



Stradley Ronon Stevens & Young, LLP

2005 Market Street

Suite 2600

Philadelphia, PA 19103

Telephone 215.564.8000

Fax 215.564.8120

www.stradley.com

Jeffrey A. Lutsky
Partner
jlutsky@stradley.com
215.564.8087

November 20, 2021

VIA ELECTRONIC FILING

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

Re: Boy Scouts of America, 20-10343 (LSS) (Bankr. D. Del.)—Opposition to Century’s Motion to Compel Cradle of Liberty Council (Dkt. 7298)

Dear Judge Silverstein:

Cradle of Liberty Council, BSA (“COLC”) respectfully requests that this Court deny Century’s sprawling motion to compel (Dkt. 7298) in connection with Century’s subpoena served October 8, 2021 (the “Century Subpoena”).

PRELIMINARY STATEMENT

COLC is not a party to the Debtors’ bankruptcy petition. Nonetheless, COLC has submitted substantial documentation concerning its assets, asset restrictions, and other similar data to assist the active parties to this bankruptcy in their assessment of COLC’s proposed contribution to the Settlement Trust.

Century, at the eleventh hour of discovery, served COLC with voluminous document requests that largely seek documents that: 1) Century already possesses or has been made available to it by parties in the bankruptcy; 2) are readily attainable from the active parties in the bankruptcy to the limited extent that Century does not possess them; 3) are protected from discovery by existence of the attorney-client or joint defense privileges¹; or 4) are not possessed by COLC. Accordingly, no genuine dispute exists that justifies Century seeking the Court’s intervention.

¹ COLC has advised Century that it is working on privilege log.

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As set forth in more detail below, COLC:

- timely responded to Century’s subpoena,
- made a good faith production of responsive documents,
- initiated a meet and confer conference with Century at which Century represented it had substantially narrowed its areas of interest,
- provided Century with a written response and supplemental information addressing the narrow areas and requests Century identified in the meet and confer, and
- subsequently made a supplemental production of documents—all in a good faith effort to avoid a wasteful discovery motion.

Regrettably, Century by its conduct as described below has repeatedly demonstrated it has no genuine interest in working cooperatively and avoiding needless litigation. Instead, apparently Century has rushed to file an unnecessary discovery motion without any consideration of COLC’s meet and confer follow up or its initial or supplemental document productions. In many cases, Century is so bent on resolving its subpoena through needless litigation that it seeks to involve the Court in scrutinizing discovery requests which were never identified by Century in its “deficiency” letter as problematic or requiring a further response, or which Century abandoned at a subsequent meet and confer conference. This Court should not countenance such conduct.

FACTUAL BACKGROUND

The Century Subpoena included forty-eight requests for documents. COLC timely responded to the subpoena with its Responses and Objections on October 18, 2021.² On Friday, November 5, 2021, COLC produced over two hundred pages of documents. That production included, *inter alia*, all responsive board agendas, minutes, and presentations.

Late on Sunday, November 7, 2021 Century sent COLC a letter purporting to outline deficiencies in COLC’s Responses and Objections and document production.³ Unfortunately, Century’s deficiency letter repeatedly misstated COLC’s Responses and Objections. Those misstatements were so numerous and obvious, it was abundantly clear Century did not even bother to read COLC’s Responses and Objections and instead sent COLC a boilerplate letter directed at responses received from an entirely different local council.⁴ Nevertheless, COLC did

² (Lutsky Decl. in Supp., Ex. 1, COLC Responses and Objections to Century Subpoena.)

³ (Lutsky Decl. in Supp., Ex. 2, November 7, 2021 Letter of Stamatios Stamoulis, Esquire.)

⁴ (See generally Ex. 2.) By way of example only, regarding Request No. 6, Century claimed COLC asserted that the request seeks “patently undiscoverable documents” and communications that are “almost exclusively protected” by privilege. (*Id.* at 2-3.) Neither of those statements appeared in COLC’s response. Regarding Request No. 9, Century claimed COLC’s “assertion that this request is duplicative of seven other requests is wrong.” (*Id.* at 3.) COLC’s response to this Request included no such assertion. Similarly, regarding Request No. 10, Century represented that COLC asserted that responsive documents would be privileged and that this assertion “is entirely frivolous.” (*Id.*) In fact, the entirety of COLC’s response to Request No. 10 was “Respondent does not possess any documents responsive to this Request.” Regarding Request No. 13, Century claimed that COLC incorporated its objections to Requests 1 through 7. (*Id.* at 4.) COLC did not. COLC’s response to Request No. 13 incorporated no

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its best to address the alleged deficiencies. COLC promptly served its response on November 10, 2021, and pro-actively sought a meet and confer with Century in a good-faith attempt to narrow any disputed issues.⁵

That meet and confer took place on Friday afternoon, November 12, 2021, between counsel and without participation by their clients. Century's counsel clearly represented that Century had substantially narrowed its focus and eight requests were discussed. On the call, Century's counsel recognized that COLC's counsel would need reasonable time to meet with its client and further evaluate the eight requests Century identified. Century asked for that response from COLC the week of November 15 and COLC's counsel agreed to use its best efforts to provide that response by the middle of that week. On Monday, November 15, 2021, amazingly, Century's counsel abruptly changed course and suddenly advised COLC's counsel by telephone that Century planned to file a motion to compel against COLC that day, without even waiting for a response from COLC regarding the meet and confer and without any apparent regard to any response COLC may have had. Nonetheless, COLC carefully considered what, if any, additional information it could provide to Century in regard to the eight requests discussed at the meet and confer. COLC sent a follow up letter on Tuesday, November 16, 2021.⁶ In that letter, COLC advised Century that it intended to supplement its production regarding two of the requests and provided Century with additional information concerning the remaining requests. COLC made its supplemental document production the very next day, on November 17, 2021. For four of the requests, COLC advised Century it had no additional documents to produce. Regarding one of the requests, related to membership rosters, COLC advised Century it had provided them to the Debtors, but to please advise if the Debtors did not produce them to Century and COLC would supplement its production. That left just one document request at issue, Request 8 seeking documents or communications exchanged between Alvarez and Marsal (a financial advisor to the Debtor) and COLC. Any such documents in the possession, custody, or control of COLC are subject to the joint defense agreement by and among COLC, the AHCLC, and the BSA. Therefore, they are privileged and not discoverable. COLC is duty bound not to produce any documents subject to its joint defense agreement.

Despite the very limited issues remaining, Century ignored COLC's meet and confer follow-up letter and failed to review COLC's supplemental production. Instead, Century rushed headlong to file its pending motion to compel.⁷ Instead of the eight requests previously discussed, which COLC made a good faith effort to bring to a resolution, Century now moves on

other response. In response to Century's Requests No. 25 and 26, COLC responded only: "None." Century's letter, however, described purported "blanket objections." (Id. at 5.) No such objections were made.

⁵ (Lutsky Decl. in Supp., Ex. 3, November 10, 2021 Letter of Jeffrey A. Lutsky, Esquire.)

⁶ (Lutsky Decl. in Supp., Ex. 4, November 16, 2021 Letter of Jeffrey A. Lutsky, Esquire.) Century mentions this letter in its Motion to Compel several times, but fails to attach it.

⁷ COLC's counsel asked Century's counsel to review the supplemental production before filing, but Century's counsel said only he would "see what he could do" and nonetheless filed without reviewing COLC's production. (See Lutsky Decl. in Supp., Ex. 5, November 17, 2021 email correspondence.)

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twenty-seven additional requests. For most of those additional requests, COLC has either already produced all responsive documents or advised Century that it has no responsive documents. Notably, Century's own discovery motion cites to COLC's position that it has no documents responsive to eleven requests on which Century moves. Understandably, Century is disappointed that COLC has no further documents to produce in response to these requests, but disappointment is not a legitimate basis for a discovery motion. COLC has used its reasonable best efforts to try and resolve any disputes over Century's subpoena without involving the Court, but Century, for some unknown reason, seems determined to resort to litigation rather than exercise good faith cooperation.

ALLEGED DEFICIENCIES

A. Board and Committee Minutes about Bankruptcy (RFP Nos. 1-13)

COLC produced executive board and executive committee agendas, minutes, and presentations related to the bankruptcy on November 5, 2021. As COLC has advised Century, there are no special or advisory committees of COLC that dealt with issues concerning the bankruptcy.⁸ Nor are there minutes kept of Key 3 meetings. There is no genuine, unresolved dispute related to board and committee minutes about the bankruptcy.

Document Request No. 1: All Documents provided to Your Council Executive Board, Council Executive and/or any Special or Advisory Council Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse.

- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 2: All Documents provided to Your Council Key 3 Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 3: All minutes of Your Council Key 3 Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

⁸ (See Ex. 3 at 2.)

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- COLC does not keep minutes of Council Key 3 meetings. COLC has no documents responsive to this request. No genuine dispute remains. COLC also notes that Century did not identify this response as an issue in its so-called “deficiency” letter of November 7, 2021.

Document Request No. 4: All minutes of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

- COLC has produced all responsive executive board and executive committee minutes. There are no special or advisory committees of COLC that dealt with issues concerning the bankruptcy. No genuine dispute remains.

Document Request No. 5: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluation the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 6: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 7: All Documents (including presentations) and Communications exchanged between the Debtors and members of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

- This request was not raised by Century’s counsel at the November 12, 2021 meet and confer. The request seeks documents and communications exchanged between COLC and the Debtors—parties to this action. Therefore, responsive documents can be more readily obtained from the Debtors, if they have not already been produced by the Debtors in discovery. See Fed. R. Civ. P. 26 (b)(2)(C)(i) (requiring protection from discovery that is “unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive.”); Fed. R. Civ. P. 45 (requiring protection from subpoena that “subjects a person to undue burden.”). COLC

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understands that the Debtors have made a voluminous production of documents to Century and Century, if it has reviewed that production at all, has not represented that it is lacking these documents.

Document Request No. 8: All Documents (including presentations) and Communications exchanged between Alvarez and Marsal and members of Your Council Executive Board, Council Executive Committee and/or Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

- Any documents or communications exchanged between Alvarez and Marsal and COLC are subject to the joint defense agreement by and among COLC, the AHCLC (the Ad Hoc Committee of Local Councils), and the BSA. Therefore, they are privileged and not discoverable. Century acknowledges that COLC has asserted its privilege, but claims, generally “these requests seek information directly related to the bankruptcy and key issues that will be addressed at the confirmation hearing.”⁹ Relevance, of course, does not trump the attorney-client privilege.¹⁰ COLC is duty bound not to produce any documents subject to its joint defense agreement.

Document Request No. 9: All drafts of term sheets for any Plan of Reorganization for the Debtors.

- As set forth in COLC’s Responses and Objections, and acknowledged in Century’s Motion to Compel, COLC has no documents responsive to this request.¹¹ No genuine dispute remains.

Document Request No. 10: All Documents Concerning Communications with State Court Counsel, the Coalition, TCC, FCR and/or their counsel Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, Abuse Claims and/or the Hartford Settlement Agreement.

- As set forth in COLC’s Responses and Objections, and acknowledged in Century’s Motion to Compel, COLC has no documents responsive to this request.¹² No genuine dispute remains.

⁹ (Motion to Compel at 8.)

¹⁰ See generally Rhone-Poulenc Rorer Inc. v. Home Indem. Co., 32 F.3d 851, 864 (3d Cir. 1994) (“Relevance is not the standard for determining whether or not evidence should be protected from disclosure as privileged, and that remains the case even if one might conclude the facts to be disclosed are vital, highly probative, directly relevant or even go to the heart of an issue.”).

¹¹ (See Motion to Compel at 8.)

¹² (See Motion to Compel at 8.)

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Document Request No. 11: All Documents Concerning any request that You support a motion, application, or inclusion of a provision a Plan of Reorganization for the Debtors that in any way called for or supported the payment of the fees for the Coalition.

- As set forth in COLC’s Responses and Objections, and acknowledged in Century’s Motion to Compel, COLC has no documents responsive to this request.¹³ No genuine dispute remains. COLC also notes that Century did not identify this response as an issue in its so-called “deficiency” letter of November 7, 2021.

Document Request No. 12: All Documents Concerning the TDPs to be employed with any Plan of Reorganization for the Debtors, including all drafts of the TDPs.

- As set forth in COLC’s Responses and Objections, and acknowledged in Century’s Motion to Compel, COLC has no documents responsive to this request.¹⁴ No genuine dispute remains.

Document Request No. 13: All Documents and Communications that BSA exchanged with Your Local Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

- This request was not raised by Century’s counsel at the meet and confer. Again, this request seeks documents and communications between COLC and the Debtors—parties to this action concerning the bankruptcy proceedings and Plan. Certain of those documents are subject to a joint defense privilege involving the BSA and are not discoverable. Any non-privileged responsive documents can be more readily obtained from the Debtors, if they have not already been produced by the Debtors in discovery.

B. COLC’s Contribution to the Settlement Trust (RFP Nos. 14-16, 18-19, 28)

The AHCLC provided the amount that COLC was expected to contribute to the Settlement Trust but did not provide the amounts that any other local council would contribute. The AHCLC is a party in this bankruptcy action and documents related to the amount that COLC was expected to contribute to the Settlement Trust can be more readily obtained from the AHCLC. COLC has produced all non-privileged board communications and presentations related to COLC’s contribution to the settlement trust.

Document Request No. 14 and 16: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluating and/or determining the amount of Your Local Council’s contribution to the Settlement Trust.

¹³ (See Motion to Compel at 8.)

¹⁴ (See Motion to Compel at 8.)

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- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 15: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the amount of Your Local Council's contribution to the Settlement Trust.

- COLC has produced all non-privileged documents responsive to this request. No genuine dispute remains.

Document Request No. 18: All Documents Concerning the methodology that was employed to allocate the aggregate contribution by all Local Councils to the Settlement Trust to individual Local Councils including any allocation by percentage or other means of the aggregate contribution to individual Local Councils.

- This request was not raised by Century's counsel at the meet and confer. The AHCLC provided the amount that COLC was expected to contribute to the Settlement Trust. Any responsive documents COLC possesses are duplicative of documents in the possession of the AHCLC. The AHCLC is a party in this bankruptcy action and responsive documents can be more readily obtained from the AHCLC.

Document Request No. 19: All Documents Concerning the calculation and/or determination of the amount of Your Local Council's contribution to the Settlement Trust.

- This request was not raised by Century's counsel at the meet and confer. As set forth above, the AHCLC provided the amount that COLC was expected to contribute to the Settlement Trust. Any responsive documents COLC possesses are duplicative of documents in the possession of the AHCLC. The AHCLC is a party in this bankruptcy action and responsive documents can be more readily obtained from the AHCLC.

Document Request No. 28: The Database, electronic spreadsheet, data and/or other information that was used to determine the amount of Your Local Council's contribution to the Settlement Trust.

- This request was not raised by Century's counsel at the meet and confer. As set forth above, the AHCLC provided the amount that COLC was expected to contribute to the Settlement Trust. Any responsive documents COLC possesses are duplicative of documents in the possession of the AHCLC. The AHCLC is a party in this bankruptcy action and responsive documents can be more readily obtained from the AHCLC.

C. Abuse Claims Against COLC (17, 25, 27, 30-33, 42, 44)

COLC has advised Century that COLC does not have internal documents concerning specific abuse claims. Pursuant to the BSA's long-standing policy, such documents, including

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incident reports, to the extent they existed, were delivered to the BSA and copies were not retained. Notably, however, the Debtors have produced the Feedback Template spreadsheets with COLC's information about the abuse claims requested by the Debtors and COLC has referred Century to the specific bates numbers of documents as part of the Debtors' production.¹⁵

Document Request No. 17: All Documents authored or generated by Bates White Concerning the POCs, the Debtors, the Abuse Claims against the Debtors, and/or these Chapter 11 Cases.

- There are no documents authored or generated by Bates White in the possession, custody, or control of COLC other than the templates used by the COLC to populate the spreadsheets produced by the BSA at BSA-PLAN_01103316, BSAPLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319. Century acknowledges this in the Motion to Compel.¹⁶ No genuine dispute remains.

Document Request No. 25: All Documents authored or generated by Bates White Concerning Abuse Claims asserted or alleged against Your Local Council.

- There are no documents authored or generated by Bates White in the possession, custody, or control of COLC other than the templates used by the COLC to populate the spreadsheets produced by the BSA at BSA-PLAN_01103316, BSAPLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319. No genuine dispute remains.

Document Request No. 27: All Documents and Communications Concerning Abuse Claims asserted on behalf of individuals that you were unable to confirm were scouts in Your Local Council.

- COLC refers Century to the Feedback Template spreadsheets produced by the BSA at BSA-PLAN_01103316, BSA-PLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319. As COLC has advised Century, COLC has no internal documents evaluating any specific abuse claim.¹⁷ Century acknowledges this in the Motion to Compel.¹⁸ No genuine dispute remains.

Document Request No. 30: All Documents and Communications that the Debtors sent to Your Local Councils with the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

- This request was not raised by Century's counsel at the meet and confer. Any responsive documents COLC possesses are duplicative of documents in the possession of the

¹⁵ (See Ex. 4 at 2.)

¹⁶ (See Motion to Compel at 10.)

¹⁷ (See Ex. 4 at 2.)

¹⁸ (See Motion to Compel at 10.)

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Debtors. The Debtors are parties in this bankruptcy action and responsive documents can be more readily obtained from the Debtors.

Document Request No. 31: All Documents and Communications that Your Local Council generated in response to the request to complete the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

- This request was not raised by Century's counsel at the meet and confer. COLC refers Century to the Feedback Template spreadsheets produced by the BSA at BSA-PLAN_01103316, BSA-PLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319. No genuine dispute remains.

Document Request No. 32: All Communications between or among BSA Membership Standards Group and Your Local Councils related to the Local Council Reporting Procedures for any claims based on Abuse, including but not limited to, questions regarding the verification of Proof of Claim data.

- This request was not raised by Century's counsel at the meet and confer. Any responsive documents COLC possesses are duplicative of documents in the possession of the Debtors. The Debtors are parties in this bankruptcy action and responsive documents can be more readily obtained from the Debtors.

Document Request No. 33: All incident reports generated by Your Local Council in connection with the Proofs of Claim filed in these Chapter 11 Cases, including any and all supporting documentation attached to those incident reports.

- COLC does not have any responsive incident reports in its possession, custody, or control. As COLC has told Century, in accordance with long-standing BSA policy, COLC provided all such documents to the BSA and retained no copies.¹⁹ Century acknowledges this in the Motion to Compel.²⁰ No genuine dispute remains.

Document Request No. 42: All Documents and Communications Concerning a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

- This request was not raised by Century's counsel at the meet and confer and was not even identified by Century in its boilerplate "deficiency" letter. As COLC noted in its Responses and Objections, the only documents possessed by COLC were provided by the Debtors and those documents can more readily and efficiently be obtained from the Debtors.

¹⁹ (See Ex. 4 at 2.)

²⁰ (See Motion to Compel at 10.)

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Document Request No. 44: All Documents and Communications Concerning the consideration and/or negotiation of a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

- This request was not raised by Century's counsel at the meet and confer. Any responsive documents COLC possesses are duplicative of documents in the possession of the Debtors. The Debtors are parties in this bankruptcy action and responsive documents can be more readily obtained from the Debtors.

D. COLC Agreements with Chartering Organizations that are the Basis of Confirmation Objections by the Charters (RFP Nos. 21-25)

On November 5, 2021, COLC produced thirteen agreements with Chartered Organizations, dated from December 2015 to December 2019. The thirteen agreements produced are identical, because the agreement is a form agreement created by the BSA. There is simply no reason for COLC to endure the burden of collecting, assembling, and producing thousands of documents that say the same thing. Furthermore, the BSA is a party to this action and presumably has in its possession, custody, and control all copies of the form agreement. Nonetheless, in its November 10, 2021 letter to Century, COLC asked Century to advise COLC if it would like COLC to produce agreements for a particular Chartered Organization from a particular timeframe.²¹ Century did not do so.

Document Request No. 21: All Documents and Communications relating to any agreements between or among the Local Councils, Chartered Organizations and BSA that address in any way responsibility for defending and/or indemnifying claims by persons alleging injury arising from a scouting activity asserted against a chartering organization.

- COLC produced thirteen identical agreements with Chartered Organizations, dated from December 2015 to December 2019. COLC offered to produce additional agreements with specifically identified Charter Organizations, but Century failed to request any. No genuine dispute remains.

Document Request No. 22: All Documents Concerning any claim that Chartering Organizations have asserted against Your Local Council for contribution and/or indemnity for Abuse Claims asserted against Chartering Organizations.

- As set forth in COLC's Responses and Objections, and acknowledged in Century's Motion to Compel, COLC has no documents responsive to this request.²² No genuine dispute remains.

²¹ (See Ex. 3 at 4.)

²² (See Motion to Compel at 11.)

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Document Request No. 23: All Documents Concerning any claim, assertion, or allegation that Local Councils generally and Your Local Council specifically took on an obligation to defend and indemnify Chartering Organizations for Abuse Claims or other claims through the terms of the annual charter agreements between the Chartered Organizations and Local Councils.

- As set forth in COLC's Responses and Objections, and acknowledged in Century's Motion to Compel, COLC has no documents responsive to this request.²³ No genuine dispute remains. COLC also notes that Century did not identify this response as an issue in its so-called "deficiency" letter of November 7, 2021.

Document Request No. 24: The charter agreements entered into by Your Local Council from January 1, 2014 to the petition date with the following Chartering Organizations: (1) the Methodist Church and any group associated with the Methodist Church, (2) dioceses, parishes and/or schools associated with the Catholic Church (3) the Episcopalian Church and any dioceses, parishes, school or other group associated the Episcopalian Church (4) the Lutheran Church and any diocese, parish, school or other group associated with the Lutheran Church (5) The Knights of Columbus. (6) the YMCA, and (7) the Presbyterian Church and any group associated with the Presbyterian Church.

- COLC produced thirteen identical agreements with Chartered Organizations, dated from December 2015 to December 2019. COLC offered to produce additional agreements with specifically identified Charter Organizations, but Century failed to request any. No genuine dispute remains.

Document Request No. 25: All Documents and Communications Concerning the POCs filed by any of the Chartered Organizations in these Chapter 11 Cases.

- As set forth in COLC's Responses and Objections, and acknowledged in Century's Motion to Compel, COLC has no documents responsive to this request.²⁴ No genuine dispute remains.

E. COLC's Assets (RFP Nos. 36-37)

COLC has already submitted a substantial amount of data concerning its assets and related restrictions in an effort to assist the active parties to this bankruptcy in their assessment of COLC's proposed contribution to the Settlement Trust. Upon information and belief, that data has already been made available to Century. The production of any additional documents about COLC's assets would be both duplicative and unduly burdensome.

Document Request No. 36: All Documents and Communications concerning whether assets that are donor-restricted should, or should not be, contributed to the Settlement Trust.

²³ See Motion to Compel at 11.

²⁴ See Motion to Compel at 11.

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- As set forth in COLC's Responses and Objections, and acknowledged in Century's Motion to Compel, COLC has no documents responsive to this request.²⁵ No genuine dispute remains.

Document Request No. 37: All Documents and Communications relating to Your cash and financial assets, including but not limited to bank statements, investment statements, listing of individual assets/holdings and associated market values, appraisals or other indicators of market value, records demonstrating any conditions or restrictions of use and/or encumbrances on the assets and any analysis related thereto.

- This request was not specifically raised by Century's counsel at the meet and confer. COLC also notes that Century did not identify this response as an issue in its so-called "deficiency" letter of November 7, 2021. COLC has submitted substantial data concerning its assets, asset compositions, asset restrictions, and similar data to assist the active parties in this bankruptcy action to assess COLC's proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. COLC further understands that Century has access to the PeopleSoft system that is maintained by the Debtors, which contains COLC's financial records. Moreover, COLC objects that producing "all documents relating to Your cash and financial assets", including, but not limited to, bank statements, would be an effort without boundaries, constitute an undue burden, and duplicative of information otherwise already submitted by COLC concerning its assets.

F. Feasibility (RFP No. 27)

Document Request No. 27: All Documents and Communications Concerning membership projections, including any Documents and Communications reflecting analysis of the impact that the disassociation of one or more Chartered Organizations from the Debtors and/or Your Local Council would have on the Debtors' membership levels and revenue projections and/or Your Local Council's membership levels.

- This request was not specifically raised by Century's counsel at the meet and confer. COLC can supplement its production with projections that have been provided to the BSA for COLC membership for 2020 and beyond. COLC has no documents analyzing the impact of any potential disassociation of any Chartered Organizations.

G. Privilege Log

As a threshold matter, Century is simply wrong when it claims "COLC has not asserted any specific privilege in its objections[.]"²⁶ While COLC did make a General Objection on the

²⁵ (See Motion to Compel at 4.)

²⁶ (See Motion to Compel at 13 n. 12.)

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grounds of privilege because the very nature of Century's subpoena centers entirely upon legal issues and proceedings, COLC also specifically references its privilege objection in its responses to Requests No. 1-7, 14, 15, 19, 28, and 35.

COLC has advised Century that it will provide a privilege log (as Century noted)²⁷ and it intends to do so. Presently, there is no dispute between the parties over the privilege log that is ripe for determination. Century's counsel did not raise in its meet and confer with COLC's counsel what form that privilege log should take. While COLC recognizes that a detailed privilege log, as described by Century, is the ideal in a typical case, this is not a typical case. Century's Subpoena seeks wide categories of documents related to COLC's consideration of legal issues and proceedings, including the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the Hartford Settlement Agreement, and COLC's contribution to the Settlement Trust. Not surprisingly, COLC has received legal advice related to these issues. Moreover, COLC is party to a joint defense agreement by and among COLC, the AHCLC, and the National BSA. COLC is duty bound not to produce any documents subject to that joint defense agreement. Because of the undue burden caused by the amount of documents likely to be included in any privilege log, COLC seeks the opportunity to meet and confer with Century about utilizing, to some extent, a categorical log.

CONCLUSION

For the foregoing reasons, COLC requests that the Court deny Century's motion to compel.

Respectfully,

/s/ Jeffrey A. Lutsky

Jeffrey A. Lutsky

/s/ Julie M. Murphy

Julie M. Murphy (Delaware ID: 5856)

²⁷ (See Motion to Compel at 13.)

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

In re:

BOY SCOUTS OF AMERICA AND
DELAWARE BSA, LLC

Debtors.

Chapter 11

Case No. 20-10343 (LSS)

(Jointly Administered)

**DECLARATION IN SUPPORT OF CRADLE OF LIBERTY COUNCIL'S OPPOSITION
TO CENTURY'S MOTION TO COMPEL**

STRADLEY RONON STEVENS & YOUNG, LLP
Jeffrey A. Lutsky (PA. BAR NO. 33673)
2005 Market Street, Suite 2600
Philadelphia, PA 19103
Telephone: (215) 564-8029
Facsimile: (215) 564-8120

Julie M. Murphy (DEL. BAR No. 5856)
1000 N. West Street
Suite 1200
Wilmington, DE 19801
Telephone: (302) 295-3805
Facsimile: (302) 295-4801

*Attorneys for The Cradle of Liberty Council of the
Boy Scouts of America*

I, Jeffrey A. Lutsky, hereby declare as follows:

1. I am Co-Chairman and Managing Partner of the law firm Stradley Ronon Stevens & Young, LLP. I am counsel for the Cradle of Liberty Council of the Boy Scouts of America.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Responses and Objections of the Cradle of Liberty Council of the Boy Scouts of America to Century Indemnity Company's Subpoena Duces Tecum, dated October 18, 2021.

3. Attached hereto as **Exhibit 2** is a true and correct copy of a letter sent to me from Stamatis Stamoulis, Esquire, Counsel for Century Indemnity Company, dated November 7, 2021.

4. Attached hereto as **Exhibit 3** is a true and correct copy of a letter sent to Stamatis Stamoulis in response, dated November 10, 2021.

5. Attached hereto as **Exhibit 4** is a true a correct copy of a letter sent to Stamatis Stamoulis after our meet and confer, dated November 16, 2021.

6. Attached hereto as **Exhibit 5** is a true and correct copy of email correspondence I received from Stamatis Stamoulis, dated November 17, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 20, 2021

/s/ Jeffrey A. Lutsky
Jeffrey A. Lutsky

EXHIBIT 1

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

**In re Boy Scouts of America
and Delaware BSA, LLC**

Case No. 20-10343 (LSS)

Debtor

**RESPONSES AND OBJECTIONS OF THE CRADLE OF
LIBERTY COUNCIL OF THE BOY SCOUTS OF AMERICA TO
CENTURY INDEMNITY COMPANY'S SUBPOENA DUCES TECUM**

The Cradle of Liberty Council of the Boy Scouts of America ("Respondent") hereby responds and objects to Century Indemnity Company's Subpoena Duces Tecum (the "Subpoena") served by Century Indemnity Company ("Century") on or about October 8, 2021.

GENERAL OBJECTIONS

1. In making these responses and objections to the Requests for Production in the Subpoena (the "Requests," and individually each is a "Request"), Respondent does not in any way waive or intend to waive, but rather intends to preserve and is preserving: (a) all objections as to competence, relevance, materiality, privilege and admissibility of any responses and/or information provided; (b) all rights to object on any ground to the use of any of these objections, responses and/or information provided, in any subsequent proceedings; and (c) all rights to object on any grounds to any requests for further responses to these (or any other) document requests or discovery requests.

2. Respondent's failure to object to a Request shall not be construed as an admission or representation that any responsive information exists or that, if such information exists, it is non-privileged. Respondent's failure to object to a Request on a particular ground or grounds shall not be construed as a waiver of Respondent's right to object on that or any other additional

ground. Respondent reserves the right to assert additional objections to these Requests as appropriate and to supplement these objections.

3. Respondent objects to the Requests to the extent that they seek information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest or joint defense doctrine, mediation privilege, or any other applicable rule, doctrine, privilege or immunity or protection from discovery (whether based upon statute, rule, or common law). Respondent will not disclose such information, and any disclosure of information so protected is inadvertent and shall not be deemed a waiver of any such privilege, rule, doctrine, or immunity, pursuant to Federal Rule of Evidence 502 and otherwise. In particular, Respondent notes that it is party to a Joint Defense Agreement by and among Respondent, the Ad Hoc Committee of Local Councils and the National BSA and that certain documents and communications among the parties above may be privileged to the extent they are made in furtherance of such parties' common interests.

4. Respondent objects to the Requests as imposing undue burden to the extent that they seek production of certain documents that could more readily be obtained from other sources, including the Debtors. Respondent further objects to the Requests to the extent that they seek production of certain documents that are already available to Century through the Debtors' data site, to which Century already has access. To the extent that Respondent is aware that the documents requested are available through the Debtors' data site or through the Debtors directly, it will not endeavor to produce them.

5. A statement by Respondent that it will produce information or documents in response to a particular Request is not to be construed as an admission that any responsive information or documents now exist or previously existed, or that any responsive information or

documents are within Respondent's possession, custody or control, or that, if such information exists, it is non-privileged.

6. All of Respondent's objections are continuing throughout the responses to the specific Requests set forth below, even when not further referred to in said responses. The objections set forth in the above-numbered paragraphs are incorporated in each response set forth below.

7. Respondent reserves its rights under Bankruptcy Rule 9016, including the right to require any enforcement of the Subpoena before the United States District Court for the Eastern District of Pennsylvania (the "Respondent's District Court"). If Century believes that the responses provided herein are inadequate or incomplete, Respondent requests that Century set out in writing its basis for such assertion and that Respondent and Century meet and confer prior to Century taking any steps to seek to enforce the Subpoena before the Respondent's District Court.

8. Respondent objects to the Requests as improper to the extent they purport to require production of documents on or before October 18th. To the extent that Respondent agrees to produce documents, it will endeavor to do so in accordance with the timeline set forth in the Scheduling Order [D.I. 6528].

9. Respondent objects to the Requests as vague, ambiguous and unduly burdensome insofar as they do not specify or provide a range of dates for documents and other communications that they purport to require Respondent to produce. Unless otherwise indicated, Respondent will not produce documents or other communications that arose on or prior to February 18, 2020, the date that the Debtors commenced their Bankruptcy Cases.

10. Any production made in response to any Request shall be subject to, and governed by, the terms of the Confidentiality and Protective Order [Dkt. No. 799]. For the avoidance of doubt, Respondent shall be considered a “Producing Party,” and Century shall be considered a “Receiving Party,” as defined therein.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Document Request No. 1: All Documents provided to Your Council Executive Board, Council Executive and/or any Special or Advisory Council Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse.

Response to Document Request No. 1: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent for the reasons set forth in General Objection No. 4. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 2: All Documents provided to Your Council Key 3 Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 2: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization

for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent for the reasons set forth in General Objection No. 4. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 3: All minutes of Your Council Key 3 Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 3: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 4: All minutes of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 4: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 5: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluation the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 5: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 6: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your

Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 6: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 7: All Documents (including presentations) and Communications exchanged between the Debtors and members of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 7: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 8: All Documents (including presentations) and Communications exchanged between Alvarez and Marsal and members of Your Council Executive Board, Council Executive Committee and/or Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 8: Respondent objects to this Request as the documents requested, to the extent any existed, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors or Alvarez & Marsal. Subject to and without waiver of these objections, Respondent does not possess any documents responsive to this Request.

Document Request No. 9: All drafts of term sheets for any Plan of Reorganization for the Debtors.

Response to Document Request No. 9: Respondent objects to this Request as the documents requested, if any existed, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Subject to and without waiver of this objection, Respondent does not possess any documents responsive to this Request.

Document Request No. 10: All Documents Concerning Communications with State Court Counsel, the Coalition, TCC, FCR and/or their counsel Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 10: Respondent does not possess any documents responsive to this Request.

Document Request No. 11: All Documents Concerning any request that You support a motion, application, or inclusion of a provision a Plan of Reorganization for the Debtors that in any way called for or supported the payment of the fees for the Coalition.

Response to Document Request No. 11: Respondent objects to this Request as unnecessarily overbroad, as several recent versions of the plan have called for payment of the Coalition's fees. Furthermore, no version of any Plan of Reorganization for the Debtors has at any time "called for" or requested the support of Respondent for the payment of the fees of the

Coalition. Responding further, Respondent states that at no time has it received any document specifically directed to Respondent that specifically sought Respondent's support for a Plan of Reorganization for the Debtor that includes payment of the Coalition's fees. As such, Respondent states that it has no documents responsive to this Request.

Document Request No. 12: All Documents Concerning the TDPs to be employed with any Plan of Reorganization for the Debtors, including all drafts of the TDPs.

Response to Document Request No. 12: Respondent objects to this Request as the documents requested, to the extent any exist, would appear to be in the possession, custody, and control of parties other than Respondent, including the Debtors, State Court Counsel, the Coalition, TCC, and/or FCR. Subject to and without waiver of this objection, Respondent does not possess any documents responsive to this Request.

Document Request No. 13: All Documents and Communications that BSA exchanged with Your Local Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 13: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 13.

Document Request No. 14: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluating and/or determining the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 14: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of the Ad Hoc Committee of Local Councils (“AHCLC”) and any non-privileged and responsive documents can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Moreover, Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent’s proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 14.

Document Request No. 15: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the amount of Your Local Council’s contribution to the Settlement Trust.

Response to Document Request No. 15: Respondent objects to this Request on the grounds that producing documents in response to this request would place an undue burden on Respondent. Moreover, Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent’s proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Responding further, the AHCLC originally provided the amount that Respondent was expected to contribute to the Settlement Trust on June 18, 2021. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. Subject to and without waiving its general and specific objections, Respondent

will produce any non-privileged documents responsive to this Request, if any exist, that were generated on or after June 18, 2021 and on or before November 5, 2021.

Document Request No. 16: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluating and/or determining the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 16: Respondent incorporates its response to Request No. 15 as if fully restated herein.

Document Request No. 17: All Documents authored or generated by Bates White Concerning the POCs, the Debtors, the Abuse Claims against the Debtors, and/or these Chapter 11 Cases.

Response to Document Request No. 17: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors or Bates White. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No.17.

Document Request No. 18: All Documents Concerning the methodology that was employed to allocate the aggregate contribution by all Local Councils to the Settlement Trust to individual Local Councils including any allocation by percentage or other means of the aggregate contribution to individual Local Councils.

Response to Document Request No. 18: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHLCL and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents

in response to this request would place an undue burden on Respondent. On these bases, Respondent objects to producing any documents in response to Request No. 18.

Document Request No. 19: All Documents Concerning the calculation and/or determination of the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 19: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHCLC and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 19.

Document Request No. 20: All Documents and Communications that BSA exchanged with any Chartered Organizations concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 20: Respondent objects to this Request insofar as it calls for Respondent to produce documents between BSA and Chartered Organizations. Respondent is not BSA and is not a Chartered Organization, nor are documents between BSA and a Chartered Organization within Respondent's possession, custody, or control. Respondent therefore objects on the basis that this Request demands documents outside the scope of permissible discovery from a third party. Subject to and without waiver of these objections, Respondent does not possess any documents responsive to this Request.

Document Request No. 21: All Documents and Communications relating to any agreements between or among the Local Councils, Chartered Organizations and BSA that address in any way responsibility for defending and/or indemnifying claims by persons alleging injury arising from a scouting activity asserted against a chartering organization.

Response to Document Request No. 21: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and Respondent objects on this additional ground. Respondent believes that any documents responsive to this Request it possesses, if any, to which the Debtors are a party are duplicative of documents in the possession of the Debtors. Subject to and without waiving its general and specific objections, Respondent will produce any agreements between Respondent and a Chartered Organization to which the Debtors are not also a party on or prior to November 5, 2020.

Document Request No. 22: All Documents Concerning any claim that Chartering Organizations have asserted against Your Local Council for contribution and/or indemnity for Abuse Claims asserted against Chartering Organizations.

Response to Document Request No. 22: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, Respondent states that it has not received any specific written demand from any Chartered Organization seeking contribution and/or indemnity for Abuse Claims. On such basis, Respondent states that it does not have documents responsive to this Request.

Document Request No. 23: All Documents Concerning any claim, assertion, or allegation that Local Councils generally and Your Local Council specifically took on an obligation to defend and indemnify Chartering Organizations for Abuse Claims or other claims through the terms of the annual charter agreements between the Chartered Organizations and Local Councils.

Response to Document Request No. 23: Respondent states that from and since approximately 2014, the agreement between Respondent and Chartered Organizations contains provisions that may require Respondent to defend and/or indemnify Chartered Organizations in

particular circumstances. Respondent states that it will produce exemplars of such agreements on or prior to November 5, 2021. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, Respondent states that it has not received any written demand from a Chartered Organization for Abuse Claims. On such basis, Respondent states that it does not have documents responsive to this Request.

Document Request No. 24: The charter agreements entered into by Your Local Council from January 1, 2014 to the petition date with the following Chartering Organizations: (1) the Methodist Church and any group associated with the Methodist Church, (2) dioceses, parishes and/or schools associated with the Catholic Church (3) the Episcopalian Church and any dioceses, parishes, school or other group associated the Episcopalian Church (4) the Lutheran Church and any diocese, parish, school or other group associated with the Lutheran Church (5) The Knights of Columbus. (6) the YMCA, and (7) the Presbyterian Church and any group associated with the Presbyterian Church.

Response to Document Request No. 24: Respondent incorporates its response to Request No. 23 and states that it will provide an exemplar of its agreement with Chartered Organizations from and since January 1, 2014 on or before November 5, 2021. Respondent further states that it is unduly burdensome to produce all such agreements and such agreements are duplicative of one another and are otherwise not proportional to the needs of the Bankruptcy Case. Respondent will not produce other or further documents in response to this Request.

Document Request No. 25: All Documents and Communications Concerning the POCs filed by any of the Chartered Organizations in these Chapter 11 Cases.

Response to Document Request No. 25: None.

Document Request No. 26: All Documents and Communications analyzing, assessing, or evaluating the proofs of claim filed by any of Chartered Organizations.

Response to Document Request No. 26: None.

Document Request No. 27: All Documents and Communications Concerning membership projections, including any Documents and Communications reflecting analysis of the

impact that the disassociation of one or more Chartered Organizations from the Debtors and/or Your Local Council would have on the Debtors' membership levels and revenue projections and/or Your Local Council's membership levels.

Response to Document Request No. 27: Respondent objects to this Request as certain of the documents requested, if they exist, appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent and this Request is not otherwise proportional to the needs of the Bankruptcy Case. On these bases, Respondent objects to producing any documents in response to Request No. 27.

Document Request No. 25:¹ All Documents authored or generated by Bates White Concerning Abuse Claims asserted or alleged against Your Local Council.

Response to Document Request No. 25: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors or Bates White and can be more readily obtained from the Debtors or Bates White. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent and are not proportional to the needs of the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 25.

Document Request No. 27:² All Documents and Communications Concerning Abuse Claims asserted on behalf of individuals that you were unable to confirm were scouts in Your Local Council.

¹ The Subpoena contains two separate Requests labeled "Request for Production No. 25."

² The Subpoena contains two separate Requests labeled "Request for Production No. 27."

Response to Document Request No. 27: Respondent objects to this Request as certain of the documents requested, if any exist, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and is not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, and without waiving its general or specific objections, Respondent states that it will produce documents, if any exist, that identify any Abuse Claim presented to Respondent where an individual contended that he was a Scout with Respondent, but for which Respondent could not confirm that such individual was a Scout with Respondent.

Document Request No. 28: The Database, electronic spreadsheet, data and/or other information that was used to determine the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 28: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHCLC and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent and are not otherwise proportional to the needs of the Bankruptcy Case. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 28.

Document Request No. 30:³ All Documents and Communications that the Debtors sent to Your Local Councils with the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

³ The Subpoena does not contain a “Request for Production No. 29.”

Response to Document Request No. 30: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 30.

Document Request No. 31: All Documents and Communications that Your Local Council generated in response to the request to complete the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

Response to Document Request No. 31: Respondent objects to producing “all Documents” in response to this Request on the grounds that it imposes an undue burden on Respondent and is not proportional to the needs of the Bankruptcy Case. Respondent further objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent states that production of the Local Council Feedback Template and Mandatory Reporting Procedures that Respondent prepared for and provided to the Debtors provides a sufficient response to this Request and that such documents are obtainable from, and should be obtained from, the Debtors. On these bases, Respondent objects to producing documents in response to this Request. Respondent is prepared to meet and confer with Century to determine whether there are any other categories of documents it may possess that are not duplicative of documents in possession of the Debtors and that are not otherwise unduly burdensome to produce.

Document Request No. 32: All Communications between or among BSA Membership Standards Group and Your Local Councils related to the Local Council Reporting Procedures for any claims based on Abuse, including but not limited to, questions regarding the verification of Proof of Claim data.

Response to Document Request No. 32: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent therefore directs Century to the Debtors for production of any documents in response to this Request. On these bases, Respondent objects to producing any documents in response to Request No. 32.

Document Request No. 33: All incident reports generated by Your Local Council in connection with the Proofs of Claim filed in these Chapter 11 Cases, including any and all supporting documentation attached to those incident reports.

Response to Document Request No. 33: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and is not otherwise proportional to the needs of the Bankruptcy Case. Responding further, Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent therefore directs Century to the Debtors for production of any documents in response to this Request.

Document Request No. 34: All membership rosters for Your Local Council that correspond to the date of alleged abuse for the POCs that refer to Your Local Council.

Response to Document Request No. 34: Respondent objects to this Request as being vague and overbroad. On its face, this Request seeks *all* rosters for any date on which there is an allegation of abuse. Furthermore, producing documents in response to this Request would

impose an undue burden on Respondent and are not otherwise proportional to the needs of the Bankruptcy Case. Respondent further states that it has produced relevant rosters to the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 34.

Document Request No. 35: All Documents and Communications between and/or among the Your Local Councils, the Chartered Organization Representative (COR) (or Institutional Head, where applicable), unit Committee Chair (CC) and/or unit program leader to notify them of the action being taken to remove the alleged abusers identified by the claimants in the Proof of Claim filed in these Chapter 11 cases from participation in Scouting.

Response to Document Request No. 35: Without waiving its general objections, including General Objection No. 3, Respondent will produce all non-privileged documents responsive to this Request, if any exist, on or before November 5, 2021.

Document Request No. 36: All Documents and Communications concerning whether assets that are donor-restricted should, or should not be, contributed to the Settlement Trust.

Response to Document Request No. 36: Respondent objects to this Request on the grounds that it is overly broad and vague. Responding further, Respondent states that the AHCLC originally provided the amount that Respondent was expected to contribute to the Settlement Trust on June 18, 2021. Subject to and without waiving its general and specific objections, Respondent has no documents responsive to this request.

Document Request No. 37: All Documents and Communications relating to Your cash and financial assets, including but not limited to bank statements, investment statements, listing of individual assets/holdings and associated market values, appraisals or other indicators of market value, records demonstrating any conditions or restrictions of use and/or encumbrances on the assets and any analysis related thereto.

Response to Document Request No. 37: Respondent objects to this Request on the grounds that Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent's proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Respondent further understands that Century has access to the PeopleSoft

system that is maintained by the Debtors, which contains Respondent's financial records. Respondent further objects that producing "all documents relating to Your cash and financial assets", including, but not limited to, bank statements, would be an undue burden and duplicative of information otherwise submitted by Respondent concerning its assets, including its audited financial statements. On these bases, Respondent objects to producing any documents in response to Request No. 37.

Document Request No. 38: All Documents Concerning any insurance policies issued to Your Local Council by Hartford.

Response to Document Request No. 38: Respondent objects to this Request to the extent that it calls for production of documents that are or may also be in the possession of the Debtors. Respondent states that from and since 1978, Respondent has been an additional insured on insurance policies issued to the Debtors. On that basis, any documents responsive to this Request from and since 1978 will also be in the possession of the Debtors and it is unduly burdensome to demand that Respondent produce such documents on a duplicative basis. Respondent has also conducted, and continues to conduct, a good faith search for additional insurance policies issued to it. In connection with such search, all documents that Respondent has identified that would be responsive to this Request, Respondent has shared with the Debtors or their representatives, including the firm KCIC. Respondent directs Century to the Debtors and/or KCIC for any such documents.

Document Request No. 39: All Documents concerning the retained limits and/or deductibles associated with any insurance available to Your Local Council for Abuse Claims.

Response to Document Request No. 39: Respondent directs Century to its response to Document Request No. 38 and incorporates it in full as if fully restated herein. Respondent further states that its practice has been to look to the Debtors' insurance counsel for

analysis of insurance policies and, as a result Respondent does not have any Documents responsive to this Request that are not already in the possession of the Debtors.

Document Request No. 40: All Documents Concerning Your Council's responsibility to fund retained limits and or deductibles associated with any insurance coverage that it by rd [SIC].

Response to Document Request No. 40: Respondent directs Century to its response to Document Request No. 38 and incorporates it in full as if fully restated herein.

Document Request No. 41: All Documents and Communications concerning any liquidation analysis of the Debtors, Local Councils, and/or Chartered Organizations.

Response to Document Request No. 41: Respondent objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Responding further Respondent states that it has not undertaken any independent liquidation analysis for the Debtors and on such basis contends that it does not have documents responsive to this Request.

Document Request No. 42: All Documents and Communications Concerning a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

Response to Document Request No. 42: Respondent objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent and would not be proportional to the needs of the Bankruptcy Case. Responding further Respondent states that the only documents in its possession, custody, or control that are responsive to this Request were provided to it by the

Debtors and Respondent directs Century to the Debtors for these documents and will not produce such documents on a duplicative basis.

Document Request No. 43: All Documents that You relied upon in deciding to support the First Hartford Settlement Agreement, the Hartford Insurance Settlement Agreement and the TCJC Settlement Agreement.

Response to Document Request No. 43: Respondent objects to this Request insofar as it is not a party to any of the First Hartford Settlement Agreement, the Hartford Insurance Settlement Agreement, or the TCJC Settlement Agreement. Respondent further objects to this Request as vague and ambiguous. Subject to and without waiver of its objections, Respondent has no documents responsive to this request.

Document Request No. 44: All Documents and Communications Concerning the consideration and/or negotiation of a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

Response to Document Request No. 44: Respondent incorporates its response to Request No. 42 as if fully restated herein.

Document Request No. 45: All Documents that set out Your document retention policies and practices over the last five years, including but not limited to the period over which You retain electronic communications.

Response to Document Request No. 45: Respondent will produce any non-privileged documents responsive to this Request, if any exist, on or before November 5, 2021.

Document Request No. 46: All Documents that memorialize any directive or instruction given by You or anyone else to Your Local Council and its staff directing them to retain documents concerning the Chapter 11 Cases.

Response to Document Request No. 46: None.

Dated: October 18, 2021

STRADLEY, RONON, STEVENS & YOUNG, LLP

By: /s/ Jeffrey A. Lutsky

Jeffrey A. Lutsky, Esquire

PA Bar No. 33673

2005 Market Street, 26th Floor

Philadelphia, PA 19103

215-564-8087

*Attorneys for The Cradle of Liberty Council of the Boy
Scouts of America*

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, a true and correct copy of Responses and Objections of The Cradle of Liberty Council of the Boy Scouts of America to Century Indemnity Company's Subpoena Duces Tecum was served by electronic mail on stamoulis@swdelaw.com.

Philadelphia, Pennsylvania

Dated: October 18, 2021

/s/ Jeffrey A. Lutsky

Jeffrey A. Lutsky, Esquire
Stradley, Ronon, Stevens & Young, LLP
PA Bar No. 33673
2005 Market Street, 26th Floor
Philadelphia, PA 19103
215-564-8087
jlutsky@stradley.com

*Attorneys for The Cradle of Liberty
Council of the Boy Scouts of America*

EXHIBIT 2



VIA EMAIL

Stamatios Stamoulis
stamoulis@swdelaw.com

November 7, 2021

Jeffrey A. Lutsky, Esq.
STRADLEY, RONON, STEVENS & YOUNG, LLP
2005 Market Street, 26th Floor
Philadelphia, PA 19103
Email: jlutsky@stradley.com

Re: In re Boy Scouts of America Case No. 20-10343

Dear Mr. Lutsky:

We write in response to the Responses and Objections served by the Cradle of Liberty Council, BSA (“CLC-BSA”) on October 18, 2021 and the documents produced by CLC-BSA on November 5, 2021.

Century Indemnity Company (“Century”) Propounded Requests for Production in an attempt to narrow the issues for the confirmation hearing. In substantial part, CLC-BSA has failed to properly respond to the Requests or to set forth good reasons for not doing so. CLC-BSA’s responses are grossly deficient, with CLC-BSA having either refused to comply whatsoever or declined to comply to the bulk of the Requests (over 30 requests; see Your Objections to Request Nos. 1, 2, 5, 6, 13, 21, 24, 25, 26, 28-30, 33-34, 36, 38-40; and 7, 8-10, 16-20, 27, 31, 32, 42-44).

We request that CLC-BSA withdraw its objections by close of business on Monday, November 8, 2021, confirm that it will comply with the requests and that it will provide a document by document log for any documents withheld as privileged. Capitalized terms shall have meaning assigned to them in the Fifth Amended Plan of Reorganization for the Boy Scouts of America.

**CLC-BSA’s “General Objections” Are Meritless,
Little More Than Boilerplate, and Should Be Withdrawn**

You assert without any explanation or support that the Requests seek large numbers of privileged documents. You then go on to describe what You will do with respect to documents that You contend are subject to privilege in ways that are inconsistent with the Federal Rules. You have not identified a single Request as one that seeks documents falling within any privilege. This General Objection should be withdrawn. Century requests a privilege log that identifies date, author, addressee and subject matter for each withheld document.

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**CLC-BSA's Objections To Specific Requests
Lack Merit and Are Frivolous**

**Board and Committee Minutes about
Bankruptcy**

Your Objections to RFP Nos. 1 and 2: Request for Production Nos. 1 and 2 seek the documents that were provided to the executive board, executive committee, and/or any special or advisory committee of CLC-BSA concerning a discrete set of topics – namely, these Chapter 11 cases, any Plan of Reorganization for BSA, the Fifth Amended Plan, the TDPs, the Hartford Settlement and Abuse Claims asserted in the POCs in these Chapter 11 cases. Your assertion that these requests are not calculated to lead to the discovery of admissible evidence is wholly without merit. The documents sought are specifically directed at the information that CLC-BSA has concerning the Plan, the TDPs, the Hartford Settlement and the Abuse Claims that are the subject of the confirmation proceedings. Nor is Your objection that the request is overly broad or burdensome meritorious. By definition, the documents at issue are those submitted to CLC-BSA's board, executive committee and advisory councils. Please confirm that you will withdraw Your Objections to Request for Production Nos. 1 and 2 and comply forthwith with Request Nos. 1 and 2.

Your Objections to RFP No. 4: Request for Production No. 4 seeks the documents that were provided to the executive board, executive committee, and/or any special or advisory committee of CLC-BSA concerning a discrete set of topics. While You have agreed to produce minutes for the executive board and executive committee, this is all you have confirmed. If there are any special or advisory committees of CLC-BSA that dealt with issues concerning the bankruptcy and or CLC-BSA's contribution to the Settlement Trust, these documents should be produced also.

Objections to RFP No. 5: Request for Production No. 5 seeks the documents that Your executive board, executive committee, and/or any special or advisory committee reviewed and relied upon in evaluating a Plan of Reorganization for the Boy Scouts, the TDPs, and the Hartford Settlement and the Abuse Claims that are the subject of the confirmation proceedings. Your assertion that these requests are not calculated to lead to the discovery of admissible evidence is wholly without merit. The documents sought are specifically directed at the information that CLC-BSA has concerning the Plan, the TDPs, the Hartford Settlement and the Abuse Claims that are the subject of the confirmation proceedings. Nor is Your objection that the request is overly broad or burdensome meritorious. By definition, the documents at issue are those submitted to CLC-BSA's board, executive committee and advisory councils. Please confirm that you will withdraw Your Objections to Request for Production No. 5 and comply forthwith with Request No. 5.

Objections to RFP No. 6: Request for Production No. 6 seeks copies of the communications among the members of Your executive board, executive committee, and/or any special or advisory committee of CLC-BSA concerning five specifically identified topics that are directly relevant to the confirmation objections in this case – namely, the Chapter 11 cases, any Plan of Reorganization for BSA, the Fifth Amended Plan, the TDPs, the Hartford Settlement and Abuse Claims asserted in the POCs in these Chapter 11 cases. Your assertion that the documents sought are "patently

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undiscoverable documents" is absurd. Clearly, documents concerning the Plan of Reorganization and TDPs subject to which CLC-BSA seeks a third-party release are directly and materially relevant and subject to discovery. Your objection that the discovery sought bears no relationship to the issues to be addressed at confirmation of the Plan is entirely frivolous. The Plan of Reorganization, the TDPs, and the Hartford Settlement and Abuse Claims asserted in the POCs against CLC-BSA are the subject of extensive briefing. Finally, Your assertion that communications among board members are "almost exclusively protected" by privilege is both unsupported and almost certainly unsupportable. Please confirm that you will withdraw Your Objections to Request for Production No. 6 and comply forthwith with Request No. 6.

Objections to RFP No. 7: Request for Production No. 7 seeks documents that have been exchanged between BSA and CLC-BSA's executive board, executive committee, and/or special or advisory committees concerning five specifically identified matters that are directly relevant to the confirmation proceedings – namely, the Chapter 11 cases, any Plan of Reorganization for BSA, the Fifth Amended Plan, the TDPs, the Hartford Settlement and the Abuse Claims asserted in the POCs in these Chapter 11 cases. Your assertion that Request for Production No. 7 is overbroad is wrong. The documents sought are limited to those falling in specific categories that are easily segregable from other material in CLC-BSA's possession. Your assertion that CLC-BSA should be excused from responding to Request No. 7 on the grounds that BSA may be in possession of some documents responsive to No. 7 likewise lacks merit. BSA has not confirmed that it has all the documents that it provided to the councils and, absent compliance by CLC-BSA, it is impossible to ascertain what information CLC-BSA held in addressing various issues such as its contribution to the Settlement Trust. Please confirm that you will withdraw Your Objections to Request for Production No. 7 and comply forthwith with Request No. 7.

Objections to RFP No. 9: Request for Production No. 9 seeks the drafts of the term sheets for the Plans of Reorganization in this bankruptcy. This request is simple and straightforward. There is no burden in complying. Your assertion that this request is duplicative of seven other requests is wrong. Please confirm that you will withdraw Your Objections to Request for Production No. 9 and comply forthwith with Request No. 9.

Objections to RFP No. 10: Request for Production No. 10 seeks production of the communications between CLC-BSA and the lawyers who represent claimants against BSA/Local Councils concerning the Plan of Reorganization, the TDPs, the Hartford Settlement and the Abuse Claims asserted in the POCs in these Chapter 11 cases. Your assertion that communications between claimant counsel and CLC-BSA are privileged is entirely frivolous. By definition, the Plaintiffs that are asserting claims against the Local Councils are adverse to the Local Councils. No attorney-client, work product or joint defense privilege protects such communications. Please confirm that you will withdraw Your Objections to Request for Production No. 10 and comply forthwith with Request No. 10.

Objections to RFP No. 12: Request for Production No. 12 seeks documents concerning the TDPs to be employed with any Plan of Reorganization for BSA. While You respond that You have no responsive documents, this seems impossible given that the TDPs are an integral part of the Plan. Please confirm that you will withdraw Your Objections to Request for Production No. 12 and

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comply forthwith with Request No. 12. We ask that You confirm that You have no documents that refer to the TDPs.

Objections to RFP No. 13: Request for Production No. 13 seeks the documents that BSA exchanged with You concerning the Plan of Reorganization, TDPs, and Abuse Claims asserted in the POCs in these Chapter 11 cases. You assert a host of boilerplate objections, going so far as to incorporate all of the objections from Requests No. 1 through 7, without committing to produce anything specific. These objections are entirely frivolous. Please confirm that you will withdraw Your Objections to Request for Production No. 13 and comply forthwith with Request No. 13.

Abuse Claims and Analysis of Abuse Claims

Objections to RFP No. 14: Request for Production No. 14 calls for the documents that Your executive board, executive committee, and/or special or advisory committee relied upon in determining the amount of CLC-BSA's contribution of the Settlement Trust. In response to RFP No. 14, You objected to producing any documents whatsoever. We are relying upon Your response in concluding that CLC-BSA will not offer any evidence in support of the relief it seeks at confirmation. Whether or not AHCLC is in possession of documents responsive to this request, the fact is that AHCLC is taking the position that it does not represent or speak for CLC-BSA. The documents sought are specifically directed at the information that CLC-BSA has concerning the Plan, the TDPs, the Hartford Settlement and the Abuse Claims that are the subject of the confirmation proceedings. Nor is Your objection that the request is overly broad or burdensome meritorious. By definition, the documents at issue are those submitted to CLC-BSA's board, executive committee and advisory councils. Please confirm that you will withdraw Your Objections to Request for Production No. 14 and comply forthwith with Request No. 14.

Objections to RFP Nos. 15 and 16: CLC-BSA is affirmatively seeking relief and findings concerning its contribution to the Settlement Trust. No document could be more relevant. Your objection as to burden is likewise meritless. Request Nos. 15 and 16 are limited to communications among a specific, defined group of individuals concerning a specific topic. Please confirm that You will withdraw today Your Objection to Request Nos. 15 and 16 and comply in full.

Objections to RFP No. 17: Request for Production No. 17 seeks documents generated by Bates-White concerning the POCs against the Debtors. Your assertion that CLC-BSA should be excused from complying because some of the documents may be obtained from Bates-White is meritless. CLC-BSA is affirmatively seeking relief through the Confirmation Order and is the proper party to which this request is propounded. Your assertion of burden is likewise misplaced as the documents sought are identified both by the author and the subject matter with specificity. Please confirm that You will withdraw today Your Objection to Request No. 17 and comply.

Objections to RFP Nos. 18 and 19: Request for Production Nos. 18 and 19 seek documents concerning the methodology that was employed to allocate the aggregate contribution by Local Councils to the Settlement Trust among the individual Local Councils including CLC-BSA. In response to this obviously relevant request, You have refused to produce any documents whatsoever. Request for Production No. 18 indisputably seeks documents directly relevant to the

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confirmation proceedings. These documents are not privileged nor can a case be made that it is burdensome for You to have to produce documents on an issue in which You carry the burden of proof. Please confirm that You will withdraw today Your Objection to Request Nos. 18 and 19 and comply.

Chartered Organizations

Objections to RFP No. 20: Request for Production No. 20 seeks documents that BSA exchanged with the Chartered Organizations concerning the Plan and TDPs. You object to this request and *refuse to produce anything*. The Chartered Organizations have a direct and material relationship with CLC-BSA. Many of the Chartered Organizations have filed POCs. Your assertion that Request for Production No. 20 seeks information that is irrelevant is absurd. Please confirm that You will withdraw today Your Objection to Request No. 20 and comply.

Agreements With Chartered Organizations

Objections to RFP No. 21: Request for Production No. 21 seeks the agreements between the Local Councils, Chartered Organizations and BSA that address responsibility for defending and indemnifying claims associated with scouting. The agreements with the Chartered Organizations and BSA are the subject of POCs filed by the Chartered Organizations and the terms of the Plan that address the Chartered Organizations' rights under the Plan. The documents sought are highly relevant. Your proposal to produce a single "exemplar" of the agreements that You contend existed over 100 years makes little sense. Quite obviously, we need the different forms of the agreements took over time and not just one. Please confirm that You will withdraw today Your Objection to Request No. 21 and comply.

Objections to RFP No. 24: Request for Production No. 24 seeks the agreements entered into by CLC-BSA between January 2014 and the petition date with respect to seven Chartered Organizations. In response to RFP No. 24, you offer a mere single "exemplar." By definition, there is no exemplar which is the same among seven different organizations. Please confirm that You will withdraw today Your Objection to Request No. 24 and comply.

Objections to RFP No. 25: Request for Production No. 25 seeks documents concerning the Proofs of Claim filed by the Chartered Organizations in these Chapter 11 cases. It is hard to imagine a more relevant request. Request for Production No. 25 is narrow in scope as it seeks specific documents about a specific subset of creditors. Your blanket objection to responding to this request is entirely frivolous. You have declined to produce any documents whatsoever. This is not a good faith response. Please confirm that You will withdraw today Your Objection to Request No. 25 and comply.

Objections to RFP No. 26: Request for Production No. 26 seeks all documents analyzing, assessing, or evaluating the Proofs of Claim filed by the Chartered Organizations. In response to this request, You have again asserted a blanket objection to complying. This is wrong. Please confirm that You will withdraw today Your Objection to Request No. 25 and comply.

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Charter Membership

Objections to RFP No. 27: Request for Production No. 27 seeks documents concerning membership projections. This request is not overbroad. It seeks specific documents about a specific issue – namely, membership levels and projections. Nor does this request pose a burden. CLC-BSA must track and project membership levels and revenue. Your objection is not well founded. Your refusal to comply or to produce any documents is wrong. Please confirm that You will withdraw today Your Objection to Request No. 27 and comply.

Objections to RFP No. 28: Your objection to Request for Production No. 28 is misplaced. There is no burden in identifying and producing the Bates-White documents that were provided to CLC-BSA concerning abuse claims. Nor is it plausible for Your Council to contend it could meet its burden of proof without producing these documents.

Objections to RFP No. 30: Request for Production No. 30 seeks the database or spreadsheet used to determine CLC-BSA's contribution to the Settlement Trust. Request No. 30 seeks documents that go directly to the core of the relief that CLC-BSA seeks through the confirmation proceedings. The request is simple and straight forward. Please confirm that You will withdraw today Your Objection to Request No. 30 and comply.

Objections to RFP No. 31: Request for Production No. 31 seeks all documents that CLC-BSA generated in response to the request to complete the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim, and Your communications with the Debtors concerning the Local Council feedback template and mandatory reporting procedures for Proofs of Claim. In response to this request, You reassert boilerplate objections advanced to an entirely different request that had little to do with this request. The information sought is directly relevant to the claims against CLC-BSA. Nor is it burdensome to produce since the Request seeks a specifically identified set of material that was prepared contemporaneously. Please confirm that You will withdraw Your Objections to Request No. 31 and comply.

Objections to RFP Nos. 32 and 33: Request for Production Nos. 32 and 33 seek the documents that CLC-BSA generated in response to the request to complete the Local Council feedback template and mandatory reporting procedures for Proofs of Claim. Your objection to producing any documents in response is not well placed. The boilerplate objections You assert have little or nothing to do with this request. Please confirm that You will withdraw Your Objections and comply.

Objection to RFP No. 34: Request for Production No. 34 seeks the membership rosters for CLC-BSA that correspond to the date of alleged abuse for the POCs that refer to CLC-BSA. Your objections completely miss the mark. The rosters are necessary to establish that the claimant was not a scout at the time they alleged abuse. These documents are directly relevant. Please confirm that You will withdraw Your Objections and comply.

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Local Council Assets

Objections to RFP Nos. 35 and 36: Request for Production Nos. 35 and 36 seek the documents concerning what CLC-BSA proposes to contribute to the Settlement Trust. Your objection to producing any documents in response is not well placed. The boilerplate objections You assert have little or nothing to do with this request. Please confirm that You will withdraw Your Objections and comply.

Insurance

Objections to RFP Nos. 38 and 40: Request for Production Nos. 38 and 40 seek the documents concerning the insurance that CLC-BSA proposes to contribute to the Settlement Trust. Your objection to producing any documents in response is not well placed. The boilerplate objections You assert have little or nothing to do with this request. Please confirm that You will withdraw Your Objections and comply.

Objections to RFP No. 44: Request for Production No. 44 seeks documents concerning the pre-packaged bankruptcy. Your objections completely miss the mark. These documents are directly relevant. Please confirm that You will withdraw Your Objections and comply

* * *

We again reiterate our request CLC-BSA withdraw its objections and answer each request. We offer to meet and confer with You on Monday or Tuesday of this week. If you will not withdraw Your objections and comply, please let us know whether you will agree to have the disputed issues concerning Your compliance decided by Judge Silverstein.

Very truly yours,



Stamatios Stamoulis
of Stamoulis & Weinblatt LLC

EXHIBIT 3



Stradley Ronon Stevens & Young, LLP

2005 Market Street

Suite 2600

Philadelphia, PA 19103

Telephone 215.564.8000

Fax 215.564.8120

www.stradley.com

Jeffrey A Lutsky
Partner
jlutsky@stradley.com
215.564.8087

November 10, 2021

VIA ELECTRONIC MAIL

Stamatios Stamoulis, Esquire
Stamoulis & Weinblatt LLC
800 N. West Street
Third Floor
Wilmington, DE 19801

Email: stamoulis@swdelaw.com

Re: In re Boy Scouts of America Case No. 20-10343

Dear Mr. Stamoulis:

I write in response to your letter dated November 7, 2021 regarding the Responses and Objections of the Cradle of Liberty Council, BSA (“COLC”) to the Subpoena Duces Tecum of Century Indemnity Company (“Century”).

I. Century Misstates COLC’s Responses and Objections

As a threshold matter, your November 7, 2021 letter misstates COLC’s Responses and Objections repeatedly. The misstatements are so abundant and obvious, it is clear you did not even bother to read COLC’s Responses and Objections.

By way of example only, regarding Request No. 6, you claim COLC asserted that the request seeks “patently undiscoverable documents” and communications that are “almost exclusively protected” by privilege. Neither of those statements appear in COLC’s response.

Regarding Request No. 9, you claim COLC’s “assertion that this request is duplicative of seven other requests is wrong.” COLC’s response to this Request includes no such assertion. Instead, COLC asserted that any responsive documents would be in the possession, custody, and control of the Debtors and could be more readily obtained from the Debtors. Subject to and without waiver of that objection, COCL has already advised Century that it does not possess any documents responsive to this Request.

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Similarly, regarding Request No. 10, you represent that COLC asserted that responsive documents would be privileged and that this assertion “is entirely frivolous.” In fact, the entirety of COLC’s response to Request No. 10 is “Respondent does not possess any documents responsive to this Request.”

Regarding Request No. 13, you claim that COLC incorporated its objections to Requests 1 through 7. COLC did not. COLC’s response to Request No. 13 incorporates no other response.

In response to Century’s Requests No. 25 and 26, COLC responded only: “None.” Your letter, however, describes purported “blanket objections.” No such objections were made.

Before any meet and confer on these issues can take place, Century must review the Responses and Objections actually lodged by the COLC. As it stands, COLC is attempting to respond to a letter that appears to be directed at a different local council altogether. Please identify specific issues with COLC’s Responses and Objections and advise on your availability to meet and confer on those issues.

II. COLC’s Privilege Objections

Century’s Subpoena seeks wide categories of documents related to COLC’s consideration of legal issues and proceedings, including the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the Hartford Settlement Agreement, and COLC’s contribution to the Settlement Trust. Not surprisingly, COLC has received legal advice related to these issues. Moreover, COLC is party to a Joint Defense Agreement by and among COLC, the Ad Hoc Committee of Local Councils (“AHCLC”) and the National BSA.

While COLC does make a General Objection on the grounds of privilege because the very nature of Century’s subpoena centers entirely upon legal issues and proceedings, (see General Objection No. 3), COLC also specifically references its privilege objection in its responses to Requests No. 1-7, 14, 15, 19, 28, and 35. Consequently, Century’s assertion that the COLC “has not identified a single Request as one that seeks documents falling within any privilege” is patently wrong, but does provide additional evidence that Century failed to read the COLC’s Responses and Objections.

Regarding Century’s request for a privilege log, it was always COLC’s intention to provide such a log and work on it is underway.

III. Board and Committee Minutes About Bankruptcy

COLC produced Board agendas, minutes, and presentations related to the Bankruptcy on November 5, 2021. There are no special or advisory committees of COLC that dealt with issues concerning the Bankruptcy or COLC’s contribution to the Settlement Trust.

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Requests No. 7 and 13 seek documents and communications between COLC and the Debtors—parties to this action. Therefore, responsive documents can be more readily obtained from the Debtors.

While COLC made a substantially complete document production on November 5, 2021, COLC is continuing to review electronic communications among members of the Board and will make a supplemental production of any responsive, non-privileged communications. If there are other specific categories of Board related documents that Century seeks and believes it has not already received from the COLC and/or cannot obtain from the Debtors, please advise.

IV. Abuse Claims and Analysis of Abuse Claims

Requests No. 14-19 relate to the amount of COLC's contribution to the Settlement Trust.

COLC is a party to a Joint Defense Agreement by and among COLC, the AHCLC, and the National BSA, and certain documents and communications among these parties may be privileged to the extent they are made in furtherance of such parties' common interests.

The documents Century seeks related to the amount of COLC's contribution to the Settlement Trust are in the possession, custody, or control of the AHCLC and/or the Debtors. The AHCLC and the Debtors are parties to this action. Therefore, the information can be more readily obtained from them, assuming Century does not already possess or have access to these documents.

For example, Request No. 17 seeks documents authored or generated by Bates White. COLC does not claim, as Century states, that "some" responsive documents can be obtained from Bates White. *All documents requested* appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors.

Additionally, COLC has submitted substantial data concerning its assets, asset restrictions, and similar data to assist parties in the Bankruptcy Case to assess COLC's proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century.

Notably, Century makes the unfounded leap from COLC's well placed objections in response to Request No. 14 that COLC "will not offer any evidence in support of the relief it seeks at confirmation." COLC has made no such representation.

If there are specific categories of non-privileged documents related to the amount of COLC's contribution to the Settlement Trust that Century believes are not already available to it and cannot be obtained from the Debtors and/or the AHCLC, please advise.

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V. Chartered Organizations

Century's Request No. 20 seeks documents that the BSA exchanged with Chartered Organizations concerning the Plan and TDPs. COLC is not the BSA and it is not a Chartered Organization. Moreover, BSA is a party to this action—any responsive documents would be in the possession, custody, and control of the BSA and should be obtained from the BSA. This Request is misdirected at COLC.

VI. Agreements With Chartered Organizations

On November 5, 2021, COLC produced thirteen agreements with Chartered Organizations, dated from December 2015 to December 2019. The thirteen agreements produced are identical, because the agreement is a form agreement created by the BSA. There is simply no reason for COLC to endure the burden of collecting, assembling, and producing thousands of documents that say the same thing. Furthermore, BSA is a party to this action and presumably has in its possession, custody, and control all versions of the form agreement. If Century would like COLC to produce the agreements for a particular Chartered Organization from a particular timeframe, please advise.

VII. Charter Membership

Documents responsive to Requests No. 27, 28, 30, 31, 32, 33, and 34, if they exist, would be in the possession, custody, and control of the BSA and/or the AHCLC. The BSA and the AHCLC are parties to this action. Therefore, responsive documents can be more readily obtained from them. If there are specific categories of documents Century seeks related to charter membership that Century believes it cannot obtain from the BSA and/or AHCLC, please advise.

VIII. Local Council Assets

Request No. 36¹ focuses specifically on documents related to whether assets that are donor-restricted should, or should not be, contributed to the Settlement Trust. As set forth in COLC's Responses and Objections, AHCLC originally provided the amount that Respondent was expected to contribute to the Settlement Trust on June 18, 2021. Subject to and without waiving its general and specific objections, COLC has no documents responsive to this request.

IX. Insurance

Documents responsive to Requests No. 38, 40, and 44, if they exist, would be in the possession, custody, and control of the Debtors, parties to this action. Therefore, responsive documents can be more readily obtained from them. If there are specific insurance documents that Century seeks that it believes it cannot obtain from the Debtors, please advise.

¹ Contrary to Century's assertion, Request No. 35 does not seek information about what COLC proposes to contribute to the Settlement Trust, or anything else related to COLC's assets.

Stamatios Stamoulis, Esquire

November 10, 2021

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Again, COLC requests that Century review its Responses and Objections and identify specific issues with those Responses and Objections. Once those issues are identified, please advise on your availability to meet and confer. If any disputes remain following that meet and confer, COLC agrees to have any related motions heard by Judge Silverstein.

Very truly yours,

A handwritten signature in blue ink that reads "Jeffrey Lutsky". The signature is written in a cursive style and is positioned to the left of a vertical line.

Jeffrey A. Lutsky

EXHIBIT 4



Stradley Ronon Stevens & Young, LLP

2005 Market Street

Suite 2600

Philadelphia, PA 19103

Telephone 215.564.8000

Fax 215.564.8120

www.stradley.com

Jeffrey A. Lutsky
Partner
jlutsky@stradley.com
215.564.8087

November 16, 2021

VIA ELECTRONIC MAIL

Stamatios Stamoulis, Esquire
Stamoulis & Weinblatt LLC
800 N. West Street
Third Floor
Wilmington, DE 19801

Email: stamoulis@swdelaw.com

Re: In re Boy Scouts of America Case No. 20-10343

Dear Mr. Stamoulis:

I write as follow up to our meet and confer on Friday, November 12 regarding the Responses and Objections of the Cradle of Liberty Council, BSA ("COLC") to the Subpoena Duces Tecum of Century Indemnity Company ("Century"). While COLC stands on its Responses and Objections, enclosed here for your reference, it offers the following supplemental information regarding the requests specifically discussed at our meet and confer.

Request No. 5: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluation the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

- COLC has already produced all responsive board agendas, minutes, and presentations. COLC intends to make a supplemental production of non-privileged board communications this week.

Request No. 6: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

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- COLC has already produced all responsive board agendas, minutes, and presentations. COLC intends to make a supplemental production of non-privileged board communications this week.

Request No. 8: All Documents (including presentations) and Communications exchanged between Alvarez and Marsal and members of Your Council Executive Board, Council Executive Committee and/or Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

- Any documents or communications exchanged between Alvarez and Marsal and COLC are subject to the joint defense agreement by and among COLC, the AHCLC, and the BSA. Therefore, they are privileged and not discoverable.

Request No 17: All Documents authored or generated by Bates White Concerning the POCs, the Debtors, the Abuse Claims against the Debtors, and/or these Chapter 11 Cases.

- There are no documents authored or generated by Bates White in the possession, custody, or control of COLC other than the templates used by the COLC to populate the spreadsheets produced by the BSA at BSA-PLAN_01103316, BSA-PLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319.

Request No. 25: All Documents and Communications Concerning the POCs filed by any of the Chartered Organizations in these Chapter 11 Cases.

- As set forth in COLC's Responses and Objections, COLC has no documents responsive to this request.

Request No 27: All Documents and Communications Concerning Abuse Claims asserted on behalf of individuals that you were unable to confirm were scouts in Your Local Council.

- COLC refers Century to the Feedback Template spreadsheets produced by the BSA at BSA-PLAN_01103316, BSA-PLAN_01103317, BSA-PLAN_01103318, and BSA-PLAN_01103319. In addition, on our call, you specifically sought, on behalf of Century, internal documents evaluating any specific abuse claim. COLC has no such documents.

Request No. 33: All incident reports generated by Your Local Council in connection with the Proofs of Claim filed in these Chapter 11 Cases, including any and all supporting documentation attached to those incident reports.

- COLC does not have any responsive incident reports in its possession, custody, or control. In accordance with long-standing BSA policy, COLC provided all such documents to the BSA and retained no copies.

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Request No. 34: All membership rosters for Your Local Council that correspond to the date of alleged abuse for the POCs that refer to Your Local Council.

- COLC provided any documents responsive to this request to the Debtors and therefore refers Century to the Debtors. To the extent that the Debtors have failed to produce these documents to Century, please advise and COLC will supplement its document production.

Thank you for taking the time to meet and confer on these issues. We look forward to continuing to work together to resolve any remaining disputes.

Very truly yours,



Jeffrey A. Lutsky

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

**In re Boy Scouts of America
and Delaware BSA, LLC**

Case No. 20-10343 (LSS)

Debtor

**RESPONSES AND OBJECTIONS OF THE CRADLE OF
LIBERTY COUNCIL OF THE BOY SCOUTS OF AMERICA TO
CENTURY INDEMNITY COMPANY'S SUBPOENA DUCES TECUM**

The Cradle of Liberty Council of the Boy Scouts of America ("Respondent") hereby responds and objects to Century Indemnity Company's Subpoena Duces Tecum (the "Subpoena") served by Century Indemnity Company ("Century") on or about October 8, 2021.

GENERAL OBJECTIONS

1. In making these responses and objections to the Requests for Production in the Subpoena (the "Requests," and individually each is a "Request"), Respondent does not in any way waive or intend to waive, but rather intends to preserve and is preserving: (a) all objections as to competence, relevance, materiality, privilege and admissibility of any responses and/or information provided; (b) all rights to object on any ground to the use of any of these objections, responses and/or information provided, in any subsequent proceedings; and (c) all rights to object on any grounds to any requests for further responses to these (or any other) document requests or discovery requests.

2. Respondent's failure to object to a Request shall not be construed as an admission or representation that any responsive information exists or that, if such information exists, it is non-privileged. Respondent's failure to object to a Request on a particular ground or grounds shall not be construed as a waiver of Respondent's right to object on that or any other additional

ground. Respondent reserves the right to assert additional objections to these Requests as appropriate and to supplement these objections.

3. Respondent objects to the Requests to the extent that they seek information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, the common interest or joint defense doctrine, mediation privilege, or any other applicable rule, doctrine, privilege or immunity or protection from discovery (whether based upon statute, rule, or common law). Respondent will not disclose such information, and any disclosure of information so protected is inadvertent and shall not be deemed a waiver of any such privilege, rule, doctrine, or immunity, pursuant to Federal Rule of Evidence 502 and otherwise. In particular, Respondent notes that it is party to a Joint Defense Agreement by and among Respondent, the Ad Hoc Committee of Local Councils and the National BSA and that certain documents and communications among the parties above may be privileged to the extent they are made in furtherance of such parties' common interests.

4. Respondent objects to the Requests as imposing undue burden to the extent that they seek production of certain documents that could more readily be obtained from other sources, including the Debtors. Respondent further objects to the Requests to the extent that they seek production of certain documents that are already available to Century through the Debtors' data site, to which Century already has access. To the extent that Respondent is aware that the documents requested are available through the Debtors' data site or through the Debtors directly, it will not endeavor to produce them.

5. A statement by Respondent that it will produce information or documents in response to a particular Request is not to be construed as an admission that any responsive information or documents now exist or previously existed, or that any responsive information or

documents are within Respondent's possession, custody or control, or that, if such information exists, it is non-privileged.

6. All of Respondent's objections are continuing throughout the responses to the specific Requests set forth below, even when not further referred to in said responses. The objections set forth in the above-numbered paragraphs are incorporated in each response set forth below.

7. Respondent reserves its rights under Bankruptcy Rule 9016, including the right to require any enforcement of the Subpoena before the United States District Court for the Eastern District of Pennsylvania (the "Respondent's District Court"). If Century believes that the responses provided herein are inadequate or incomplete, Respondent requests that Century set out in writing its basis for such assertion and that Respondent and Century meet and confer prior to Century taking any steps to seek to enforce the Subpoena before the Respondent's District Court.

8. Respondent objects to the Requests as improper to the extent they purport to require production of documents on or before October 18th. To the extent that Respondent agrees to produce documents, it will endeavor to do so in accordance with the timeline set forth in the Scheduling Order [D.I. 6528].

9. Respondent objects to the Requests as vague, ambiguous and unduly burdensome insofar as they do not specify or provide a range of dates for documents and other communications that they purport to require Respondent to produce. Unless otherwise indicated, Respondent will not produce documents or other communications that arose on or prior to February 18, 2020, the date that the Debtors commenced their Bankruptcy Cases.

10. Any production made in response to any Request shall be subject to, and governed by, the terms of the Confidentiality and Protective Order [Dkt. No. 799]. For the avoidance of doubt, Respondent shall be considered a “Producing Party,” and Century shall be considered a “Receiving Party,” as defined therein.

RESPONSES AND OBJECTIONS TO SPECIFIC REQUESTS

Document Request No. 1: All Documents provided to Your Council Executive Board, Council Executive and/or any Special or Advisory Council Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse.

Response to Document Request No. 1: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent for the reasons set forth in General Objection No. 4. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 2: All Documents provided to Your Council Key 3 Concerning the Chapter 11 Cases, any Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 2: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization

for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent for the reasons set forth in General Objection No. 4. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 3: All minutes of Your Council Key 3 Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 3: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Subject to and without waiver of the specific objections of this paragraph, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 4: All minutes of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Hartford Settlement Agreement and/or the Abuse Claims asserted in the POCs in these Chapter 11 Cases.

Response to Document Request No. 4: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objections Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 5: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluation the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 5: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 6: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your

Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 6: Respondent objects to this Request as the documents requested have no direct or indirect relationship to any objection that Century has lodged with the Bankruptcy Court in connection with confirmation of the plan of reorganization for which this Subpoena was issued. Nor are the documents requested reasonably related to any matter that might come before the Bankruptcy Court in connection with the plan of reorganization. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 7: All Documents (including presentations) and Communications exchanged between the Debtors and members of Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 7: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Subject to and without waiver of these objections, and excluding documents, if any, covered by General Objection Nos. 3 and 4, Respondent will produce non-privileged responsive documents, if any, to the extent they exist and can be reasonably identified and produced without undue burden.

Document Request No. 8: All Documents (including presentations) and Communications exchanged between Alvarez and Marsal and members of Your Council Executive Board, Council Executive Committee and/or Special or Advisory Council of Your Council Concerning the Chapter 11 Cases, a Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 8: Respondent objects to this Request as the documents requested, to the extent any existed, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors or Alvarez & Marsal. Subject to and without waiver of these objections, Respondent does not possess any documents responsive to this Request.

Document Request No. 9: All drafts of term sheets for any Plan of Reorganization for the Debtors.

Response to Document Request No. 9: Respondent objects to this Request as the documents requested, if any existed, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Subject to and without waiver of this objection, Respondent does not possess any documents responsive to this Request.

Document Request No. 10: All Documents Concerning Communications with State Court Counsel, the Coalition, TCC, FCR and/or their counsel Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 10: Respondent does not possess any documents responsive to this Request.

Document Request No. 11: All Documents Concerning any request that You support a motion, application, or inclusion of a provision a Plan of Reorganization for the Debtors that in any way called for or supported the payment of the fees for the Coalition.

Response to Document Request No. 11: Respondent objects to this Request as unnecessarily overbroad, as several recent versions of the plan have called for payment of the Coalition's fees. Furthermore, no version of any Plan of Reorganization for the Debtors has at any time "called for" or requested the support of Respondent for the payment of the fees of the

Coalition. Responding further, Respondent states that at no time has it received any document specifically directed to Respondent that specifically sought Respondent's support for a Plan of Reorganization for the Debtor that includes payment of the Coalition's fees. As such, Respondent states that it has no documents responsive to this Request.

Document Request No. 12: All Documents Concerning the TDPs to be employed with any Plan of Reorganization for the Debtors, including all drafts of the TDPs.

Response to Document Request No. 12: Respondent objects to this Request as the documents requested, to the extent any exist, would appear to be in the possession, custody, and control of parties other than Respondent, including the Debtors, State Court Counsel, the Coalition, TCC, and/or FCR. Subject to and without waiver of this objection, Respondent does not possess any documents responsive to this Request.

Document Request No. 13: All Documents and Communications that BSA exchanged with Your Local Council Concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, the Abuse Claims and/or the Hartford Settlement Agreement.

Response to Document Request No. 13: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 13.

Document Request No. 14: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluating and/or determining the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 14: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of the Ad Hoc Committee of Local Councils (“AHCLC”) and any non-privileged and responsive documents can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Moreover, Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent’s proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 14.

Document Request No. 15: All Communications among members of Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council Concerning the amount of Your Local Council’s contribution to the Settlement Trust.

Response to Document Request No. 15: Respondent objects to this Request on the grounds that producing documents in response to this request would place an undue burden on Respondent. Moreover, Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent’s proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Responding further, the AHCLC originally provided the amount that Respondent was expected to contribute to the Settlement Trust on June 18, 2021. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. Subject to and without waiving its general and specific objections, Respondent

will produce any non-privileged documents responsive to this Request, if any exist, that were generated on or after June 18, 2021 and on or before November 5, 2021.

Document Request No. 16: All Documents that Your Council Executive Board, Council Executive Committee and/or any Special or Advisory Council of Your Council reviewed and/or relied upon in evaluating and/or determining the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 16: Respondent incorporates its response to Request No. 15 as if fully restated herein.

Document Request No. 17: All Documents authored or generated by Bates White Concerning the POCs, the Debtors, the Abuse Claims against the Debtors, and/or these Chapter 11 Cases.

Response to Document Request No. 17: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors or Bates White. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No.17.

Document Request No. 18: All Documents Concerning the methodology that was employed to allocate the aggregate contribution by all Local Councils to the Settlement Trust to individual Local Councils including any allocation by percentage or other means of the aggregate contribution to individual Local Councils.

Response to Document Request No. 18: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHLCL and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents

in response to this request would place an undue burden on Respondent. On these bases, Respondent objects to producing any documents in response to Request No. 18.

Document Request No. 19: All Documents Concerning the calculation and/or determination of the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 19: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHCLC and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 19.

Document Request No. 20: All Documents and Communications that BSA exchanged with any Chartered Organizations concerning the Chapter 11 Cases, a Plan of Reorganization for the Debtors, the Fifth Amended Plan of Reorganization, the TDPs, and/or the Hartford Settlement Agreement.

Response to Document Request No. 20: Respondent objects to this Request insofar as it calls for Respondent to produce documents between BSA and Chartered Organizations. Respondent is not BSA and is not a Chartered Organization, nor are documents between BSA and a Chartered Organization within Respondent's possession, custody, or control. Respondent therefore objects on the basis that this Request demands documents outside the scope of permissible discovery from a third party. Subject to and without waiver of these objections, Respondent does not possess any documents responsive to this Request.

Document Request No. 21: All Documents and Communications relating to any agreements between or among the Local Councils, Chartered Organizations and BSA that address in any way responsibility for defending and/or indemnifying claims by persons alleging injury arising from a scouting activity asserted against a chartering organization.

Response to Document Request No. 21: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and Respondent objects on this additional ground. Respondent believes that any documents responsive to this Request it possesses, if any, to which the Debtors are a party are duplicative of documents in the possession of the Debtors. Subject to and without waiving its general and specific objections, Respondent will produce any agreements between Respondent and a Chartered Organization to which the Debtors are not also a party on or prior to November 5, 2020.

Document Request No. 22: All Documents Concerning any claim that Chartering Organizations have asserted against Your Local Council for contribution and/or indemnity for Abuse Claims asserted against Chartering Organizations.

Response to Document Request No. 22: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, Respondent states that it has not received any specific written demand from any Chartered Organization seeking contribution and/or indemnity for Abuse Claims. On such basis, Respondent states that it does not have documents responsive to this Request.

Document Request No. 23: All Documents Concerning any claim, assertion, or allegation that Local Councils generally and Your Local Council specifically took on an obligation to defend and indemnify Chartering Organizations for Abuse Claims or other claims through the terms of the annual charter agreements between the Chartered Organizations and Local Councils.

Response to Document Request No. 23: Respondent states that from and since approximately 2014, the agreement between Respondent and Chartered Organizations contains provisions that may require Respondent to defend and/or indemnify Chartered Organizations in

particular circumstances. Respondent states that it will produce exemplars of such agreements on or prior to November 5, 2021. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, Respondent states that it has not received any written demand from a Chartered Organization for Abuse Claims. On such basis, Respondent states that it does not have documents responsive to this Request.

Document Request No. 24: The charter agreements entered into by Your Local Council from January 1, 2014 to the petition date with the following Chartering Organizations: (1) the Methodist Church and any group associated with the Methodist Church, (2) dioceses, parishes and/or schools associated with the Catholic Church (3) the Episcopalian Church and any dioceses, parishes, school or other group associated the Episcopalian Church (4) the Lutheran Church and any diocese, parish, school or other group associated with the Lutheran Church (5) The Knights of Columbus. (6) the YMCA, and (7) the Presbyterian Church and any group associated with the Presbyterian Church.

Response to Document Request No. 24: Respondent incorporates its response to Request No. 23 and states that it will provide an exemplar of its agreement with Chartered Organizations from and since January 1, 2014 on or before November 5, 2021. Respondent further states that it is unduly burdensome to produce all such agreements and such agreements are duplicative of one another and are otherwise not proportional to the needs of the Bankruptcy Case. Respondent will not produce other or further documents in response to this Request.

Document Request No. 25: All Documents and Communications Concerning the POCs filed by any of the Chartered Organizations in these Chapter 11 Cases.

Response to Document Request No. 25: None.

Document Request No. 26: All Documents and Communications analyzing, assessing, or evaluating the proofs of claim filed by any of Chartered Organizations.

Response to Document Request No. 26: None.

Document Request No. 27: All Documents and Communications Concerning membership projections, including any Documents and Communications reflecting analysis of the

impact that the disassociation of one or more Chartered Organizations from the Debtors and/or Your Local Council would have on the Debtors' membership levels and revenue projections and/or Your Local Council's membership levels.

Response to Document Request No. 27: Respondent objects to this Request as certain of the documents requested, if they exist, appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent and this Request is not otherwise proportional to the needs of the Bankruptcy Case. On these bases, Respondent objects to producing any documents in response to Request No. 27.

Document Request No. 25:¹ All Documents authored or generated by Bates White Concerning Abuse Claims asserted or alleged against Your Local Council.

Response to Document Request No. 25: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors or Bates White and can be more readily obtained from the Debtors or Bates White. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent and are not proportional to the needs of the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 25.

Document Request No. 27:² All Documents and Communications Concerning Abuse Claims asserted on behalf of individuals that you were unable to confirm were scouts in Your Local Council.

¹ The Subpoena contains two separate Requests labeled "Request for Production No. 25."

² The Subpoena contains two separate Requests labeled "Request for Production No. 27."

Response to Document Request No. 27: Respondent objects to this Request as certain of the documents requested, if any exist, would appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and is not proportional to the needs of the Bankruptcy Case and Respondent therefore objects on these additional grounds. Responding further, and without waiving its general or specific objections, Respondent states that it will produce documents, if any exist, that identify any Abuse Claim presented to Respondent where an individual contended that he was a Scout with Respondent, but for which Respondent could not confirm that such individual was a Scout with Respondent.

Document Request No. 28: The Database, electronic spreadsheet, data and/or other information that was used to determine the amount of Your Local Council's contribution to the Settlement Trust.

Response to Document Request No. 28: Respondent objects to this Request as the documents appear to be in the possession, custody, and control of AHCLC and can be more readily obtained from AHCLC. The AHCLC is a party in the Bankruptcy Case. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of AHCLC. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent and are not otherwise proportional to the needs of the Bankruptcy Case. Respondent also objects to producing any documents that are privileged as set forth in General Objection No. 3. On these bases, Respondent objects to producing any documents in response to Request No. 28.

Document Request No. 30:³ All Documents and Communications that the Debtors sent to Your Local Councils with the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

³ The Subpoena does not contain a “Request for Production No. 29.”

Response to Document Request No. 30: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 30.

Document Request No. 31: All Documents and Communications that Your Local Council generated in response to the request to complete the Local Council Feedback Template and Mandatory Reporting Procedures for Proofs of Claim filed in these Chapter 11 Cases.

Response to Document Request No. 31: Respondent objects to producing “all Documents” in response to this Request on the grounds that it imposes an undue burden on Respondent and is not proportional to the needs of the Bankruptcy Case. Respondent further objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent states that production of the Local Council Feedback Template and Mandatory Reporting Procedures that Respondent prepared for and provided to the Debtors provides a sufficient response to this Request and that such documents are obtainable from, and should be obtained from, the Debtors. On these bases, Respondent objects to producing documents in response to this Request. Respondent is prepared to meet and confer with Century to determine whether there are any other categories of documents it may possess that are not duplicative of documents in possession of the Debtors and that are not otherwise unduly burdensome to produce.

Document Request No. 32: All Communications between or among BSA Membership Standards Group and Your Local Councils related to the Local Council Reporting Procedures for any claims based on Abuse, including but not limited to, questions regarding the verification of Proof of Claim data.

Response to Document Request No. 32: Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent further objects on the grounds that producing documents in response to this Request would place an undue burden on Respondent. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent therefore directs Century to the Debtors for production of any documents in response to this Request. On these bases, Respondent objects to producing any documents in response to Request No. 32.

Document Request No. 33: All incident reports generated by Your Local Council in connection with the Proofs of Claim filed in these Chapter 11 Cases, including any and all supporting documentation attached to those incident reports.

Response to Document Request No. 33: Respondent objects to this Request on the grounds that it is overly broad and vague. Respondent further states that producing “all Documents” in response to this Request imposes an undue burden on Respondent and is not otherwise proportional to the needs of the Bankruptcy Case. Responding further, Respondent objects to this Request as the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent therefore directs Century to the Debtors for production of any documents in response to this Request.

Document Request No. 34: All membership rosters for Your Local Council that correspond to the date of alleged abuse for the POCs that refer to Your Local Council.

Response to Document Request No. 34: Respondent objects to this Request as being vague and overbroad. On its face, this Request seeks *all* rosters for any date on which there is an allegation of abuse. Furthermore, producing documents in response to this Request would

impose an undue burden on Respondent and are not otherwise proportional to the needs of the Bankruptcy Case. Respondent further states that it has produced relevant rosters to the Debtors. On these bases, Respondent objects to producing any documents in response to Request No. 34.

Document Request No. 35: All Documents and Communications between and/or among the Your Local Councils, the Chartered Organization Representative (COR) (or Institutional Head, where applicable), unit Committee Chair (CC) and/or unit program leader to notify them of the action being taken to remove the alleged abusers identified by the claimants in the Proof of Claim filed in these Chapter 11 cases from participation in Scouting.

Response to Document Request No. 35: Without waiving its general objections, including General Objection No. 3, Respondent will produce all non-privileged documents responsive to this Request, if any exist, on or before November 5, 2021.

Document Request No. 36: All Documents and Communications concerning whether assets that are donor-restricted should, or should not be, contributed to the Settlement Trust.

Response to Document Request No. 36: Respondent objects to this Request on the grounds that it is overly broad and vague. Responding further, Respondent states that the AHCLC originally provided the amount that Respondent was expected to contribute to the Settlement Trust on June 18, 2021. Subject to and without waiving its general and specific objections, Respondent has no documents responsive to this request.

Document Request No. 37: All Documents and Communications relating to Your cash and financial assets, including but not limited to bank statements, investment statements, listing of individual assets/holdings and associated market values, appraisals or other indicators of market value, records demonstrating any conditions or restrictions of use and/or encumbrances on the assets and any analysis related thereto.

Response to Document Request No. 37: Respondent objects to this Request on the grounds that Respondent has submitted substantial data concerning its assets, asset restrictions, and similar data to assist the active parties in the Bankruptcy Case to assess Respondent's proposed contribution to the Settlement Trust. Upon information and belief, those documents have been available to Century. Respondent further understands that Century has access to the PeopleSoft

system that is maintained by the Debtors, which contains Respondent's financial records. Respondent further objects that producing "all documents relating to Your cash and financial assets", including, but not limited to, bank statements, would be an undue burden and duplicative of information otherwise submitted by Respondent concerning its assets, including its audited financial statements. On these bases, Respondent objects to producing any documents in response to Request No. 37.

Document Request No. 38: All Documents Concerning any insurance policies issued to Your Local Council by Hartford.

Response to Document Request No. 38: Respondent objects to this Request to the extent that it calls for production of documents that are or may also be in the possession of the Debtors. Respondent states that from and since 1978, Respondent has been an additional insured on insurance policies issued to the Debtors. On that basis, any documents responsive to this Request from and since 1978 will also be in the possession of the Debtors and it is unduly burdensome to demand that Respondent produce such documents on a duplicative basis. Respondent has also conducted, and continues to conduct, a good faith search for additional insurance policies issued to it. In connection with such search, all documents that Respondent has identified that would be responsive to this Request, Respondent has shared with the Debtors or their representatives, including the firm KCIC. Respondent directs Century to the Debtors and/or KCIC for any such documents.

Document Request No. 39: All Documents concerning the retained limits and/or deductibles associated with any insurance available to Your Local Council for Abuse Claims.

Response to Document Request No. 39: Respondent directs Century to its response to Document Request No. 38 and incorporates it in full as if fully restated herein. Respondent further states that its practice has been to look to the Debtors' insurance counsel for

analysis of insurance policies and, as a result Respondent does not have any Documents responsive to this Request that are not already in the possession of the Debtors.

Document Request No. 40: All Documents Concerning Your Council's responsibility to fund retained limits and or deductibles associated with any insurance coverage that it by rd [SIC].

Response to Document Request No. 40: Respondent directs Century to its response to Document Request No. 38 and incorporates it in full as if fully restated herein.

Document Request No. 41: All Documents and Communications concerning any liquidation analysis of the Debtors, Local Councils, and/or Chartered Organizations.

Response to Document Request No. 41: Respondent objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Responding further Respondent states that it has not undertaken any independent liquidation analysis for the Debtors and on such basis contends that it does not have documents responsive to this Request.

Document Request No. 42: All Documents and Communications Concerning a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

Response to Document Request No. 42: Respondent objects to this Request as certain of the documents requested appear to be in the possession, custody, and control of the Debtors and can be more readily obtained from the Debtors. Respondent believes the documents responsive to this Request it possesses, if any, are duplicative of documents in the possession of the Debtors. Respondent further objects on the grounds that producing documents in response to this request would place an undue burden on Respondent and would not be proportional to the needs of the Bankruptcy Case. Responding further Respondent states that the only documents in its possession, custody, or control that are responsive to this Request were provided to it by the

Debtors and Respondent directs Century to the Debtors for these documents and will not produce such documents on a duplicative basis.

Document Request No. 43: All Documents that You relied upon in deciding to support the First Hartford Settlement Agreement, the Hartford Insurance Settlement Agreement and the TCJC Settlement Agreement.

Response to Document Request No. 43: Respondent objects to this Request insofar as it is not a party to any of the First Hartford Settlement Agreement, the Hartford Insurance Settlement Agreement, or the TCJC Settlement Agreement. Respondent further objects to this Request as vague and ambiguous. Subject to and without waiver of its objections, Respondent has no documents responsive to this request.

Document Request No. 44: All Documents and Communications Concerning the consideration and/or negotiation of a pre-packaged bankruptcy to resolve Abuse Claims against the Boy Scouts of America.

Response to Document Request No. 44: Respondent incorporates its response to Request No. 42 as if fully restated herein.

Document Request No. 45: All Documents that set out Your document retention policies and practices over the last five years, including but not limited to the period over which You retain electronic communications.

Response to Document Request No. 45: Respondent will produce any non-privileged documents responsive to this Request, if any exist, on or before November 5, 2021.

Document Request No. 46: All Documents that memorialize any directive or instruction given by You or anyone else to Your Local Council and its staff directing them to retain documents concerning the Chapter 11 Cases.

Response to Document Request No. 46: None.

Dated: October 18, 2021

STRADLEY, RONON, STEVENS & YOUNG, LLP

By: /s/ Jeffrey A. Lutsky

Jeffrey A. Lutsky, Esquire

PA Bar No. 33673

2005 Market Street, 26th Floor

Philadelphia, PA 19103

215-564-8087

*Attorneys for The Cradle of Liberty Council of the Boy
Scouts of America*

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2021, a true and correct copy of Responses and Objections of The Cradle of Liberty Council of the Boy Scouts of America to Century Indemnity Company's Subpoena Duces Tecum was served by electronic mail on stamoulis@swdelaw.com.

Philadelphia, Pennsylvania

Dated: October 18, 2021

/s/ Jeffrey A. Lutsky

Jeffrey A. Lutsky, Esquire
Stradley, Ronon, Stevens & Young, LLP
PA Bar No. 33673
2005 Market Street, 26th Floor
Philadelphia, PA 19103
215-564-8087
jlutsky@stradley.com

*Attorneys for The Cradle of Liberty
Council of the Boy Scouts of America*

EXHIBIT 5

Giroud, Bridget

From: Stamatios Stamoulis <stamoulis@swdelaw.com>
Sent: Wednesday, November 17, 2021 10:53 AM
To: Lutsky, Jeffrey
Cc: Giroud, Bridget
Subject: RE: Discovery Motion

I will see what I can do.

From: Lutsky, Jeffrey <JLutsky@STRADLEY.COM>
Sent: Wednesday, November 17, 2021 10:37 AM
To: Stamatios Stamoulis <stamoulis@swdelaw.com>
Cc: Giroud, Bridget <bgiroud@stradley.com>
Subject: RE: Discovery Motion

Stam, we anticipate making our supplemental production to you today so you may want to wait and see that before you file.

[bio](#) | [vcard](#) | [email](#) | [map](#) | [website](#)

Jeffrey A. Lutsky

Co-Chairman and Managing Partner
Stradley Ronon Stevens & Young, LLP
p: 215.564.8087 | c: 215.479.8077
f: 215.564.8120
2005 Market Street, Suite 2600
Philadelphia, PA 19103-7018



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From: Stamatios Stamoulis <stamoulis@swdelaw.com>
Sent: Wednesday, November 17, 2021 10:34 AM
To: Lutsky, Jeffrey <JLutsky@STRADLEY.COM>
Subject: RE: Discovery Motion

Sorry, hearing started and got sidetracked.

This is not fixed on docket yet, but here it is.

From: Lutsky, Jeffrey <JLutsky@STRADLEY.COM>
Sent: Wednesday, November 17, 2021 8:56 AM
To: Stamatios Stamoulis <stamoulis@swdelaw.com>
Cc: Giroud, Bridget <bgiroud@stradley.com>
Subject: Re: Discovery Motion

Stam, send me the motion you're trying to file.

Jeffrey A. Lutsky
Co-Chairman and Managing Partner
Stradley Ronon Stevens & Young
P:215-564-8087/c:215-479-8077
F:215-564-8120
2005 Market Street, Suite 2600
Philadelphia, PA 19103-7018

On Nov 17, 2021, at 8:44 AM, Stamatios Stamoulis <stamoulis@swdelaw.com> wrote:

External Email - Think Before You Click

Jeff, there was an error on the upload.

We are working to fix. However, we did need to file the motion. Your letter did not come with enough time for me to get feedback from people above me.

I am discussing your letter with them today. I will call you later today and work to get this adjourned while we await further production from COLC.

Thanks, Stam

Stamoulis & Weinblatt LLC

From: Lutsky, Jeffrey <JLutsky@STRADLEY.COM>
Sent: Wednesday, November 17, 2021 8:30:14 AM
To: Stamatios Stamoulis <stamoulis@swdelaw.com>
Cc: Giroud, Bridget <bgiroud@stradley.com>
Subject: Discovery Motion

Stam,

Did you file a discovery motion against COLC? The docket has a supporting Declaration filed but no motion. And you have not served anything on me. What's going on?

[bio](#) | [vcard](#) | [email](#) | [map](#) | [website](#)

Jeffrey A. Lutsky
Co-Chairman and Managing Partner
Stradley Ronon Stevens & Young, LLP
p:215.564.8087 | c: 215.479.8077 < >
f: 215.564.8120
2005 Market Street, Suite 2600
Philadelphia, PA 19103-7018

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e-mail or any attachments. Instead, please notify the sender and delete the e-mail and attachments.
Thank you.

CERTIFICATE OF SERVICE

I hereby certify that on November 20, 2021, I caused a true and correct copy of the foregoing Letter to the Honorable Laurie Selber Silverstein to be served by electronic mail on the following individuals:

Tancred Schiavoni, Esq.
O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036-6537
Email: tschiavoni@omm.com

Stamatios Stamoulis, Esq.
Stamoulis & Weinblatt LLC
800 N. West Street
Third Floor
Wilmington, DE 19801
Email: stamoulis@swdelaw.com

Derek C. Abbott, Esq.
Andrew R. Remming, Esq.
Paige N. Topper, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
P.O. Box 1347
Wilmington, DE 19899-1347
**Email: dabbott@morrisnichols.com
aremming@morrisnichols.com
ptopper@morrisnichols.com**

Derek C. Abbott, Esq.
Andrew R. Remming, Esq.
Paige N. Topper, Esq.
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, 16th Floor
P.O. Box 1347
Wilmington, DE 19899-1347
**Email: dabbott@morrisnichols.com
aremming@morrisnichols.com
ptopper@morrisnichols.com**

Jessica c. Lauira, Esq.
White & Case LLP
1221 Avenue of the Americas
New York, NY 10020
Email: jessica.lauira@whitecase.com

Michael C. Andolina, Esq.
Matthew E. Linder, Esq.
Laura E. Baccash, Esq.
Blair M. Warner, Esq.
111 South Wacker Drive
Chicago, IL 60606
**Email: mandolina@whitecase.com
mlinder@whitecase.com
laura.baccash@whitecase.com
blair.warner@whitecase.com**

Dated: November 20, 2021

/s/ Jeffrey A. Lutsky
Jeffrey A. Lutsky