

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)

Hearing Date:

May 25, 2022 at 2:00 p.m. (ET)

Objection Deadline:

May 18, 2022 at 4:00 p.m. (ET)

**DEBTORS' SEVENTH MOTION FOR ENTRY OF AN ORDER,
UNDER 28 U.S.C. § 1452 AND FED. R. BANKR. P. 9006(b) AND 9027,
EXTENDING THE PERIOD WITHIN WHICH THE DEBTORS MAY
REMOVE CIVIL ACTIONS AND GRANTING RELATED RELIEF**

Boy Scouts of America (the “BSA”) and Delaware BSA, LLC, the non-profit corporations that are debtors and debtors in possession in the above-captioned chapter 11 cases (together, the “Debtors”), submit this motion (this “Motion”), pursuant to 28 U.S.C. § 1452 and rules 9006(b) and 9027 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the period within which the Debtors may file notices of removal of claims or causes of action under Bankruptcy Rule 9027 (the “Removal Period”) by an additional 120 days, as specified in the Proposed Order. In support of this Motion, the Debtors respectfully state as follows:

STATUS OF THE CASES AND JURISDICTION

1. The Debtors commenced these cases on February 18, 2020 (the “Petition Date”), and they continue to operate their non-profit organization and manage their properties as debtors

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

in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. These chapter 11 cases are being jointly administered for procedural purposes only pursuant to Bankruptcy Rule 1015(b) and rule 1015-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”).

2. On March 5, 2020, the United States Trustee for the District of Delaware (the “U.S. Trustee”) appointed an official committee of tort claimants (the “Tort Claimants’ Committee”) and an official committee of unsecured creditors (the “Creditors’ Committee”) pursuant to section 1102 of the Bankruptcy Code.

3. On April 24, 2020, the Court appointed James L. Patton, Jr. (the “Future Claimants’ Representative”) as the representative of future abuse claimants pursuant to sections 105(a) and 1109(b) of the Bankruptcy Code.

4. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. § 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and the Debtors confirm their consent, pursuant to Local Rule 9013-1(f), to the entry of a final order or judgment by the Court in connection with this Motion if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The statutory and other bases for the relief requested in this Motion are 28 U.S.C. § 1452, Bankruptcy Rules 9006(b) and 9027 and Local Rule 9006-2.

CIVIL ACTIONS PENDING AGAINST THE DEBTORS

6. The BSA is named as a defendant in numerous civil actions related to alleged historical sexual abuse in Scouting. As of the date hereof, approximately 315 such actions are pending in state and federal courts around the country. The Debtors have removed to federal district court (or bankruptcy court, depending upon the applicable local rules) all of the abuse actions against the BSA that were not already pending in federal court. The BSA is also named as a defendant in several dozen civil lawsuits that are unrelated to sexual abuse. Certain of these non-abuse actions remain pending against the BSA in various state courts.

7. On March 30, 2020, the Court entered the *Consent Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Granting the BSA's Motion for a Preliminary Injunction*, Adv. Pro. No. 20-50527 (LSS) [Adv. Docket No. 54] (the "Preliminary Injunction Order").² Under the Preliminary Injunction Order, the actions listed on Schedule 1 thereto (collectively, the "Pending Abuse Actions") were initially stayed to and including May 18, 2020 (the "Termination Date").

8. On May 18, 2020, the Court entered the *Stipulation and Agreed Order By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Extending the Termination Date of the Standstill Period Under the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362* [Adv. Docket No. 72] (the "Stipulation and Agreed Order"). The Stipulation and Agreed Order extended the Termination Date to and including June 8, 2020.

9. On June 9, 2020, the Court entered the *Second Stipulation and Agreed Order By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the*

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Preliminary Injunction Order.

Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period [Adv. Docket No. 77], which further extended the Termination Date to and including November 16, 2020.

10. On November 18, 2020, the Court entered the *Order Approving Third Stipulation By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period* [Adv. Docket No. 116], which further extended the Termination Date to and including March 19, 2021.

11. On March 17, 2021, the Court entered the *Order Approving Fourth Stipulation By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§105(a) and 362 and Further Extending the Termination Date of the Standstill Period* [Adv. Docket No. 162], which further extended the Termination Date to and including July 19, 2021.

12. On July 21, 2021, the Court entered the *Order Approving Fifth Stipulation By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the*

Termination Date of the Standstill Period [Adv. Docket No. 185] (the “Fifth Stipulation and Agreed Order”), which further extended the Termination Date to and including October 28, 2021.

13. On November 8, 2021, the Court entered the *Order Approving Sixth Stipulation By and Among Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA’s Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period* [Adv. Docket No. 199] (the “Sixth Stipulation and Agreed Order”). The Sixth Stipulation and Agreed Order further extended the Termination Date to and including the date of the first omnibus hearing after the Court issues its decision confirming or denying confirmation of the Debtors’ plan of reorganization.

14. The Preliminary Injunction Order, as modified by the Sixth Stipulation and Agreed Order, does not prohibit or enjoin the filing and service of a complaint for purposes of commencing a claim or clause of action against a BSA Related Party alleging claims substantially similar to those asserted in the Pending Abuse Actions (collectively, the “Further Abuse Actions”). The BSA has filed amended versions of Schedule 1 identifying all of the Pending Abuse Actions and Further Abuse Actions on a monthly basis pursuant to paragraph 11 of the Preliminary Injunction Order, including most recently on May 6, 2022 [Adv. Docket No. 220]. As of such date, there were more than 2,400 Further Abuse Actions pending against BSA Related Parties.

15. Under the Preliminary Injunction Order, as modified by the Sixth Stipulation and Agreed Order, upon the occurrence of the Termination Date, the relevant parties have the greater of: (a) forty-five (45) days; and (b) the deadline governed by applicable non-bankruptcy law to, among other things, file notices of removal in any Pending Abuse Action or Further Abuse Action.

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