

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

<p>In re:</p> <p>BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC,¹</p> <p style="text-align:center">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 20-10343 (LSS)</p> <p>Jointly Administered</p>
<p>BOY SCOUTS OF AMERICA,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>A.A., <i>et al.</i>,</p> <p style="text-align:center">Defendants.</p>	<p>Adv. Pro. No. 20-50527 (LSS)</p> <p>Re: Docket Nos. Adv. D.I. 6, 54, 72, 77, 107, 116, 144, 145, 146, 148, 150, 151, 152, 153, 154, and 156</p>

**JOINDER OF THE TORT CLAIMANTS'
COMMITTEE TO REPLY OF BOY SCOUTS OF AMERICA
TO CENTURY'S OBJECTION TO THE FOURTH STIPULATION
MODIFYING THE CONSENT ORDER GRANTING THE BSA'S MOTION
FOR A PRELIMINARY INJUNCTION PURSUANT TO 11 U.S.C. §§ 105(A) AND 362**

The official committee of tort claimants (consisting of survivors of childhood sexual abuse) (the "Tort Claimants' Committee"), appointed in the above-captioned cases, hereby joins in the *Reply of Boy Scouts of America to Century's Objection to the Fourth Stipulation Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(A) and 362* [Adv. Docket No. 156] (the "Reply"), and respectfully states as follows:

¹ The Debtors in the chapter 11 cases, together with the last four digits of each Debtors' federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors' mailing address is 1325 W. Walnut Hill Ln., Irving, TX 75038.

1. The Tort Claimants' Committee joins in the Debtors' Reply and for the reasons stated herein disputes the unfounded factual and legal representations in the objection [Adv. Docket No. 152] (the "Objection") filed by Century.

2. Century begins its objection by stating that "[t]he most remarkable thing about the Debtors' motion to extend the preliminary injunction is that the Debtors felt the need to bring it at all." Objection, p. 1. The Tort Claimants' Committee finds it remarkable that Century filed its Objection making the legal representations and arguments found therein. The cases cited by Century do not stand for the propositions advanced in the Objection and it is clear that the extension of the automatic stay to non-debtor parties is not automatic and requires Court approval. *See, e.g., In re Uni-Mart's, LLC*, 399 B.R. 400, 416-17 (Bankr. D. Del. 2009) (declining to extend the automatic stay to protect non-debtors who had contractual indemnification claims against the debtor).

3. In this adversary proceeding, the extension of the automatic stay was negotiated among the Debtors, Tort Claimants' Committee, and the Official Committee of Unsecured Creditors ("UCC"), which is why the order extending the protections of the stay is styled as a "consent order." *See* [Adv. Docket No. 54] (the "Consent Order"). Under the Consent Order, the Debtors, Tort Claimants' Committee, and UCC have agreed to extend the protections of the automatic stay to the non-debtor Local Councils, among others, in exchange for certain conditions, which was done three times to date and now a fourth. *See, e.g.,* [Adv. Docket Nos. 72, 77, 107, and 151]. The proposed fourth extension is no different than the previous three in that the Tort Claimants' Committee and UCC consented to a further extension in exchange for information or the performance of certain actions. If the applicable beneficiaries of the extension of the automatic stay fail to produce the information or perform the actions, as it is their right to

not produce or participate, the Tort Claimants Committee, or the UCC for that matter, could file a notice to discontinue the protections to the Local Councils.

4. Under the protections of the Consent Order, Local Councils may be sued but no other action may be taken against them, including discovery. In that regard, the limited discovery negotiated among the Debtors, Tort Claimants' Committee, UCC, and upon the recommendation by the Ad Hoc Local Councils Committee to the 253 Local Councils that enjoy the protections of the automatic stay, is appropriate and a negotiated compromise to extend the stay protection by consent through July 19, 2021. The Tort Claimants' Committee will continue to work with the Debtors and other stake holders in these cases for additional information or action as and when necessary.

5. Lastly, the Objection is nothing more than Century's latest attempt to obfuscate issues and create confusion when there none for the sole purpose of delaying the work that needs to be accomplished, which includes Century's contractual obligation to provide insurance coverage to the more than 40,000 sexual abuse claims that implicate the insurance policies it sold to the Debtors for which the Debtors have paid Century millions of dollars.

6. For the reasons stated in the Reply, herein, and at the record of the hearing on the request to extend the Consent Order, Century's Objection should be overruled and the Consent Order should be extended.

Dated: March 15, 2021

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

<p>In re:</p> <p>BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC,¹</p> <p style="text-align:center">Debtors.</p>	<p>Chapter 11</p> <p>Case No. 20-10343 (LSS)</p> <p>Jointly Administered</p>
<p>BOY SCOUTS OF AMERICA,</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>A.A., <i>et al.</i>,</p> <p style="text-align:center">Defendants.</p>	<p>Adv. Pro. No. 20-50527 (LSS)</p>

CERTIFICATE OF SERVICE

I, James E. O'Neill, hereby certify that on the 15th day of March, 2021, I caused a copy of the following document(s) to be served on the individual(s) on the attached service list(s) in the manner indicated:

Joinder of the Tort Claimants' Committee to Reply of Boy Scouts of America to Century's Objection to the Fourth Stipulation Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. § 105(A) and 362

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002 – Express Mail
005 – Overnight Delivery
230 – Emails

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