



November 24, 2021

The Honorable Laurie Selber Silverstein
Chief Judge
United States Bankruptcy Court
824 North Market Street
Wilmington, DE 19801
RE: Boy Scouts of America and Delaware BSA, LLC Case No 20-10343

CLERK
U.S. BANKRUPTCY COURT
DISTRICT OF DELAWARE

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Judge Silverstein,

I am writing today to register my serious concerns and objections over the conduct of one of the Mass Tort Attorneys on the Coalition , one Kenneth Rothweiler. Mr. Rothweiler is not my attorney. I am represented in this case as a survivor of serious and repeated sexual abuse while a Boy Scout, by Andrew Van Arsdale of AVA. I have received ²⁰eight voting solicitations and counting from Mr. Rothweiler addressed as Dear Client via email and I am now getting text messages as well. A copy of this repeated solicitation is attached (the last one today) . In this solicitation, only his recommendation to **Vote Yes** is attached, not the vote no recommendation of the court appointed TCC nor my own attorney. His misrepresentation is egregious and I believe unethical. These emails also include a id and password not protected by any system to avoid it being stolen or misused.

I reached out directly to Mr. Rothweiler's firm to register my objections, as well as members of the TCC and AVA, yet these solicitations continue. I wanted to know how he got my contact information. I was told the Coalition shares its data base but Rothweiler overstepped in what he has been and continues to do to try and force the vote his way. I am also aware that a response letter from another coalition attorney, Tim Kosnoff to these repeated and unethical solicitations was forwarded by TCC and resulted in a formal complaint by Rothweiler, when it should be Rothweiler who is held accountable for conduct that can only be described as despicable, unethical, misrepresenting facts and self-serving. I found Kosloff's letter to be truthful an informative and have no objections to getting his or any perspective. It aligns with the TCC. I just object to Rothweiler misrepresenting himself, his opinions and his serial unethical solicitations and representations. Rothweiler, in my opinion, personifies all that is wrong with mass tort cases and should be held accountable by all means necessary. He is the living, breathing cartoon of a scumbag ambulance chaser. He also should be banned from communicating with non- clients and representing himself as representing the Coalition and TCC as lead negotiator or communicator. Personally, I think ethics charges are warranted and a referral to the Bar is also called for here. Clearly this guy is interested more in his 40% which would run into the tens of millions, than the victims. His public facing social media makes that very clear what kind of attorney he is.

I am concerned that these representations as "our" lawyer to less informed and more likely fed-up victims will skew the results due to this serious misrepresentation and potentially lead to a close yes vote on a plan that is clearly inadequate and biased toward BSA, the insurers, the sponsor organizations and local councils who allowed this vile and disgusting conduct to persist for generations. In my case, the council that existed during my time, the Fairfield County Council in Connecticut, no longer exists and I fear the records were conveniently lost as there is no mention of our Troop in the "perversion files". My original troop, Troop 23 was based at South Street School in Danbury, CT also no longer exists. We merged during my time as a scout with Troop 24 based at St. James Church after a massive exodus of scouts following the discovery of abuse by our Scoutmaster, [REDACTED] and his quiet removal. I was also subjected to sexual abuse by adult members of the Order Of The Arrow during my

initiation that was controlled by the same council. I have no idea where our records went to or if they still exist. If not, that's another problem.

I entered this litigation at the urging of another fellow scout who was also abused by Barton. We were one of many we could name in our troop now the veil has lifted. We remember it all too well. It was his disclosure about his abuse to me several years ago that led to deeply repressed memories of my traumas starting to resurface. His abuse was minor in comparison because [REDACTED] was discovered with my friend alone on a scout reservation by another troop which scared [REDACTED] off. They thankfully reported him. Because of the extreme nature of my abuse by [REDACTED] the conditioning by Mr [REDACTED] and fear, I denied any abuse at the time when asked by my parents, while just a 5th grader following a major corrective chest surgery, which in itself was traumatizing. There was never a real investigation, and I can easily count 10 or more victims I knew of. I remember us all sharing stories about him, his [REDACTED] and his abuses which as young children, we had no real comprehension of. Our shared goals in entering this litigation was to see [REDACTED] held accountable, along with the local Council, school (he was also our school librarian) as well as BSA at large. We also wanted future Scouts, if Scouting has a future, to be fully protected from this kind of abuse. I shied away from my sons being involved in Scouts and always looked at the leaders around their cub scout packs with suspicion. One was a father of boys I coached in baseball and I always kept my distance. Financial considerations were not part of our initial motivation. We had no idea about the scope of resources, insurance companies and liabilities of sponsors involved.

Child abuse, particularly sexual abuse has always been a trigger for me, one of few that strike me at a core level. I am learning a lot that I am now in weekly EMDR therapy for my multitude of personal issues that stemmed from this abuse. This therapy costs approx. \$800 per month and will be a long-term commitment if I am to fully recover. These issues include sexual/porn addition, sexual orientation confusion, marital issues resulting from infidelity, financial issues that developed as my memories came back and became more crippling, as well as depression, anxiety, dissociation, and emotional blunting. There are a multitude of things I now can understand that were a result of this abuse and how it changed me. Repressing it protected me from the initial horror, but it has been a dark secret I have carried. It reemerging was a serious problem, but one I am trying to deal with in therapy. My marriage is failing and I am still emotionally handicaped.

[REDACTED] still is alive and age 75 based on a google search, still living in Kent, CT where some of my abuse happened, and has never had a significant consequence other than losing his job in our school. He has never been flagged as the serial predator that he is. His father was allegedly a major BSA contributor and longtime Scout Master which provided cover. This reportedly led to his being protected and just quietly removed when his conduct clearly warranted criminal charges. He showed up as a librarian at the local college (WCSU) a few years later where my father was doing night continuing education classes as an educator. I can still remember the day he came home and told me he had seen him and the extreme reaction I felt. He should be identified publicly coming out of this. His secret records need to see the light of day.

The nature of my abuse was on the extreme end as outlined in the filing by BSA, which puts me in the \$600k-2.3MM bracket for damages. I was serially abused, often unknowingly drugged, sodomized and forced to perform oral sex and observe other acts by Mr [REDACTED] would regain consciousness feeling sick, pain and disoriented. I was chastised for being soft when I came home ill, with no one knowing what had really happened to me. I used to leave Summer Camp after being abused complaining of any illness to get me away from him. I now have visceral memories of the sights, smells, taste and sounds of my abuse. I remember gagging regularly and his smell, his very hairy body on me. Thinking about it still makes my throat tighten. [REDACTED] quickly elevated me into a leadership position so he could have more access to me on "special" leadership campouts in CT, MA and NY. He used a financial reward system within a ledger toward going to Philmont as his bait, some legitimate like merit badges etc for a quarter, but also he had his categories at the higher end like "[REDACTED]" worth \$40 which I was

young and Naïve enough to ask what that was. I had no idea as a 10-11 year old what this would get me into. I had several hundred dollars in "Credits" in his ledger after just two years. In hindsight and in today's world, such a thing would raise huge red flags but in the mid 70's, it did not. This kind of abuse was carefully hidden.

Before this vote and the proposal being sent, I asked the lawyers at AVA and TCC I have contact with in this case, if they had done a quick calculation on the pool of money needed to pay the 80k plus claims at their expected base value before applying scaling factors. They hadn't, but started to work on it. TCC had and communicated that they estimated that the base settlement pot was only 9.3% of the values expected for base claims. I also have communicated with Tim Kosnoff. My concern was there was never a clear representation in any official communications, including the recent ones by Mr. Rothweiler claiming to be my attorney, as to what kind of haircut victims were looking at versus the potential damages laid out in the bankruptcy document. The settlement still does not have a reference, just a pot of money as they call it, some of which is limited to LDS victims only which also is a problem. The Hartford settlement that reportedly Rothweiler led negotiations on is a joke. Failing to provide this perspective makes it difficult if not intentionally unethical to make a clear decision. Not having other insurers lined up with dollar figures is yet another issue.

My settlement is estimated to be \$34k using an online TCC tool before the attorneys take their cut versus \$600-2600k. That's one hell of a haircut while Rothweiler walks with tens of millions. I recognize in bankruptcy, that there is always a discount with creditors. As one of the scouts subject to significant abuse, that is far too much to consider reasonable, it won't even cover my therapy bills never mind the damage to my life and psyche this has caused. There is no requirement to disclose the abusers. The sponsor organizations get a pass. Additional insurers will tie up their payments in court for perpetuity. This is a bad deal. So on behalf of myself and the rest of the survivors, many who probably need the settlement to be bigger more than I, I will be voting no via mail. I will not use the Rothweiler vote links. I just want to be assured the unethical conduct of @Kennyseq (his twitter - also has a public facing page on Facebook) is called out and he is removed from doing further harm to a fair and ethical settlement.

Thank you for your time.

Respectfully,



Eisenberg Rothweiler PC <noreply@votenet.com>

11/24/2021 8:05 AM

Eisenberg Rothweiler, P.C.: Boy Scouts of America Bankruptcy - Plan Voting



Dear Client:

The time has come to place your vote on the Boy Scouts of American Plan of Reorganization. Voting is open now and will remain open until December 10, 2021, at 11:59 PM Eastern.

For the reasons set forth in the Coalition's letter and in Eisenberg Rothweiler's attached letter, it is Eisenberg Rothweiler's strong recommendation that you vote YES to approve the Plan.

~~Voting is quick and easy; please read all the instructions below and then click the link to begin the process.~~

To vote Click Here

If you have any trouble with the link above, please use the credentials below:

URL: <https://eballot.app/BSA>

Username: 224434

Password: C24636

The system will ask you to enter your Username and Password (listed above). Online voting should take you less than 10 minutes. Note the online ballot can be accessed from any smartphone or device that has full browser capabilities.

All your choices are held in a secure database. No one except for your attorneys have access to the choices you made. The system will give you a confirmation number. This number is proof to you that your vote has been successfully transmitted to EBallot's secure database.

Thank you for your participation.

To receive no further e-mails, please [click here](#)

*Judge, I have 10 of these as of today
from Rothweiler. He needs to be stopped.
TH
J*