

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

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

Ref. Docket Nos. 2295, 6212

**NOTICE OF FILING OF THE OFFICIAL TORT CLAIMANTS
COMMITTEE'S PROPOSED LETTER REGARDING THE DEBTORS' FIFTH
AMENDED CHAPTER 11 PLAN OF REORGANIZATION FOR BOY SCOUTS
OF AMERICA AND DELAWARE BSA, LLC**

PLEASE TAKE NOTICE THAT on March 2, 2021, above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed the *Debtors’ Motion for Entry of an Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notices, (V) Establishing Certain Deadlines in Connection with Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief* [Docket No. 2295] (the “Disclosure Statement Approval Motion”) which contained therein a proposed *Order (I) Approving the Disclosure Statement and the Form and Manner of Notice, (II) Approving Plan Solicitation and Voting Procedures, (III) Approving Forms of Ballots, (IV) Approving Form, Manner, and Scope of Confirmation Notices, (V) Establishing Certain Deadlines in Connection with Approval of the Disclosure Statement and Confirmation of the Plan, and (VI) Granting Related Relief* (the “Proposed Solicitation Procedures Order”).

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

PLEASE TAKE FURTHER NOTICE THAT on September 15, 2021, the Debtors filed the *Fifth Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* [Docket No. 6212] (the “Plan”) (as may be amended, supplemented or otherwise modified) and the *Amended Disclosure Statement for the Fifth Amended Chapter 11 Plan of Reorganization for Boy Scouts of America and Delaware BSA, LLC* [Docket No. 6213] (the “Disclosure Statement”).

PLEASE TAKE FURTHER NOTICE THAT the Official Tort Claimants Committee has prepared a letter which recommends that survivors vote to reject the Plan (the “Committee Letter”). A copy of the Committee Letter is attached hereto as **Exhibit A**.

Dated: September 27, 2021

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James E. O'Neill

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EXHIBIT A



**TORT CLAIMANTS COMMITTEE RECOMMENDS THAT SURVIVORS
VOTE TO REJECT THE BOY SCOUTS PLAN**

The Official Tort Claimants Committee (TCC) in the chapter 11 bankruptcy of the Boy Scouts of America (BSA) urges survivors to ***vote to reject BSA's Plan***. The Plan is grossly unfair to the 82,200 survivors who were sexually abused as children.

In the TCC's opinion, survivors may receive less than 10 cents on the dollar under the current BSA Plan.

The TCC urges you to attend the TCC's "Town Hall" meetings. The TCC will discuss its determinations about BSA's Plan. The Schedule for the Town Hall meetings can be found at www.tccbsa.com or by emailing BSASurvivors@pszjlaw.com. The Zoom link to the Town Hall meetings: <https://pszjlaw.zoom.us/j/82272826295> [OR](#) telephone: 1-669-900-9128; Code: 82272826295#

The TCC was appointed by the United States Trustee as the official fiduciary representative for all survivors of childhood sexual abuse and it recommends that survivors ***vote to reject BSA's Plan***. The nine members of the TCC have collectively spent thousands of hours devoted to assuring that survivors are fairly compensated. After all this time, BSA's Plan does not accomplish that goal. While the topline cash settlement number in the BSA's Plan seems large (approximately \$1.8 billion), it only represents a fraction of what the TCC believes the settling parties should and can pay to tens of thousands of survivors based on their financial exposure and available assets. While the BSA will be seeking further settlements and contributions from insurers and Chartered Organizations, at this time, there are none and there is no guarantee that BSA will be able to settle with such parties and provide further insurance or cash to pay claims.

The key flaws in BSA's Plan include:

- BSA's Plan includes settlements with Local Councils that leave them with over a billion dollars of cash and property in excess of what their current need to fulfill the mission of Scouting.
- Under the terms of BSA's Plan, Chartered Organizations do not pay a cent for broad releases for more than 40 years of sexual abuse claims (1976-2020). Instead, Chartered Organizations receive a release of their sexual abuse liability in exchange for a transfer of their interest in insurance policies purchased by the BSA and Local Councils.
- BSA's Plan includes a settlement with The Church of Jesus Christ of Latter-Day Saints (TCJC) that is completely insufficient to pay for claims for which it has liability.
- The Hartford Insurance Company (Hartford), the only settling insurer to date, is paying a small fraction of the coverage it is contractually obligated to provide.

The payment percentage on your claim is low partially because Hartford is paying only a fraction of what the insurance policies it issued to BSA actually cover. Hartford increased its inadequate offer of \$650 million to an equally subpar offer of \$787 million. Because the \$787 million is not being dedicated to claims that trigger Hartford's policies, the \$787 million will yield approximately \$8,500 per survivor after accounting for trust expenses and overhead.

BSA's Plan also includes a \$250 million settlement with TCJC which had decades of direct involvement in every aspect of the Scouting program. The \$250 million is not only an amount that is far below its responsibility but it has the financial ability to pay the full value of its claims many times over. The TCJC settlement funds will only be distributed to survivors who have claims against TCJC which may result in additional distributions only to them.

If a sufficient number of survivors vote to reject BSA's Plan, then the possible outcomes include (i) BSA's case may be dismissed and survivors may be free to pursue claims against BSA, Local Councils, Chartered Organizations and other parties subject to applicable statutes of limitation; (ii) the Court may appoint a trustee for BSA; (iii) the TCC (or other parties) may submit an alternate plan to reorganize BSA; or the BSA may amend its Plan and seek to resolicit votes to accept or reject such amended plan.

The TCC believes that survivors are likely to enjoy greater recoveries if BSA's Plan is rejected. For example, if BSA's Plan is rejected, BSA's proposed settlements with Hartford and TCJC, described in the plan, are rejected as well. Consequently, Hartford and TCJC will be forced to answer for their respective liabilities and the TCC believes that the recoveries against them will far exceed the amounts of the proposed settlements. Also, the Local Councils have more assets that they could use to pay survivors.

The TCC urges you to attend the TCC's "Town Hall" meetings. The TCC will discuss its determinations about BSA's Plan. The Schedule for the Town Hall meetings can be found at www.tccbsa.com or by emailing BSASurvivors@pszjlaw.com. Here is the Zoom link to the Town Hall meetings: <https://pszjlaw.zoom.us/j/82272826295> **OR** telephone: 1-669-900-9128; Code: 82272826295#

October  2021

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Jointly Administered

CERTIFICATE OF SERVICE

I, James E. O'Neill, hereby certify that on the 27th day of September, 2021, I caused a copy of the following document to be served via email on the individuals on the attached service list:

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COMMITTEE'S PROPOSED LETTER REGARDING THE DEBTORS'
FIFTH AMENDED CHAPTER 11 PLAN OF REORGANIZATION FOR
BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC**

/s/ James E. O'Neill

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Case No. 20-10343 (LSS)
Document No. 230362.1
008 – First Class Mail
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