taking down criminals.

The first act of abuse happened on a Scout camping trip when I was selected to sleep in the tent alone with him. I woke up to his hands inside my underwear touching my penis and trying to get me aroused. He was also touching himself and masturbating himself until he ejaculated and finished. I reported the abuse to our Troop's Scoutmaster, Billy Barrow, but he said "it was

probably sleep actions that were harmless and to just forget about it because it probably meant nothing.” I tried to accept that maybe I was imagining or misinterpreting things because of what the Scoutmaster told me. But, I was really freaked out, so I left and didn’t stay for the rest of the trip. I had my stepfather pick me up early to avoid having to stay another night.

But I continued in Scouting. On another occasion not long after the camping trip, Tilley grabbed onto my penis and testicles while wrestling with me and other Scouts at his house. He said it was a "police move" to subdue criminals. He would squeeze our genitals and hold onto them really hard. I withdrew from the wrestling activity but some of the Scouts proceeded. During this gathering I remember Tilley showed us all sorts of drugs that he said he obtained from the police cases he handled and used to train dogs. He had cocaine, meth, and other drugs. He asked me if I wanted to try any drugs, but I refused.

Later that night, the abuse continued. Tilley drove the other Scouts home but convinced me that I needed to stay the night because he didn’t have time to drive to my side of town. We were all getting up early the next morning to go swimming, and he somehow convinced me that it made sense to stay at his house. I assumed I would be sleeping on the couch, but he convinced me to sleep in his bed. I slept on the side of the bed that was blocked by the wall. Tilley slept on the other side. He kept sliding closer and closer to me during the night. He eventually forcefully pulled off my pants. I then realize he had an erection when he started forcefully rubbing his erect penis against me until he ejaculated. He was trying to kiss me during while he was “dry humping” me until he ejaculated. It was disgusting and humiliating.

Needless to say, I felt frozen with fear and scared to death during. Afterwards, I felt like I was worthless and dirty. I dropped out of the Scouts after the third abuse incident. Tilley worked for the police department, and I was afraid to say anything to anyone in such a small town, especially since I had reported the first abuse and was told to stay quiet—I was scared it would only make my life miserable if I said anything else or tried to report him further.

- N. Did you or anyone on your behalf tell anyone involved in Scouting about the sexual abuse at or about the time of the sexual abuse? Yes ☒ No ☐
- O. Did you or anyone on your behalf report the sexual abuse to law enforcement or investigators at or about the time of the sexual abuse? Yes ☐ No ☒
- P. If you can remember anyone you may have ever told about the sexual abuse at the time, including anyone involved with Scouting, friends, relatives, and/or law enforcement, please list their name and when you told them.

I reported the sexual abuse to my Troop's Scoutmaster, Billy Barrow, right after Tilley fondled my penis on the camping trip. Years later I also reported the abuse to my mother.

- Q. Did you have any relationship with your sexual abuser outside of Scouting? Check all that apply:
- ☐ Religious organization leader, member, volunteer
- ☐ Family member or relative
- ☐ Coach/athletics
- ☐ Teacher
- ☐ Neighbor
- ☐ Other (please explain and add any other information you remember to the categories above):
-
-

- R. Are you aware of anyone who knew about the sexual abuse?

I believe several Scouts in my Troop were abused, but may not have come forward because we were all scared of Tilley since he was part of law enforcement. I also reported the abuse to our Scoutmaster Billy Barrow, so he knew Tilley was touching our genitals.

PART 5: IMPACT OF SEXUAL ABUSE

(Attach additional pages if necessary)

(If you currently cannot describe any harm you have suffered on account of the sexual abuse, you may omit this section for now. However, you may be asked to provide the information requested at a later date.)

- A. Please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above. (Check all that apply.) You can provide a

description in your own words and/or use the checkboxes below. **Please note that the boxes are not meant to limit the characterization or description of the impact(s) of your sexual abuse.**

- ☒ Psychological / emotional health (including depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger)
- ☒ Post traumatic stress reactions (including intrusive images, feelings from the abuse, numbing or avoidance behaviors)
- ☐ Physical health (including chronic disease, chronic undiagnosed pain or physical problems)
- ☒ Education (including not graduating high school, being unable to finish training or education)
- ☒ Employment (including difficulties with supervisors, difficulty maintaining steady employment, being fired from jobs)
- ☒ Intimate relationships (including difficulty maintaining emotional attachments, difficulty with sexual behavior, infidelity)
- ☒ Social relationships (including distrust of others, isolating yourself, not being able to keep healthy relationships)
- ☒ Alcohol and/or substance abuse (including other addictive behavior such as gambling)
- ☐ Other (please explain and add any other information you remember to the categories above)

If you wish to provide a narrative, please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above in as much detail as you can recall in the lines below. You may attach additional pages if needed. **See below narrative.**

I feel that my life would have not had so much go wrong if I had not been sexually assaulted by this Scout leader while I was in Boy Scouts. From the time he climbed on and molested me, I have lived my life with fear, anxiety, and insecurity. It is still painful to think about what happened and how nasty, used, dirty and worthless I felt my entire life as a result.

My whole I have had a hard time trusting people, but particularly men in positions of power. I feel like everyone is out to get me.

For my entire life, I held these negative feelings inside and it has eaten me up. I refused to get dressed in school locker rooms or anywhere else that had group facilities. I still have self-esteem issues and let people walk all over me.

I have lived my life with severe lack of trust towards others, fear of not “being a man,” and forced myself to never be alone without a woman in my life. I became obsessed with women to prove to myself that I was “normal” and attracted to females. I would date any woman if she showed the slightest interest in me just to ensure I wasn’t without a woman in my life.

I have let myself be a victim in most of my relationships because I have low self-worth. _____

_____ It is hard to explain, but I seem to attract abusive people in my life, as if I am a magnet for pain and suffering. I have let women cheat, lie, steal, and abuse me both emotionally and physically.

The thought of anyone being close enough to me emotionally has always worried me because I fear that they will notice my insecurities, anxiety, and the pain always eating at me.

I constantly wonder why the abuse happened to me? The abuse is so upsetting, and it enrages me to think about.

I have lived my life scared and uncomfortable to be around men of any age. I am scared to let my guard down. As a result, my professional career and personal life never really developed beyond superficial levels. _____ And I would have had a better job and not had to struggle with life. I doubt I would have had so many issues with trust and insecurity in relationships.

I drink alcohol to try to forget about the abuse and other worries in life. I drink to have the courage to be around people. I drank my way through high school, then moved on to drugs. _____

_____ When the guy across the hall invited me to dinner, I freaked out not knowing if it was a just “friends thing” or if he was interested in me sexually. So I panicked. I cut off ties with everyone and _____ I never looked back to find out if it was anything to worry

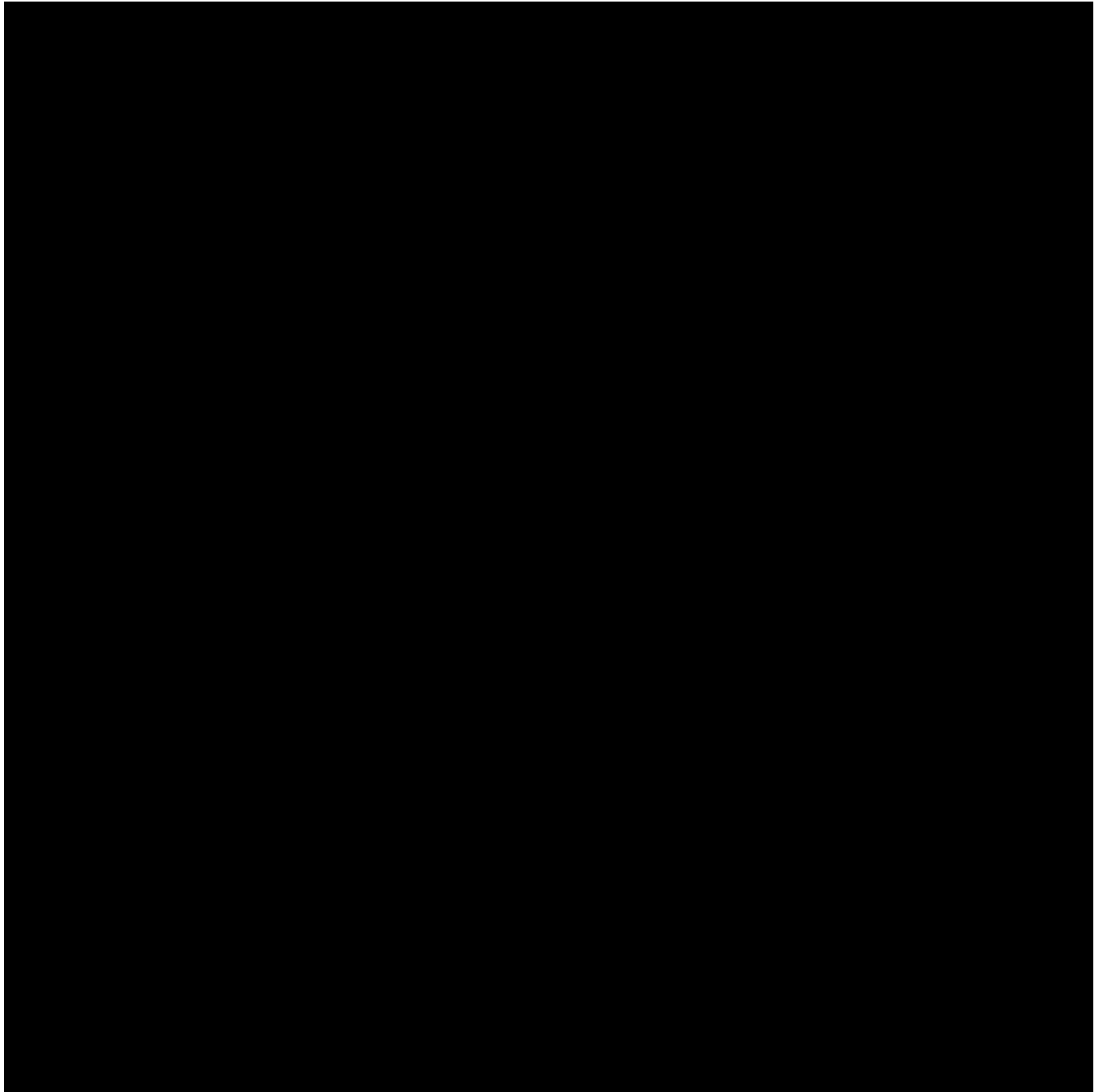
about. I just ran away and started drinking more. [REDACTED]
[REDACTED]. I did not have any problems with
actual classes or academics. I just could not be around people socially, not even as roommates.
[REDACTED]
[REDACTED]
[REDACTED].

My anxiety around men has been terrible all my life. I had very few friends, but everyone seemed to like
me. I had virtually no male friends.
[REDACTED]. [REDACTED]
[REDACTED]. [REDACTED]
[REDACTED]. [REDACTED]. [REDACTED]
[REDACTED]. [REDACTED]
[REDACTED]
[REDACTED].

I still occasionally have nightmares about the abuse. I wake up feeling trapped and smothered. This is
usually followed by several days of sleep issues until I eventually I get things suppressed enough for a few
weeks before it happens again. I live in a repeating cycle and I don't know if I will ever escape.
Finally, I also often have sexual issues when thoughts of the abuse come to mind in the middle of
intimacy and I lose interest. I blame it on blood pressure or back pain or whatever I can think of. But I
fail to satisfy my partner and remain unfinished due to thoughts riding heavy on my mind, which leaves
me feeling guilty and inadequate.

[REDACTED]
[REDACTED]
[REDACTED].

B. Have you ever sought counseling or other mental health treatment for any reason?



PART 6: ADDITIONAL INFORMATION

A. Prior Litigation.

- i. Was a lawsuit regarding the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim filed by you or on your behalf.

Yes ☐ No ☒ (If “Yes,” you are required to attach a copy of the complaint.)

B. Prior Bankruptcy Claims. Have you filed any claims in any other bankruptcy case relating to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim? Yes ☐ No ☒ (If “Yes,” you are required to attach a copy of any completed claim form.)

C. Payments. Have you received any payments related to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim from any party, including BSA? Yes ☐ No ☒

i. If yes, how much and from whom? _____

D. Current Bankruptcy Case. Are you currently a debtor in a bankruptcy case? Yes ☐ No ☒

i. If yes, please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 ☐ 11 ☐ 12 ☐ 13 ☐ Name of Trustee: _____

"Signature page follows – you must complete and sign the next page"

SIGNATURE

To be valid, this Sexual Abuse Survivor Proof of Claim must be signed by you. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor's representative or the attorney for the Sexual Abuse Survivor's estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the Sexual Abuse Survivor's parent or legal guardian, or the Sexual Abuse Survivor's attorney. (Any form signed by a representative or legal guardian must attach documentation establishing such person's authority to sign this form for the Sexual Abuse Survivor.)

Penalty for presenting a fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- ☒ I am the Sexual Abuse Survivor.
- ☐ I am the Sexual Abuse Survivor's attorney, guardian, kinship (or other authorized) caretaker, executor, or authorized representative.
- ☐ Other (describe):

Exhibit 2

**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)

SEXUAL ABUSE SURVIVOR PROOF OF CLAIM

This Sexual Abuse Survivor Proof of Claim must be submitted and received by **5:00 p.m. (Eastern Time)** on **November 16, 2020**. Please carefully read the following instructions included with this SEXUAL ABUSE SURVIVOR PROOF OF CLAIM and complete ALL applicable questions to the extent of your knowledge or recollection. If you do not know the answer to an open-ended question, you can write “I don’t recall” or “I don’t know.” If a question does not apply, please write “N/A.” If you are completing this form in hard copy, please write or type clearly using blue or black ink.

The Sexual Abuse Survivor Proof of Claim must be delivered to Omni Agent Solutions, the Court-approved claims and noticing agent (the “Claims Agent”), by either:

- (i) Hand delivery, first class mail, or courier the *original* proof of claim to: BSA Abuse Claims Processing, c/o Omni Agent Solutions, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367, so that it is *received* on or before **November 16, 2020 at 5:00 p.m. (Eastern Time)**;² or
- (ii) Electronically using the interface available at: www.OfficialBSAClaims.com on or before **November 16, 2020 at 5:00 p.m. (Eastern Time)**.

Sexual Abuse Survivor Proofs of Claim sent by email or facsimile transmission **will not** be accepted.

“You” and/or “Sexual Abuse Survivor” refers to the person asserting a Sexual Abuse Claim against the Boy Scouts of America (“BSA”) related to the Sexual Abuse Survivor’s sexual abuse. For this claim to be valid, the Sexual Abuse Survivor must sign this form. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor’s representative or the attorney for the Sexual Abuse Survivor’s estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the survivor’s parent or legal guardian or attorney. Any Sexual Abuse Survivor Proof of Claim signed by a representative or legal guardian must attach documentation establishing such person’s authority to sign the claim for the Sexual Abuse Survivor.

Who Is a Sexual Abuse Survivor?

¹ The Debtors in these 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.

² If you are mailing your Sexual Abuse Survivor Proof of Claim, do not attach original documents with your Sexual Abuse Survivor Proof of Claim.

For purposes of this Sexual Abuse Survivor Proof of Claim, the term **Sexual Abuse Survivor** refers to a person who was sexually abused *before* turning eighteen (18) years of age.

Who Should File a Sexual Abuse Survivor Proof of Claim?

This Sexual Abuse Survivor Proof of Claim is only for people who were sexually abused before turning eighteen (18) years of age and where the sexual abuse (defined below) occurred **on or before February 18, 2020**. This Sexual Abuse Survivor Proof of Claim is the way you assert an unsecured claim against BSA seeking damages based on Scouting-related sexual abuse. Any person asserting a claim based on anything other than childhood sexual abuse should use the General Proof of Claim form (official bankruptcy form 410).

What Is Sexual Abuse?

For the purposes of this Sexual Abuse Survivor Proof of Claim, **sexual abuse** means, with respect to a child under the age of eighteen (18) at the time of the sexual abuse, sexual conduct or misconduct, sexual abuse or molestation, sexual exploitation, sexual touching, sexualized interaction, sexual comments about a person's body, or other verbal or non-verbal behaviors that facilitated, contributed to, or led up to abuse, regardless of whether or not such behavior was itself sexual or against the law, and regardless of whether the child thought the behavior was sexual abuse at the time. Sexual abuse includes behavior between a child and an adult and between a child and another child, in each instance without regard to whether such activity involved explicit force, whether such activity involved genital or other physical contact, and whether the child associated the abuse with any physical, psychological, or emotional harm. It involves behaviors including penetration or fondling of the child's body, other body-on-body contact, or non-contact, behaviors such as observing or making images of a child's naked body, showing or making pornography, or having children behave in sexual behavior as a group.

If you have a claim arising from sexual abuse and you were at least eighteen (18) years of age at the time the sexual abuse began or if you have a claim arising from other types of abuse, including non-sexual physical abuse, non-sexual emotional abuse, bullying or hazing, you should consult the *Notice of Deadlines Requiring Filing of Proof of Claim* and file a General Proof of Claim (Official Bankruptcy Form 410).

For the avoidance of doubt, if you have a claim for sexual abuse and you were a child under the age of eighteen (18) when the sexual abuse began you must complete this form.

You May Wish to Consult an Attorney Regarding This Matter.

You may also obtain information from the Claims Agent by: (1) calling toll free at 866-907-2721, (2) emailing at BSAInquiries@omniagnt.com, or (3) visiting the case website at www.OfficialBSAClaims.com (do not contact the Claims Agent for legal advice).

What If I Don't File on Time?

Failure to complete and return this Sexual Abuse Survivor Proof of Claim by November 16, 2020 at 5:00 p.m. (Eastern Time) may result in your inability to vote on a plan of reorganization and/or to receive a distribution from this bankruptcy for sexual abuse related to BSA.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

PART 1: CONFIDENTIALITY

Unless you indicate below, your identity and your Sexual Abuse Survivor Proof of Claim will be kept **confidential**, under seal, and outside the public record. However, information in this Sexual Abuse Survivor Proof of Claim will be confidentially provided, pursuant to Court-approved guidelines, to the Debtors, the Debtors’ counsel and retained advisors, certain insurers of BSA, the Tort Claimants’ Committee, counsel to the Ad Hoc Committee of Local Councils (with personally identifiable information redacted), individual Local Councils solely with respect to Sexual Abuse Claims asserted against them, attorneys at the Office of the United States Trustee for the District of Delaware, the Future Claimants’ Representative, the Court, and confidentially to such other persons that the Court determines need the information in order to evaluate the claim. Information in this Sexual Abuse Survivor Proof of Claim may be required to be disclosed to governmental authorities under mandatory reporting laws in many jurisdictions.

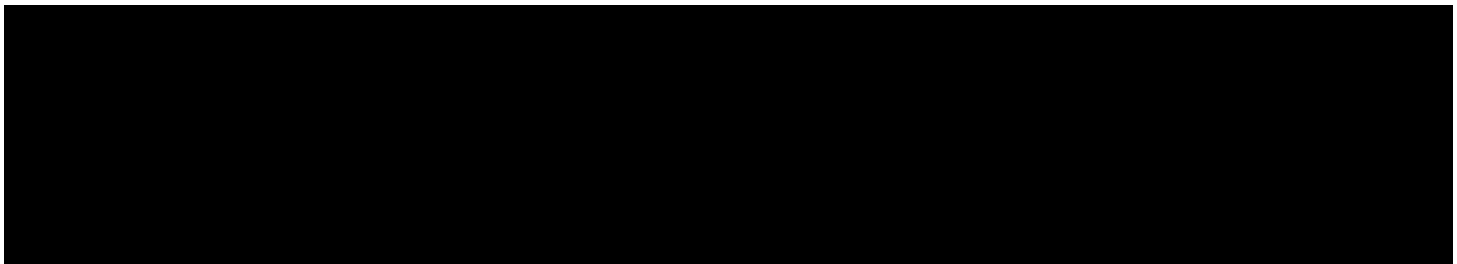
This Sexual Abuse Survivor Proof of Claim (along with any accompanying exhibits and attachments) will be maintained as confidential unless you expressly request that it be publicly available by checking the “public” box and signing below.

☐ **PUBLIC:** I want my identity and this Sexual Abuse Survivor Proof of Claim (together with any exhibits and attachments) to be made part of the official claims register in these cases. **My claim will be available for review by any and all members of the public.**

Signature: _____

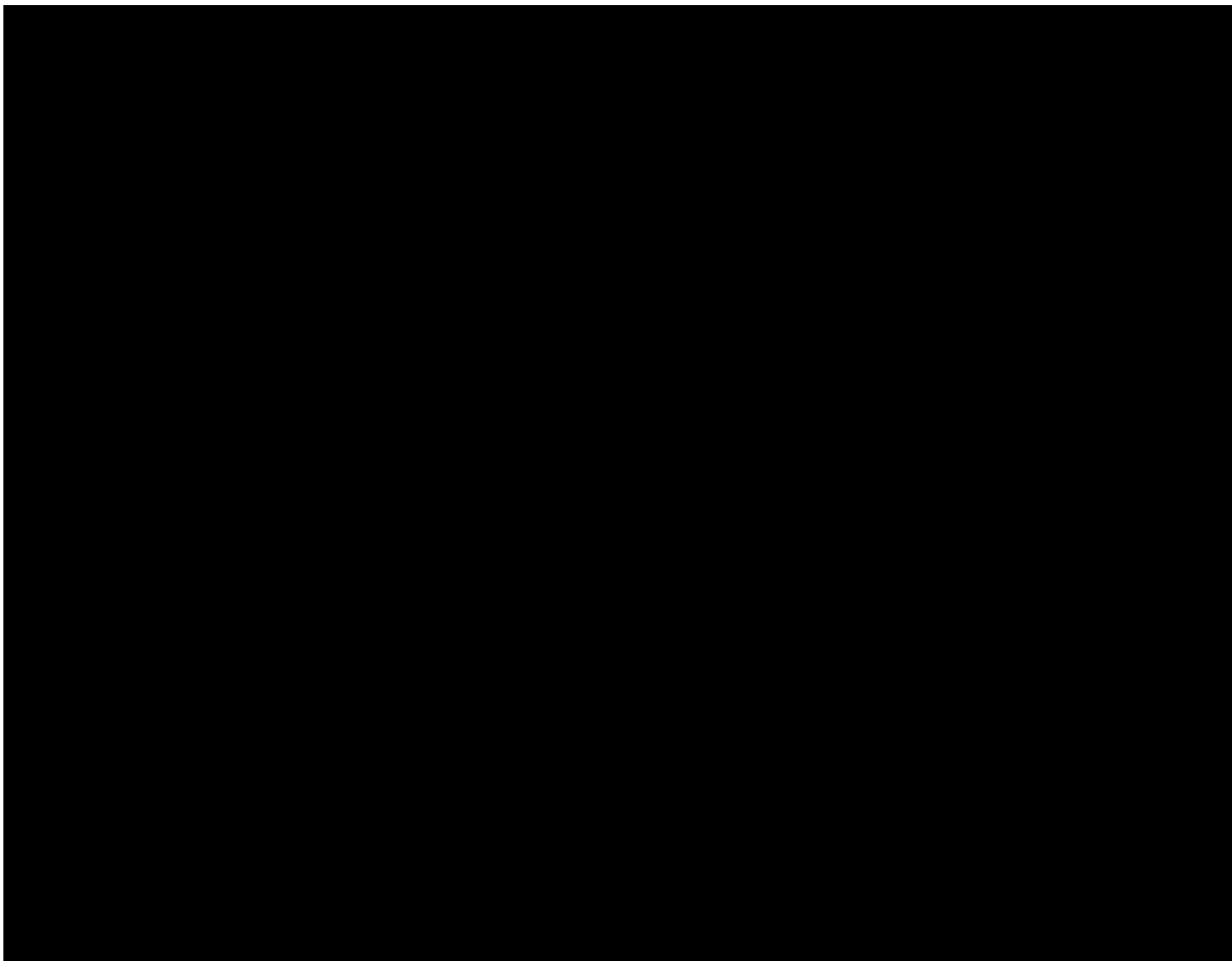
Print Name: _____

PART 2: IDENTIFYING INFORMATION



Law Firm Name:	Pfau Cochran Vertetis Amala PLLC				
Attorney's Name:	Michael T. Pfau				
Number and Street:	403 Columbia St. Ste. 500				
City:	Seattle	State:	Washington	Zip Code:	98104
Country (not USA):	USA	Email Address:	michael@pcvalaw.com		
Telephone (Work):	(206) 462-4334	Fax No.:	(206) 623-3624		

PART 3: BACKGROUND INFORMATION FOR SEXUAL ABUSE SURVIVOR



E. Involvement with Scouting:

- a. Have you ever been affiliated with Scouting and/or a Scouting program?

Yes ☒ No ☐

- b. When were you involved with Scouting?

I was involved with Scouting from approximately 1971 to 1976. I believe my highest ranking in Scouting was Star.

- c. What type of Scouting unit (i.e., troop) were you involved with and, if you recall, when you were involved and what was your troop or unit number?

Client was a Scout and believes their unit number was .

☒ Boy Scouts **Troop Number 102**

☐ Cub Scouts _____

- ☐ Exploring Scouts _____
- ☐ Sea Scouts _____
- ☐ Venturing _____
- ☐ Other (please explain your involvement with Scouting):

PART 4: NATURE OF THE SEXUAL ABUSE

(Attach additional sheets if necessary)

For each of the questions listed below, please complete your answers to the best of your recollection.

Note: If you have previously filed a lawsuit about your Scouting-related sexual abuse in state or federal court, you may attach a copy of the complaint. If you have not filed a lawsuit, or if the complaint does not contain all of the information requested below, you must provide the information below to the extent of your recollection.

Please answer each of the following questions to your best ability. If you do not know or recall, please so indicate.

If you are the survivor of sexual abuse by more than one sexual abuser, please respond to each of the questions in this Part 4 for each sexual abuser.

A. Please answer “Yes” or “No” to each of the following:

- i. Were you sexually abused by more than one person? Yes ☐ No ☒
- ii. Were you sexually abused in more than one state? Yes ☐ No ☒

B. Please name each person who sexually abused you in relation to your involvement in Scouting. (“Scouting” includes Cub Scouts, Boy Scouts, Exploring Scouts, Sea Scouts and Venturing.)

If you do not remember the name of the sexual abuser(s), provide as much identifying information about the sexual abuser(s) that you can recall, such as their approximate age and their relationship to Scouting (e.g., the Scoutmaster of Troop 100, another Troop member of Troop 200, camp staff member, etc.).

I was sexually abused by John Hollender, Jr. who was a Scoutmaster while I was in Scouting as described above.

C. Other than the sexual abuser(s), please identify any person(s) you can remember who were leaders or other adults involved in your Scouting unit or the camp(s) you attended.

N/A.

D. What was each sexual abuser’s position, title, or relationship to you in Scouting (check all that apply)?

- ☒ Adult Scout leader in my Scouting unit
- ☐ Adult Scout leader not in my Scouting unit

- ☐ Youth Scout in my Scouting unit
- ☐ Youth Scout not in my Scouting unit
- ☐ Camp personnel (e.g., camp staff) not in my Scouting unit
- ☐ I don't know
- ☐ Other (please explain why you believe the person(s) who sexually abused you had a relationship with Scouting):

E. Where were you at the time you were sexually abused (city, state, territory and/or country)?

At the time of the sexual abuse I was in Camden County, New Jersey.

F. What was the type of Scouting you were involved with during the sexual abuse (check all that apply)?

- ☒ Boy Scouts
- ☐ Cub Scouts
- ☐ Exploring Scouts
- ☐ Venturing
- ☐ Sea Scouts
- ☐ Other (please explain why you believe you had a connection to Scouting during the sexual abuse):

G. What was the Scouting unit number and physical location (city, state, territory and/or country) of the Scouting unit(s) or provisional troop you were in during the time of the sexual abuse?

During the sexual abuse I believe I was in Scout unit number 102, located in Woodlynne, New Jersey.

H. What was the name and location (city, state, territory and/or country) of the organization that chartered or sponsored your Scouting unit, including the organization that hosted meetings of your Scouting unit, during the time of the sexual abuse (e.g., church, school, religious institution, or civic group)?

(Note that such organizations are not currently parties to the bankruptcy so if you believe you may have a claim against any such organization you must take additional action to preserve and pursue any such claim.)

I believe the organization that chartered or sponsored my Scouting unit during the time of the sexual abuse was Woodlynne Log Cabin located in Woodlynne, New Jersey.

I. What was the name of the BSA Local Council(s) affiliated with your Scouting unit(s), any Boy Scout camp or other Scouting activity during the time of the sexual abuse?

(Note that such BSA Local Councils are not currently parties to the bankruptcy so if you believe you may have a claim against any such BSA Local Council(s) you must take additional action to preserve and pursue any such claim.)

I believe the BSA Local Council(s) affiliated with my Scouting unit was the Garden State Council.

J. In which of the following places did the sexual abuse take place? Check all that apply.

- ☐ At or in connection with a Scout meeting.
- ☒ At or in connection with a Scout camp.
- ☐ At or in connection with another Scouting-related event or activity (please explain): _____
- _____
- ☒ Other (please explain – for example, schools, churches, cars, homes or other locations): **At**

Scoutmaster Hollender's home.

K. When did the first act of sexual abuse take place? If you do not remember the calendar date, what school grade were you in at the time and what season of the year was it (spring, summer, fall, winter), and what age were you when it started? If the sexual abuse took place over a period of time, please state when it started and when it stopped. If you were sexually abused by more than one sexual abuser indicate when the sexual abuse by each of the sexual abusers started and stopped.

I believe the first act of sexual abuse by John Hollender, Jr. happened in approximately 1973 and ended in approximately 1975. I was approximately 14 to 16 years old during the sexual abuse.

L. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below.

i. About how many times were you sexually abused?

- ☐ I was sexually abused once.
- ☒ I was sexually abused more than once.

If you were sexually abused more than once, please state how many times (if you recall): **I was**
sexually abused by Hollender approximately 3 times. See below narrative.

M. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below. (Check all that apply.) **Please note that the boxes are not meant to limit the characterization or description of your sexual abuse.**

i. What did the sexual abuse involve? **See below narrative.**

- ☒ The sexual abuse involved touching outside of my clothing.

- ☒ The sexual abuse involved touching my bare skin.
- ☒ The sexual abuse involved fondling or groping.
- ☒ The sexual abuse involved masturbation.
- ☒ The sexual abuse involved oral copulation / oral sex.
- ☐ The sexual abuse involved the penetration of some part of my body.

ii. Did any of the following occur in connection with the sexual abuse: **See below narrative.**

- ☒ The acts of sexual abuse against me also involved other youth.
- ☐ The sexual abuse involved photographs or video.
- ☒ Even though I did not want it, my body responded sexually to the sexual abuse.
- ☐ The sexual abuse involved actual or implied threats of violence or other adverse consequences if I disclosed the sexual abuse.
- ☒ The sexual abuse involved gifts, privileges, experiences, and other rewards or bribes in addition to the activities and awards normally part of Scouting.
- ☒ The sexual abuser(s) made my family think they could be trusted.
- ☒ At the time of the sexual abuse, my family or I had significant financial, social, behavioral or other challenges.

If you wish to provide a narrative, please describe the sexual abuse in as much detail as you can recall in the lines below. You may attach additional pages if needed.

I was sexually abused approximately 3 times by my Scoutmaster, John Hollender, Jr. The abuse included fondling of my genitals, masturbation and oral sex. The first incident of abuse happened at Pine Hill Scout Reservation during a week-long jamboree. At the time, my mother was poor, and was unable to pay for same. However, we engaged in fundraisers to ensure we could attend the jamboree. At the Jamboree, Hollender brought me into the showers. There was a larger communal shower, and then smaller individual showers. The lights on the individual showers were broken. At the time, there were other scouts and adult scout leaders in the larger communal shower. Hollender brought me into the individual shower and masturbated me. This happened multiple times over the week-long jamboree. This was the first sexual experience in my life.

Shortly thereafter, Scoutmaster Hollender brought me and one of my friends, who was also in my Scout troop, to his home. Therein, he would make us perform oral sex on him and on each other. On one occasion, he made me perform oral sex on my friend, while he inserted his penis, from behind, between my thighs. He penetrated my thighs until he ejaculated on me. Again, I would estimate Hollender abused me on approximately 3 occasions.

- N. Did you or anyone on your behalf tell anyone involved in Scouting about the sexual abuse at or about the time of the sexual abuse? Yes ☐ No ☒
- O. Did you or anyone on your behalf report the sexual abuse to law enforcement or investigators at or about the time of the sexual abuse? Yes ☐ No ☒
- P. If you can remember anyone you may have ever told about the sexual abuse at the time, including anyone involved with Scouting, friends, relatives, and/or law enforcement, please list their name and when you told them.

At the time of the abuse, I discussed it with the other scouts in my troop who were also being abused. Later on, I disclosed the abuse to my wife.

- Q. Did you have any relationship with your sexual abuser outside of Scouting? Check all that apply:
- ☐ Religious organization leader, member, volunteer
 - ☐ Family member or relative
 - ☐ Coach/athletics
 - ☐ Teacher
 - ☐ Neighbor
 - ☐ Other (please explain and add any other information you remember to the categories above):

N/A.

- R. Are you aware of anyone who knew about the sexual abuse?

The other scouts in my troop, who were present and were also abused knew of the abuse. Further, other adults, including volunteers and Assistant Scoutmasters were present at the Pine Hill Scout Reservation the first time I was sexually abused. They saw Hollender bring multiple boys to the showers but said and did nothing. Additionally, BSA's Ineligible Volunteer file for John Hollender Jr. states that he was reported to BSA as a child molester in 1977, admitted to the abuse,

and was dismissed as a Scoutmaster. However, despite Hollender's rampant sexual abuse of children, including myself, he was allowed to serve on a Scout committee at council level.

PART 5: IMPACT OF SEXUAL ABUSE

(Attach additional pages if necessary)

(If you currently cannot describe any harm you have suffered on account of the sexual abuse, you may omit this section for now. However, you may be asked to provide the information requested at a later date.)

- A. Please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above. (Check all that apply.) You can provide a description in your own words and/or use the checkboxes below. **Please note that the boxes are not meant to limit the characterization or description of the impact(s) of your sexual abuse.**

- ☒ Psychological / emotional health (including depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger)
- ☒ Post traumatic stress reactions (including intrusive images, feelings from the abuse, numbing or avoidance behaviors)
- ☐ Physical health (including chronic disease, chronic undiagnosed pain or physical problems)
- ☒ Education (including not graduating high school, being unable to finish training or education)
- ☐ Employment (including difficulties with supervisors, difficulty maintaining steady employment, being fired from jobs)
- ☒ Intimate relationships (including difficulty maintaining emotional attachments, difficulty with sexual behavior, infidelity)
- ☒ Social relationships (including distrust of others, isolating yourself, not being able to keep healthy relationships)
- ☒ Alcohol and/or substance abuse (including other addictive behavior such as gambling)
- ☐ Other (please explain and add any other information you remember to the categories above)

If you wish to provide a narrative, please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above in as much detail as you can recall in the lines below. You may attach additional pages if needed. **See below narrative.**

The sexual abuse at the hands of my Scoutmaster, John Hollender, Jr., affected almost every aspect of my life. I struggled for many years with anger, feeling numb, substance abuse and intimacy issues.

Shortly after the abuse, [REDACTED] While I am generally an outgoing person, following this abuse, I became shy and introverted, especially around females. My first sexual relationship with a female was not until I was [REDACTED]. I also have intimacy issues with females. To this day, I find it very difficult to show affection to others or allow others to get close to me.

[REDACTED]
[REDACTED]

To this day, whenever I am reminded of or have to remember the abuse, I feel angry and depressed. Following the abuse, I experimented with and abused alcohol and drugs, including cocaine, speed and crystal methamphetamine, to cope with feelings of depression and shame related to the abuse.

- B. Have you ever sought counseling or other mental health treatment for any reason?

[REDACTED]

PART 6: ADDITIONAL INFORMATION

A. **Prior Litigation.**

- i. Was a lawsuit regarding the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim filed by you or on your behalf.

Yes ☐ No ☒ (If “Yes,” you are required to attach a copy of the complaint.)

- B. **Prior Bankruptcy Claims.** Have you filed any claims in any other bankruptcy case relating to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim? Yes ☐ No ☒ (If “Yes,” you are required to attach a copy of any completed claim form.)

- C. **Payments.** Have you received any payments related to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim from any party, including BSA? Yes ☐ No ☒

- i. If yes, how much and from whom? _____

- D. **Current Bankruptcy Case.** Are you currently a debtor in a bankruptcy case? Yes ☐ No ☒

- i. If yes, please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 ☐ 11 ☐ 12 ☐ 13 ☐ Name of Trustee: _____

"Signature page follows – you must complete and sign the next page"

SIGNATURE

To be valid, this Sexual Abuse Survivor Proof of Claim must be signed by you. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor's representative or the attorney for the Sexual Abuse Survivor's estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the Sexual Abuse Survivor's parent or legal guardian, or the Sexual Abuse Survivor's attorney. (Any form signed by a representative or legal guardian must attach documentation establishing such person's authority to sign this form for the Sexual Abuse Survivor.)

Penalty for presenting a fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- ☒ I am the Sexual Abuse Survivor.
- ☐ I am the Sexual Abuse Survivor's attorney, guardian, kinship (or other authorized) caretaker, executor, or authorized representative.
- ☐ Other (describe):

I have examined the information in this Sexual Abuse Survivor Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing statements are true and correct.

Exhibit 3

**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)

SEXUAL ABUSE SURVIVOR PROOF OF CLAIM

This Sexual Abuse Survivor Proof of Claim must be submitted and received by **5:00 p.m. (Eastern Time)** on **November 16, 2020**. Please carefully read the following instructions included with this SEXUAL ABUSE SURVIVOR PROOF OF CLAIM and complete ALL applicable questions to the extent of your knowledge or recollection. If you do not know the answer to an open-ended question, you can write “I don’t recall” or “I don’t know.” If a question does not apply, please write “N/A.” If you are completing this form in hard copy, please write or type clearly using blue or black ink.

The Sexual Abuse Survivor Proof of Claim must be delivered to Omni Agent Solutions, the Court-approved claims and noticing agent (the “Claims Agent”), by either:

- (i) Hand delivery, first class mail, or courier the *original* proof of claim to: BSA Abuse Claims Processing, c/o Omni Agent Solutions, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367, so that it is *received* on or before November 16, 2020 at **5:00 p.m. (Eastern Time)**;² or
- (ii) Electronically using the interface available at: www.OfficialBSAClaims.com on or before **November 16, 2020 at 5:00 p.m. (Eastern Time)**.

Sexual Abuse Survivor Proofs of Claim sent by email or facsimile transmission **will not** be accepted.

“You” and/or “Sexual Abuse Survivor” refers to the person asserting a Sexual Abuse Claim against the Boy Scouts of America (“BSA”) related to the Sexual Abuse Survivor’s sexual abuse. For this claim to be valid, the Sexual Abuse Survivor must sign this form. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor’s representative or the attorney for the Sexual Abuse Survivor’s estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the survivor’s parent or legal guardian or attorney. Any Sexual Abuse Survivor Proof of Claim signed by a representative or legal guardian must attach documentation establishing such person’s authority to sign the claim for the Sexual Abuse Survivor.

Who Is a Sexual Abuse Survivor?

¹ The Debtors in these 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.

² If you are mailing your Sexual Abuse Survivor Proof of Claim, do not attach original documents with your Sexual Abuse Survivor Proof of Claim.

For purposes of this Sexual Abuse Survivor Proof of Claim, the term **Sexual Abuse Survivor** refers to a person who was sexually abused *before* turning eighteen (18) years of age.

Who Should File a Sexual Abuse Survivor Proof of Claim?

This Sexual Abuse Survivor Proof of Claim is only for people who were sexually abused before turning eighteen (18) years of age and where the sexual abuse (defined below) occurred on or before February 18, 2020. This Sexual Abuse Survivor Proof of Claim is the way you assert an unsecured claim against BSA seeking damages based on Scouting-related sexual abuse. Any person asserting a claim based on anything other than childhood sexual abuse should use the General Proof of Claim form (official bankruptcy form 410).

What Is Sexual Abuse?

For the purposes of this Sexual Abuse Survivor Proof of Claim, **sexual abuse** means, with respect to a child under the age of eighteen (18) at the time of the sexual abuse, sexual conduct or misconduct, sexual abuse or molestation, sexual exploitation, sexual touching, sexualized interaction, sexual comments about a person's body, or other verbal or non-verbal behaviors that facilitated, contributed to, or led up to abuse, regardless of whether or not such behavior was itself sexual or against the law, and regardless of whether the child thought the behavior was sexual abuse at the time. Sexual abuse includes behavior between a child and an adult and between a child and another child, in each instance without regard to whether such activity involved explicit force, whether such activity involved genital or other physical contact, and whether the child associated the abuse with any physical, psychological, or emotional harm. It involves behaviors including penetration or fondling of the child's body, other body-on-body contact, or non-contact, behaviors such as observing or making images of a child's naked body, showing or making pornography, or having children behave in sexual behavior as a group.

If you have a claim arising from sexual abuse and you were at least eighteen (18) years of age at the time the sexual abuse began or if you have a claim arising from other types of abuse, including non-sexual physical abuse, non-sexual emotional abuse, bullying or hazing, you should consult the *Notice of Deadlines Requiring Filing of Proof of Claim* and file a General Proof of Claim (Official Bankruptcy Form 410).

For the avoidance of doubt, if you have a claim for sexual abuse and you were a child under the age of eighteen (18) when the sexual abuse began you must complete this form.

You May Wish to Consult an Attorney Regarding This Matter.

You may also obtain information from the Claims Agent by: (1) calling toll free at 866-907-2721, (2) emailing at BSAInquiries@omniagnt.com, or (3) visiting the case website at www.OfficialBSAClaims.com (do not contact the Claims Agent for legal advice).

What If I Don't File on Time?

Failure to complete and return this Sexual Abuse Survivor Proof of Claim by November 16, 2020 at 5:00 p.m. (Eastern Time) may result in your inability to vote on a plan of reorganization and/or to receive a distribution from this bankruptcy for sexual abuse related to BSA.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

PART 1: CONFIDENTIALITY

Unless you indicate below, your identity and your Sexual Abuse Survivor Proof of Claim will be kept **confidential**, under seal, and outside the public record. However, information in this Sexual Abuse Survivor Proof of Claim will be confidentially provided, pursuant to Court-approved guidelines, to the Debtors, the Debtors' counsel and retained advisors, certain insurers of BSA, the Tort Claimants' Committee, counsel to the Ad Hoc Committee of Local Councils (with personally identifiable information redacted), individual Local Councils solely with respect to Sexual Abuse Claims asserted against them, attorneys at the Office of the United States Trustee for the District of Delaware, the Future Claimants' Representative, the Court, and confidentially to such other persons that the Court determines need the information in order to evaluate the claim. Information in this Sexual Abuse Survivor Proof of Claim may be required to be disclosed to governmental authorities under mandatory reporting laws in many jurisdictions.

This Sexual Abuse Survivor Proof of Claim (along with any accompanying exhibits and attachments) will be maintained as confidential unless you expressly request that it be publicly available by checking the "public" box and signing below.

☐ **PUBLIC:** I want my identity and this Sexual Abuse Survivor Proof of Claim (together with any exhibits and attachments) to be made part of the official claims register in these cases. **My claim will be available for review by any and all members of the public.**

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

Law Firm Name:	Pfau Cochran Vertetis Amala PLLC				
Attorney's Name:	Michael T. Pfau				
Number and Street:	403 Columbia St. Ste. 500				
City:	Seattle	State:	Washington	Zip Code:	98104
Country (not USA):	USA	Email Address:	michael@pcvalaw.com		
Telephone (Work):	(206) 462-4334	Fax No.:	(206) 623-3624		

PART 3: BACKGROUND INFORMATION FOR SEXUAL ABUSE SURVIVOR

E. Involvement with Scouting:

- a. Have you ever been affiliated with Scouting and/or a Scouting program?

Yes ☒ No ☐

- b. When were you involved with Scouting?

I was involved in Scouting from approximately 1996 to 1999. I believe my highest rank was Life.

- c. What type of Scouting unit (i.e., troop) were you involved with, and, if you recall, when you were involved and what was your troop or unit number?

☒ Boy Scouts **Troop #421**_____

☐ Cub Scouts _____

- ☐ Exploring Scouts _____
- ☐ Sea Scouts _____
- ☐ Venturing _____
- ☐ Other (please explain your involvement with Scouting):

PART 4: NATURE OF THE SEXUAL ABUSE

(Attach additional sheets if necessary)

For each of the questions listed below, please complete your answers to the best of your recollection.

Note: If you have previously filed a lawsuit about your Scouting-related sexual abuse in state or federal court, you may attach a copy of the complaint. If you have not filed a lawsuit, or if the complaint does not contain all of the information requested below, you must provide the information below to the extent of your recollection.

Please answer each of the following questions to your best ability. If you do not know or recall, please so indicate.

If you are the survivor of sexual abuse by more than one sexual abuser, please respond to each of the questions in this Part 4 for each sexual abuser.

A. Please answer “Yes” or “No” to each of the following:

- i. Were you sexually abused by more than one person? Yes ☐ No ☒
- ii. Were you sexually abused in more than one state? Yes ☐ No ☒

B. Please name each person who sexually abused you in relation to your involvement in Scouting. (“Scouting” includes Cub Scouts, Boy Scouts, Exploring Scouts, Sea Scouts and Venturing.)

If you do not remember the name of the sexual abuser(s), provide as much identifying information about the sexual abuser(s) that you can recall, such as their approximate age and their relationship to Scouting (e.g., the Scoutmaster of Troop 100, another Troop member of Troop 200, camp staff member, etc.).

I was sexually abused by a camp official and leader at Camp Keowa while I was involved in Scouting as described above. I do not recall his name, but I recall that he had a big nose, blonde

hair, and blue eyes. I estimate that he was about six feet tall and was in his thirties. I remember he was European and spoke with an accent.

- C. Other than the sexual abuser(s), please identify any person(s) you can remember who were leaders or other adults involved in your Scouting unit or the camp(s) you attended.

I recall Louis A. Rivera and Randy McNat were leaders and other adults involved in my Scouting unit or the camps I attended.

- D. What was each sexual abuser's position, title, or relationship to you in Scouting (check all that apply)?

- ☐ Adult Scout leader in my Scouting unit
- ☒ Adult Scout leader not in my Scouting unit
- ☐ Youth Scout in my Scouting unit
- ☐ Youth Scout not in my Scouting unit
- ☒ Camp personnel (e.g., camp staff) not in my Scouting unit
- ☐ I don't know
- ☐ Other (please explain why you believe the person(s) who sexually abused you had a relationship with Scouting):
-
-
-

- E. Where were you at the time you were sexually abused (city, state, territory and/or country)?

At the time of the abuse I was in Narrowsburg, New York.

- F. What was the type of Scouting you were involved with during the sexual abuse (check all that apply)?

- ☒ Boy Scouts
- ☐ Cub Scouts
- ☐ Exploring Scouts
- ☐ Venturing
- ☐ Sea Scouts

- ☐ Other (please explain why you believe you had a connection to Scouting during the sexual abuse):

- G. What was the Scouting unit number and physical location (city, state, territory and/or country) of the Scouting unit(s) or provisional troop you were in during the time of the sexual abuse?

At the time of the abuse, I was in Boy Scout Troop number 421 located in The Bronx, New York.

- H. What was the name and location (city, state, territory and/or country) of the organization that chartered or sponsored your Scouting unit, including the organization that hosted meetings of your Scouting unit, during the time of the sexual abuse (e.g., church, school, religious institution, or civic group)?

(Note that such organizations are not currently parties to the bankruptcy so if you believe you may have a claim against any such organization you must take additional action to preserve and pursue any such claim.)

I believe the organization that sponsored or chartered by Scouting unit at the time of the abuse was a program through the New York City Housing Authority. Our meetings were held at a community center on Webster and Brook Avenue in the Bronx.

- I. What was the name of the BSA Local Council(s) affiliated with your Scouting unit(s), any Boy Scout camp or other Scouting activity during the time of the sexual abuse?

(Note that such BSA Local Councils are not currently parties to the bankruptcy so if you believe you may have a claim against any such BSA Local Council(s) you must take additional action to preserve and pursue any such claim.)

I do not recall the BSA Local Council affiliated with my Scouting unit at the time of the abuse; however, using BSA's Local Council Locator, the Greater New York Council is responsible for Scouting units in the area my Scouting unit was located.

- J. In which of the following places did the sexual abuse take place? Check all that apply.

- ☐ At or in connection with a Scout meeting.
- ☒ At or in connection with a Scout camp.
- ☐ At or in connection with another Scouting-related event or activity (please explain):

- ☐ Other (please explain – for example, schools, churches, cars, homes or other locations):

- K. When did the first act of sexual abuse take place? If you do not remember the calendar date, what school grade were you in at the time and what season of the year was it (spring, summer, fall, winter), and what age were you when it started? If the sexual abuse took place over a period of time, please state when it started and when it stopped. If you were sexually abused by more than one sexual abuser indicate when the sexual abuse by each of the sexual abusers started and stopped.

I believe the first act of sexual abuse by the camp official occurred in approximately 1998 and ended in approximately 1999. I was approximately 15 to 16 years old during the sexual abuse.

- L. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below.

- i. About how many times were you sexually abused?

- ☐ I was sexually abused once.
- ☒ I was sexually abused more than once.

If you were sexually abused more than once, please state how many times (if you recall):

I was sexually abused by the camp official at least 100 times.

- M. Please describe what happened to you. You can provide a description in your own words and/or use the checkboxes below. (Check all that apply.) **Please note that the boxes are not meant to limit the characterization or description of your sexual abuse.**

- i. What did the sexual abuse involve?

- ☒ The sexual abuse involved touching outside of my clothing.
- ☒ The sexual abuse involved touching my bare skin.
- ☒ The sexual abuse involved fondling or groping.
- ☒ The sexual abuse involved masturbation.
- ☐ The sexual abuse involved oral copulation / oral sex.
- ☐ The sexual abuse involved the penetration of some part of my body.

- ii. Did any of the following occur in connection with the sexual abuse:

- ☒ The acts of sexual abuse against me also involved other youth.
- ☐ The sexual abuse involved photographs or video.
- ☐ Even though I did not want it, my body responded sexually to the sexual abuse.
- ☒ The sexual abuse involved actual or implied threats of violence or other adverse consequences if I disclosed the sexual abuse.
- ☐ The sexual abuse involved gifts, privileges, experiences, and other rewards or bribes in addition to the activities and awards normally part of Scouting.
- ☒ The sexual abuser(s) made my family think they could be trusted.
- ☒ At the time of the sexual abuse, my family or I had significant financial, social, behavioral or other challenges.

If you wish to provide a narrative, please describe the sexual abuse in as much detail as you can recall in the lines below. You may attach additional pages if needed.

When I was about 15 years old in Boy Scouts, I attended Camp Keowa in Narrowsburg, New York for about two months. My Troop was composed of several underprivileged children and we lived in a poor neighborhood, so we were excited to go to camp. One of the adult camp officials was in charge of the meals. He would teach us how to swim, shoot bow and arrow, and he also worked in the kitchen. I remember he would call punishments “zapping,” and he would make strange hand gestures. I believe he was European and spoke with an accent. My Scoutmaster told me that the camp official was the man in charge at Camp Keowa.

One day when I went to eat breakfast, the adult camp official was serving me and a few other Scouts. He told us that he loved us and [REDACTED]. He selected me and about 10 other Scouts to work in the kitchen with him, including my friends [REDACTED] and [REDACTED]. When we were in the kitchen, the adult camp official would rub his groin up against me. I remember I could feel his erect penis through his pants. He pretended that he had a spoon in his pocket.

One day he came into the kitchen after we finished a shift of working, and said “hey, look what I got.” Suddenly he pulled out his erect penis and started masturbating in front of us. I remember I

was so shocked and did not know what to do. We were so confused. He did this almost every day when we worked in the kitchen for the next two months.

I remember he would take us swimming and help us achieve our lifeguard badge. I was a great swimmer, and he chose me and a few other Scouts to be his “boys” and help him set up the swimming courses for the rest of the Scouts. He said he would give us the community badge for helping him. During the training, he would pretend to be a drowning person and tell us to come save him. When he grabbed onto me, he would grab my buttocks and genitals several times.

About two weeks into camp that summer, I told the camp security (they were older Eagle Scouts) that the camp official was rubbing his genitals against me and other scouts and fondling our genitals. In response, they told us that they know about the camp official’s behavior, but they did not believe us. I remember I called my mom and told her that the camp security did not believe me when I told them about the abuse by the camp official.

The camp official continued to abuse me and other Scouts every day for the next several weeks. At the end of the two months, I told my Scoutmaster about the camp official and how he touched my genitals. The Scoutmaster said he would talk to BSA about it. The next summer, the camp official was at Camp Keowa again. I pointed at him and told the Scoutmaster that he was the same man that abused me the summer before. My Scoutmaster was removed from my Troop, and the camp official abused me again the same way every day for the next two months.

I estimate that I was sexually abused by the camp official almost every day during the two months each summer I was at Camp Keowa (totaling four months).

- N. Did you or anyone on your behalf tell anyone involved in Scouting about the sexual abuse at or about the time of the sexual abuse? Yes ☒ No ☐
- O. Did you or anyone on your behalf report the sexual abuse to law enforcement or investigators at or about the time of the sexual abuse? Yes ☐ No ☒

- P. If you can remember anyone you may have ever told about the sexual abuse at the time, including anyone involved with Scouting, friends, relatives, and/or law enforcement, please list their name and when you told them.

I believe I told the following people at the time of the abuse: Camp Keowa security Eagle Scouts, my mother [REDACTED] and my Scoutmaster Louis A. Rivera.

- Q. Did you have any relationship with your sexual abuser outside of Scouting? Check all that apply:

- ☐ Religious organization leader, member, volunteer
- ☐ Family member or relative
- ☐ Coach/athletics
- ☐ Teacher
- ☐ Neighbor
- ☐ Other (please explain and add any other information you remember to the categories above):

I did not have a relationship with the camp official outside of Scouting.

- R. Are you aware of anyone who knew about the sexual abuse?

I believe other Scouts at Camp Keowa, including [REDACTED] and [REDACTED] were also sexually abused by the camp official. I believe that the following people knew about the abuse: Camp Keowa security Eagle Scouts, my mother [REDACTED] and my Scoutmaster Louis A. Rivera.

PART 5: IMPACT OF SEXUAL ABUSE

(Attach additional pages if necessary)

(If you currently cannot describe any harm you have suffered on account of the sexual abuse, you may omit this section for now. However, you may be asked to provide the information requested at a later date.)

- A. Please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above. (Check all that apply.) You can provide a

description in your own words and/or use the checkboxes below. **Please note that the boxes are not meant to limit the characterization or description of the impact(s) of your sexual abuse.**

- ☒ Psychological / emotional health (including depression, anxiety, feeling numb, difficulty managing or feeling emotions including anger)
- ☒ Post traumatic stress reactions (including intrusive images, feelings from the abuse, numbing or avoidance behaviors)
- ☐ Physical health (including chronic disease, chronic undiagnosed pain or physical problems)
- ☐ Education (including not graduating high school, being unable to finish training or education)
- ☐ Employment (including difficulties with supervisors, difficulty maintaining steady employment, being fired from jobs)
- ☐ Intimate relationships (including difficulty maintaining emotional attachments, difficulty with sexual behavior, infidelity)
- ☒ Social relationships (including distrust of others, isolating yourself, not being able to keep healthy relationships)
- ☐ Alcohol and/or substance abuse (including other addictive behavior such as gambling)
- ☐ Other (please explain and add any other information you remember to the categories above)

If you wish to provide a narrative, please describe how you were impacted, harmed, damaged, or injured in ways that you now connect as being related to the sexual abuse you described above in as much detail as you can recall in the lines below. You may attach additional pages if needed.

As a child after the abuse, I isolated myself. I used to be very social, but after the abuse I started detaching myself from my friends. I stopped playing sports. I was so confused, and just put up walls so I could protect myself. I just wanted to be alone because I didn't trust anyone, especially adults.

I remember I cried very easily. I was ashamed and embarrassed about the abuse. I was so angry that I was exposed to it and that no one believed me. When I reported the abuse and the adults and older Scouts did not take me seriously, it made me feel angry and unsafe. I constantly think back to the abuse and constantly have guilt for what I should have done to get away. I have experienced panic attacks and nightmares.

[REDACTED]

[REDACTED]

[REDACTED]

As I get older, I still cannot escape the embarrassment and shame from the abuse. Looking back, I see that this camp official manipulated me to abuse me and make me feel like it was my fault. In reality, I was just a child that trusted adults, who ultimately betrayed me. I have had my guard up ever since.

- B. Have you ever sought counseling or other mental health treatment for any reason?

[REDACTED]

PART 6: ADDITIONAL INFORMATION

A. Prior Litigation.

- i. Was a lawsuit regarding the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim filed by you or on your behalf.

Yes ☐ No ☒ (If "Yes," you are required to attach a copy of the complaint.)

- B. Prior Bankruptcy Claims.** Have you filed any claims in any other bankruptcy case relating to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim? Yes ☐ No ☒ (If "Yes," you are required to attach a copy of any completed claim form.)

- C. Payments.** Have you received any payments related to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim from any party, including BSA? Yes ☐ No ☒

- i. If yes, how much and from whom? _____

- D. Current Bankruptcy Case.** Are you currently a debtor in a bankruptcy case? Yes ☐ No ☒

- i. If yes, please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 ☐ 11 ☐ 12 ☐ 13 ☐ Name of Trustee: _____

[Signature page follows – you must complete and sign the next page]

SIGNATURE

To be valid, this Sexual Abuse Survivor Proof of Claim must be signed by you. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor's representative or the attorney for the Sexual Abuse Survivor's estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the Sexual Abuse Survivor's parent or legal guardian, or the Sexual Abuse Survivor's attorney. (Any form signed by a representative or legal guardian must attach documentation establishing such person's authority to sign this form for the Sexual Abuse Survivor.)

Penalty for presenting a fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- ☒ I am the Sexual Abuse Survivor.
- ☐ I am the Sexual Abuse Survivor's attorney, guardian, kinship (or other authorized) caretaker, executor, or authorized representative.
- ☐ Other (describe):

I have examined the information in this Sexual Abuse Survivor Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing statements are true and correct.