

ROBBINS | RUSSELL

Robbins, Russell, Englert, Orseck & Untereiner LLP

Lawrence S. Robbins

202.775.4501
lrobbins@robbinsrussell.com

December 3, 2021

By CM/ECF

Chief Judge Laurie Selber Silverstein
United States Bankruptcy Court for the District of Delaware
824 North Market Street, 6th Floor
Wilmington, Delaware 19801

Re: *In re Boy Scouts of America and Delaware BSA, LLC, No. 20-10343 (LSS)*
Motion to Quash Discovery Requests of Certain Insurers

Dear Judge Silverstein:

A few weeks ago, the Insurers moved to compel Andrews & Thornton, Attorneys at Law (“A&T”), and ASK LLP (“ASK”), among other firms, to respond to interrogatories and document requests that the Insurers had issued under Federal Rules of Bankruptcy Procedure 7033 and 7034. *See* Dkt. No. 7239; *see also* Declaration of William J. Trunk (“Trunk Decl.”) Exs. 1–4. A&T and ASK opposed that motion, asserting that they are nonparties to this bankruptcy and thus not subject to discovery under Rules 7033 and 7034. *See* Dkt. No. 7334.

Earlier this week, the Court ruled that attorneys who signed claim forms on behalf of their clients are “parties” for discovery purposes. At that hearing, the Court considered no other objections to the Insurers’ discovery requests.

The next day, the Insurers noticed the depositions of A&T attorney Sean Higgins and ASK attorney David Stern. *See* Trunk Decl. Exs. 5–6. A&T and ASK objected to the deposition notices, the document requests, and the interrogatories (together, the “Requests”), on grounds of relevance, privilege, and burden.

Just yesterday, the Court resolved objections brought by Slater Slater Schulman LLP and Eisenberg, Rothweiler, Winkler, Eisenberg & Jeck, P.C. to substantially similar discovery requests

ROBBINS | RUSSELL

December 3, 2021

Page 2

from the Insurers. We do appreciate how that ruling likely portends a similar result here. Even so, A&T and ASK feel constrained to submit this motion to preserve their appellate rights.

I. The Requests Seek Irrelevant And Privileged Material, Pose An Undue Burden, And Should Be Quashed

The Requests target law firms and lawyers. From time immemorial, courts have justifiably resisted discovery aimed at attorneys. As then-Judge Sotomayor explained, judges “have been especially concerned about the burdens imposed on the adversary process when lawyers themselves have been the subject of discovery requests, and have resisted the idea that lawyers should routinely be subject to broad discovery.” *In re Subpoena Issued to Dennis Friedman*, 350 F.3d 65, 70 (2d Cir. 2003) (citing *Hickman v. Taylor*, 329 U.S. 495, 506–14 (1947)).

The Insurers bear a heavy burden in justifying their request to depose, and rifle through the files of, their opposing counsel. They have not remotely carried that burden.

1. The Requests seek irrelevant information.

The Requests seek information about the process for gathering claims submitted by attorney-signed claim forms. *See generally* Trunk Decl. Exs. 1–4. To discover that information, the Insurers must show how that information is relevant. *See, e.g., In re Energy Future Holdings Corp.*, 513 B.R. 651, 657 (Bankr. D. Del. 2014). They cannot.

The Insurers evidently believe that the Requests may impeach a claim’s validity. But even so (and more on that mistaken belief below), claim validity is irrelevant to plan confirmation and plan voting. Claims are presumed valid under Bankruptcy Rule 3001(f), treated as allowed under Section 502(a), and thus entitled to vote under Section 1126(a). The Insurers have lodged no objections to claims submitted through A&T and ASK. And an estate fiduciary will determine—*after* plan confirmation—the ultimate validity of any given claim.

But even if claim validity were somehow relevant to plan confirmation, the Requests would shed no light on that question. The Requests seek information about the *process for gathering* claims. That information, even if produced, would tell us nothing about the validity of any *particular* claim. A sterling claim-gathering process can muster an invalid claim, just as a shoddy process can fetch a valid claim.

The Insurers have hinted that attorney-signed forms may not correspond to real claimants. But here again, that (unfounded) concern has nothing to do with plan confirmation. Votes will not be tallied by master ballot. All claimants represented by A&T and ASK instead are voting individually, by submitting a signed ballot—claimant-by-claimant—that votes the plan either up or down. Because genuine signatures require genuine claimants, only real claimants will sign ballots, and only real claimants will vote.

December 3, 2021

Page 3

The Insurers respond that “mere voting is in no way an indication that those claims have gone through an adequate vetting process.” Dkt. No. 7495 at 2. And they say that an adequate vetting process shows whether the plan was proposed in good faith. *See id.* Not so. The Debtors proposed the plan, and so the question is whether the *Debtors* proposed the plan in good faith. *See* 11 U.S.C. § 1129(a)(3). Discovery into A&T and ASK’s legal work has more to do with the price of tea in China than with whether the Debtors proposed the plan in good faith.

In all events, the Insurers have identified nothing unusual (much less nefarious) about how A&T and ASK retained clients and filed claims on their behalf. Many claims were submitted just as they are in all mass-tort cases: using third-party vendors that specialize in communicating with victims and processing their intake forms. Nor should the fact that A&T and ASK signed some claim forms surprise anyone. The claim forms were submitted during a pandemic, and survivors are confronting—often for the first time in years—horrible abuse. So A&T and ASK were ethically obligated to take every measure to pursue their client’s goals—including signing claim forms to preserve their clients’ claims.

2. The Requests threaten multiple privileges.

Equally unsurprising is that the Requests—targeted, as they are, at the Insurers’ opposing counsel—seek an array of privileged materials. For example, one of the Requests asks for “all documents relating to the inquiry . . . conducted to confirm the existence of evidentiary support for each fact set forth in the Claim Form.” Trunk Decl. Ex. 3, at 12 (¶ 10); *see also id.* Ex. 4, at 12 (¶ 10). These materials plainly are privileged (and implicate attorney work-product protections, to boot). *See* Fed. R. Civ. P. 26(b)(3)(B); *Sporck v. Peil*, 759 F.2d 312, 315–16 (3d Cir. 1985) (granting writ of mandamus and reversing district court decision to permit discovery of documents used to prepare witness for deposition because the “selection process” of documents “itself” is protected opinion work-product).

Other Requests demand communications and work-product generated by the law firms’ agents. *See* Trunk Decl. Ex. 3, at 12 (¶ 13) (requesting “all documents reflecting communications with third party vendors pertaining to soliciting, processing, vetting, and filing Claim forms”); *see also id.* Ex. 4, at 12 (¶ 13) (same). But “[f]actual investigations conducted by an agent of the attorney,” such as gathering information to vet the merits of a claim, “clearly fall within the attorney–client rubric.” *See Parneros v. Barnes & Noble, Inc.*, 332 F.R.D. 482, 494 (S.D.N.Y. 2019); *see also, e.g., Audi of Am., Inc. v. Bronsberg & Hughes Pontiac, Inc.*, 255 F. Supp. 3d 561, 572–73 (M.D. Pa. 2017) (attorney–client privilege extends to “agents of either” the lawyer or the client “who facilitate communications between them” (quoting Restatement (Third) of the Law Governing Lawyers § 70 (2020))).

Still others probe for details about the dates and times on which the firms took various actions. *See* Trunk Decl. Ex. 1, at ¶ 3(e); *id.* Ex. 2, at ¶ 3(e). But “details about . . . when [an attorney–client communication] occurred relative to other critical events, how

December 3, 2021

Page 4

long it lasted, where the attorney and client were when they communicated—might reveal information protected by the attorney work-product doctrine.” *Turkmen v. Ashcroft*, No. 02-CV-2307 (JG), 2006 WL 1517743, at *5 (E.D.N.Y. May 30, 2006).

At bottom, the attorney–client and work-product privileges protect not just the substance of attorney action but also “the manner of counsel’s preparation for it.” *See Walker v. United Parcel Servs.*, 87 F.R.D. 360, 362 (E.D. Pa. 1980) (refusing to permit deposition when “Plaintiffs would depose counsel not only on the very subject matter of the court hearing, but on the manner of counsel’s preparation for it”). The Requests seek precisely that.

3. The Requests would inflict immense burdens without benefit.

A discovery request that seeks relevant and nonprivileged information must also “be ‘proportional to the needs of the case.’” *In re Maxus Energy Corp.*, 617 B.R. 806, 813 (Bankr. D. Del. 2020) (quoting Fed. R. Civ. P. 26(b)(1)). That proportionality test determines “whether the burden or expense of the proposed discovery outweighs its likely benefit.” *Id.* The Insurers’ Requests flunk the exam: They offer all pain and no gain.

Start with the pain. The Requests threaten “the relationship between attorneys and clients.” *Subpoena Issued to Dennis Friedman*, 350 F.3d at 70 (recognizing that threat as burdening the adversarial process). They seek what amount to entire case files, and would require attorneys to disclose client confidences and attorney work-product.

Worse still, the Requests place no “reasonable limits on the sources or types of information that [A&T and ASK] must search for and retrieve.” *In re SunEdison, Inc.*, 562 B.R. 243, 251 (Bankr. S.D.N.Y. 2017). The interrogatories ask the firms to identify *each* attorney who spoke with *each* claimant, *each* outside vendor involved in preparing or submitting *each* claim, *everything* the targeted lawyer did to confirm *each* claim’s veracity, and how long that all took *per claim*. *See* Trunk Decl. Exs. 1–2. One document request alone seeks—for *each claim* submitted by an attorney-signed form—“all documents relating to the inquiry” that an attorney—or anyone working at the attorney’s direction—made in vetting that claim. Trunk Decl. Ex. 3, at 12.

Now consider the absence of gain. Even if the claims-gathering process in general were both relevant and important to plan confirmation (and we steadfastly believe it is not), these particular Requests would not move the ball down the field. *See* Fed. R. Civ. P. 26(b)(1) (proportionality requires considering “the importance of the discovery in resolving the issues” at stake). At last count, nearly 90% of the claim forms submitted by A&T and ASK bore client signatures, and that number is likely to increase as we approach plan confirmation. As for the remaining claims, even the Insurers do not assert—nor could they—that *every* attorney-signed claim form represents an invalid claim or a fabricated claimant. So the Requests implicate a trivial-at-best percentage of claims, and thus are unimportant to resolving any issues at stake during plan confirmation.

ROBBINS | RUSSELL

December 3, 2021

Page 5

Finally, the Insurers have a different, and first-hand source for information about claim validity: the claimants. *See* Fed. R. Civ. P. 26(b)(1) (proportionality involves “the parties’ relative access to relevant information”). Yet how many discovery requests have the Insurers served on claimants? None.

* * *

The Insurers’ decision to target lawyers instead of claimants betrays the Insurers’ ignoble motives. The Insurers are uninterested in pursuing good-faith discovery about claim validity or in objecting to survivors’ claims. Their real interest lies in suffocating A&T and ASK with discovery requests for just long enough to bully forth a plan that only an insurer could love. All at the survivors’ expense. The Court should forbid the Insurers from hijacking the discovery rules to serve such ends.

Sincerely,

/s/ Lawrence S. Robbins

Lawrence S. Robbins
Counsel to ANDREWS & THORNTON,
ATTORNEYS AT LAW and ASK LLP

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

In re:

BOY SCOUTS OF AMERICA
AND DELAWARE BSA, LLC,

Debtors.¹

Chapter 11

Case No. 20-10343 (LSS)

Jointly Administered

**DECLARATION OF WILLIAM J. TRUNK IN SUPPORT OF
MOTION TO QUASH DISCOVERY REQUESTS OF CERTAIN INSURERS**

I, William J. Trunk, under 28 U.S.C. § 1746, declare:

1. I am a member of good standing of the Bar of the District of Columbia and the Bar of New York, and I am a member of the law firm Robbins, Russell, Englert, Orseck & Untereiner LLP.

2. I submit this declaration in support of the Motion to Quash the Zurich Insurers' Discovery Requests Served On Andrews & Thornton and ASK.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Certain Insurers' First Set of Interrogatories to Andrews & Thornton, Attorneys at Law, dated October 8, 2021.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Certain Insurers' First Set of Interrogatories to ASK, LLP, dated October 8, 2021.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Certain Insurers' First Set of Requests for The Production of Documents From Andrews & Thornton, Attorneys at Law, dated October 8, 2021.

¹ The Debtors in these Chapter 11 Cases, together with the last four digits of Debtors' federal tax identification numbers, 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.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Certain Insurers' First Set of Requests for The Production of Documents From ASK, LLP, dated October 8, 2021.

7. Attached hereto as **Exhibit 5** is a true and correct copy of the Notice of Deposition of Sean Higgins, dated December 1, 2021.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the Notice of Deposition of David Stern, dated December 1, 2021.

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

Dated: December 3, 2021

/s/ William J. Trunk
William J. Trunk (*pro hac vice*)
ROBBINS, RUSSELL, ENGLERT, ORSECK,
& UNTEREINER LLP
2000 K Street, N.W., Fourth Floor
Washington, DC 20006

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

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.

[rest of page left intentionally blank]

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 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.

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Mark D. Plevin (admitted *pro hac vice*)
Kevin D. Cacabelos (admitted *pro hac vice*)
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, California 94111
Phone: (415) 986-2800
E-mail: mplevin@crowell.com

Clifford J. Zatz (admitted *pro hac vice*)
Tacie H. Yoon (admitted *pro hac vice*)
Rachel A. Jankowski (admitted *pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Phone: (202) 624-2500
Email: tyoon@crowell.com

Kelly T. Currie (admitted *pro hac vice*)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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

Kathleen M. Miller (No. 2898)
Smith, Katzenstein & Jenkins LLP
1000 West Street, Suite 1501
P.O. Box 410
Wilmington, DE 19899 [Courier 19801]
Telephone: (302) 652-8400
Facsimile: (302) 652-8405

Email: kmiller@skjlaw.com

and

Lloyd A. Gura*
Pamela J. Minetto*
Mound Cotton Wollan & Greengrass LLP
One New York Plaza 44th Floor
New York, NY 10004
Tel: (212) 804-4282
Email: lgura@moundcotton.com
pminetto@moundcotton.com
(*Admitted pro hac vice)

Attorneys for Indian Harbor Insurance Company,
on behalf of itself and as successor in interest to
Catlin Specialty Insurance Company

STAMOULIS & WEINBLATT LLC
800 N. West Street
Third Floor
Wilmington, Delaware 19801
Telephone: 302 999 1540
Facsimile: 302 762 1688

O'MELVENY & MYERS LLP
Tancred Schiavoni (*pro hac vice*)
Daniel Shamah (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: 212 326 2000
Facsimile: 212 326 2061

Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as successor
to Insurance Company of North America and
Indemnity Insurance Company of North America,
Westchester Fire Insurance Company and
Westchester Surplus Lines Insurance Company

/s/ Matthew G. Summers

Matthew G. Summers (DE No. 5533)
Chantelle D. McClamb (DE No. 5978)
BALLARD SPAHR LLP
919 N. Market Street, 11th Floor
Wilmington, Delaware 19801-3034
Telephone: (302) 252-4428
Facsimile: (302) 252-4466
E-mail: summersm@ballardspahr.com
mcclambc@ballardspahr.com

-and-

Harry Lee*
John O'Connor*
Brett Grindrod*
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036
Telephone: (202) 429-8078
Facsimile: (202) 429-3902
E-mail: hlee@steptoe.com
joconnor@steptoe.com
bgrindrod@steptoe.com
(*Admitted *pro hac vice*)

Attorneys for Clarendon America
Insurance Company, Maryland Casualty
Company, Maryland American
General Group, and
American General Fire & Casualty
Company

Harris B. Winsberg (admitted *pro hac vice*)
Troutman Pepper Hamilton Sanders llp
Bank of America Plaza
600 Peachtree Street NE, Suite 3000
Atlanta, Georgia 30308-2216
Phone: (404) 885-3000

- and -

Margaret H. Warner (admitted *pro hac vice*)
Ryan S. Smethurst (admitted *pro hac vice*)
McDermott Will & Emery llp

- 9 -

The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001-1531
Phone: (202) 756-8228

Attorneys for Allianz Global Risks
US Insurance Company

Bodell Bové, LLC
Bruce W. McCullough (No. 3112)
1225 N. King Street, Suite 1000
P.O. Box 397
Wilmington, DE 19899-0397
Telephone: (302) 655-6749,
Facsimile: (302) 655-6827
Email: bmccullough@bodellbove.com

- and -

CLYDE & CO US LLP
Bruce D. Celebrezze (*pro hac vice*)
Four Embarcadero Center, Suite 1350
San Francisco, California 94111
Telephone: (415) 365-9800
Facsimile: (415) 365-9801
Email: bruce.celebrezze@clydeco.us

Konrad R. Krebs (*pro hac vice*)
200 Campus Drive | Suite 300
Florham Park, NJ 07932
Telephone: (973) 210-6700
Facsimile: (973) 210-6701
Email: konrad.krebs@clydeco.us

- and -

DAVID CHRISTIAN ATTORNEYS LLC
David Christian (*pro hac vice*)
105 W. Madison St., Suite 1400
Chicago, IL 60602
Telephone: (862) 362-8605
Email: dchristian@dca.law

Attorneys for Great American Assurance

- 10 -

Company,
f/k/a Agricultural Insurance Company;
Great American E&S Insurance Company,
f/k/a Agricultural Excess and Surplus Insurance
Company; and Great American E&S Insurance
Company

Deirdre M. Richards (DE Bar No. 4191)
Fineman Krekstein & Harris pc
1300 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 538-8331
Email: drichards@finemanlawfirm.com

- and -

Susan N.K. Gummow (admitted *pro hac vice*)
Foran Glennon Palandech Ponzi
& Rudloff p.c.
222 N. LaSalle St., Suite 1400
Chicago, Illinois 60601
Telephone: (312) 863-5000
Email: sgummow@fgppr.com

Michael A. Rosenthal (admitted *pro hac vice*)
James Hallowell (admitted *pro hac vice*)
Keith R. Martorana (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
200 Park Avenue
New York, New York 10166
Telephone: (212) 351-4000
Email: mrosenthal@gibsondunn.com
jhallowell@gibsondunn.com
kmartorana@gibsondunn.com

Matthew G. Bouslog (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
3161 Michelson Drive
Irvine, California 92612
Telephone: (949) 451-3800
Email: mbouslog@gibsondunn.com

Attorneys for the AIG Companies

MORRIS JAMES LLP

/s/ Carl Kunz, III

Carl Kunz, III (DE Bar No. 3201)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
Email: ckunz@morrisjames.com

- and -

/s/ Margaret M. Anderson

Margaret M. Anderson, Esq. (pro hac vice)
Ryan T. Schultz (pro hac vice)
Adam A. Hachikian (pro hac vice)
FOX SWIBEL LEVIN & CARROLL LLP
200 W. Madison Street, Suite 3000
Chicago, IL 60606
Telephone: (312) 224-1200
Facsimile: (312) 224-1201
Email: panderson@foxswibel.com
rschultz@foxswibel.com
ahachikian@foxswibel.com

Attorneys for Old Republic

/s/ Michael J. Joyce

Michael J. Joyce, Esquire (No. 4563)
JOYCE, LLC
1225 King Street, Suite 800
Wilmington, DE 19801
(302)-388-1944
mjoyce@mjlawoffices.com

-and-

Kevin Coughlin, Esquire (*Pro Hac Vice*)
Lorraine Armenti, Esquire (*Pro Hac Vice*)
Michael Hrinewski, Esquire (*Pro Hac Vice*)
COUGHLIN MIDLIGE & GARLAND, LLP
350 Mount Kemble Ave.
PO Box 1917
Morristown, NJ 07962
973-267-0058 (Telephone)

- 12 -

973-267-6442 (Facsimile)

larmenti@cmg.law

mhrinewski@cmg.law

-and-

Britton C. Lewis, Esquire (*Pro Hac Vice*)

CARRUTHERS & ROTH, P.A.

235 N. Edgeworth St.

P.O. Box 540

Greensboro, NC 27401

(336) 478-1146 (Telephone)

(336) 478-1145 (Facsimile)

bcl@crlaw.com

Counsel to Arrowood Indemnity Company

By: /s/ *David M. Fournier*

David M. Fournier (DE No. 2812)

Marcy J. McLaughlin Smith (DE No. 6184)

Hercules Plaza

1313 Market Street

Suite 5100

P.O. Box 1709

Wilmington, DE 19899-1709

Telephone: 404.885.3000

Facsimile: 404.885.3900

Harris B. Winsberg (admitted *pro hac vice*)

Bank of America Plaza

600 Peachtree Street NE

Suite 3000

Atlanta, GA 30308-2216

Telephone: 404.885.3000

Facsimile: 404.885.3900

Bradley Riley Jacobs PC

Todd C. Jacobs (admitted *pro hac vice*)

John E. Bucheit (admitted *pro hac vice*)

500 West Madison Street

Suite 1000

Chicago, IL 60661

Telephone: 312.281.0295

Attorneys for National Surety Corporation and

Interstate Fire & Casualty Company

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

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

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 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.

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Mark D. Plevin (admitted *pro hac vice*)
Kevin D. Cacabelos (admitted *pro hac vice*)
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, California 94111
Phone: (415) 986-2800
E-mail: mplevin@crowell.com

Clifford J. Zatz (admitted *pro hac vice*)
Tacie H. Yoon (admitted *pro hac vice*)
Rachel A. Jankowski (admitted *pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Phone: (202) 624-2500
Email: tyoon@crowell.com

Kelly T. Currie (admitted *pro hac vice*)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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

Kathleen M. Miller (No. 2898)
Smith, Katzenstein & Jenkins LLP
1000 West Street, Suite 1501
P.O. Box 410
Wilmington, DE 19899 [Courier 19801]
Telephone: (302) 652-8400
Facsimile: (302) 652-8405

Email: kmiller@skjlaw.com

and

Lloyd A. Gura*
Pamela J. Minetto*
Mound Cotton Wollan & Greengrass LLP
One New York Plaza 44th Floor
New York, NY 10004
Tel: (212) 804-4282
Email: lgura@moundcotton.com
pminetto@moundcotton.com
(*Admitted pro hac vice)

Attorneys for Indian Harbor Insurance Company,
on behalf of itself and as successor in interest to
Catlin Specialty Insurance Company

STAMOULIS & WEINBLATT LLC
800 N. West Street
Third Floor
Wilmington, Delaware 19801
Telephone: 302 999 1540
Facsimile: 302 762 1688

O'MELVENY & MYERS LLP
Tancred Schiavoni (*pro hac vice*)
Daniel Shamah (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: 212 326 2000
Facsimile: 212 326 2061

Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as successor
to Insurance Company of North America and
Indemnity Insurance Company of North America,
Westchester Fire Insurance Company and
Westchester Surplus Lines Insurance Company

/s/ Matthew G. Summers
Matthew G. Summers (DE No. 5533)

Chantelle D. McClamb (DE No. 5978)
BALLARD SPAHR LLP
919 N. Market Street, 11th Floor
Wilmington, Delaware 19801-3034
Telephone: (302) 252-4428
Facsimile: (302) 252-4466
E-mail: summersm@ballardspahr.com
mcclambc@ballardspahr.com

-and-

Harry Lee*
John O'Connor*
Brett Grindrod*
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036
Telephone: (202) 429-8078
Facsimile: (202) 429-3902
E-mail: hlee@steptoe.com
joconnor@steptoe.com
bgrindrod@steptoe.com
(*Admitted *pro hac vice*)

Attorneys for Clarendon America
Insurance Company, Maryland Casualty
Company, Maryland American
General Group, and
American General Fire & Casualty
Company

Harris B. Winsberg (admitted pro hac vice)
Troutman Pepper Hamilton Sanders llp
Bank of America Plaza
600 Peachtree Street NE, Suite 3000
Atlanta, Georgia 30308-2216
Phone: (404) 885-3000

- and -

Margaret H. Warner (admitted pro hac vice)
Ryan S. Smethurst (admitted pro hac vice)
McDermott Will & Emery llp
The McDermott Building
500 North Capitol Street, NW

Washington, DC 20001-1531
Phone: (202) 756-8228

Attorneys for Allianz Global Risks
US Insurance Company

Bodell Bové, LLC
Bruce W. McCullough (No. 3112)
1225 N. King Street, Suite 1000
P.O. Box 397
Wilmington, DE 19899-0397
Telephone: (302) 655-6749,
Facsimile: (302) 655-6827
Email: bmccullough@bodellbove.com

- and -

CLYDE & CO US LLP
Bruce D. Celebrezze (*pro hac vice*)
Four Embarcadero Center, Suite 1350
San Francisco, California 94111
Telephone: (415) 365-9800
Facsimile: (415) 365-9801
Email: bruce.celebrezze@clydeco.us

Konrad R. Krebs (*pro hac vice*)
200 Campus Drive | Suite 300
Florham Park, NJ 07932
Telephone: (973) 210-6700
Facsimile: (973) 210-6701
Email: konrad.krebs@clydeco.us

- and -

DAVID CHRISTIAN ATTORNEYS LLC
David Christian (*pro hac vice*)
105 W. Madison St., Suite 1400
Chicago, IL 60602
Telephone: (862) 362-8605
Email: dchristian@dca.law

Attorneys for Great American Assurance
Company,
f/k/a Agricultural Insurance Company;
Great American E&S Insurance Company,

- 10 -

f/k/a Agricultural Excess and Surplus Insurance Company; and Great American E&S Insurance Company

Deirdre M. Richards (DE Bar No. 4191)
Fineman Krekstein & Harris pc
1300 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 538-8331
Email: drichards@finemanlawfirm.com

- and -

Susan N.K. Gummow (admitted *pro hac vice*)
Foran Glennon Palandech Ponzi
& Rudloff p.c.
222 N. LaSalle St., Suite 1400
Chicago, Illinois 60601
Telephone: (312) 863-5000
Email: sgummow@fgppr.com

Michael A. Rosenthal (admitted *pro hac vice*)
James Hallowell (admitted *pro hac vice*)
Keith R. Martorana (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
200 Park Avenue
New York, New York 10166
Telephone: (212) 351-4000
Email: mrosenthal@gibsondunn.com
jhallowell@gibsondunn.com
kmartorana@gibsondunn.com

Matthew G. Bouslog (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
3161 Michelson Drive
Irvine, California 92612
Telephone: (949) 451-3800
Email: mbouslog@gibsondunn.com

Attorneys for the AIG Companies

MORRIS JAMES LLP

/s/ Carl Kunz, III

Carl Kunz, III (DE Bar No. 3201)

500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
Email: ckunz@morrisjames.com

- and -

/s/ Margaret M. Anderson
Margaret M. Anderson, Esq. (pro hac vice)
Ryan T. Schultz (pro hac vice)
Adam A. Hachikian (pro hac vice)
FOX SWIBEL LEVIN & CARROLL LLP
200 W. Madison Street, Suite 3000
Chicago, IL 60606
Telephone: (312) 224-1200
Facsimile: (312) 224-1201
Email: panderson@foxswibel.com
rschultz@foxswibel.com
ahachikian@foxswibel.com

Attorneys for Old Republic

/s/ Michael J. Joyce
Michael J. Joyce, Esquire (No. 4563)
JOYCE, LLC
1225 King Street, Suite 800
Wilmington, DE 19801
(302)-388-1944
mjoyce@mjlawoffices.com

-and-

Kevin Coughlin, Esquire (*Pro Hac Vice*)
Lorraine Armenti, Esquire (*Pro Hac Vice*)
Michael Hrinewski, Esquire (*Pro Hac Vice*)
COUGHLIN MIDLIGE & GARLAND, LLP
350 Mount Kemble Ave.
PO Box 1917
Morristown, NJ 07962
973-267-0058 (Telephone)
973-267-6442 (Facsimile)
lamenti@cmg.law
mhrinewski@cmg.law

-and-

Britton C. Lewis, Esquire (*Pro Hac Vice*)
CARRUTHERS & ROTH, P.A.
235 N. Edgeworth St.
P.O. Box 540
Greensboro, NC 27401
(336) 478-1146 (Telephone)
(336) 478-1145 (Facsimile)
bcl@crlaw.com

Counsel to Arrowood Indemnity Company

By: /s/ *David M. Fournier*
David M. Fournier (DE No. 2812)
Marcy J. McLaughlin Smith (DE No. 6184)
Hercules Plaza
1313 Market Street
Suite 5100
P.O. Box 1709
Wilmington, DE 19899-1709
Telephone: 404.885.3000
Facsimile: 404.885.3900

Harris B. Winsberg (admitted *pro hac vice*)
Bank of America Plaza
600 Peachtree Street NE
Suite 3000
Atlanta, GA 30308-2216
Telephone: 404.885.3000
Facsimile: 404.885.3900

Bradley Riley Jacobs PC
Todd C. Jacobs (admitted *pro hac vice*)
John E. Bucheit (admitted *pro hac vice*)
500 West Madison Street
Suite 1000
Chicago, IL 60661
Telephone: 312.281.0295

Attorneys for National Surety Corporation and
Interstate Fire & Casualty Company

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

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.

[rest of page left intentionally blank]

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 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.

DATED: October 8, 2021

/s/ Robert D. Cecil

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Mark D. Plevin (admitted *pro hac vice*)
Kevin D. Cacabelos (admitted *pro hac vice*)
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, California 94111
Phone: (415) 986-2800
E-mail: mplevin@crowell.com

Clifford J. Zatz (admitted *pro hac vice*)
Tacie H. Yoon (admitted *pro hac vice*)
Rachel A. Jankowski (admitted *pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Phone: (202) 624-2500
Email: tyoon@crowell.com

Kelly T. Currie (admitted *pro hac vice*)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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

Kathleen M. Miller (No. 2898)
Smith, Katzenstein & Jenkins LLP

1000 West Street, Suite 1501
P.O. Box 410
Wilmington, DE 19899 [Courier 19801]
Telephone: (302) 652-8400
Facsimile: (302) 652-8405
Email: kmiller@skjlaw.com

and

Lloyd A. Gura*
Pamela J. Minetto*
Mound Cotton Wollan & Greengrass LLP
One New York Plaza 44th Floor
New York, NY 10004
Tel: (212) 804-4282
Email: lgura@moundcotton.com
pminetto@moundcotton.com
(*Admitted pro hac vice)

Attorneys for Indian Harbor Insurance Company,
on behalf of itself and as successor in interest to
Catlin Specialty Insurance Company

STAMOULIS & WEINBLATT LLC
800 N. West Street
Third Floor
Wilmington, Delaware 19801
Telephone: 302 999 1540
Facsimile: 302 762 1688

O'MELVENY & MYERS LLP
Tancred Schiavoni (*pro hac vice*)
Daniel Shamah (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: 212 326 2000
Facsimile: 212 326 2061

Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as successor
to Insurance Company of North America and
Indemnity Insurance Company of North America,
Westchester Fire Insurance Company and
Westchester Surplus Lines Insurance Company

/s/ Matthew G. Summers
Matthew G. Summers (DE No. 5533)
Chantelle D. McClamb (DE No. 5978)

BALLARD SPAHR LLP
919 N. Market Street, 11th Floor
Wilmington, Delaware 19801-3034
Telephone: (302) 252-4428
Facsimile: (302) 252-4466
E-mail: summersm@ballardspahr.com
mcclambc@ballardpshar.com

-and-

Harry Lee*
John O'Connor*
Brett Grindrod*
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036
Telephone: (202) 429-8078
Facsimile: (202) 429-3902
E-mail: hlee@steptoe.com
joconnor@steptoe.com
bgrindrod@steptoe.com
(*Admitted *pro hac vice*)

Attorneys for Clarendon America
Insurance Company, Maryland Casualty
Company, Maryland American
General Group, and
American General Fire & Casualty
Company

Harris B. Winsberg (admitted *pro hac vice*)
Troutman Pepper Hamilton Sanders llp
Bank of America Plaza
600 Peachtree Street NE, Suite 3000
Atlanta, Georgia 30308-2216
Phone: (404) 885-3000

- and -

Margaret H. Warner (admitted *pro hac vice*)
Ryan S. Smethurst (admitted *pro hac vice*)
McDermott Will & Emery llp
The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001-1531
Phone: (202) 756-8228

Attorneys for Allianz Global Risks
US Insurance Company

- 16 -

Bodell Bové, LLC
Bruce W. McCullough (No. 3112)
1225 N. King Street, Suite 1000
P.O. Box 397
Wilmington, DE 19899-0397
Telephone: (302) 655-6749,
Facsimile: (302) 655-6827
Email: bmccullough@bodellbove.com

- and -

CLYDE & CO US LLP
Bruce D. Celebrezze (*pro hac vice*)
Four Embarcadero Center, Suite 1350
San Francisco, California 94111
Telephone: (415) 365-9800
Facsimile: (415) 365-9801
Email: bruce.celebrezze@clydeco.us

Konrad R. Krebs (*pro hac vice*)
200 Campus Drive | Suite 300
Florham Park, NJ 07932
Telephone: (973) 210-6700
Facsimile: (973) 210-6701
Email: konrad.krebs@clydeco.us

- and -

DAVID CHRISTIAN ATTORNEYS LLC
David Christian (*pro hac vice*)
105 W. Madison St., Suite 1400
Chicago, IL 60602
Telephone: (862) 362-8605
Email: dchristian@dca.law

Attorneys for Great American Assurance
Company,
f/k/a Agricultural Insurance Company;
Great American E&S Insurance Company,
f/k/a Agricultural Excess and Surplus Insurance
Company; and Great American E&S Insurance
Company

Deirdre M. Richards (DE Bar No. 4191)
Fineman Krekstein & Harris pc
1300 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 538-8331
Email: drichards@finemanlawfirm.com

- and -

- 17 -

Susan N.K. Gummow (admitted *pro hac vice*)
Foran Glennon Palandech Ponzi
& Rudloff p.c.
222 N. LaSalle St., Suite 1400
Chicago, Illinois 60601
Telephone: (312) 863-5000
Email: sgummow@fgppr.com

Michael A. Rosenthal (admitted *pro hac vice*)
James Hallowell (admitted *pro hac vice*)
Keith R. Martorana (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
200 Park Avenue
New York, New York 10166
Telephone: (212) 351-4000
Email: mrosenthal@gibsondunn.com
jhallowell@gibsondunn.com
kmartorana@gibsondunn.com

Matthew G. Bouslog (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
3161 Michelson Drive
Irvine, California 92612
Telephone: (949) 451-3800
Email: mbouslog@gibsondunn.com

Attorneys for the AIG Companies

MORRIS JAMES LLP

/s/ Carl Kunz, III

Carl Kunz, III (DE Bar No. 3201)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
Email: ckunz@morrisjames.com

- and -

/s/ Margaret M. Anderson

Margaret M. Anderson, Esq. (pro hac vice)
Ryan T. Schultz (pro hac vice)
Adam A. Hachikian (pro hac vice)
FOX SWIBEL LEVIN & CARROLL LLP
200 W. Madison Street, Suite 3000
Chicago, IL 60606
Telephone: (312) 224-1200
Facsimile: (312) 224-1201
Email: panderson@foxswibel.com

- 18 -

rschultz@foxswibel.com
ahachikian@foxswibel.com

Attorneys for Old Republic

/s/ Michael J. Joyce
Michael J. Joyce, Esquire (No. 4563)
JOYCE, LLC
1225 King Street, Suite 800
Wilmington, DE 19801
(302)-388-1944
mjoyce@mjlawoffices.com

-and-

Kevin Coughlin, Esquire (*Pro Hac Vice*)
Lorraine Armenti, Esquire (*Pro Hac Vice*)
Michael Hrinewski, Esquire (*Pro Hac Vice*)
COUGHLIN MIDLIGE & GARLAND, LLP
350 Mount Kemble Ave.
PO Box 1917
Morristown, NJ 07962
973-267-0058 (Telephone)
973-267-6442 (Facsimile)
lamenti@cmg.law
mhrinewski@cmg.law

-and-

Britton C. Lewis, Esquire (*Pro Hac Vice*)
CARRUTHERS & ROTH, P.A.
235 N. Edgeworth St.
P.O. Box 540
Greensboro, NC 27401
(336) 478-1146 (Telephone)
(336) 478-1145 (Facsimile)
bcl@crlaw.com

Counsel to Arrowood Indemnity Company

By: /s/ *David M. Fournier*
David M. Fournier (DE No. 2812)
Marcy J. McLaughlin Smith (DE No. 6184)
Hercules Plaza
1313 Market Street
Suite 5100
P.O. Box 1709
Wilmington, DE 19899-1709
Telephone: 404.885.3000
Facsimile: 404.885.3900

- 19 -

Harris B. Winsberg (admitted *pro hac vice*)
Bank of America Plaza
600 Peachtree Street NE
Suite 3000
Atlanta, GA 30308-2216
Telephone: 404.885.3000
Facsimile: 404.885.3900

Bradley Riley Jacobs PC
Todd C. Jacobs (admitted *pro hac vice*)
John E. Bucheit (admitted *pro hac vice*)
500 West Madison Street
Suite 1000
Chicago, IL 60661
Telephone: 312.281.0295

Attorneys for National Surety Corporation and
Interstate Fire & Casualty Company

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE**

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC,¹

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.

[rest of page left intentionally blank]

Definitions

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 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.

DATED: October 8, 2021

/s/ Robert D. Cecil

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Mark D. Plevin (admitted *pro hac vice*)
Kevin D. Cacabelos (admitted *pro hac vice*)
CROWELL & MORING LLP
Three Embarcadero Center, 26th Floor
San Francisco, California 94111
Phone: (415) 986-2800
E-mail: mplevin@crowell.com

Clifford J. Zatz (admitted *pro hac vice*)
Tacie H. Yoon (admitted *pro hac vice*)
Rachel A. Jankowski (admitted *pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004
Phone: (202) 624-2500
Email: tyoon@crowell.com

Kelly T. Currie (admitted *pro hac vice*)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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

Kathleen M. Miller (No. 2898)
Smith, Katzenstein & Jenkins LLP

1000 West Street, Suite 1501
P.O. Box 410
Wilmington, DE 19899 [Courier 19801]
Telephone: (302) 652-8400
Facsimile: (302) 652-8405
Email: kmiller@skjlaw.com

and

Lloyd A. Gura*
Pamela J. Minetto*
Mound Cotton Wollan & Greengrass LLP
One New York Plaza 44th Floor
New York, NY 10004
Tel: (212) 804-4282
Email: lgura@moundcotton.com
pminetto@moundcotton.com
(*Admitted pro hac vice)

Attorneys for Indian Harbor Insurance Company,
on behalf of itself and as successor in interest to
Catlin Specialty Insurance Company

STAMOULIS & WEINBLATT LLC
800 N. West Street
Third Floor
Wilmington, Delaware 19801
Telephone: 302 999 1540
Facsimile: 302 762 1688

O'MELVENY & MYERS LLP
Tancred Schiavoni (*pro hac vice*)
Daniel Shamah (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: 212 326 2000
Facsimile: 212 326 2061

Counsel for Century Indemnity Company, as
successor to CCI Insurance Company, as successor
to Insurance Company of North America and
Indemnity Insurance Company of North America,
Westchester Fire Insurance Company and
Westchester Surplus Lines Insurance Company

/s/ Matthew G. Summers
Matthew G. Summers (DE No. 5533)
Chantelle D. McClamb (DE No. 5978)

BALLARD SPAHR LLP
919 N. Market Street, 11th Floor
Wilmington, Delaware 19801-3034
Telephone: (302) 252-4428
Facsimile: (302) 252-4466
E-mail: summersm@ballardspahr.com
mcclambc@ballardpshar.com

-and-

Harry Lee*
John O'Connor*
Brett Grindrod*
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue NW
Washington, DC 20036
Telephone: (202) 429-8078
Facsimile: (202) 429-3902
E-mail: hlee@steptoe.com
joconnor@steptoe.com
bgrindrod@steptoe.com
(*Admitted *pro hac vice*)

Attorneys for Clarendon America
Insurance Company, Maryland Casualty
Company, Maryland American
General Group, and
American General Fire & Casualty
Company

Harris B. Winsberg (admitted *pro hac vice*)
Troutman Pepper Hamilton Sanders llp
Bank of America Plaza
600 Peachtree Street NE, Suite 3000
Atlanta, Georgia 30308-2216
Phone: (404) 885-3000

- and -

Margaret H. Warner (admitted *pro hac vice*)
Ryan S. Smethurst (admitted *pro hac vice*)
McDermott Will & Emery llp
The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001-1531
Phone: (202) 756-8228

Attorneys for Allianz Global Risks
US Insurance Company

- 16 -

Bodell Bové, LLC
Bruce W. McCullough (No. 3112)
1225 N. King Street, Suite 1000
P.O. Box 397
Wilmington, DE 19899-0397
Telephone: (302) 655-6749,
Facsimile: (302) 655-6827
Email: bmccullough@bodellbove.com

- and -

CLYDE & CO US LLP
Bruce D. Celebrezze (*pro hac vice*)
Four Embarcadero Center, Suite 1350
San Francisco, California 94111
Telephone: (415) 365-9800
Facsimile: (415) 365-9801
Email: bruce.celebrezze@clydeco.us

Konrad R. Krebs (*pro hac vice*)
200 Campus Drive | Suite 300
Florham Park, NJ 07932
Telephone: (973) 210-6700
Facsimile: (973) 210-6701
Email: konrad.krebs@clydeco.us

- and -

DAVID CHRISTIAN ATTORNEYS LLC
David Christian (*pro hac vice*)
105 W. Madison St., Suite 1400
Chicago, IL 60602
Telephone: (862) 362-8605
Email: dchristian@dca.law

Attorneys for Great American Assurance
Company,
f/k/a Agricultural Insurance Company;
Great American E&S Insurance Company,
f/k/a Agricultural Excess and Surplus Insurance
Company; and Great American E&S Insurance
Company

Deirdre M. Richards (DE Bar No. 4191)
Fineman Krekstein & Harris pc
1300 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 538-8331
Email: drichards@finemanlawfirm.com

- and -

- 17 -

Susan N.K. Gummow (admitted *pro hac vice*)
Foran Glennon Palandech Ponzi
& Rudloff p.c.
222 N. LaSalle St., Suite 1400
Chicago, Illinois 60601
Telephone: (312) 863-5000
Email: sgummow@fgppr.com

Michael A. Rosenthal (admitted *pro hac vice*)
James Hallowell (admitted *pro hac vice*)
Keith R. Martorana (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
200 Park Avenue
New York, New York 10166
Telephone: (212) 351-4000
Email: mrosenthal@gibsondunn.com
jhallowell@gibsondunn.com
kmartorana@gibsondunn.com

Matthew G. Bouslog (admitted *pro hac vice*)
Gibson, Dunn & Crutcher llp
3161 Michelson Drive
Irvine, California 92612
Telephone: (949) 451-3800
Email: mbouslog@gibsondunn.com

Attorneys for the AIG Companies

MORRIS JAMES LLP

/s/ Carl Kunz, III

Carl Kunz, III (DE Bar No. 3201)
500 Delaware Avenue, Suite 1500
Wilmington, DE 19801
Telephone: (302) 888-6800
Facsimile: (302) 571-1750
Email: ckunz@morrisjames.com

- and -

/s/ Margaret M. Anderson

Margaret M. Anderson, Esq. (pro hac vice)
Ryan T. Schultz (pro hac vice)
Adam A. Hachikian (pro hac vice)
FOX SWIBEL LEVIN & CARROLL LLP
200 W. Madison Street, Suite 3000
Chicago, IL 60606
Telephone: (312) 224-1200
Facsimile: (312) 224-1201
Email: panderson@foxswibel.com

- 18 -

rschultz@foxswibel.com
ahachikian@foxswibel.com

Attorneys for Old Republic

/s/ Michael J. Joyce
Michael J. Joyce, Esquire (No. 4563)
JOYCE, LLC
1225 King Street, Suite 800
Wilmington, DE 19801
(302)-388-1944
mjoyce@mjlawoffices.com

-and-

Kevin Coughlin, Esquire (*Pro Hac Vice*)
Lorraine Armenti, Esquire (*Pro Hac Vice*)
Michael Hrinewski, Esquire (*Pro Hac Vice*)
COUGHLIN MIDLIGE & GARLAND, LLP
350 Mount Kemble Ave.
PO Box 1917
Morristown, NJ 07962
973-267-0058 (Telephone)
973-267-6442 (Facsimile)
lamenti@cmg.law
mhrinewski@cmg.law

-and-

Britton C. Lewis, Esquire (*Pro Hac Vice*)
CARRUTHERS & ROTH, P.A.
235 N. Edgeworth St.
P.O. Box 540
Greensboro, NC 27401
(336) 478-1146 (Telephone)
(336) 478-1145 (Facsimile)
bcl@crlaw.com

Counsel to Arrowood Indemnity Company

By: /s/ *David M. Fournier*
David M. Fournier (DE No. 2812)
Marcy J. McLaughlin Smith (DE No. 6184)
Hercules Plaza
1313 Market Street
Suite 5100
P.O. Box 1709
Wilmington, DE 19899-1709
Telephone: 404.885.3000
Facsimile: 404.885.3900

- 19 -

Harris B. Winsberg (admitted *pro hac vice*)
Bank of America Plaza
600 Peachtree Street NE
Suite 3000
Atlanta, GA 30308-2216
Telephone: 404.885.3000
Facsimile: 404.885.3900

Bradley Riley Jacobs PC
Todd C. Jacobs (admitted *pro hac vice*)
John E. Bucheit (admitted *pro hac vice*)
500 West Madison Street
Suite 1000
Chicago, IL 60661
Telephone: 312.281.0295

Attorneys for National Surety Corporation and
Interstate Fire & Casualty Company

**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)

NOTICE OF DEPOSITION OF SEAN HIGGINS

**TO: Sean Higgins, Andrews & Thornton, Attorneys at Law
c/o Lawrence S. Robbins, Robbins, Russell, Englert, Orseck & Untereiner LLP
2000 K Street, NW, 4th Floor Washington, DC 20006
Phone: (202) 775-4501
Email: lrobbins@robbinsrussell.com**

PLEASE TAKE NOTICE THAT pursuant to Rule 30 of the Federal Rules of Civil Procedure, made applicable to these proceedings by Rules 9014 and 7030 of the Federal Rules of Bankruptcy Procedure, the American Zurich Insurance Company, American Guarantee and Liability Insurance Company, and Steadfast Insurance Company (collectively, “Zurich Insurers”) shall take the deposition of Sean Higgins in connection with the *Modified Fifth Amended Chapter 11 Plan Of Reorganization For Boy Scouts Of America And Delaware BSA, LLC* (Dkt No. 6443).

The deposition will commence on December 3, 2021 at 9:00 a.m. (Prevailing Pacific Time) via Zoom via a link to be circulated in advance. The deposition shall continue from day-to-day (Saturdays, Sundays, and holidays excluded), or as otherwise agreed by the parties, until completed. The deposition shall be taken upon oral examination before an officer authorized by law to administer oaths via remote video conference, and will be recorded by videographer and/or by stenographic means.

¹ The Debtors in the 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:

1. The deposition will be conducted either in person or remotely, using audio-visual conference technology;
2. The court reporter will either report the deposition from the same location as the witness or a location separate from the witness and will remotely administer the oath to the witness;
3. Counsel for the parties and their clients will participate either from the same location or from separate locations;
4. The witness may be required to provide government-issued identification, which must be legible on camera;
5. Each participating attorney may be visible to all other participants, and their statements will be audible to all participants;
6. All exhibits will be provided simultaneously and, if the deposition is conducted remotely, electronically to the witness and all participants;
7. The court reporter will record the testimony;
8. The deposition may be recorded by stenographic, electronic, and/or visual means;
and
9. Counsel for all parties will be required to stipulate on the record their consent to this manner of deposition and their waiver of any objection to this manner of taking the deposition, including any objection to the admissibility at trial of this testimony based on the manner of remote deposition taking.

Dated: December 1, 2021
Wilmington, Delaware

By: /s/ Robert D. Cecil, Jr.

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Kelly T. Currie (admitted pro hac vice)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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

**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)

NOTICE OF DEPOSITION OF DAVID STERN

**TO: David Stern, ASK LLP
c/o Lawrence S. Robbins, Robbins, Russell, Englert, Orseck & Untereiner LLP
2000 K Street, NW, 4th Floor Washington, DC 20006
Phone: (202) 775-4501
Email: lrobbins@robbinsrussell.com**

PLEASE TAKE NOTICE THAT pursuant to Rule 30 of the Federal Rules of Civil Procedure, made applicable to these proceedings by Rules 9014 and 7030 of the Federal Rules of Bankruptcy Procedure, the American Zurich Insurance Company, American Guarantee and Liability Insurance Company, and Steadfast Insurance Company (collectively, “Zurich Insurers”) shall take the deposition of David Stern in connection with the *Modified Fifth Amended Chapter 11 Plan Of Reorganization For Boy Scouts Of America And Delaware BSA, LLC* (Dkt No. 6443).

The deposition will commence on December 3, 2021 at 9:00 a.m. (Prevailing Central Time) via Zoom via a link to be circulated in advance. The deposition shall continue from day-to-day (Saturdays, Sundays, and holidays excluded), or as otherwise agreed by the parties, until completed. The deposition shall be taken upon oral examination before an officer authorized by law to administer oaths via remote video conference, and will be recorded by videographer and/or by stenographic means.

¹ The Debtors in the 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:

1. The deposition will be conducted either in person or remotely, using audio-visual conference technology;
2. The court reporter will either report the deposition from the same location as the witness or a location separate from the witness and will remotely administer the oath to the witness;
3. Counsel for the parties and their clients will participate either from the same location or from separate locations;
4. The witness may be required to provide government-issued identification, which must be legible on camera;
5. Each participating attorney may be visible to all other participants, and their statements will be audible to all participants;
6. All exhibits will be provided simultaneously and, if the deposition is conducted remotely, electronically to the witness and all participants;
7. The court reporter will record the testimony;
8. The deposition may be recorded by stenographic, electronic, and/or visual means;
and
9. Counsel for all parties will be required to stipulate on the record their consent to this manner of deposition and their waiver of any objection to this manner of taking the deposition, including any objection to the admissibility at trial of this testimony based on the manner of remote deposition taking.

Dated: December 1, 2021
Wilmington, Delaware

By: /s/ Robert D. Cecil, Jr.

Robert D. Cecil, Jr. (No. 5317)
TYBOUT, REDFEARN & PELL
501 Carr Road, Suite 300
Wilmington, Delaware 19809
Phone: (302) 658-6901
E-mail: rcecil@trplaw.com

Kelly T. Currie (admitted pro hac vice)
CROWELL & MORING LLP
590 Madison Ave., 20th Floor
New York, NY 10022
Phone: (202) 624-2500
Email: kcurrie@crowell.com

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