

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

In re:

BOY SCOUTS OF AMERICA AND  
DELAWARE BSA, LLC,<sup>1</sup>

Debtors.

)  
) Chapter 11

)  
) Case No. 20-10343 (LSS)

)  
) (Jointly Administered)

)  
) **Re: Docket Nos. 11443, 11444, 11445, 11462,  
11463, 11464, and 11473**

**ORDER GRANTING IN PART THE SETTLEMENT TRUST’S MOTION FOR ENTRY  
OF AN ORDER APPROVING AN AUDIT PROGRAM REGARDING THE  
IDENTIFICATION OF POTENTIAL FRAUDULENT SURVIVOR CLAIMS**

Upon the motion [Docket No. 11443] (the “*Motion*”)<sup>2</sup> of the Honorable Barbara J. Houser (Ret.), Trustee of the BSA Settlement Trust, pursuant to section 105 of title 11 of the United States Code (the “*Bankruptcy Code*”) and Paragraph III.19 of the Confirmation Order, for entry of an order approving procedures to identify potentially fraudulent claims (the “*Audit Program*”); and the Court having jurisdiction to consider the Motion and the relief requested therein; and consideration of the Motion and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to (a) the U.S. Trustee; (b) counsel to the Reorganized Debtors; (c) counsel to the Certain Insurers; and (d) any party that has requested notice pursuant to Bankruptcy Rule 2002, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion, *Certain Insurers’ Limited Objection to the Motion for Entry an Order Approving an Audit Program Regarding*

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

<sup>2</sup> Capitalized terms not defined herein have the meanings used in the Motion.

*the Identification of Potential Fraudulent Survivor Claims* [Docket No. 11464] (the “**Certain Insurer Objection**”), Tort Claimants represented by Lujan & Wolff LLP (the “**Lujan Claimants**”) *Limited Objection and Reservation of Rights with Respect to the Settlement Trust’s Motion for Entry of an Order Approving an Audit Program Regarding the Identification of Potential Fraudulent Survivor Claims* [Docket No. 11462] (the “**Lujan Objection**”), the Lujan Claimants’ *Objection to the Motion to Seal Exhibit Related to the Settlement Trust’s Motion for Entry of an Order Approving an Audit Program Regarding the Identification of Potential Fraudulent Survivor Claims* [Docket No. 11463] (the “**Sealing Objection**”), and the Settlement Trust’s Omnibus Response to the Objections of Certain Insurers and Lujan Claimants and the Objection of Lujan Claimants to the Motion to Seal Audit Protocol [Docket No. 11472], and having held a hearing (the “***Hearing***”) to consider the relief requested in the Motion; and the Court having determined for the reasons stated on the record of the Hearing that the legal and factual bases set forth in the Motion establish just cause for the relief granted in this Order; and the Court having determined that the relief requested is necessary for the most efficient administration of the Direct Abuse Claims and to help identify and eliminate potentially fraudulent Direct Abuse Claims, and is in the best interests of the holders of Direct Abuse Claims; and good and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Audit Program as described and outlined in the Motion and as set forth on Exhibit B of the Motion is **APPROVED** subject to the following changes set forth in Paragraphs 2 and 3 below.
2. Section P of the Claim Questionnaire shall include the following attorney attestation:

As the attorney for the Claimant in this Claim, I represent that I have conducted due diligence to investigate this Claim, and, based upon that investigation: (1) I have no reason to believe that the information provided by the Claimant is incorrect, and (2) I am unaware of any other responsive documents or information relevant to the Claim. Additionally, I represent that the narrative responses included in Sections C, K, and M are written in the Claimant's own words, unaltered by counsel (although I may have refreshed the Claimant's recollection based on prior conversations with the Claimant).

3. If the Settlement Trust determines that an Abuse Claim submitted by an attorney is fraudulent as a result of the attorney's conduct the Settlement Trustee shall apply a heightened level of scrutiny with respect to all Abuse Claims submitted by such attorney. The level and type of scrutiny to be applied to all such Abuse Claims shall be left to the sole discretion of the Settlement Trustee.

4. The Certain Insurer Objection, Lujan Objection, and the Sealing Objection are otherwise overruled.

5. The Settlement Trust is authorized to take all action necessary to implement the Audit Program in a manner that is consistent with the Plan, the Settlement Trust Agreement, and the Trust Distribution Procedures while taking into account any cost/benefit analysis regarding the application of the Audit Program to any single, subset, or the entire universe of Direct Abuse Claims.

6. Pursuant to Article XI of the Plan, the Court retains jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Order.

Dated: October 6th, 2023  
Wilmington, Delaware

  
LAURIE SELBER SILVERSTEIN  
UNITED STATES BANKRUPTCY JUDGE