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November 15, 2021

**BY CM/ECF**

Hon. Laurie Selber Silverstein  
Chief Judge, U.S. Bankruptcy Court, District of Delaware  
824 North Market Street, 6th Floor  
Wilmington, Delaware 19801

Re: *In re Boy Scouts of America*, No. 20-10343: Insurers' Omnibus Motion to Compel Kosnoff Law PLLC, AVA Law Group, Inc., Napoli Shkolnik, PLLC, Krause & Kinsman Law Firm, Andrews & Thornton, Attorneys at Law, and ASK LLP to Respond to Document Requests and Interrogatories

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Dear Judge Silverstein:

The Insurers listed on Exhibit 1 hereby move to compel Kosnoff Law PLLC, AVA Law Group, Inc., Napoli Shkolnik, PLLC, Krause & Kinsman Law Firm, Andrews & Thornton, Attorneys at Law, and ASK LLP (collectively, the "Firms" and each a "Firm") to respond individually to Insurers' document requests and interrogatories, dated October 8, 2021 (collectively, "Discovery Requests") issued pursuant to Rules 7033, 7034 and 9014 of the Federal Rules of Bankruptcy Procedure. The Firms must respond to the Discovery Requests because they are parties to these chapter 11 cases ("BSA Cases") or, at a minimum, non-parties who comported themselves as parties to the BSA Cases and therefore must respond to discovery as parties.<sup>1</sup>

To the extent the Court finds any Firm can respond to discovery in the BSA Cases only through subpoenas issued pursuant to Rule 9014 and Rule 45 of the Federal Rules of Civil Procedure, this Court should find that the Firms must accept service of and respond within three days to subpoenas requesting the same information as set forth in the Discovery Requests. And any disputes with such subpoenas should be heard and resolved by this Court.

The Insurers respectfully request that this Court hear this matter at or before the hearing on Friday, November 19, 2021 because the material sought by Insurers is relevant to the Debtors' Emergency Solicitation Procedures Motion (Dkt. No. 7118) as well as to plan solicitation, voting, and

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<sup>1</sup> The Insurers seek leave to file this 13-page letter motion, even though it exceeds the page limit in the Confirmation Procedures Order (Dkt. No. 6528 ¶ 12), because the letter motion is an omnibus motion directed at the non-response of six separate Firms.

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confirmation. The material is also relevant to assessing the good-faith requirements pursuant to Section 1129(a)(3) of the Bankruptcy Code.

### PRELIMINARY STATEMENT

Each of the Firms, by their own admission, is a party in the BSA Cases and characterized themselves as such until they received the Discovery Requests in October 2021. Faced with the threat of discovery concerning thousands of proofs of claim (“POCs”) that the Firms signed and filed and concerning the Firms’ methods of harvesting such POCs, each of the Firms refused to answer the Discovery Requests, disclaiming they were parties to the BSA Cases. Some of the Firms went even further to assert that this Court cannot resolve disputes over third-party subpoenas seeking the same information as the Discovery Requests.

After the Court set the bar date, Debtors were inundated with over 95,000 POCs because various parties, including the Firms, engaged in an aggressive, nationwide campaign to generate claims. Their stated objective was to generate a supermajority of claims and thus control the bankruptcy.<sup>2</sup> To accomplish this objective, the Firms signed and filed thousands of POCs in the days leading up to the bar date. An overwhelming number of these Firm-signed POCs are missing critical information (such as the name of the alleged abuser), are late, are duplicates, or have issues with the alleged state or year of abuse. As a result of these issues, the Insurers sought reasonable discovery on each Firm through document requests and interrogatories served on October 8, 2021. The Discovery Requests were served on the Firms as parties to these cases.

Before receiving the Discovery Requests, the Firms had no issue with acting like parties to these cases and availing themselves of the Court’s jurisdiction and forum when it suited them. But in the face of scrutiny with regard to certain POCs, they refused to respond to the Discovery Requests. Indeed, each of the Firms responded to the requests with the same boilerplate language claiming that the Firms are not parties or “parties in interest” to the BSA Cases and therefore should not be subjected to party discovery.

The Insurers met and conferred in good faith with the Firms and have even offered to withdraw the properly served Discovery Requests if each Firm would (i) accept service of and respond to subpoenas requesting the same information as set forth in the Discovery Requests and (ii) agree to have any disputes with such subpoenas heard by this Court. Each Firm has refused to agree to this reasonable offer, forcing the Insurers to file this motion to compel.

The Firms cannot have it both ways—they cannot sign and file thousands of POCs with this Court that omit critical information while refusing to (i) respond to reasonable Discovery Requests and (ii) allow this Court to resolve disputes with subpoenas seeking the same information. Unless the Firms are ordered to respond to the Discovery Requests or respond to subpoenas seeking the same information, the Firms will be able to run out the clock on discovery and successfully avoid any discovery into their activities.

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<sup>2</sup> Notice of Filing of Exhibit in Support of the Objection of the Tort Claimants’ Committee to Motion of the Coalition of Abused Scouts for Justice for an Order (I) Authorizing the Coalition to File Under Seal Exhibit A to the Amended 2019 Statement and (II) Approving the Sufficiency of the Amended 2019 Statement, Ex. 1 (Dkt. No. 1285-1).

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## BACKGROUND

### A. Each of the Firms are or were members of the Coalition.

Each of the Firms are or were members of the Coalition of Abused Scouts for Justice. In July 2020, Kosnoff Law, AVA, ASK, Andrews & Thornton, and other law firms formed the Coalition.<sup>3</sup> In or around October 2020, Kosnoff Law and AVA and their principals resigned from the Coalition.<sup>4</sup> Around that time, Napoli Shkolnik and Krause & Kinsman joined the Coalition. As of today, 26 law firms make up the Coalition.<sup>5</sup>

The Coalition has been represented by several law firms, including law firms located in Delaware. Initially, the Coalition retained Blank Rome LLP, a law firm with multiple offices around the world, including in Wilmington, and Brown Rudnick LLP, another law firm with multiple offices around the world, including in Washington, D.C. and New York City.<sup>6</sup> On September 4, 2020, Blank Rome withdrew as counsel, and the Coalition retained Monzack Mersky Browder and Hochman, PA, a Wilmington, Delaware law firm.<sup>7</sup> The Coalition is also represented by “special litigation counsel” Robbins, Russell, Englert, Orseck, Untereiner & Sauber LLP, a Washington, D.C. law firm.<sup>8</sup>

Counsel for the Coalition was retained by the law firms through engagement letters.<sup>9</sup> The Firms are paying counsel for the Coalition.”<sup>10</sup> The engagement letter with Robbins Russell specifically states that Robbins Russell “shall represent the Coalition as a group and not any individual Law Firm or Law Firm Client.”<sup>11</sup>

On July 29, 2020, on behalf of the Coalition, Blank Rome and Brown Rudnick filed a Rule 2019 statement.<sup>12</sup> The Coalition’s original Rule 2019 statement was amended and supplemented a

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<sup>3</sup> Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1106).

<sup>4</sup> Second Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1429). The individual clients of Kosnoff Law and AVA Law remained Coalition members and were represented by Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. *Id.* n.3.

<sup>5</sup> Third Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1996).

<sup>6</sup> Dkt. No. 1106.

<sup>7</sup> Dkt. No. 1429 ¶ 6.

<sup>8</sup> Supplement to Third Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 ¶ 3 (Dkt. No. 4658).

<sup>9</sup> Dkt. Nos. 1429-1, 4658-2.

<sup>10</sup> Dkt. No. 1429 ¶ 11 (citing Dkt. No. 1429-1, Exs. A-2, A-4).

<sup>11</sup> Dkt. No. 4658-2 at 3.

<sup>12</sup> Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1053).

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number of times to add law firms and to make additional disclosures.<sup>13</sup>

On August 26, 2020, the Coalition moved to be made a Mediation Party.<sup>14</sup> On October 23, 2020, the Court approved the Coalition's motion and designated it as a Mediation Party.<sup>15</sup> In the October 8, 2021 Scheduling Order, the Court found that all Mediation Parties are "Participating Parties" to the Confirmation Proceedings.<sup>16</sup> The Coalition is specifically listed as a Mediation Party, thus is a Participating Party.<sup>17</sup> Again, each of the Firms the Zurich Insurers targeted with its Discovery Requests as parties are or were members of the Coalition.

## **B. Kosnoff Law is a party in the BSA Cases.**

After leaving the Coalition, Kosnoff Law formed Abused in Scouting ("AIS"). AIS is made up of (i) Timothy Kosnoff of Kosnoff Law, (ii) AVA, and (iii) Eisenberg Rothweiler.<sup>18</sup> AIS and other Coalition attorneys ran an aggressive nationwide advertising campaign that made it easier to file false claims.<sup>19</sup> Mr. Kosnoff even conceded that the goal was to maximize the number of POCs to control the BSA Cases.<sup>20</sup> Through the Coalition and AIS, Kosnoff Law and its principal, Mr. Kosnoff, are major parties in the BSA Cases. Mr. Kosnoff signed 784 POCs in the BSA Cases, including 779 in the two weeks before the bar date.<sup>21</sup>

On September 8, 2020, David Wilks of Wilks Law, LLC, a Wilmington law firm, entered his appearance as counsel in the BSA Cases on behalf of Mr. Kosnoff and Andrew Van Arsdale, AVA's principal.<sup>22</sup> In the notice of appearance, Mr. Wilks referred to his clients as "*Interested Parties*."<sup>23</sup>

On October 7, 2020, counsel for Century filed a motion to compel the depositions of Mr.

<sup>13</sup> Dkt. Nos. 1106, 1429, 4658; Supplement to Amended Verified Statement of the Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1510); Third Amended Verified Statement of Coalition of Abused Scouts for Justice Pursuant to Bankruptcy Rule 2019 (Dkt. No. 1997).

<sup>14</sup> Motion of the Coalition of Abused Scouts for Justice to Participate in the Mediation (Dkt. No. 1161).

<sup>15</sup> Order Approving the Motion of the Coalition of Abused Scouts for Justice to Participate in the Mediation ¶ 2 (Dkt. No. 1573). The Coalition was also made a party to the Court's Order Approving Confidentiality and Protective Order (Dkt. No. 799). *Id.* ¶ 3.

<sup>16</sup> Dkt. No. 6528 ¶ 5 ("The Participating Parties shall automatically include, without the need to file a Notice of Intent: . . . (c) the Mediation Parties.")

<sup>17</sup> *Id.* ¶ 5 n.3 ("The Mediation Parties as defined shall include: . . . (g) the Coalition.")

<sup>18</sup> Verified Statement of Abused in Scouting Pursuant to Rule of Bankruptcy Procedure 2019 (Dkt. No. 5932).

<sup>19</sup> *See* Declaration of Evan Roberts in Support of the Debtors' Motion Pursuant to Section 105(A) of the Bankruptcy Code and ¶ 27 of the Bar Date Order for Entry of an Order (i) Supplementing the Bar Date Order i (ii) Granting Related Relief, dated Aug, 25, 2020, Exs. A-1, A-2, F-1-F-3, O (Dkt. No. 1145-3).

<sup>20</sup> Dkt. No. 1285-1, Ex. 1.

<sup>21</sup> Declaration of Paul J. Hinton, dated Jan. 22, 2021 ("Hinton Decl.") ¶ 7 & Tab. 1 (Dkt. No. 1975-3).

<sup>22</sup> Entry of Appearance (Dkt. No. 1271).

<sup>23</sup> *Id.* (emphasis added).

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Kosnoff and Mr. Van Arsdale.<sup>24</sup> Also on October 7, 2020, Wilks Law (on behalf of Mr. Kosnoff) filed a motion for a protective order and to quash the notice of deposition.<sup>25</sup> In the motion, Wilks Law does not assert his clients are non-parties to the BSA Cases or that the Court lacks jurisdiction or venue over his clients.

On October 13, 2020, Wilks Law filed an objection to the motion to compel on behalf of Mr. Kosnoff and Mr. Van Arsdale.<sup>26</sup> In an exhibit to the objection—a September 22, 2020 letter to Century—Mr. Wilks states that both Mr. Van Arsdale and Mr. Kosnoff are willing to appear for depositions in the BSA Cases via telephone or video.<sup>27</sup>

In addition to the above, Kosnoff Law and AIS also had their attorneys file the papers listed below. In these papers, Wilks Law did not assert its clients are non-parties to the BSA Cases or that the Court lacks jurisdiction or venue over them:

- On February 5, 2021, on behalf of Mr. Kosnoff, Wilks Law filed an objection to the motion of Insurers for authorization to conduct certain Rule 2004 discovery.<sup>28</sup> On behalf of Mr. Kosnoff, Wilks Law filed a joinder to AIS's objection to the same motion.<sup>29</sup>
- On February 10, 2021, on behalf of Kosnoff Law, Wilks Law filed an omnibus objection to Hartford's and Century's motions to compel Kosnoff Law and AIS to make disclosures required by Rule 2019.<sup>30</sup>
- On July 22, 2021, on behalf of Kosnoff Law, Wilks Law filed a supplemental omnibus objection to Hartford and Century's motions to compel Rule 2019 disclosures.<sup>31</sup>

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<sup>24</sup> Century's Motion to Compel the Depositions of Timothy Kosnoff and Andrew Van Arsdale or in the Alternative to Adjourn the Hearing on the Pending 2019 Motions [D.I. 1144], [D.I. 1161], and [D.I. 1164] (Dkt. No. 1417).

<sup>25</sup> Motion of Tim Kosnoff, Esquire for Protective Order and To Quash Notice of Deposition (Dkt. No. 1420).

<sup>26</sup> See Objection of Timothy Kosnoff, Esquire and Andrew Van Arsdale, Esquire to Century's Mot. to Compel Filed by Timothy Kosnoff, Andrew Van Arsdale (Dkt. No. 1501).

<sup>27</sup> Dkt. No. 1501-1, Ex. 1 ("we agree to the following procedures and limitations for Messrs. Van Arsdale and Kosnoff's depositions . . .").

<sup>28</sup> Objection of Timothy D. Kosnoff, Esquire to Insurers' Motion for an Order Authorizing Rule 2004 Discovery of Certain Proofs of Claim (Dkt. No. 2076).

<sup>29</sup> Dkt. No. 2087. On behalf of Mr. Kosnoff, Wilks Law also filed a joinder to AIS's objection to the motion of Hartford and Century for authorization to conduct certain Rule 2004 discovery. Dkt. No. 2082.

<sup>30</sup> Kosnoff Law's Omnibus Objection to Hartford's and Century's Motions to Compel (Dkt. No. 2142).

<sup>31</sup> Kosnoff Law's Supplemental Omnibus Objection to Hartford's and Century's Motions to Compel Rule 2019 Disclosures (Dkt. No. 5679).

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- On August 9, 2021, the Court ordered Kosnoff Law and AIS to file a verified Rule 2019 statement, which they did later that day.<sup>32</sup>

### C. AVA is a party in the BSA Cases.

AVA is a personal injury law firm and, according to AVA's website, Andrew Van Arsdale is the firm's only attorney and graduated from law school in 2018.<sup>33</sup> In court filings, AVA has used its firm name and Mr. Arsdale's name interchangeably.<sup>34</sup>

As discussed above, AVA, along with Kosnoff Law, were represented by Mr. Wilks of Wilks Law. In a September 8, 2020 filing, Mr. Wilks referred to Mr. Van Arsdale and Mr. Kosnoff as "Interested Parties" in the BSA Cases. On August 13, 2021, on behalf of AVA, Mr. Wilks withdrew his appearance and he was substituted as counsel by Kevin Mann of Cross & Simon LLP, a Wilmington law firm.<sup>35</sup>

In a September 6, 2021 letter to the Court, Cross & Simon, on behalf of AVA, responded and objected to the Court's order granting in part a motion for Rule 2004 discovery.<sup>36</sup> AVA objected because the proposed order authorized discovery from Reciprocity Industries LLC, which is owned by Mr. Van Arsdale. Cross & Simon did not assert AVA or Mr. Arsdale are non-parties to the BSA Cases or that the Court lacks jurisdiction or venue over his clients.

### D. Napoli Shkolnik is a party in the BSA Cases.

A Napoli Shkolnik attorney, Paul J. Napoli,<sup>37</sup> signed 672 POCs, including 331 in the two weeks before the bar date.<sup>38</sup> Napoli Shkolnik has an office in Wilmington with eleven other offices nationwide and describes itself as "a national litigation firm" that specializes in mass tort litigation and class actions.<sup>39</sup> Napoli Shkolnik ran a TV commercial and Boy Scouts Sex Abuse Legal Helpline

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<sup>32</sup> Dkt. Nos. 5902, 5924, 5932.

<sup>33</sup> Exhibits to the Declaration of Janine Panchok-Berry in Support of Century and Hartford's Motion to Compel the Attorneys Representing the Entity Calling Itself the "Coalition" To Submit the Disclosures Required by Federal Rule of Bankruptcy Procedure 2019, dated Aug. 26, 2020, Ex. 6 (Dkt. No. 1166).

<sup>34</sup> Compare Entry of Appearance (Dkt. No. 1271) with Notice of Substitution of Counsel (Dkt. No. 6001).

<sup>35</sup> Dkt. No. 6001.

<sup>36</sup> Letter to the Honorable Laurie Selber Silverstein from Christopher P. Simon, Esq., counsel to AVA Law Group, Inc. Regarding Proposed Order Granting in Part Insurers' Motion for an Order Authorizing Certain Rule 2004 Discovery (Dkt. No. 6166).

<sup>37</sup> In another case, Mr. Napoli has been accused of misconduct by his former law partner. See *Napoli v. Bern*, Index No. 159576/2014, Affidavit of Marc J. Bern in Support of Defendant's Order to Show Cause ¶¶ 9–10 (NYSCEF Doc. No. 9) (Sup. Ct. N.Y. Cty. Nov. 5, 2014).

<sup>38</sup> Hinton Decl. ¶ 7 & Table 1 (Dkt. No. 1975-3).

<sup>39</sup> See Napoli Shkolnik PLLC, <https://www.napolilaw.com/> (last visited Nov. 15, 2021).



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stating that a Victims Compensation Fund is being set up that may be worth over \$1.5. billion.<sup>40</sup>

On August 31, 2020, R. Joseph Hrubiec of Napoli Shkolnik filed an objection to the Debtors' motion to supplement the Court's order regarding the bar date.<sup>41</sup> On September 9, 2020, Mr. Hrubiec moved to admit Mr. Napoli and Brett Bustamante of Napoli Shkolnik *pro hac vice* in the BSA Cases.<sup>42</sup> On October 20, 2021, Mr. Hrubiec withdrew as counsel and substituted his appearance with Katherine Barksdale of Napoli Shkolnik's Wilmington office.<sup>43</sup>

On February 5, 2021, Napoli Shkolnik filed an opposition to Hartford's and Century's motions for Rule 2004 discovery.<sup>44</sup> In the 19-page opposition, Napoli Shkolnik conceded that this Court had jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the District Court, and that venue was proper pursuant to 28 U.S.C. §§ 1408 and 1409.<sup>45</sup> In the opposition, Napoli Shkolnik did not assert it was not a party to the BSA Cases or that the Court lacks jurisdiction or venue over it.

### **E. Krause & Kinsman is a party in the BSA Cases.**

A Krause & Kinsman partner, Adam Krause, signed 2,507 POCs, the most POCs signed by any attorney in these cases.<sup>46</sup> Mr. Krause signed 2,033 POCs in the two weeks before the bar date.<sup>47</sup> Krause & Kinsman worked with a claims' aggregator, Verus Claims Services LLC, to submit its POCs and Verus submitted over 1,900 POCs signed by Mr. Krause.<sup>48</sup> Mr. Krause did not sign these POCs, instead it appears someone cut and pasted a pdf image of Krause's signature on the POC form.<sup>49</sup>

On its website, Krause & Kinsman describes itself as "one of the nation's leading mass-tort & personal injury law firms" whose partners, including Mr. Krause, "have been selected to serve on

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<sup>40</sup> Declaration of Andrew Kirschenbaum in Support of Century's Motion for an Order Authorizing Rule 2004 Discovery of Certain Proofs of Claim, dated Jan. 22, 2021 ("Kirschenbaum Decl.") ¶ 18 (Dkt. No. 1975-1).

<sup>41</sup> Objection of Napoli Shkolnik PLLC to Debtors' Motion to Supplement the Bar Date Order (Dkt. No. 1200).

<sup>42</sup> Motion and Order for Admission Pro Hac Vice of Paul Napoli (Dkt. No. 1289); Motion and Order for Admission *Pro Hac Vice* of Brett S. Bustamante (Dkt. No. 1290).

<sup>43</sup> Notice of Substitution of Counsel, Notice of Appearance, Request for Claimants for Service of Notices and Documents (Dkt. No. 6732).

<sup>44</sup> Napoli Shkolnik PLLC's Opposition to Hartford and Century's Motions for (1) an Order (i) Authorizing Certain Rule 2004 Discovery and (ii) Granting Leave from Local Rule 3007-1(f) to Permit the Filing of Substantive Omnibus Objections and (2) Insurers' Motion for an Order Authorizing Rule 2004 Discovery Certain Proofs of Claim (Dkt. No. 2090).

<sup>45</sup> *Id.* ¶¶ 13, 14.

<sup>46</sup> Hinton Decl. ¶ 7 & Table 1 (Dkt. No. 1975-3).

<sup>47</sup> *Id.*

<sup>48</sup> Declaration of Erich J. Speckin, dated Jan. 22, 2021 ¶ 18 (Dkt. No. 1975-4).

<sup>49</sup> *Id.*

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steering committees for some of the largest pharmaceutical mass-tort cases.”<sup>50</sup> Krause & Kinsman retained Conaway-Legal LLC, a Wilmington law firm, and Wendt Law Firm P.C. to represent the Firm in these cases.

On February 5, 2021, Conaway-Legal moved to admit Mr. Krause *pro hac vice* in the BSA Cases and Samuel Wendt of Wendt Law *pro hac vice* to “represent various clients of Krause & Kinsman and its attorneys in the above-captioned case.”<sup>51</sup> The same day, on behalf of Krause & Kinsman, Conaway-Legal and Wendt Law filed a joinder to the Coalition’s objection to Rule 2004 discovery.<sup>52</sup> In the joinder, Krause & Kinsman did not assert it was not a party to the BSA Cases or that the Court lacks jurisdiction or venue over it.

#### **F. ASK and Andrews & Thornton are each a party in the BSA Cases.**

ASK and Andrews & Thornton jointly retained counsel to represent them in these the BSA Cases, A.M. Saccullo Legal, LLC, a Wilmington, Delaware law firm, and Robbins Russell.<sup>53</sup> An ASK attorney, David Stern, signed 1,490 POCs, including 686 in the two weeks before the bar date.<sup>54</sup> An Andrews & Thornton attorney, Sean Higgins, signed 955 POCs, including 951 in the two weeks before the bar date.<sup>55</sup>

ASK has appeared on behalf of clients in several other bankruptcies before this Court.<sup>56</sup> ASK, a law firm with offices in New York City and St. Paul, Minnesota, describes itself as “one of the nation’s leading law firms” for the recovery and defense of avoidance actions, enforcement of individual unsecured creditors’ rights, and providing general bankruptcy advice.<sup>57</sup>

Andrews & Thornton received outside financing based on filing POCs and recoveries from the POCs. The financing came from Catalur Capital Management, a New York-based hedge fund,

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<sup>50</sup> See Krause & Kinsman Law Firm, <https://krauseandkinsman.com/> (last visited Nov. 15, 2021).

<sup>51</sup> Motion and Order for Admission *Pro Hac Vice* of Adam Krause (Dkt. No. 2072); Motion and Order for Admission *Pro Hac Vice* of Samuel Wendt (Dkt. No. 2075).

<sup>52</sup> Joinder of Krause and Kinsman to the Coalition of Abused Scouts for Justice Objection to Insurers’ Motion for an Order Authorizing Rule 2004 Discovery of Certain Proofs of Claim [D.I. 1974] (Dkt. No. 2078).

<sup>53</sup> On February 3, 2021, A.M. Saccullo moved to admit five attorneys from Robbins Russell *pro hac vice* in the BSA Cases to represent Andrews & Thornton and ASK. See Dkt. Nos. 2012-2016.

<sup>54</sup> Hinton Decl. ¶ 7 & Table 1 (Dkt. No. 1975-3).

<sup>55</sup> *Id.*

<sup>56</sup> See News and Events, ASK LLP, <https://askllp.com/news/> (last visited Nov. 15, 2021). These cases include: *In re Samson Resources Corp.*, Case No. 15-11934 (Bankr. D. Del.), *In re Quicksilver Resources Inc.*, Case No. 16-11452 (Bankr. D. Del.), *In re Radioshack Corp.*, Case No. 15-10197 (Bankr. D. Del.), *In re Exide Technologies*, Case No. 13-11482 (Bankr. D. Del.), *In re Deb Stores Holding LLC*, Case No. 14-12676 (Bankr. D. Del.), *In re AFA Investment Inc.*, Case No. 12-11127 (Bankr. D. Del.), *In re NewPage Corp.*, Case No. 11-12804 (Bankr. D. Del.), *In re WP Steel Venture LLC*, Case No. 12-11661 (Bankr. D. Del.). *Id.*

<sup>57</sup> See About ASK LLP, ASK LLP <https://askllp.com/about/> (last visited Nov. 15, 2021).



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which secured its investment with recoveries from the BSA Cases.<sup>58</sup> Andrews & Thornton can recover up to 40% of what is paid on a POC.<sup>59</sup> Andrews & Thornton describes itself as having “earned a national reputation as effective mass tort advocates and have been asked to participate with mass tort leadership in California, New York, Massachusetts, New Jersey, and Minnesota.”<sup>60</sup>

On February 5, 2021, on behalf of ASK and Andrews & Thornton, A.M. Saccullo and Robbins Russell filed an objection to a motion for Rule 2004 discovery.<sup>61</sup> In its 17-page objection, A.M. Saccullo and Robbins Russell did not assert that ASK or Andrews & Thornton were non-parties to the BSA Cases or that the Court lacked jurisdiction or venue over their clients. On February 18, 2021, attorneys for Andrews & Thornton and ASK appeared at the hearing before the Court relating to the motion.<sup>62</sup>

### **G. The Firms have refused to respond to the Insurers’ Discovery Requests.**

Pursuant to the Court’s Scheduling Order, the Insurers are “Participating Parties” to the Confirmation Proceedings. The Court authorized Participating Parties to “serve confirmation-related discovery pursuant to Rule 9014, including by seeking documents from the Debtors, other parties in interest, and any third parties.”<sup>63</sup> On October 8, 2021, the Insurers served their first set of document requests and interrogatories on Kosnoff Law, AVA, Napoli Shkolnik, Krause & Kinsman, Andrews & Thornton, and ASK.<sup>64</sup> The document requests and interrogatories requested that the Firms respond on or before October 22, 2021.<sup>65</sup>

Each of the Firms responded to the Discovery Requests with near-identical letters.<sup>66</sup> In the letters, each Firm asserted it was not a party to the BSA Cases and the Firm was not a “Participating

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<sup>58</sup> Kirschenbaum Decl., Exs. 9, 15, 16 (Dkt. No. 1975-1).

<sup>59</sup> Kirschenbaum Decl., Exs. 9 at 3 (Dkt. No. 1975-1).

<sup>60</sup> About Our Firm, Andrews & Thornton, Attorneys at Law, <https://andrewsthornton.com/our-firm/> (last visited Nov. 15, 2021). The license of Andrews & Thornton name and managing partner, Anne Andrews, was previously suspended by the California State Bar. *See* Kirschenbaum Decl., Ex. 7 (Dkt. No. 1975-1).

<sup>61</sup> Objection of Andrews & Thornton, Attorneys at Law, and ASK LLP to Insurers’ Motion for an Order Authorizing Rule 2004 Discovery (Dkt. No. 2095).

<sup>62</sup> Feb. 18, 2021 H’rg Tr.

<sup>63</sup> Dkt. No. 6528 ¶ 9.

<sup>64</sup> Declaration of Robert D. Cecil, Jr. in Support of Insurers’ Omnibus Motion to Compel Kosnoff Law PLLC, AVA Law Group, Napoli Shkolnik PLLC, Krause & Kinsman Law Firm, Andrews & Thornton, Attorneys at Law, and ASK LLP to Respond to Document Requests and Interrogatories, dated Nov. 15, 2021 (“Cecil Decl.”), Exs. 1, 2, 5-8, 12, 13, 17, 18; Notice of Service of Zurich’s First Set of Requests for Production of Documents Directed to Law Firm Parties (Dkt. No. 6569).

<sup>65</sup> *E.g., id.*, Exs. 1, 2.

<sup>66</sup> *Id.*, Exs. 3, 4, 9, 14, 19.

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Party”.<sup>67</sup> Each Firm requested that the Insurers withdraw document requests and interrogatories.<sup>68</sup> Some Firms added additional objections in the letters, including:

- Despite Napoli Shkolnik having an office in Delaware, the Firm argued that any subpoena would have to be heard in the Eastern District of New York where Napoli Shkolnik’s principal office is located.<sup>69</sup>
- Wilks Law asserted its client “Kosnoff Law represents individuals who have filed proofs of claim on behalf of claimants it represents, but Kosnoff Law has filed no proof of claim for itself.”<sup>70</sup>

The Insurers responded to the letters stating they did not agree with the Firm’s assertions that they were non-parties and requested each Firm to respond to the Discovery Requests.<sup>71</sup> Between October 29 and November 5, 2021, counsel for the Zurich Insurers met and conferred with counsel for Firms.<sup>72</sup> The Zurich Insurers offered to withdraw the properly served Discovery Requests if each of the Firms would (i) accept service of and respond to a subpoena requesting the same information as set forth in the Discovery Requests and (ii) agree to have any disputes with such subpoenas heard by this Court. Each Firm has refused to agree to this reasonable offer.<sup>73</sup> As a result, the Insurers have been forced to file this motion to compel.

## ARGUMENT

### I. Each Firm is a party to the BSA Cases and subject to party discovery.

Discovery under the Federal Rules is broad. Rule 26(b) states that “parties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party.” The Third Circuit liberally construes “party in interest” under Section 1109(b) of the Code emphasizing the “stake in the proceeding” rather than nominal title.<sup>74</sup>

In *In re Mirant Corp.*, in granting a Rule 2004 motion, a Texas bankruptcy court found:

[A]s to jurisdiction over Respondents, while a true third party target of a subpoena may be entitled to require subpoenas from local courts, Respondents are parties in interest in these cases. They are creditors who have participated in these chapter 11 cases. . . . The court would be surprised if their affiliates are not actively trading in securities of Debtors. . . . Respondents are entities that operate nationally. It would be anomalous to

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<sup>67</sup> *E.g., id.*, Ex. 3.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*, Ex. 14.

<sup>70</sup> *Id.*, Ex. 4.

<sup>71</sup> *E.g., id.*, Exs. 10, 15. Counsel for some of the Firms responded reiterating their position that their clients were not parties in the BSA Cases. *Id.*, Exs. 11, 16.

<sup>72</sup> *Id.* ¶¶ 6, 8, 16, 22, 26.

<sup>73</sup> *Id.*

<sup>74</sup> *In re Amatex Corp.*, 755 F.2d 1034, 1042 (3d Cir. 1985).

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permit them to evade this court's reach and the necessity of cooperating in a time-sensitive investigation.<sup>75</sup>

Each of the Firms has characterized itself as a party, and have acted as a party. There can be no doubt the Firms have a substantial interest and direct involvement in the BSA Cases. They have engaged counsel who has filed papers with the Court. Through these filings, the Firms have conceded that they have standing and acknowledged that they have a sufficient legal interest to be parties to the BSA Cases. Nowhere have these Firms asserted—prior to the discovery at issue—that they are non-parties in the BSA Cases or that the Court lacks jurisdiction or venue over them.

The Firms have also taken the following actions as parties:

- All of the Firms are or were part of the Coalition. This Court has found that the Coalition is a “Mediation Party” and therefore a “Participating Party.” to the Confirmation Proceedings.<sup>76</sup> As current members of the Coalition, Napoli Shkolnik, Krause & Kinsman, Andrews & Thornton, and ASK are therefore Participating Parties as well.
- The Firms are either part of the Coalition or AIS, both of whom have been ordered by this Court to make Rule 2019 disclosures and have made such disclosures.

Thus, the Court should order each Firm to respond to the Discovery Requests as a party.

**II. If this Court finds any Firm is a not a party, such Firms still must respond to the Discovery Requests as parties because each Firm has comported itself as a party and controls a participating party.**

A non-party which “comports itself as a party” in litigation must produce documents pursuant to Rule 34.<sup>77</sup> Courts permit discovery pursuant to Rule 34 from certain non-parties because a “third party with a substantial interest in the litigation cannot be allowed to frustrate the rules of discovery to the disadvantage of another party.”<sup>78</sup>

In *Compagnie Francaise*, a district court in the Southern District of New York held that certain French ministries were subject to Rule 34 discovery, despite their formal status as non-parties, where

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<sup>75</sup> 326 B.R. 354, 357 (Bankr. N.D. Tex. 2005).

<sup>76</sup> Dkt. No. 6528 ¶ 5.

<sup>77</sup> *Nat'l Union Fire Ins. Co. v. Rbone-Poulenc Basic Chems. Co.*, 1992 Del. Super. LEXIS 591, at \*17-18 (Del. Super. Aug. 7, 1992) (“A non-party which comports itself as a party in all phases of litigation may not frustrate the discovery process by refusing to furnish documents in its possession.”); *In re Jee*, 104 B.R. 289, 295-96 (Bankr. C.D. Cal. 1989) (“[s]everal courts have concluded that a non-party could be compelled to comply with discovery requests made pursuant to Rule 34 where the non-party has a substantial interest in the litigation and is playing the role of a party.”) (internal quotation marks omitted).

<sup>78</sup> *In re Infant Formula Antitrust Litig.*, 1992 WL 503465, at \*10 (N.D. Fla. Jan. 13, 1992); *see also Bank of N.Y. v. Meridien BLAO Bank Tanzania Ltd.*, 171 F.R.D. 135, 148 (S.D.N.Y. 1997); *Super Film of Am., Inc. v. UCB Films, Inc.*, 219 F.R.D. 649, 654 (D. Kan. 2004).

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their agent was a party in the matter.<sup>79</sup> The court found that one ministry was the “moving force” and another ministry “played a part” in the contractual dispute underlying the litigation. The court also found that the ministries were the ultimate beneficiaries of any award. As a result, those ministries had to respond to Rule 34 discovery as if they *were* a party.<sup>80</sup> The *Compagnie* court further found that a controlling entity could not shield itself from discovery by having its agent as the named party in a matter.<sup>81</sup> As the *Compagnie* court held, it is “unacceptable” to shield controlling entities from discovery because they had an agent “do their bidding.”<sup>82</sup>

As in *Compagnie*, the Firms should not be allowed to hide behind the Coalition—a participating party in this litigation. At a minimum, each Firm has acted as a party by controlling a participating party and because of their substantial interest in the outcome of these cases.

**III. If any of the Firms are not subject to party discovery, the Firms must respond to subpoenas, and any disputes concerning such subpoenas should be heard and resolved by this Court.**

To the extent this Court finds any Firm can respond to discovery in the BSA Cases only through a subpoena issued pursuant to Rule 45, this Court should find that (i) the Firms must accept service of and respond within three days to a subpoena requesting the same documents as set forth in the Discovery Requests, and (ii) any disputes concerning such subpoenas will be heard and resolved by this Court.

District courts have found that non-parties “should not be permitted to rely on . . . non-party status to frustrate discovery efforts . . . .”<sup>83</sup> And non-parties in bankruptcy cases have been held in contempt for refusing to comply with subpoenas when the non-parties “had actual notice of the proceeding.”<sup>84</sup> In demanding that the Insurers litigate the subpoenas before other district courts, the Firms appear to be referring to Rule 45(c), which provides the place of compliance to a subpoena must be within 100 miles or within the state of where a person resides, is employed, or regularly transacts business. As set forth above, given their substantial involvement in the BSA Cases, the Firms clearly “regularly transact business” in Delaware.

Even if the Firms did not “regularly transact business” in Delaware, non-parties are not subject to Rule 45(c)’s 100-mile limitation when the subpoena does not require the travel or attendance of any witnesses and only requests the production of documents electronically.<sup>85</sup> This is precisely what is sought in the Discovery Requests: the electronic production of documents. The Discovery Requests do not require any travel to Delaware for deposition or in-person attendance at hearings. In any event,

<sup>79</sup> *Compagnie Francaise D’Assurance Pour Le Commerce Exterieur v. Phillips Petroleum Co.*, 105 F.R.D. 16, 33-34 (S.D.N.Y. 1984).

<sup>80</sup> *Id.* at 34.

<sup>81</sup> *Id.* (citing *Solentanche & Rodio, Inc., v. Brown & Lambrect Earth Movers, Inc.*, 99 F.R.D. 269, 272 (N.D. Ill. 1983)).

<sup>82</sup> *Id.* at 35.

<sup>83</sup> *Cohen v. Doyaga*, 2001 WL 257828, at \*3 (E.D.N.Y. Mar. 9, 2001).

<sup>84</sup> *Id.*

<sup>85</sup> *Curtis v. Progressive N. Ins. Co.*, 2018 WL 2976432, at \*2 (W.D. Okla. June 13, 2018).

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due to COVID-19, depositions and hearings in the BSA Cases are virtual, which further eliminates any purported burden claim.

The Firms will also not be burdened by this Court resolving disputes regarding subpoenas. In addition to filing thousands of POCs, each of the Firms has filed papers with the Court. Napoli Shkolnik has an office in Delaware and the rest of the Firms have retained counsel located in Delaware. The Coalition also retained counsel located in Delaware.

Moreover, there can be no question that this Court is best situated to resolve any disputes regarding the subpoenas as opposed to a court in another forum. This Court is intimately familiar with these complex cases and is already considering issues relevant to resolving disputes with the subpoenas, including privilege, relevance, burden, and confidentiality in connection with discovery served on other claimant firms and associated entities. This Court also understands how resolving this dispute will affect the BSA Cases.<sup>86</sup> Unlike other courts, this Court can resolve any disputes expeditiously without protracted briefing and in accordance with the accelerated discovery schedule.<sup>87</sup>

The Firms received the Discovery Requests over a month ago. If the Insurers are forced to litigate the subpoenas before other courts, the Firms will be able to successfully run out the clock on the Discovery Requests. Parties like the Firms with a substantial interest in the outcome of these cases should not be permitted to frustrate the discovery process and the resolution of issues in these cases. The Firms do not have any valid objection to responding to subpoenas requesting the same information as set forth in the Discovery Requests and having any disputes with such subpoenas heard by this Court.

\* \* \*

For the reasons set forth herein, the Insurers respectfully request that this Court grant the relief requested by the Insurers.

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<sup>86</sup> See, e.g., *Adderley v. Three Angels Broad. Networks, Inc.*, 2019 WL 4204327, at \*1–2 (S.D. Ill. Sept. 5, 2019); *Wultz v. Bank of China, Ltd.*, 304 F.R.D. 38, 46-47 (D.D.C. 2014).

<sup>87</sup> Dkt. No. 6568.

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Respectfully submitted,

/s/ Kelly T. Currie

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Company, American Guarantee and Liability  
Insurance Company, and Steadfast Insurance  
Company



**Local Rule 7026-1 (d) Certification**

I hereby certify that a reasonable effort was made to reach agreement with the opposing parties on the matters set forth in the motion.

/s/ Robert D. Cecil, Jr.  
Robert D. Cecil, Jr. (No. 5317)

**Exhibit 1 – List of Joining Insurers**

1. Indian Harbor Insurance Company
2. Century Indemnity Company
3. Claredon American Insurance Company
4. Allianz Global Risks US Insurance Company
5. Great American Assurance Company
6. AIG Companies
7. Old Republic
8. Arrowood Indemnity Company
9. National Surety Corporation
10. The Zurich Insurers

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**DECLARATION OF ROBERT D. CECIL, JR. IN SUPPORT OF  
INSURERS' OMNIBUS MOTION TO COMPEL KOSNOFF LAW PLLC,  
AVA LAW GROUP, INC., NAPOLI SHKOLNIK, PLLC, KRAUSE & KINSMAN  
LAW FIRM, ANDREWS & THORNTON, ATTORNEYS AT LAW, AND  
ASK LLP TO RESPOND TO DOCUMENT REQUESTS AND INTERROGATORIES**

ROBERT D. CECIL, JR., pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a member of the bar of Delaware, and I am a member at the firm Tybout, Redfearn & Pell, attorneys for American Zurich Insurance Company, American Guarantee and Liability Insurance Company, and Steadfast Insurance Company (collectively, "Zurich Insurers").

2. I submit this declaration in support of *Insurers' Omnibus Motion to Compel Kosnoff Law PLLC, AVA Law Group, Inc., Napoli Shkolnik, PLLC, Krause & Kinsman Law Firm, Andrews & Thornton, Attorneys at Law, and ASK LLP to Respond to Document Requests and Interrogatories.*

3. Attached hereto as **Exhibit 1** is a true and correct copy of Certain Insurers' First Set of Interrogatories to AVA Law Group, Inc., Kosnoff Law PLLC, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as Doing Business as Abused in Scouting, dated

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<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 W. Walnut Hill Lane, Irving, TX 75038.

October 8, 2021.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Certain Insurers' First Set of Requests for the Production of Documents to AVA Law Group, Inc., Kosnoff Law PLLC, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as Doing Business as Abused in Scouting, dated October 8, 2021.

5. Attached hereto as **Exhibit 3** is a true and correct copy of the letter response of AVA Law Group, Inc. ("AVA") to Certain Insurers' interrogatories and document requests, dated October 18, 2021.

6. The Zurich Insurers met and conferred with counsel to AVA in good faith, including during a phone call on October 27, 2021 and by emails, dated October 29, 2021 through November 1, 2021. The Zurich Insurers offered to withdraw the properly served interrogatories and document requests if AVA agreed to (i) accept service of and respond to a subpoena requesting the same information as set forth in the document requests and (ii) agree to have any disputes with such subpoenas heard by this Court. The parties were unsuccessful in reaching a resolution of their dispute.

7. Attached hereto as **Exhibit 4** is a true and correct copy of a letter response on behalf of Kosnoff Law PLLC ("Kosnoff Law") to the interrogatories and document requests issued by Certain Insurers, dated October 22, 2021.

8. The Zurich Insurers met and conferred with counsel to Kosnoff Law in good faith, including during a phone call on November 5, 2021 and by email, dated November 6, 2021. The Zurich Insurers offered to withdraw the properly served interrogatories and document requests if Kosnoff Law agreed to (i) accept service of and respond to a subpoena requesting the same information as set forth in the document requests and (ii) agree to have any disputes with such

subpoenas heard by this Court. The parties were unsuccessful in reaching a resolution of their dispute.

9. Attached hereto as **Exhibit 5** is a true and correct copy of Certain Insurers' First Set of Interrogatories to ASK LLP, dated October 8, 2021.

10. Attached hereto as **Exhibit 6** is a true and correct copy of Certain Insurers' First Set of Requests for the Production of Documents to ASK LLP, dated October 8, 2021.

11. Attached hereto as **Exhibit 7** is a true and correct copy of Certain Insurers' First Set of Interrogatories to Andrews & Thornton, Attorneys at Law, dated October 8, 2021.

12. Attached hereto as **Exhibit 8** is a true and correct copy of Certain Insurers' First Set of Requests for the Production of Documents to Andrews & Thornton, Attorneys at Law, dated October 8, 2021.

13. Attached hereto as **Exhibit 9** is a true and correct copy of a letter response on behalf of Andrews & Thornton, Attorneys at Law ("Andrews & Thornton") and ASK LLP ("ASK") to the interrogatories and document requests issued by Certain Insurers, dated October 15, 2021.

14. Attached hereto as **Exhibit 10** is a true and correct copy of Certain Insurers' letter response to Andrews & Thornton and ASK, dated October 16, 2021.

15. Attached hereto as **Exhibit 11** is a true and correct copy of a letter response on behalf of Andrews & Thornton and ASK to the interrogatories and document requests issued by Certain Insurers, dated October 21, 2021.

16. The Zurich Insurers has met and conferred with counsel to Andrews & Thornton in good faith, including during phone calls on October 29, 2021 and November 3, 2021, and by emails, dated November 8, 2021 through November 9, 2021. The Zurich Insurers offered to withdraw the properly served interrogatories and document requests if Andrews & Thornton and

ASK agreed to (i) accept service of and respond to a subpoena requesting the same information as set forth in the document requests and (ii) agree to have any disputes with such subpoenas heard by this Court. The parties were unsuccessful in reaching a resolution of their dispute.

17. Attached hereto as **Exhibit 12** is a true and correct copy of Certain Insurers' First Set of Interrogatories to Napoli Shkolnik, PLLC, dated October 8, 2021.

18. Attached hereto as **Exhibit 13** is a true and correct copy of Certain Insurers' First Set of Requests for the Production of Documents to Napoli Shkolnik, PLLC, dated October 8, 2021.

19. Attached hereto as **Exhibit 14** is a true and correct copy of a letter response on behalf of Napoli Shkolnik, PLLC ("Napoli Shkolnik") to the interrogatories and document requests issued by Certain Insurers, dated October 13, 2021.

20. Attached hereto as **Exhibit 15** is a true and correct copy of Certain Insurers' letter response to Napoli Shkolnik, dated October 16, 2021.

21. Attached hereto as **Exhibit 16** is a true and correct copy of a letter response on behalf of Napoli Shkolnik to the interrogatories and document requests issued by Certain Insurers, dated October 21, 2021.

22. The Zurich Insurers met and conferred with counsel to Napoli Shkolnik in good faith, including during phone calls on November 2, 2021 and November 3, 2021, and by emails, dated November 2, 2021 through November 11, 2021. The Zurich Insurers offered to withdraw the properly served interrogatories and document requests if Napoli Shkolnik agreed to (i) accept service of and respond to a subpoena requesting the same information as set forth in the document requests and (ii) agree to have any disputes with such subpoenas heard by this Court. The parties were unsuccessful in reaching a resolution of their dispute.



23. Attached hereto as **Exhibit 17** is a true and correct copy of Certain Insurers' First Set of Interrogatories to Krause & Kinsman Law Firm, dated October 8, 2021.

24. Attached hereto as **Exhibit 18** is a true and correct copy of Certain Insurers' First Set of Requests for the Production of Documents to Krause & Kinsman Law Firm, dated October 8, 2021.

25. Attached hereto as **Exhibit 19** is a true and correct copy of a letter response on behalf of Krause & Kinsman Law Firm ("Krause & Kinsman") to the interrogatories and document requests issued by Certain Insurers, dated October 19, 2021.

26. The Zurich Insurers met and conferred with counsel to Krause & Kinsman in good faith, including during a phone call on November 2, 2021, and by emails, dated November 2, 2021 through November 3, 2021. The Zurich Insurers offered to withdraw the properly served interrogatories and document requests if Krause & Kinsman agreed to (i) accept service of and respond to a subpoena requesting the same information as set forth in the document requests and (ii) agree to have any disputes with such subpoenas heard by this Court. The parties were unsuccessful in reaching a resolution of their dispute.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 15, 2021  
Wilmington, Delaware

/s/ Robert D. Cecil, Jr.

Robert D. Cecil, Jr. (No. 5317)

# Exhibit 1

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF INTERROGATORIES  
TO AVA LAW GROUP, KOSNOFF LAW, AND EISENBERG, ROTHWEILER,  
WINKLER, EISENBERG & JECK, P.C. INDIVIDUALLY AND AS DOING  
BUSINESS AS ABUSED IN SCOUTING**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, Certain Insurers listed in the signature blocks that follow hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Ava Law Group, Kosnoff Law, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as doing Business as Abused in Scouting serve written responses to the requests contained herein, and produce the items specified below, electronically to the Insurers' counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.

6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.
10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.
11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.
12. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Interrogatories. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.
2. The terms used in these Interrogatories are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Interrogatory. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
3. These Interrogatories shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Interrogatories, such additional information is to be promptly produced.



4. If any part of the Interrogatories cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

5. If you object to any of these Interrogatories, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Interrogatory, you shall respond to any other portions of such Interrogatory as to which there is no objection and state with specificity the grounds of the objection.

6. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

#### **Interrogatories**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), identify the attorneys in Your Firm who spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting the Claim Form.

3. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, state, with the associated claim number, identify the following:
- a. whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant;
  - b. when the Claim Form was signed;
  - c. whether Your law firm or a non-law firm business submitted the Claim to Omni and, if a non-law firm business, its name;
  - d. the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing;
  - e. list all actions You took to confirm the existence of evidentiary support for the facts set forth in the Claim Form, including the date on which the action was taken and the amount of time the action took to complete;
  - f. list all documents You reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

DATED: October 8, 2021

/s/Robert D. Cecil Jr.

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# Exhibit 2

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF REQUESTS  
FOR THE PRODUCTION OF DOCUMENTS FROM AVA LAW GROUP,  
KOSNOFF LAW, AND EISENBERG, ROTHWEILER, WINKLER, EISENBERG &  
JECK, P.C. INDIVIDUALLY AND AS DOING BUSINESS AS ABUSED IN  
SCOUTING**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, the Certain Insurers listed in the signature blocks that follow, hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Ava Law Group, Kosnoff Law, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as doing Business as Abused in Scouting serve written responses to the requests contained herein, and produce the items specified below, electronically to the undersigned counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or

other representatives of such entities.

6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your

direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “Request” means

13. “You” or “Your” means the person on whom this discovery is served.

#### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Requests. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Requests are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Request. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Requests shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Requests, such additional information is to be promptly produced.

4. You are required to produce all Documents and all other materials described below that is in your actual or constructive possession, custody, or control, including in the possession, custody, or control of current or former employees, officers, directors, agents, agents' representatives, consultants, contractors, vendors, or any fiduciary or other third parties, wherever those Documents and materials are maintained, including on personal computers, PDAs, wireless devices, or web-based email systems such as Gmail, Yahoo, etc.

5. You must produce all Documents in your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by you or hardware owned and/or maintained by a third party that stores data on your behalf.

6. Documents not otherwise responsive to these Requests should be produced: (a) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (b) if such Documents are attached to, enclosed with, or accompany

7. Documents called for by these Requests; or (c) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.



8. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

9. If any Document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection, mediation privilege, or any other claimed privilege or exemption from production, then in answer to such Request or part thereof, for each such Document, you must:

- a. Identify the type, title and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;
- c. Identify all authors, addressees, and recipients of the Document, including information about such persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) and the factual basis for the claim.

10. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege, work-product doctrine, or mediation privilege. In the event any Documents are produced with redactions, a log setting forth the information requested in Instruction 8 above must be provided.

11. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; and/or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and

identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If any part of the Requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

13. If you object to any of these Requests, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Request, you shall respond to any other portions of such Request as to which there is no objection and state with specificity the grounds of the objection.

14. If the identity of Documents responding to a Request is not known, then that lack of knowledge must be specifically indicated in the response. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

#### **Manner of Production**

1. All Documents produced in response to the Subpoena shall be provided in either native file ("native") or single-page 300 dpi-resolution group IV TIF format ("tiff") format as specified below, along with appropriately formatted industry-standard database load files and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in tiff format, each Document shall be produced along with a

multi-page, Document-level searchable text file (“searchable text”) as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition (“OCR”) program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the “.dat file” as described below.

2. Database Load Files and Production Media Structure: Database load files shall consist of: (i) a comma-delimited values (“.dat”) file containing: production Document identifier information, data designed to preserve “parent and child” relationships within Document “families,” reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon (“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

3. Electronic Documents and Data, Generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Coalition, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and Attachments, and Other Email Account-Related Documents: All

Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including but not limited to Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Coalition.

5. Documents and Data Created or Stored in or by Structured Electronic Databases: With the exclusion of email and email account-related Documents and data, all Documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Coalition to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied by reasonably detailed documentation explaining the Documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include:

- a. XML format file(s);
- b. Microsoft SQL database(s);
- c. Access database(s); and/or
- d. fixed or variable length ASCII delimited files.

6. Spreadsheets, Multimedia, and Non-Standard File Types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a

native file has been produced. A “Nativelink” entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent You have other file types that do not readily or easily and accurately convert to tiff and searchable text, You may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled “Natives.”

7. “Other” Electronic Documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe .pdf files and other formats), and text files shall be produced in tiff and searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper Documents: Documents originally created or stored on paper shall be produced in tiff format. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent Document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests for Production.

### **Requests for Production**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, provide any authorization forms or documents authorizing the Attorney

who signed the Claim Form to do so. Identify by claim number which authorization applies to which Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), documents sufficient to show which attorneys in Your Firm spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

3. Documents sufficient to identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting Claim Forms.

4. For each Claim Form submitted to Omni by Your law firm, all documents related to whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant.

5. For each Claim Form submitted to Omni by Your law firm, all documents related to when the Claim Form was signed by the Attorney at Your law firm.

6. For each Claim Form submitted to Omni by Your law firm, documents to identify the entity that submitted the Claim Form.

7. For each Claim Form submitted to Omni by Your law firm, documents reflexing the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing.

8. For each Claim Form submitted to Omni by Your law firm, all documents, including but not limited to time entries, reflecting or relating to the actions Your

law firm took to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

9. For each Claim Form submitted to Omni by Your law firm, all catalogs or documents itemizing the materials Your law firm reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

10. For each Claim Form submitted to Omni by or on behalf of Your law firm that was signed by an Attorney, all documents relating to the inquiry You, or anyone working at Your direction, conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form. Identify by claim number which document relates to which Claim Form.

11. All contracts or agreements (whether formal or informal) entered into by You or Your law firm in connection with soliciting, acquiring access to, interacting with, executing signatures, or vetting claimants or potential claimants in the Chapter 11 Cases.

12. All contracts, agreements, and any other documents and communications relating to financing by third-party funders of Your law firm's work related to the Chapter 11 Cases.

13. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim Forms.

14. For each Claim Form submitted to Omni by Your law firm, the original PDF of the Claim Form created at your firm and transmitted to Omni, in native format, including all associated metadata.

15. For each Claim Form submitted to Omni by Your law firm where You signed a standalone signature page (page 12 of the Claim Form) rather than the signature page that was part of the document containing the complete Claim Form, (a) the original file containing the signed signature page (page 12 of the Claim Form), in native format, including all associated metadata; and (b) the original file containing the completed Claim Form that was filled in without Your signature in native format, including all associated metadata.

16. For each document responsive to the above request identify by claim number each Claim Form or Claim Forms and signed standalone signature pages were submitted with it.

17. All documents reflecting communications between You (or Your law firm) and any non-law firm business pertaining to ownership of or financial interest in claims in the Chapter 11 Cases, including but not limited to any marketing of claims in Chapter 11 cases or any financial interest therein, any offers to sell or transfer claims in the Chapter 11 Cases, and communications pertaining to financing secured by an interest in any potential recovery on the claims in the Chapter 11 Cases.



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October 18, 2021

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**RE: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)***

CROSS & SIMON, LLC  
OCTOBER 18, 2021  
PAGE 2 OF 3

Dear Counsel:

This firm represents non-party AVA Law Group, Inc. in connection with the above-referenced matter (the “BSA Chapter 11 Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). We are in receipt of *Certain Insurers’ First Set of Requests for the Production of Documents to AVA Law Group, Kosnoff Law, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as Doing Business as Abused in Scouting* (the “Requests for Production”) and *Certain Insurers’ First Set of Interrogatories to AVA Law Group, Kosnoff Law, and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. Individually and as Doing Business as Abused in Scouting* (the “Interrogatories”), each dated October 8, 2021. We offer this response solely on behalf of the AVA Law Group, Inc.

The Requests for Production and Interrogatories are directed to AVA Law Group, Inc. “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014”. However, AVA Law Group, Inc. is not a party to the BSA Chapter 11 Cases, let alone a “Participating Party” in accordance with the Bankruptcy Court’s *Order (I) Scheduling Certain Dates and Deadlines in Connection with Confirmation of the Debtors’ Plan of Reorganization, (II) Establishing Certain Protocols, and (III) Granting Related Relief* [D.I. 6528]. The AVA Law Group, Inc. has filed certain proofs of claim on behalf of claimants it represents, but AVA Law Group, Inc., in its own capacity, is not a party in interest in the BSA Chapter 11 Cases, and AVA Law Group, Inc. has not made any demands or requests in the BSA Chapter 11 Cases in its own right. As you well know, interrogatories may only be served on a party. Fed. R. Civ. P. 33(a)(1) (“ . . . a party may serve on any other **party** no more than 25 written interrogatories . . .”) (emphasis added); *see* Fed. R. Bankr. P. 7033 (“Interrogatories to Parties”). The same concept applies to requests for production of documents. Fed. R. Civ. P. 34(a)(1).

While documents, of course, may be discovered from non-parties, they must be discovered by a subpoena properly issued and served in accordance with Rule 45 of the Federal Rules of Civil Procedure. The Requests for Production are party notice-style document requests issued under Rule 34 and expressly “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014,” not a properly issued and served subpoena.

Therefore, as AVA Law Group, Inc. is not a party, we request that you immediately confirm that you have withdrawn the Interrogatories and Requests for Production.

We are aware that subpoenas issued from the United States Bankruptcy Court for the Southern District of California have been directed to AVA Law Group, Inc. and its principal, Mr. Andrew Van Arsdale, Esquire. This firm is not authorized to accept service of these subpoenas and our client reserves and expressly does not waive any and all rights with respect to these subpoenas, including all rights to object to the subpoenas pursuant to Rule 45(d)(2)(B) or to move to quash the subpoenas pursuant to Rule 45(d)(3). Pursuant to Rule 45, any disputes concerning the subpoenas must be heard in the United States District Court for the Southern District of California because that is where the subpoenas purport to require compliance. We understand that

CROSS & SIMON, LLC  
OCTOBER 18, 2021  
PAGE 3 OF 3

California counsel for the persons to whom the subpoenas were directed will respond to them separately.

Sincerely,

*/s/ Joseph Grey*

Joseph Grey

cc: Andrew Van Arsdale, Esquire  
File Copy

# Exhibit 4



DAVID E. WILKS  
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October 22, 2021

**VIA EMAIL**

To Counsel to Certain Insurers

**RE: *In re: Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)***

Dear Counsel:

This office represents non-party Kosnoff Law, PLLC with respect to this matter. We note that you have purported to propound discovery against Kosnoff Law in the form of Interrogatories and Requests for Production dated October 8, 2021.

You have directed the Interrogatories and Requests for Production to Kosnoff Law (and others) “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014.” Those rules pertain, of course, to discovery conducted between and among parties to proceedings. Kosnoff Law is not a party to the Boy Scouts Chapter 11 Cases and is not a “Participating Party” under the Court’s *Order (I) Scheduling Certain Dates and Deadlines in Connection with Confirmation of the Debtors’ Plan of Reorganization, (II) Establishing Certain Protocols, and (III) Granting Related Relief* [D.I. 6528]. Kosnoff Law represents individuals who have filed proofs of claim on behalf of claimants it represents, but Kosnoff Law has filed no proof of claim for itself. Accordingly, Kosnoff Law is not a party and your discovery requests are inappropriate.

Should you wish to pursue discovery from Kosnoff Law in the appropriate fashion, you should utilize the provisions of Fed. R. Civ. P. 45 and Kosnoff Law will serve timely responses and objections. Kosnoff Law reserves and expressly does not waive any and all rights with respect to the Interrogatories and Requests for Production.

Very truly yours,

/s/ David E. Wilks

David E. Wilks

# Exhibit 5

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF INTERROGATORIES  
TO ASK, LLP**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, Certain Insurers listed in the signature blocks that follow hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Ask, LLP serve written responses to the requests contained herein, and produce the items specified below, electronically to the Insurers' counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

*[rest of page left intentionally blank]*

**Definitions**

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<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 W. Walnut Hill Ln., Irving, TX 75038.

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.
7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and



Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent

in the Chapter 11 Cases.

12. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Interrogatories. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Interrogatories are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Interrogatory. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Interrogatories shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Interrogatories, such additional information is to be promptly produced.

4. If any part of the Interrogatories cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

5. If you object to any of these Interrogatories, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object

to a particular portion of any Interrogatory, you shall respond to any other portions of such Interrogatory as to which there is no objection and state with specificity the grounds of the objection.

6. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Interrogatories**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), identify the attorneys in Your Firm who spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting the Claim Form.

3. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, state, with the associated claim number, identify the following:

- a. whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant;
- b. when the Claim Form was signed;
- c. whether Your law firm or a non-law firm business submitted the Claim to Omni and, if a non-law firm business, its name;

- d. the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing;
- e. list all actions You took to confirm the existence of evidentiary support for the facts set forth in the Claim Form, including the date on which the action was taken and the amount of time the action took to complete;
- f. list all documents You reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

DATED: October 8, 2021

/s/Robert D. Cecil Jr.

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# Exhibit 6

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF REQUESTS  
FOR THE PRODUCTION OF DOCUMENTS FROM ASK, LLP**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, the Certain Insurers listed in the signature blocks that follow, hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Ask, LLP serve written responses to the requests contained herein, and produce the items specified below, electronically to the undersigned counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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**Definitions**

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<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 W. Walnut Hill Ln., Irving, TX 75038.

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.
7. “Documents” means any writings, recordings, electronic files and mails,

or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the



context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “Request” means

13. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Requests. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Requests are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Request. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Requests shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Requests, such additional information is to be promptly produced.

4. You are required to produce all Documents and all other materials described below that is in your actual or constructive possession, custody, or control, including

in the possession, custody, or control of current or former employees, officers, directors, agents, agents' representatives, consultants, contractors, vendors, or any fiduciary or other third parties, wherever those Documents and materials are maintained, including on personal computers, PDAs, wireless devices, or web-based email systems such as Gmail, Yahoo, etc.

5. You must produce all Documents in your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by you or hardware owned and/or maintained by a third party that stores data on your behalf.

6. Documents not otherwise responsive to these Requests should be produced: (a) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (b) if such Documents are attached to, enclosed with, or accompany

7. Documents called for by these Requests; or (c) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

8. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

9. If any Document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection, mediation privilege, or any other claimed privilege or exemption from production, then in answer to such Request or part thereof, for each such Document, you must:

- a. Identify the type, title and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;
- c. Identify all authors, addressees, and recipients of the Document, including information about such persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) and the factual basis for the claim.

10. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege, work-product doctrine, or mediation privilege. In the event any Documents are produced with redactions, a log setting forth the information requested in Instruction 8 above must be provided.

11. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; and/or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If any part of the Requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

13. If you object to any of these Requests, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Request, you shall respond to any other portions of such Request as to which there is no objection and state with specificity the grounds of the objection.

14. If the identity of Documents responding to a Request is not known, then that lack of knowledge must be specifically indicated in the response. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

#### **Manner of Production**

1. All Documents produced in response to the Subpoena shall be provided in either native file ("native") or single-page 300 dpi-resolution group IV TIF format ("tiff") format as specified below, along with appropriately formatted industry-standard database load files and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in tiff format, each Document shall be produced along with a multi-page, Document-level searchable text file ("searchable text") as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition ("OCR") program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the ".dat file" as described below.

2. Database Load Files and Production Media Structure: Database load files shall

consist of: (i) a comma-delimited values (“.dat”) file containing: production Document identifier information, data designed to preserve “parent and child” relationships within Document “families,” reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon (“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

3. Electronic Documents and Data, Generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Coalition, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and Attachments, and Other Email Account-Related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including but not limited to Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Coalition.

5. Documents and Data Created or Stored in or by Structured Electronic Databases:

With the exclusion of email and email account-related Documents and data, all Documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Coalition to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied by reasonably detailed documentation explaining the Documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include:

- a. XML format file(s);
- b. Microsoft SQL database(s);
- c. Access database(s); and/or
- d. fixed or variable length ASCII delimited files.

6. Spreadsheets, Multimedia, and Non-Standard File Types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent You have other file types that do not readily or easily and accurately convert to tiff and searchable text, You may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

7. “Other” Electronic Documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe .pdf files and other formats), and text files shall be produced in tiff and searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper Documents: Documents originally created or stored on paper shall be produced in tiff format. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent Document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests for Production.

### **Requests for Production**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, provide any authorization forms or documents authorizing the Attorney who signed the Claim Form to do so. Identify by claim number which authorization applies to which Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), documents sufficient to show which attorneys in Your Firm spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

3. Documents sufficient to identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting Claim Forms.

4. For each Claim Form submitted to Omni by Your law firm, all documents related to whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant.

5. For each Claim Form submitted to Omni by Your law firm, all documents related to when the Claim Form was signed by the Attorney at Your law firm.

6. For each Claim Form submitted to Omni by Your law firm, documents to identify the entity that submitted the Claim Form.

7. For each Claim Form submitted to Omni by Your law firm, documents reflexing the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing.

8. For each Claim Form submitted to Omni by Your law firm, all documents, including but not limited to time entries, reflecting or relating to the actions Your law firm took to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

9. For each Claim Form submitted to Omni by Your law firm, all catalogs or documents itemizing the materials Your law firm reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

10. For each Claim Form submitted to Omni by or on behalf of Your law firm that was signed by an Attorney, all documents relating to the inquiry You, or anyone



working at Your direction, conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form. Identify by claim number which document relates to which Claim Form.

11. All contracts or agreements (whether formal or informal) entered into by You or Your law firm in connection with soliciting, acquiring access to, interacting with, executing signatures, or vetting claimants or potential claimants in the Chapter 11 Cases.

12. All contracts, agreements, and any other documents and communications relating to financing by third-party funders of Your law firm's work related to the Chapter 11 Cases.

13. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim Forms.

14. For each Claim Form submitted to Omni by Your law firm, the original PDF of the Claim Form created at your firm and transmitted to Omni, in native format, including all associated metadata.

15. For each Claim Form submitted to Omni by Your law firm where You signed a standalone signature page (page 12 of the Claim Form) rather than the signature page that was part of the document containing the complete Claim Form, (a) the original file containing the signed signature page (page 12 of the Claim Form), in native format, including all associated metadata; and (b) the original file containing the completed Claim Form that was filled in without Your signature in native format, including all associated metadata.

16. For each document responsive to the above request identify by claim number each Claim Form or Claim Forms and signed standalone signature pages were submitted with it.

17. All documents reflecting communications between You (or Your law firm) and any non-law firm business pertaining to ownership of or financial interest in claims in the Chapter 11 Cases, including but not limited to any marketing of claims in Chapter 11 cases or any financial interest therein, any offers to sell or transfer claims in the Chapter 11 Cases, and communications pertaining to financing secured by an interest in any potential recovery on the claims in the Chapter 11 Cases.

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Attorneys for National Surety Corporation and  
Interstate Fire & Casualty Company

# Exhibit 7

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF INTERROGATORIES  
TO ANDREWS & THORNTON, ATTORNEYS AT LAW**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, Certain Insurers listed in the signature blocks that follow hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Andrews & Thornton, Attorneys at Law serve written responses to the requests contained herein, and produce the items specified below, electronically to the Insurers' counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.
7. “Documents” means any writings, recordings, electronic files and mails,

or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Interrogatories. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Interrogatories are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Interrogatory. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Interrogatories shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Interrogatories, such additional information is to be promptly produced.

4. If any part of the Interrogatories cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

5. If you object to any of these Interrogatories, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Interrogatory, you shall respond to any other portions of such Interrogatory as to which there is no objection and state with specificity the grounds of the objection.

6. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Interrogatories**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), identify the attorneys in Your Firm who spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting the Claim Form.

3. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, state, with the associated claim number, identify the following:

- a. whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant;
- b. when the Claim Form was signed;

- c. whether Your law firm or a non-law firm business submitted the Claim to Omni and, if a non-law firm business, its name;
- d. the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing;
- e. list all actions You took to confirm the existence of evidentiary support for the facts set forth in the Claim Form, including the date on which the action was taken and the amount of time the action took to complete;
- f. list all documents You reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.



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# Exhibit 8

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF REQUESTS  
FOR THE PRODUCTION OF DOCUMENTS FROM ANDREWS & THORNTON,  
ATTORNEYS AT LAW**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, the Certain Insurers listed in the signature blocks that follow, hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Andrews & Thornton, Attorneys at Law serve written responses to the requests contained herein, and produce the items specified below, electronically to the undersigned counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

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3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and

each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse

Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “Request” means

13. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Requests. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Requests are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Request. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Requests shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Requests, such additional information is to be promptly produced.

4. You are required to produce all Documents and all other materials described below that is in your actual or constructive possession, custody, or control, including in the possession, custody, or control of current or former employees, officers, directors, agents, agents' representatives, consultants, contractors, vendors, or any fiduciary or other third parties, wherever those Documents and materials are maintained, including on personal computers, PDAs, wireless devices, or web-based email systems such as Gmail, Yahoo, etc.

5. You must produce all Documents in your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by you or hardware owned and/or maintained by a third party that stores data on your behalf.

6. Documents not otherwise responsive to these Requests should be produced: (a) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (b) if such Documents are attached to, enclosed with, or accompany

7. Documents called for by these Requests; or (c) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

8. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

9. If any Document, or any part thereof, is not produced based on a claim of attorney- client privilege, work-product protection, mediation privilege, or any other claimed

privilege or exemption from production, then in answer to such Request or part thereof, for each such Document, you must:

- a. Identify the type, title and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;
- c. Identify all authors, addressees, and recipients of the Document, including information about such persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) and the factual basis for the claim.

10. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege, work-product doctrine, or mediation privilege. In the event any Documents are produced with redactions, a log setting forth the information requested in Instruction 8 above must be provided.

11. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; and/or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If any part of the Requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and

stating whatever information or knowledge you have concerning the portion to which you do not respond.

13. If you object to any of these Requests, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Request, you shall respond to any other portions of such Request as to which there is no objection and state with specificity the grounds of the objection.

14. If the identity of Documents responding to a Request is not known, then that lack of knowledge must be specifically indicated in the response. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

#### **Manner of Production**

1. All Documents produced in response to the Subpoena shall be provided in either native file ("native") or single-page 300 dpi-resolution group IV TIF format ("tiff") format as specified below, along with appropriately formatted industry-standard database load files and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in tiff format, each Document shall be produced along with a multi-page, Document-level searchable text file ("searchable text") as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition ("OCR") program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the ".dat file" as described below.



2. Database Load Files and Production Media Structure: Database load files shall consist of: (i) a comma-delimited values (“.dat”) file containing: production Document identifier information, data designed to preserve “parent and child” relationships within Document “families,” reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon (“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

3. Electronic Documents and Data, Generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Coalition, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and Attachments, and Other Email Account-Related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including but not limited to Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly,

accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Coalition.

5. Documents and Data Created or Stored in or by Structured Electronic Databases: With the exclusion of email and email account-related Documents and data, all Documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Coalition to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied by reasonably detailed documentation explaining the Documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include:

- a. XML format file(s);
- b. Microsoft SQL database(s);
- c. Access database(s); and/or
- d. fixed or variable length ASCII delimited files.

6. Spreadsheets, Multimedia, and Non-Standard File Types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent You have other file types that do not readily or easily and accurately convert to tiff and searchable text, You may elect to produce those files in native format subject to the other requirements

listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled “Natives.”

7. “Other” Electronic Documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe .pdf files and other formats), and text files shall be produced in tiff and searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper Documents: Documents originally created or stored on paper shall be produced in tiff format. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent Document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests for Production.

### **Requests for Production**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, provide any authorization forms or documents authorizing the Attorney who signed the Claim Form to do so. Identify by claim number which authorization applies to which Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), documents

sufficient to show which attorneys in Your Firm spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

3. Documents sufficient to identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting Claim Forms.

4. For each Claim Form submitted to Omni by Your law firm, all documents related to whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant.

5. For each Claim Form submitted to Omni by Your law firm, all documents related to when the Claim Form was signed by the Attorney at Your law firm.

6. For each Claim Form submitted to Omni by Your law firm, documents to identify the entity that submitted the Claim Form.

7. For each Claim Form submitted to Omni by Your law firm, documents reflexing the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing.

8. For each Claim Form submitted to Omni by Your law firm, all documents, including but not limited to time entries, reflecting or relating to the actions Your law firm took to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

9. For each Claim Form submitted to Omni by Your law firm, all catalogs or documents itemizing the materials Your law firm reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

10. For each Claim Form submitted to Omni by or on behalf of Your law firm that was signed by an Attorney, all documents relating to the inquiry You, or anyone working at Your direction, conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form. Identify by claim number which document relates to which Claim Form.

11. All contracts or agreements (whether formal or informal) entered into by You or Your law firm in connection with soliciting, acquiring access to, interacting with, executing signatures, or vetting claimants or potential claimants in the Chapter 11 Cases.

12. All contracts, agreements, and any other documents and communications relating to financing by third-party funders of Your law firm's work related to the Chapter 11 Cases.

13. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim Forms.

14. For each Claim Form submitted to Omni by Your law firm, the original PDF of the Claim Form created at your firm and transmitted to Omni, in native format, including all associated metadata.

15. For each Claim Form submitted to Omni by Your law firm where You signed a standalone signature page (page 12 of the Claim Form) rather than the signature page that was part of the document containing the complete Claim Form, (a) the original file containing the signed signature page (page 12 of the Claim Form), in native format, including all associated metadata; and (b) the original file containing the completed

Claim Form that was filled in without Your signature in native format, including all associated metadata.

16. For each document responsive to the above request identify by claim number each Claim Form or Claim Forms and signed standalone signature pages were submitted with it.

17. All documents reflecting communications between You (or Your law firm) and any non-law firm business pertaining to ownership of or financial interest in claims in the Chapter 11 Cases, including but not limited to any marketing of claims in Chapter 11 cases or any financial interest therein, any offers to sell or transfer claims in the Chapter 11 Cases, and communications pertaining to financing secured by an interest in any potential recovery on the claims in the Chapter 11 Cases.

DATED: October 8, 2021

/s/ Robert D. Cecil

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# Exhibit 9

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#

October 15, 2021

## VIA EMAIL

Kevin Cacabelos  
Crowell & Moring LLP  
3 Embarcadero Center, 26th Floor  
San Francisco, CA 94111

**RE: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)***

Dear Mr. Cacabelos:

This firm represents non-parties Andrews & Thornton, Attorneys at Law (“A&T”) and ASK LLP (“ASK”) in connection with the above-referenced matter (the “BSA Chapter 11 Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). We are in receipt of *Certain Insurers’ First Set of Requests for the Production of Documents* (the “Requests for Production”) and *Certain Insurers’ First Set of Interrogatories* (the “Interrogatories”) to A&T and ASK, dated October 8, 2021.

The Requests for Production and Interrogatories are directed to A&T and ASK “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014,” but neither A&T nor ASK is a party to the BSA Chapter 11 Cases, let alone a “Participating Party” in accordance with the Bankruptcy Court’s *Order (I) Scheduling Certain Dates and Deadlines in Connection with Confirmation of the Debtors’ Plan of Reorganization, (II) Establishing Certain Protocols, and (III) Granting Related Relief* [D.I. 6528]. A&T and ASK have filed certain proofs of claim on behalf of claimants they represent, but A&T and ASK, in their own capacities, are not parties in interest in the BSA Chapter 11 Cases, and neither firm has made any demands or requests in the BSA Chapter 11 Cases in its own right. As you well know, interrogatories may be served only on a party. Fed. R. Civ. P. 33(a)(1) (“ . . . a party may serve on any other **party** no more than 25 written interrogatories . . .”) (emphasis added); *see* Fed. R. Bankr. P. 7033 (“Interrogatories to Parties”). As A&T and ASK are not parties, we request that you immediately confirm that you have withdrawn the Interrogatories.

## ROBBINS | RUSSELL

Kevin Cacabelos  
October 15, 2021  
Page 2

While documents, of course, may be discovered from non-parties, they must be discovered by a subpoena properly issued and served in accordance with Rule 45 of the Federal Rules of Civil Procedure. The Requests for Production are party notice-style document requests issued under Rule 34 and expressly “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014,” not a properly issued and served subpoena. As such, we request that you immediately confirm that you have also withdrawn the Requests for Production.

Sincerely,

/s Lawrence S. Robbins  
Lawrence S. Robbins  
*Counsel to Andrews & Thornton, Attorneys  
at Law and ASK LLP*



# Exhibit 10



Kelly T. Currie  
(212) 895-4257  
KCurrie@crowell.com

October 16, 2021

VIA EMAIL lrobbins@robbinsrussell.com  
Lawrence S. Robbins  
Robbins, Russell, Englert, Orseck & Untereiner LLP  
2000 K Street NW  
4<sup>th</sup> Floor  
Washington, DC 20006

**RE: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)***

Dear Mr. Robbins:

We have received a copy of your October 15, 2021 letter on behalf of Andrews & Thornton, Attorneys at Law (“AT&T”) and ASK LLP (“ASK”) and do not agree with your assertion that AT&T and ASK are not Parties subject to Federal Rules of Bankruptcy Procedure 7033, 7034, and 9014 in the above referenced Chapter 11 case. Therefore, please respond to *Certain Insurers’ First Set of Requests for the Production of Documents* and *Certain Insurers’ First Set of Interrogatories* as directed.

Sincerely,

A handwritten signature in purple ink that reads "Kelly T. Currie".

Kelly T. Currie  
Crowell & Moring, LLP

cc: Kevin Cacabelos (by email [kcacabelos@crowell.com](mailto:kcacabelos@crowell.com))  
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Danielle Rowan (by email [drowan@crowell.com](mailto:drowan@crowell.com))

# Exhibit 11

# ROBBINS | RUSSELL

Robbins, Russell, Englert, Orseck & Untereiner LLP

Lawrence S. Robbins

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lrobbins@robbinsrussell.com

October 21, 2021

**VIA EMAIL**

Kelly T. Currie  
Crowell & Moring LLP  
1001 Pennsylvania Ave. NW  
Washington, DC 20004

**RE: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)***

Dear Mr. Currie:

As you know, this firm represents non-parties Andrews & Thornton, Attorneys at Law (“A&T”) and ASK LLP (“ASK”) in connection with the above-referenced matter (the “BSA Chapter 11 Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). We write in reference to *Certain Insurers’ First Set of Requests for the Production of Documents* (the “Requests for Production”) and *Certain Insurers’ First Set of Interrogatories* (the “Interrogatories”), to A&T and ASK, dated October 8, 2021, and further to my letter dated October 15, 2021, which requested that you confirm the withdrawal of the Requests for Production and the Interrogatories as neither A&T nor ASK is a party to the BSA Chapter 11 Cases, and in response to your response dated October 16, 2021.

For the reasons stated in my prior letter, none of which your response addressed other than to state in a conclusory fashion that you disagreed, neither A&T nor ASK is a party to the BSA Chapter 11 Cases, and we thus reiterate our demand that the Requests for Production and Interrogatories be withdrawn. My firm will, however, accept service of a subpoena directed to A&T or ASK issued pursuant to Rule 45 and will respond expeditiously to such a subpoena. Please confirm whether the Requests for Production and Interrogatories are withdrawn and serve a Rule 45 subpoena directed to A&T and ASK in the event you wish to seek discovery from those firms.

Both A&T and ASK reserve, and do not waive, any and all rights.

Sincerely,



Lawrence S. Robbins

# Exhibit 12

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF INTERROGATORIES  
TO NAPOLI SHKOLNIK, PLLC**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, Certain Insurers listed in the signature blocks that follow hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Napoli Shkolnik, PLLC serve written responses to the requests contained herein, and produce the items specified below, electronically to the Insurers' counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

*[rest of page left intentionally blank]*

---

<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the



context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Interrogatories. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Interrogatories are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Interrogatory. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Interrogatories shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Interrogatories, such additional information is to be promptly produced.

4. If any part of the Interrogatories cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

5. If you object to any of these Interrogatories, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Interrogatory, you shall respond to any other portions of such Interrogatory as to which there is no objection and state with specificity the grounds of the objection.

6. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Interrogatories**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), identify the attorneys in Your Firm who spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting the Claim Form.

3. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, state, with the associated claim number, identify the following:

- a. whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant;
- b. when the Claim Form was signed;

- c. whether Your law firm or a non-law firm business submitted the Claim to Omni and, if a non-law firm business, its name;
- d. the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing;
- e. list all actions You took to confirm the existence of evidentiary support for the facts set forth in the Claim Form, including the date on which the action was taken and the amount of time the action took to complete;
- f. list all documents You reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

DATED: October 8, 2021

/s/Robert D. Cecil Jr.

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/s/ Carl Kunz, III

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Ryan T. Schultz (pro hac vice)  
Adam A. Hachikian (pro hac vice)  
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Attorneys for National Surety Corporation and  
Interstate Fire & Casualty Company



# Exhibit 13

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF REQUESTS  
FOR THE PRODUCTION OF DOCUMENTS FROM NAPOLI SHKOLNIK, PLLC**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, the Certain Insurers listed in the signature blocks that follow, hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Napoli Shkolnik, PLLC serve written responses to the requests contained herein, and produce the items specified below, electronically to the undersigned counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

*[rest of page left intentionally blank]*

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
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3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.
7. “Documents” means any writings, recordings, electronic files and mails,

or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print-outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

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9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “Request” means

13. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Requests. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Requests are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Request. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Requests shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Requests, such additional information is to be promptly produced.

4. You are required to produce all Documents and all other materials described below that is in your actual or constructive possession, custody, or control, including in the possession, custody, or control of current or former employees, officers, directors, agents, agents’ representatives, consultants, contractors, vendors, or any fiduciary or other third parties,



wherever those Documents and materials are maintained, including on personal computers, PDAs, wireless devices, or web-based email systems such as Gmail, Yahoo, etc.

5. You must produce all Documents in your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by you or hardware owned and/or maintained by a third party that stores data on your behalf.

6. Documents not otherwise responsive to these Requests should be produced: (a) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (b) if such Documents are attached to, enclosed with, or accompany

7. Documents called for by these Requests; or (c) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

8. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

9. If any Document, or any part thereof, is not produced based on a claim of attorney- client privilege, work-product protection, mediation privilege, or any other claimed privilege or exemption from production, then in answer to such Request or part thereof, for each such Document, you must:

- a. Identify the type, title and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;

- c. Identify all authors, addressees, and recipients of the Document, including information about such persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) and the factual basis for the claim.

10. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege, work-product doctrine, or mediation privilege. In the event any Documents are produced with redactions, a log setting forth the information requested in Instruction 8 above must be provided.

11. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; and/or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If any part of the Requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

13. If you object to any of these Requests, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular

portion of any Request, you shall respond to any other portions of such Request as to which there is no objection and state with specificity the grounds of the objection.

14. If the identity of Documents responding to a Request is not known, then that lack of knowledge must be specifically indicated in the response. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Manner of Production**

1. All Documents produced in response to the Subpoena shall be provided in either native file ("native") or single-page 300 dpi-resolution group IV TIF format ("tiff") format as specified below, along with appropriately formatted industry-standard database load files and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in tiff format, each Document shall be produced along with a multi-page, Document-level searchable text file ("searchable text") as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition ("OCR") program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the ".dat file" as described below.

2. Database Load Files and Production Media Structure: Database load files shall consist of: (i) a comma-delimited values (".dat") file containing: production Document identifier information, data designed to preserve "parent and child" relationships within Document "families," reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon

(“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

3. Electronic Documents and Data, Generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Coalition, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and Attachments, and Other Email Account-Related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including but not limited to Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Coalition.

5. Documents and Data Created or Stored in or by Structured Electronic Databases: With the exclusion of email and email account-related Documents and data, all Documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Coalition to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied by reasonably

detailed documentation explaining the Documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include:

- a. XML format file(s);
- b. Microsoft SQL database(s);
- c. Access database(s); and/or
- d. fixed or variable length ASCII delimited files.

6. Spreadsheets, Multimedia, and Non-Standard File Types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent You have other file types that do not readily or easily and accurately convert to tiff and searchable text, You may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

7. "Other" Electronic Documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe .pdf files and other formats), and text files shall be produced in tiff and

searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper Documents: Documents originally created or stored on paper shall be produced in tiff format. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent Document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests for Production.

#### **Requests for Production**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, provide any authorization forms or documents authorizing the Attorney who signed the Claim Form to do so. Identify by claim number which authorization applies to which Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), documents sufficient to show which attorneys in Your Firm spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

3. Documents sufficient to identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting Claim Forms.

4. For each Claim Form submitted to Omni by Your law firm, all documents related to whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant.

5. For each Claim Form submitted to Omni by Your law firm, all documents related to when the Claim Form was signed by the Attorney at Your law firm.

6. For each Claim Form submitted to Omni by Your law firm, documents to identify the entity that submitted the Claim Form.

7. For each Claim Form submitted to Omni by Your law firm, documents reflexing the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing.

8. For each Claim Form submitted to Omni by Your law firm, all documents, including but not limited to time entries, reflecting or relating to the actions Your law firm took to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

9. For each Claim Form submitted to Omni by Your law firm, all catalogs or documents itemizing the materials Your law firm reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

10. For each Claim Form submitted to Omni by or on behalf of Your law firm that was signed by an Attorney, all documents relating to the inquiry You, or anyone working at Your direction, conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form. Identify by claim number which document relates to which Claim Form.

11. All contracts or agreements (whether formal or informal) entered into by You or Your law firm in connection with soliciting, acquiring access to, interacting with, executing signatures, or vetting claimants or potential claimants in the Chapter 11 Cases.

12. All contracts, agreements, and any other documents and communications relating to financing by third-party funders of Your law firm's work related to the Chapter 11 Cases.

13. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim Forms.

14. For each Claim Form submitted to Omni by Your law firm, the original PDF of the Claim Form created at your firm and transmitted to Omni, in native format, including all associated metadata.

15. For each Claim Form submitted to Omni by Your law firm where You signed a standalone signature page (page 12 of the Claim Form) rather than the signature page that was part of the document containing the complete Claim Form, (a) the original file containing the signed signature page (page 12 of the Claim Form), in native format, including all associated metadata; and (b) the original file containing the completed Claim Form that was filled in without Your signature in native format, including all associated metadata.

16. For each document responsive to the above request identify by claim number each Claim Form or Claim Forms and signed standalone signature pages were submitted with it.

17. All documents reflecting communications between You (or Your law firm) and any non-law firm business pertaining to ownership of or financial interest in claims in the Chapter 11 Cases, including but not limited to any marketing of claims in Chapter 11 cases or any financial interest therein, any offers to sell or transfer claims in the



Chapter 11 Cases, and communications pertaining to financing secured by an interest in any potential recovery on the claims in the Chapter 11 Cases.

DATED: October 8, 2021

/s/ Robert D. Cecil

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# Exhibit 14



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October 13, 2021

**VIA EMAIL AND OVERNIGHT DELIVERY**

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*Attorneys for American Zurich Insurance Company, American Guarantee and Liability Insurance Company, and Steadfast Insurance Company*

**RE: In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)**

Dear Counsel:

Napoli Shkolnik PLLC hereby responds in connection with the above-referenced matter (the “BSA Chapter 11 Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”). We are in receipt of *Certain Insurers’ First Set of Requests for the Production of Documents from Napoli Shkolnik PLLC* (the “Requests for Production”) and *Certain Insurers’ First Set of Interrogatories to Napoli Shkolnik PLLC* (the “Interrogatories”), each dated October 8, 2021.

The Requests for Production and Interrogatories are directed to Napoli Shkolnik PLLC “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014,” which is not a party to the BSA Chapter 11 Cases, let alone a “Participating Party” in accordance with the Bankruptcy Court’s *Order (I) Scheduling Certain Dates and Deadlines in Connection with Confirmation of*

*the Debtors' Plan of Reorganization, (II) Establishing Certain Protocols, and (III) Granting Related Relief* [D.I. 6528]. Napoli Shkolnik PLLC has filed certain proofs of claim on behalf of claimants it represents, but Napoli Shkolnik PLLC, in its own capacity, is not a party in interest in the BSA Chapter 11 Cases, and Napoli Shkolnik PLLC has not made any demands or requests in the BSA Chapter 11 Cases in its own right. As you well know, interrogatories may only be served on a party. Fed. R. Civ. P. 33(a)(1) (“ . . . a party may serve on any other *party* no more than 25 written interrogatories . . .”) (emphasis added); *see* Fed. R. Bankr. P. 7033 (“Interrogatories to Parties”). As Napoli Shkolnik PLLC is not a party, we request that you immediately confirm that you have withdrawn the Interrogatories.

While documents, of course, may be discovered from non-parties, they must be discovered by a subpoena properly issued and served in accordance with Rule 45 of the Federal Rules of Civil Procedure. The Requests for Production are party notice-style document requests issued under Rule 34 and expressly “[p]ursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014,” not a properly issued and served subpoena. As such, we request that you immediately confirm that you have also withdrawn the Requests for Production.

We are aware, pursuant to ECF Dkt. No. 6569, that you have issued a subpoena directed to Napoli Shkolnik PLLC, dated October 8, 2021, that seeks the production of documents (the “Subpoena”). Napoli Shkolnik PLLC confirms that it will accept service of the Subpoena; however, we have not received a copy of the Subpoena. Please provide a copy at your earliest convenience. Napoli Shkolnik PLLC reserves and expressly does not waive any and all rights with respect to the Subpoena, including all rights to object to the Subpoena pursuant to Rule 45(d)(2)(B) or to move to quash the Subpoena pursuant to Rule 45(d)(3). Pursuant to Rule 45, any disputes concerning the Subpoena, including any motions to compel, must, of course, be heard in the United States District Court for the Eastern District of New York where Napoli Shkolnik PLLC is and thus where compliance is sought.

Sincerely,



Brett S. Bustamante, Esq.  
NAPOLI SHKOLNIK PLLC

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# Exhibit 15



Kelly T. Currie  
(212) 895-4257  
KCurrie@crowell.com

October 16, 2021

VIA EMAIL [bbustamante@napolilaw.com](mailto:bbustamante@napolilaw.com)  
Brett S. Bustamante, Esq.  
Napoli Shkolnik PLLC  
400 Broadhollow Road  
Suite 305  
Melville, NY 11771

**RE: *In re Boy Scouts of America and Delaware BSA, LLC*, No. 20-10343 (LSS)**

Dear Mr. Bustamante:

We have received a copy of your October 13, 2021 letter on behalf of Napoli Shkolnik, PLLC (“Napoli”) and do not agree with your assertion that Napoli is not a Party subject to Federal Rules of Bankruptcy Procedure 7033, 7034, and 9014 in the above referenced Chapter 11 case. Therefore, please respond to *Certain Insurers’ First Set of Requests for the Production of Documents* and *Certain Insurers’ First Set of Interrogatories* as directed.

Sincerely,

A handwritten signature in purple ink that reads "Kelly T. Currie".

Kelly T. Currie  
Crowell & Moring, LLP

cc: Robert Cecil (by email [rcecil@trplaw.com](mailto:rcecil@trplaw.com))  
Mark D. Plevin (by email [mplevin@crowell.com](mailto:mplevin@crowell.com))  
Kelly T. Currie (by email [kcurrie@crowell.com](mailto:kcurrie@crowell.com))  
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Brett S. Bustamante

October 16, 2021

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# Exhibit 16





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October 21, 2021

**VIA EMAIL**

Kelly T. Currie  
**CROWELL & MORING LLP**  
590 Madison Ave., 20th Floor  
New York, NY 10022. 20004  
Email: kcurrie@crowell.com

**RE: In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)**

Dear Counsel,

We write in reference to *Certain Insurers' First Set of Requests for the Production of Documents from Napoli Shkolnik PLLC* (the "Requests for Production") and *Certain Insurers' First Set of Interrogatories to Napoli Shkolnik PLLC* (the "Interrogatories"), each dated October 8, 2021, further to my letter dated October 13, 2021 which requested that you confirm the withdrawal of the Requests for Production and the Interrogatories as Napoli Shkolnik is not a party to the BSA Chapter 11 Cases, and in response to your letter dated October 16, 2021 which demanded a response to the Requests for Production and Interrogatories.

For the reasons stated in my prior letter (none of which your response addressed other than to state in a conclusory fashion that you disagreed) Napoli Shkolnik is not a party to the BSA Chapter 11 Cases, and we thus reiterate our demand that the Requests for Production and Interrogatories be withdrawn. Napoli Shkolnik, however, will accept service of a subpoena issued pursuant to Rule 45 and will respond expeditiously to such a subpoena. Please confirm whether the Requests for Production and Interrogatories are withdrawn and serve a Rule 45 subpoena directed to Napoli Shkolnik in the event you wish to seek discovery.

Napoli Shkolnik reserves, and does not waive, any and all rights.

Sincerely,



Brett S. Bustamante, Esq.  
NAPOLI SHKOLNIK PLLC

Cc: Paul J. Napoli – Email: [PNapoli@NSPRLaw.com](mailto:PNapoli@NSPRLaw.com)  
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John E. Bucheit – Email: [jbucheit@bradleyriley.com](mailto:jbucheit@bradleyriley.com)

# Exhibit 17

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF INTERROGATORIES  
TO KRAUSE & KINSMAN LAW FIRM**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, Certain Insurers listed in the signature blocks that follow hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Krause & Kinsman Law Firm serve written responses to the requests contained herein, and produce the items specified below, electronically to the Insurers' counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the

context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Interrogatories. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Interrogatories are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Interrogatory. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Interrogatories shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Interrogatories, such additional information is to be promptly produced.

4. If any part of the Interrogatories cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.



5. If you object to any of these Interrogatories, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular portion of any Interrogatory, you shall respond to any other portions of such Interrogatory as to which there is no objection and state with specificity the grounds of the objection.

6. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Interrogatories**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), identify the attorneys in Your Firm who spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting the Claim Form.

3. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, state, with the associated claim number, identify the following:

- a. whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant;
- b. when the Claim Form was signed;

- c. whether Your law firm or a non-law firm business submitted the Claim to Omni and, if a non-law firm business, its name;
- d. the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing;
- e. list all actions You took to confirm the existence of evidentiary support for the facts set forth in the Claim Form, including the date on which the action was taken and the amount of time the action took to complete;
- f. list all documents You reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

DATED: October 8, 2021

/s/Robert D. Cecil Jr.

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/s/ Matthew G. Summers  
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# Exhibit 18

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTAIN INSURERS' FIRST SET OF REQUESTS  
FOR THE PRODUCTION OF DOCUMENTS FROM KRAUSE & KINSMAN LAW  
FIRM**

Pursuant to Federal Rules of Bankruptcy Procedure 7033, 7034 and 9014, the Certain Insurers listed in the signature blocks that follow, hereby request that, on or before 5:00 p.m. EDT on October 22, 2021, Krause & Kinsman Law Firm serve written responses to the requests contained herein, and produce the items specified below, electronically to the undersigned counsel at the e-mail addresses set forth below or as otherwise agreed with counsel to the Insurers. The Certain Insurers also request that You timely supplement Your answers to these requests as required by the Federal Rules of Bankruptcy Procedure and the Federal Rules of Civil Procedure.

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<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 W. Walnut Hill Ln., Irving, TX 75038.

**Definitions**

1. “Attorney” means lawyer who indicated in the Claim Form Signature Page (page 12 of the Claim Form) that she or he is the Claimant’s attorney.
2. “Chapter 11 Cases” means the chapter 11 cases filed by the Boy Scouts of America and Delaware BSA, LLC in the United States Bankruptcy Court for the District of Delaware on February 18, 2020, jointly administered under Case No. 20-10343.
3. “Claim Form” means the Sexual Abuse Survivor Proof of Claim Form submitted by You or on Your behalf in these Chapter 11 Cases.
4. “Coalition” means the Coalition of Abused Scouts for Justice, including its individual members and any attorneys, representatives, consultants, advisors, or anyone acting on the Coalition’s behalf during the pendency of the Chapter 11 Cases.
5. “Communication” means the transmittal of information (in the form of facts, ideas, beliefs, inquiries, documents, otherwise), including discussion, negotiations, agreements, understandings, meetings, conversations in person, telephone conversations, records or conversations or messages, telegrams, facsimile transmissions, electronic mail transmission, letters, notes, reports, memoranda, formal statements, press releases, newspaper stories, or other form of verbal, written, mechanical, or electronic disclosure. References to Communications with business entities shall be deemed to include all officers, directors, employees, personnel, agents, attorneys, accountants, consultations, independent contractors, or other representatives of such entities.
6. “Debtors” means Boy Scouts of America and Delaware BSA, LLC and each of their attorneys.

7. “Documents” means any writings, recordings, electronic files and mails, or photographs, whether original or duplicate, as defined in Federal Rule of Evidence 1001 and Federal Rule of Civil Procedure 34(a), inclusively, including (but not limited to) all documents and information in your possession, custody, or control, and includes: all and any written, recorded, or graphic material, however produced or reproduced, minutes, summaries, memoranda, transcripts, tapes, or other voice recordings, and all other documents and tangible things, including booklets, brochures, pamphlets, circulars, notices, periodicals, papers, records, contracts, agreements, photographs, minutes, memoranda, messages, appraisals, analyses, reports, files, interoffice memoranda, or interoffice communications of any description, calculations, invoices, accounting entries, diary entries, calendars, inventory sheets, ledgers, correspondence, emails, phone recordings, instant messages, text messages, telegrams, advertisements, press releases, notes, letters, diaries, working papers, schedules, projections, graphs, charts, films, tapes, print- outs, and all other data, whether recorded by electronic or other means, and all drafts thereof. If a Document was prepared in several copies, or if additional copies were thereafter made, and if any such copies are not identical in all respects or are no longer identical by reason of subsequent notation or modification of any kind whatsoever, including notes on the front or back, in the margins, or on any of the pages thereof, then each such non-identical copy is a separate Document and must be produced.

8. “Employee” means a person tasked to perform work by You or at Your direction, including employees, contractors, interns, and volunteers.

9. “Firm” means each known Attorney representing holders of Abuse Claims.

10. “Person” means an individual, a firm, a corporation, or other entity as the

context requires.

11. “Omni” means Omni Agent Solutions, the debtors’ administrative agent in the Chapter 11 Cases.

12. “Request” means

13. “You” or “Your” means the person on whom this discovery is served.

### **Instructions**

For the purposes of these Requests, the following Instructions shall apply:

1. The preceding Definitions apply to each of the Requests. Any capitalized terms used but not defined herein shall have the meanings given to such terms in the Plan and/or Disclosure Statement.

2. The terms used in these Requests are to be given their most expansive and inclusive interpretation unless otherwise expressly limited in a Request. The terms “all,” “any,” and “each” shall each be construed as encompassing any, all, each, and every. The singular form of a word shall include the plural and vice versa. The terms “and” or “or” shall be both conjunctive and disjunctive. The term “including” means “including without limitation.” The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

3. These Requests shall be deemed continuing in nature. In the event you become aware of or acquire additional information relating or referring to any of the following Requests, such additional information is to be promptly produced.

4. You are required to produce all Documents and all other materials described below that is in your actual or constructive possession, custody, or control, including in the possession, custody, or control of current or former employees, officers, directors, agents,

agents' representatives, consultants, contractors, vendors, or any fiduciary or other third parties, wherever those Documents and materials are maintained, including on personal computers, PDAs, wireless devices, or web-based email systems such as Gmail, Yahoo, etc.

5. You must produce all Documents in your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by you or hardware owned and/or maintained by a third party that stores data on your behalf.

6. Documents not otherwise responsive to these Requests should be produced: (a) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (b) if such Documents are attached to, enclosed with, or accompany

7. Documents called for by these Requests; or (c) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

8. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

9. If any Document, or any part thereof, is not produced based on a claim of attorney- client privilege, work-product protection, mediation privilege, or any other claimed privilege or exemption from production, then in answer to such Request or part thereof, for each such Document, you must:

- a. Identify the type, title and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;



- c. Identify all authors, addressees, and recipients of the Document, including information about such persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) and the factual basis for the claim.

10. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege, work-product doctrine, or mediation privilege. In the event any Documents are produced with redactions, a log setting forth the information requested in Instruction 8 above must be provided.

11. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (a) is missing or lost; (b) has been destroyed; (c) has been transferred to others; and/or (d) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state the circumstance and date surrounding authorization for such disposition, identify each person having knowledge of the circumstances of the disposition, and identify each person who had possession, custody, or control of the Document. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If any part of the Requests cannot be responded to in full, please respond to the extent possible, specifying the reason(s) for your inability to respond to the remainder and stating whatever information or knowledge you have concerning the portion to which you do not respond.

13. If you object to any of these Requests, state in writing with specificity the grounds of your objections. Any ground not stated shall be waived. If you object to a particular

portion of any Request, you shall respond to any other portions of such Request as to which there is no objection and state with specificity the grounds of the objection.

14. If the identity of Documents responding to a Request is not known, then that lack of knowledge must be specifically indicated in the response. If any information requested is not in your possession, but is known or believed to be in the possession of another person or entity, then identify that person or entity and state the basis of your belief or knowledge that the requested information is in such person's or entity's possession.

### **Manner of Production**

1. All Documents produced in response to the Subpoena shall be provided in either native file ("native") or single-page 300 dpi-resolution group IV TIF format ("tiff") format as specified below, along with appropriately formatted industry-standard database load files and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in tiff format, each Document shall be produced along with a multi-page, Document-level searchable text file ("searchable text") as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition ("OCR") program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the ".dat file" as described below.

2. Database Load Files and Production Media Structure: Database load files shall consist of: (i) a comma-delimited values (".dat") file containing: production Document identifier information, data designed to preserve "parent and child" relationships within Document "families," reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon

(“.opt”) file to facilitate the loading of tiff images. Load files should be provided in a root-level folder named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder.

3. Electronic Documents and Data, Generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Coalition, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and Attachments, and Other Email Account-Related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including but not limited to Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in tiff format, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Coalition.

5. Documents and Data Created or Stored in or by Structured Electronic Databases: With the exclusion of email and email account-related Documents and data, all Documents and accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Coalition to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied by reasonably

detailed documentation explaining the Documents' content and format including but not limited to data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include:

- a. XML format file(s);
- b. Microsoft SQL database(s);
- c. Access database(s); and/or
- d. fixed or variable length ASCII delimited files.

6. Spreadsheets, Multimedia, and Non-Standard File Types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in tiff format indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent You have other file types that do not readily or easily and accurately convert to tiff and searchable text, You may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

7. "Other" Electronic Documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe .pdf files and other formats), and text files shall be produced in tiff and

searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper Documents: Documents originally created or stored on paper shall be produced in tiff format. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent Document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests for Production.

### **Requests for Production**

1. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, provide any authorization forms or documents authorizing the Attorney who signed the Claim Form to do so. Identify by claim number which authorization applies to which Claim Form.

2. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney (to the extent not produced by another attorney at your firm), documents sufficient to show which attorneys in Your Firm spoke or interacted with the claimants identified on the Claim Form prior to the filing of the Claim Form.

3. Documents sufficient to identify the call centers, claim processors, third-party administrators, claim aggregators, and/or other non-law firm business(es) involved in preparing, completing and/or submitting Claim Forms.

4. For each Claim Form submitted to Omni by Your law firm, all documents related to whether the Attorney who signed the Claim Form was authorized in writing to sign the Claim Form on behalf of the claimant.

5. For each Claim Form submitted to Omni by Your law firm, all documents related to when the Claim Form was signed by the Attorney at Your law firm.

6. For each Claim Form submitted to Omni by Your law firm, documents to identify the entity that submitted the Claim Form.

7. For each Claim Form submitted to Omni by Your law firm, documents reflexing the amount of time You spent investigating the claim and confirming the existence of evidentiary support for the facts set forth in the Claim Form prior to its filing.

8. For each Claim Form submitted to Omni by Your law firm, all documents, including but not limited to time entries, reflecting or relating to the actions Your law firm took to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

9. For each Claim Form submitted to Omni by Your law firm, all catalogs or documents itemizing the materials Your law firm reviewed to confirm the existence of evidentiary support for the facts set forth in the Claim Form.

10. For each Claim Form submitted to Omni by or on behalf of Your law firm that was signed by an Attorney, all documents relating to the inquiry You, or anyone working at Your direction, conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form. Identify by claim number which document relates to which Claim Form.

11. All contracts or agreements (whether formal or informal) entered into by You or Your law firm in connection with soliciting, acquiring access to, interacting with, executing signatures, or vetting claimants or potential claimants in the Chapter 11 Cases.

12. All contracts, agreements, and any other documents and communications relating to financing by third-party funders of Your law firm's work related to the Chapter 11 Cases.

13. For each Claim Form submitted to Omni by Your law firm that was signed by an Attorney, all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim Forms.

14. For each Claim Form submitted to Omni by Your law firm, the original PDF of the Claim Form created at your firm and transmitted to Omni, in native format, including all associated metadata.

15. For each Claim Form submitted to Omni by Your law firm where You signed a standalone signature page (page 12 of the Claim Form) rather than the signature page that was part of the document containing the complete Claim Form, (a) the original file containing the signed signature page (page 12 of the Claim Form), in native format, including all associated metadata; and (b) the original file containing the completed Claim Form that was filled in without Your signature in native format, including all associated metadata.

16. For each document responsive to the above request identify by claim number each Claim Form or Claim Forms and signed standalone signature pages were submitted with it.

17. All documents reflecting communications between You (or Your law firm) and any non-law firm business pertaining to ownership of or financial interest in claims in the Chapter 11 Cases, including but not limited to any marketing of claims in Chapter 11 cases or any financial interest therein, any offers to sell or transfer claims in the

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**RE:** *In re Boy Scouts of America and Delaware BSA, LLC*, No. 20-10343 (LSS)

Dear Counsel:

This law firm represents non-party the Krause & Kinsman Law Firm (hereafter “Krause & Kinsman” or the “Firm”) in connection with the above-referenced matter (the “BSA Chapter 11 Cases”) pending in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

I am in receipt of *Certain Insurers’ First Set of Requests for the Production of Documents from Krause & Kinsman* (the “Requests for Production”) and *Certain Insurers’ First Set of Interrogatories to Krause & Kinsman* (the “Interrogatories”), each] dated October 8, 2021.

The Requests for Production and Interrogatories are directed to the Krause & Kinsman pursuant to FEDERAL RULES OF BANKRUPTCY PROCEDURE 7033, 7034 and 9014. The Firm is not a party to the BSA Chapter 11 Cases. Nor is the Firm a “Participating Party” in accordance with the Bankruptcy Court’s *Order (I) Scheduling Certain Dates and Deadlines in Connection with Confirmation of the Debtors’ Plan of Reorganization, (II)*

BSA Bankruptcy, D. Del. 20-10343 (LSS)

October 18, 2021

Page 2

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*Establishing Certain Protocols, and (III) Granting Related Relief.* **D.I.** 6528. Krause & Kinsman filed certain proofs of claim on behalf of claimants it represents, but the Firm, in its own capacity, is not a party in interest in the BSA Chapter 11 Cases, and the Firm has not made any demands or requests in the BSA Chapter 11 Cases in its own right. As you well know, interrogatories may only be served on a party. FED. R. CIV. P. 33(a)(1) (“ . . . a party may serve on any other *party* no more than 25 written interrogatories . . .”) (emphasis added); *see* FED. R. BANKR. P. 7033 (“Interrogatories to Parties”). As Krause & Kinsman is not a party, I respectfully request that you immediately confirm that you have withdrawn the Interrogatories.

While documents, of course, may be discovered from non-parties, they must be discovered by a subpoena properly issued and served in accordance with RULE 45 of the FEDERAL RULES OF CIVIL PROCEDURE. The Requests for Production are party notice-style document requests issued under Rule 34 and expressly pursuant to FEDERAL RULES OF BANKRUPTCY PROCEDURE 7033, 7034 and 9014,” not a properly issued and served subpoena. As such, I likewise request that you immediately confirm that you have withdrawn the Requests for Production.

Respectfully submitted,

*/S/ Bernard G. Conaway*

Bernard G. Conaway (DE 2856)

BGC/ak

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**CERTIFICATE OF SERVICE**

I, Robert D. Cecil, Jr., Esquire, hereby certify that on November 15, 2021, I caused a copy of Certain Insurers' Omnibus Motion to Compel Kosnoff Law PLLC, AVA Law Group, Inc., Napoli Shkolnik, PLLC, Krause & Kinsman Law Firm, Andrews & Thornton, Attorneys at Law, and ASK LLP to Respond to Document Requests and Interrogatories, served on October 8, 2021, to be filed through the Court's Case Management/Electronic Case File ("CM/ECF") and served on all parties who have electronically entered a notice of appearance through the notice of filing generated by the Court's CM/ECF System. I further certify that I have served the foregoing document upon the following parties via email:

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