

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

)	
In re:)	
)	Chapter 11
BOY SCOUTS OF AMERICA AND)	
DELAWARE BSA, LLC,)	Case No. 20-10343 (LSS)
)	
Debtors.)	(Jointly Administered)
)	
)	Re: Docket No. 6309

**MOTION OF PAUL MONES, P.C. FOR ENTRY OF AN ORDER
AUTHORIZING PAUL MONES, P.C. TO FILE UNDER SEAL ITS MOTION
TO WITHDRAW AS COUNSEL TO CLAIMANT NUMBER SA-59066 AND EXHIBITS**

Paul Mones, P.C. hereby submits this motion, pursuant to section 107 of the United States Code (the “Bankruptcy Code”) and Local Rule 9018-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), seeking the entry of an order, substantially in the form annexed hereto as Exhibit A, authorizing Paul Mones, P.C. to file its *Motion to Withdraw as Counsel to Claimant Number SA-59066*, including the exhibits thereto, filed on September 20, 2021 [Docket No. 6309] (the “Motion to Withdraw”), under seal (the “Motion to Seal”). In support of the Motion to Seal, Paul Mones, P.C. respectfully represents as follows:

Jurisdiction and Venue

1. The United States Bankruptcy Court for the District of Delaware (the “Court”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. Paul Mones, P.C. confirms its consent, pursuant to rule 7008 of the Federal

Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and rule 9013-1(f) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), to the entry of a final order by the Court in connection with this motion to the extent that it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The bases for the relief requested herein are sections 105(a) and 107(c)(1) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1.

Relief Requested

4. By this Motion to Seal, Paul Mones, P.C. respectfully requests that the Court enter the Proposed Order authorizing Paul Mones, P.C. to file under seal its Motion to Withdraw. The Motion to Withdraw and the exhibits contain confidential and personal information of Claimant Number SA-59066 and communications between Paul Mones, P.C., its attorneys and Claimant Number SA-59066 that are protected by the attorney-client privilege. Paul Mones, P.C. seeks an order directing that the Motion to Withdraw remain under seal and confidential and that the unredacted version of the Motion to Withdraw remain unavailable to anyone except Claimant Number SA-59066 and the Court.

Basis for Relief

5. In order to maintain the confidentiality and attorney-client privilege of Claimant Number SA-59066, the Motion to Withdraw must remain under seal. *See Team Obsolete Ltd. v. A.H.R.M.A. Ltd.*, 464 F.Supp.2d 164, 165 (E.D.N.Y.2006) (“A review of the relevant case law demonstrates that documents in support of motions to withdraw as counsel are routinely filed under

seal where necessary to preserve the confidentiality of the attorney-client relationship between a party and its counsel, and that this method is viewed favorably by the courts.”); *See also Millennium Pipeline Co., L.L.C. v. Acres of Land, Inc.*, No. 07-CV-6511, 2015 WL 13834659, at *1 (W.D.N.Y. Mar. 25, 2015); *In re Chase*, 372 B.R. 142, 151 (Bankr. S.D.N.Y. 2007).

6. The Bankruptcy Code and the Bankruptcy Rules give the Court specific authority to grant a request to file under seal the confidential and privileged information contained in the Motion to Withdraw. Section 107(c)(1) of the Bankruptcy Code provides bankruptcy courts with authority to issue orders that will protect an individual against disclosure of information to the extent the court finds that disclosure of such information would create unlawful injury to an individual or the individual’s property. 11 U.S.C. § 107(c)(1). Moreover, section 105(a) of the Bankruptcy Code codifies the Court’s inherent equitable powers and empowers it to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

7. Bankruptcy Rule 9018 sets forth the procedures by which a party in interest may move for relief under section 107(c)(1). The rule provides, in relevant part, that “[o]n motion, or on its own initiative, with or without notice, the court may make any order which justice requires (2) to protect any entity against scandalous or defamatory matter contained in any paper filed. . . .” Fed. R. Bankr. P. 9018. Further, Local Rule 9018-1(d) provides, in relevant part, that “any entity seeking to file a document . . . under seal must file a motion requesting such relief” Del. Bankr. L.R. 9018-1(d). The Court has broad authority to issue a protective order under Bankruptcy Rule 9018. *See, e.g., In re Glob. Crossing Ltd.*, 295 B.R. 720, 724 (Bankr. S.D.N.Y. 2003) (“When the requirements of Rule 9018 are satisfied, the authority to issue the resulting order is broad — ‘any order which justice requires.’ The Court notes that the authority goes not just to the protection

of confidential documents, but to other confidentiality restrictions that are warranted in the interests of justice.”).

8. Here, the exhibits to the Motion to Withdraw contain highly confidential and privileged information, thus satisfying one of the categories enumerated in section 107(c)(1) of the Bankruptcy Code. Further, the exhibits identify Claimant Number SA-59066. The information contained in the Motion to Withdraw is not public and disclosure of this information could cause significant injuries to Claimant Number SA-59066. Accordingly, cause exists under section 107(c)(1) of the Bankruptcy Code and Bankruptcy Rule 9018 for Paul Mones, P.C. to file the Motion to Withdraw under seal.

9. Paul Mones, P.C. further submits that other parties in interest will not be materially prejudiced because the Motion to Withdraw pertains only to Claimant Number SA-59066.

Certification Pursuant to Local Rule 9018-1(d)¹

10. Undersigned counsel certifies that no conference has been conducted because the information contained in the Motion to Withdraw is protected by the attorney client privilege. The Motion to Withdraw also contains information that would identify Claimant Number SA-59066 which could cause harm. For these reasons, the entire Motion to Withdraw should be filed under seal, such that no proposed redacted Motion to Withdraw can be publicly filed.

Notice

11. Paul Mones, P.C. will provide notice of this Motion to Claimant Number SA-59066 via certified mail and Federal Express. In light of the nature of the relief requested, no other or further notice need be given.

¹ Capitalized terms used in this certification but not otherwise defined in this Motion to Seal have the meanings ascribed to them in the Local Rules.

No Prior Request

12. No prior motion for the relief requested herein has been made to this or any other court.

WHEREFORE, Paul Mones, P.C. respectfully request that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested in this Motion to Seal and granting such other and further relief as is appropriate under the circumstances.

Dated: September 22, 2021
Wilmington, Delaware

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Exhibit A

Proposed Order

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

)	
In re:)	
)	Chapter 11
BOY SCOUTS OF AMERICA AND)	
DELAWARE BSA, LLC,)	Case No. 20-10343 (LSS)
)	
)	(Jointly Administered)
)	
Debtors.)	Re: Docket No. _____
)	

**ORDER AUTHORIZING PAUL MONES, P.C. TO FILE UNDER SEAL
ITS MOTION TO WITHDRAW AS COUNSEL TO
CLAIMANT NUMBER SA-59066 AND EXHIBITS**

Upon the motion of Paul Mones, P.C. for entry of an order a) authorizing it file under seal the *Motion of Paul Mones, P.C. to Withdraw as Counsel to Claimant Number SA-59066*, and the exhibits thereto (the "Motion to Withdraw"), and b) directing that the Motion to Withdraw shall remain under seal and confidential, and not be made available to anyone without the consent of Paul Mones, P.C. and Claimant Number SA-59066 or further order from the Court, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order*; and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the

proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Paul Mones, P.C. is authorized to file the Motion to Withdraw under seal pursuant to sections 105(a) and 107(c)(1) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1. Paul Mones, P.C. shall provide a copy of the Motion to Withdraw to the Court and to Claimant Number SA-59066 only. The Motion to Withdraw shall remain strictly confidential and under seal and shall not be made available to anyone other than the foregoing without the prior written consent of Paul Mones, P.C. and Claimant Number SA-59066 or further order of the Court. Use of the sealed Motion to Withdraw shall be subject to Local Rule 9018-1.
3. Any Bankruptcy Rule or Local Rule that might otherwise delay the effectiveness of this Order is hereby waived, and the terms and conditions of this Order shall be effective and enforceable immediately upon its entry.
4. This Order is without prejudice to the rights of any party in interest to seek to unseal and make public any portion of the material filed under seal.
5. Paul Mones, P.C. is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.