

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

In re:	)	
	)	Chapter 11
BOY SCOUTS OF AMERICA AND DELAWARE	)	
BSA, LLC,	)	Case No. 20-10343 (LSS)
	)	
Debtors. <sup>1</sup>	)	(Jointly Administered)
PONIL RANCH, L.P.,	)	
	)	
Plaintiff,	)	
	)	Adv. Pro. No. 21-51185 (LSS)
v.	)	
	)	
BOY SCOUTS OF AMERICA,	)	
	)	
Defendant.	)	

**BOY SCOUTS OF AMERICA’S MOTION TO ABSTAIN OR,  
IN THE ALTERNATIVE, TO TRANSFER VENUE**

Boy Scouts of America (the “BSA”), the non-profit corporation that is a debtor and debtor in possession in the above-captioned chapter 11 cases, hereby moves (the “Motion”) the Court for entry of an order, substantially in the form attached hereto as **Exhibits A** or **B**, (i) abstaining from the above-captioned adversary proceeding pursuant to 28 U.S.C. § 1334 or, in the alternative; (ii) transferring venue of the above-captioned adversary proceeding to the United States District Court for the District of New Mexico pursuant to 28 U.S.C. § 1412.

The grounds for this Motion are more fully set forth in the Boy Scouts of America’s Opening Brief in Support of Its Motion to Abstain Or, in the alternative, to Transfer Venue, filed contemporaneously herewith.

---

<sup>1</sup> 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.

WHEREFORE, the BSA respectfully requests that the Court (i) abstain from this action or, in the alternative, (ii) transfer venue of the case to the United States District Court for the District of New Mexico, and grant such other and further relief as the Court deems just and proper.

*[Remainder of Page Intentionally Left Blank]*

January 25, 2022  
Wilmington, Delaware

**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**

*/s/ Donna L. Culver*

---

Donna L. Culver (No. 2983)  
Derek C. Abbott (No. 3376)  
Andrew R. Remming (No. 5120)  
Paige N. Topper (No. 6470)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
Telephone: (302) 658-9200  
Email: dculver@morrisnichols.com  
dabbott@morrisnichols.com  
aremming@morrisnichols.com  
ptopper@morrisnichols.com

- and -

**WHITE & CASE LLP**

Jessica C. Lauria (admitted *pro hac vice*)  
1221 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 819-8200  
Email: jessica.lauria@whitecase.com

- and -

**WHITE & CASE LLP**

Michael C. Andolina (admitted *pro hac vice*)  
Matthew E. Linder (admitted *pro hac vice*)  
Laura E. Baccash (admitted *pro hac vice*)  
Blair M. Warner (admitted *pro hac vice*)  
111 South Wacker Drive  
Chicago, IL 60606  
Telephone: (312) 881-5400  
Email: mandolina@whitecase.com  
mlinder@whitecase.com  
laura.baccash@whitecase.com  
blair.warner@whitecase.com

- and -

**THE SIMONS FIRM, LLP**

Quinn S. Simons

Thomas A. Simons IV

P. O. Box 5333

Santa Fe, NM 87502-5333

Telephone: (505) 988-5600

Email: [qsimons@simonsfirm.com](mailto:qsimons@simonsfirm.com)

[tsimons@simonsfirm.com](mailto:tsimons@simonsfirm.com)

*Attorneys for Defendant  
Boy Scouts of America*

**Exhibit A**

**(Proposed Order Abstaining from Adversary Proceeding)**

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

In re:	)	
	)	Chapter 11
BOY SCOUTS OF AMERICA AND DELAWARE	)	
BSA, LLC,	)	Case No. 20-10343 (LSS)
	)	
Debtors. <sup>1</sup>	)	(Jointly Administered)
PONIL RANCH, L.P.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Pro. No. 21-51185 (LSS)
	)	
BOY SCOUTS OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER ABSTAINING FROM ADVERSARY PROCEEDING**

Upon the motion dated January 25, 2022 (the “Motion”)<sup>2</sup> of the Boy Scouts of America (the “BSA”) for entry of an order of the Court abstaining from this adversary proceeding, and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and venue being proper before this Court pursuant to 28 U.S.C. § 1409; and due and proper notice of the Motion having been provided to the parties affected thereby, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion and all submissions filed in connection therewith; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and all objections to the Motion having

---

<sup>1</sup> 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.

<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

been withdrawn or overruled on the merits; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Court abstains from this adversary proceeding pursuant to 28 U.S.C. § 1334(c)(1).
3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

**Exhibit B**

**(Proposed Order Transferring Venue of Adversary Proceeding)**



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

In re:	)	
	)	Chapter 11
BOY SCOUTS OF AMERICA AND DELAWARE	)	
BSA, LLC,	)	Case No. 20-10343 (LSS)
	)	
Debtors. <sup>1</sup>	)	(Jointly Administered)
PONIL RANCH, L.P.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Pro. No. 21-51185 (LSS)
	)	
BOY SCOUTS OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER TRANSFERRING VENUE OF ADVERSARY PROCEEDING**

Upon the motion dated January 25, 2022 (the “Motion”)<sup>2</sup> of the Boy Scouts of America (the “BSA”) for entry of an order of the Court transferring venue of this adversary proceeding to the United States District Court for the District of New Mexico; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and venue being proper before this Court pursuant to 28 U.S.C. § 1409; and due and proper notice of the Motion having been provided to the parties affected thereby, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion and all submission filed in connection therewith; and the Court having determined that the legal and factual bases set forth in the Motion establish just

---

<sup>1</sup> 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.

<sup>2</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

cause for the relief granted herein; and all objections to the Motion having been withdrawn or overruled on the merits; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Court transfers this adversary proceeding to the United States District Court for the District of New Mexico, pursuant to 28 U.S.C. § 1412.
3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

**CERTIFICATE OF SERVICE**

I, Donna L. Culver, Esquire, do hereby certify that a copy of the foregoing **DEFENDANT BOY SCOUTS OF AMERICA'S ANSWER TO COMPLAINT** was served this 25<sup>th</sup> day of January, 2022, upon the following counsel in the manner indicated:

**BY E-MAIL**

Thomas M. Horan  
Cozen O'Connor  
1201 North Market Street, Suite 1001  
Wilmington, DE 19899-1347  
Email: thoran@cozen.com

Jason S. Brookner  
Lydia R. Webb  
Sahrish K. Soleja  
Gray Reed  
1601 Elm Street, Suite 4600  
Dallas, TX 75201  
Email: jbrookner@grayreed.com  
lwebb@grayreed.com  
ssoleja@grayreed.com

*/s/ Donna L. Culver*  
\_\_\_\_\_  
Donna L. Culver (#2983)