

## **Claimant’s Guide to the Trust (“Matrix”) Claims Process**

Scouting Settlement Trust

Version 4.0 as of May 31, 2024

### **A. Introduction**

Welcome to the Claimant’s Guide to the Trust (“Matrix”) Claims Process. To use a shorter name, we will call this “Claimant’s Guide to Matrix Claims.”

We hope this Guide is easy to use and understand. This is version 4.0 of this Guide. In the future, we may add more information in response to changes in the rules and/or questions we are getting, and then we will issue subsequent versions of the Guide.

#### **1. Purpose of this Guide**

This Guide is designed to help Claimants understand how the Matrix claims process works. When we say “you” in this Guide, we are talking to you as a Claimant.

There are four main sections in this Guide: this introduction; then a section on how the Matrix claims process works overall; then a section on the Claims Questionnaire; and then a section on what happens after you submit your Claims Questionnaire.

The Matrix claims process is complicated. The Trust is providing this Guide to give you an overview, but this Guide does not contain all the detailed rules. Detailed rules are in the court settlement papers. Section A(4) below, called “What rules govern the claims process,” describes those court papers.

#### **2. Other places to get information**

In addition to reading this Guide, you can get lots of information on the [Trust’s website](https://www.scoutingsettlementtrust.com), [www.scoutingsettlementtrust.com](https://www.scoutingsettlementtrust.com). The most current news is always on the home page. There is a [Frequently Asked Questions \(“FAQ”\)](#) section that gives the answers to a lot of Questions you may have. Towards the bottom right-hand side of the [News and Key Documents](#) tab you can sign up to get notices of our upcoming Town Hall meetings. You can watch videos and/or read the transcripts of the past Town Hall meetings on the [News](#) section. You can find many of the key documents that govern the claims process in the [Key Documents](#) section. Additionally, there are forms that the Trust has established to assist at various steps through the claims process; these documents can be found in the [Key Documents](#) section of the Scouting Settlement Trust website.

#### **3. Who oversees the Matrix claims process?**

Hon. Barbara J. Houser (Ret.) is the Settlement Trustee, and she oversees everything related to the Trust. Randi Ilyse Roth is a lawyer who serves as the Claims Administrator for the Trust (“Matrix”) process. Hon. Michael J. Reagan (Ret.) is the Claims Administrator for the Independent Review Option (IRO) process. Both Claims Administrators serve under the supervision of Judge Houser. Information about Judge Houser and both Claims Administrators can be found in an [FAQ](#) on the Trust’s website in the section called “2. Basic Scouting Settlement Trust (Trust) Information.”

#### **4. What rules govern the claims process?**

Many sets of detailed court-approved rules govern the Matrix claims process. At the [News and Key Documents tab](#) of the [Trust’s website](https://www.scoutingsettlementtrust.com), [scoutingsettlementtrust.com](https://www.scoutingsettlementtrust.com), you will see many court “settlement

papers” listed, including the Trust Distribution Procedures (“TDP”), the Trust Agreement, the Plan of Reorganization, and the Youth Protection Program. You’ll also see many court “documents.” Many of these documents contain definitions or rules that affect the Matrix claims process. However, the vast majority of the rules governing the Matrix claims process are in the [Trust Distribution Procedures](#), available in the Key Links tab of the Trust’s website. The “claims allowance process” is set forth in Article VII of the TDP (pages 9 – 14 of the TDP on the Trust’s website) and the “claims matrix and scaling factors” are set forth in Article VIII of the TDP (pages 14 – 21).

## 5. What are the options in electing a claims process?

There were three (3) options that Claimants could choose from in electing a Direct Abuse Claim review process. For most claims (all but Future Abuse Claims and Other Protected Party Claims) the deadline has passed to elect options one or two below (absent a court order extending the deadline in your case). The three claim review options for Direct Abuse Claims are/were:

- a. **Expedited Distribution.** This option was only available if it was elected on the ballot in the bankruptcy process. Claimants who did not choose it when they submitted their timely ballots **cannot** choose it now. Approximately 7,350 of the 82,209 Claimants chose to receive an expedited distribution. If those Claimants provided basic required information and signed basic required forms, they became eligible to receive \$3,500 (less any amounts they might have owed on liens and/or as attorney fees and expenses). The deadline for Claimants who timely chose Expedited Distribution to submit their expedited distribution Claims Questionnaires was November 2, 2023.
- b. **Independent Review Option (IRO).** This option was for Claimants who sought something they could not achieve in the Expedited Distribution process or in the Matrix claims process. The Independent Review Option (IRO) is designed to “replicate the amount that a reasonable jury might award, taking into account relative shares of fault.” That means that through a “hearing” process, the IRO will try to generate a result that is as close as possible to the result you would get in a jury trial in court. The deadline for electing IRO was February 23, 2024. To learn more about the IRO, you can read “[Claimant’s Guide to the Independent Review Option](#)” available on the Key Links tab of the Trust’s website.
- c. **Matrix Claims.** In the Matrix process, Trust claims will be analyzed based on the Claimant’s responses to the questions asked in the Claims Questionnaire. Claims will go through a two-step process. First, the Trust will determine which claims are “allowable.” Second, for All allowable claims, the Trust will determine the value of the claim. The value is based on a “matrix” that can be found on pages 15-16 of the “[Trust Distribution Procedures](#)”. Likely the vast majority of the approximately 75,000 Claimants who did not choose Expedited Distribution will choose the Matrix claims process. This Guide is about the Matrix claims process. The deadline for submitting a Claims Questionnaire for a Matrix claim was May 31, 2024.

## 6. Special Kinds of Claims

- a. **Future Abuse Claims.** Future Abuse Claims are a special type of Direct Abuse Claim. This option is for Claimants whose abuse occurred before the ‘Petition Date’ of February 18, 2020, and the Claimant was either a minor **or** was not aware of their Abuse claim due to

“repressed memory” as recognized by the highest appellate court where the claim arose. Claimants with an eligible Future Abuse Claim will elect to file either an Expedited Claim, a Matrix Claim, or an IRO Claim. The deadline to file a Future Abuse Claim has not yet been established. Claimants who wish to file a Future Abuse Claim should write to [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) to request a Future Abuse Claim eligibility form.

- b. **Other Protected Party Claims.** Other Protected Party (“OPP”) Claims are a special type of Direct Abuse Claim. An OPP Claim is a Direct Abuse Claim that meets the criteria to participate in the Settlement, but for which a timely Proof of Claim was not filed with the Bankruptcy Court. This typically includes a Direct Abuse Claim alleging abuse against a Local Council and/or against any other Protected Party. Claimants who wish to file an OPP Claim should write to [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) to request an OPP Claim eligibility form.
- c. **Indirect Abuse Claims.** The process for submitting an Indirect Abuse Claim has not been established yet. Please continue to check the Trust website for updates related to submission of an Indirect Abuse Claim.

## 7. What is the Advanced Payment Program (APP)?

In response to requests from Claimants, the Trustee instituted an Advance Payment Program (APP). Details about this program can be found in the FAQ section of the Scouting Settlement Trust website; [“15. Advanced Payment Program.”](#)

## 8. Will my information be kept strictly confidential in the Matrix claims process?

The Trust will do everything in its power to protect the confidentiality of your information in the Matrix claims process. The Trust’s staff are all trained to keep Claimant information strictly confidential, and all the Trust’s computer records are protected by the highest standards of security.

It’s important to point out, though, that when you sign the Claims Questionnaire, you agree that the Trust can share some of your information in at least three circumstances. The Claims Questionnaire says:

*This Claims Questionnaire asks for information that is very personal and private. The Trustee understands that it may be very difficult to revisit these memories and provide this information. Your information will be held in the strictest confidence; we will only use this information as required by the settlement papers and as outlined below.*

The three main ways that the Trust may need to share your information are explained below.

- (1) **Insurers.** The insurance companies that insured the parties that may be liable to pay your claim are entitled to access certain documents in the claims process if they choose to do so. We are required to share certain information with them.<sup>1</sup>

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<sup>1</sup> The first section of the Claims Questionnaire states, **“Information May be Shared with Insurers.** You must agree that all information that you provide in this Questionnaire may be provided to insurers, Chartered Organizations, or other entities that may have payment obligations in connection with your Claim, solely to

- (2) **Lienholders.** If you sought medical treatment related to your abuse claim, and an insurer paid for some or all of that medical treatment, the insurer may have a “lien” against any award you might receive from the Trust. The Trust is required to pay any such lien from your recovery and must provide certain information to the lienholders.<sup>2</sup> The Bankruptcy Court has entered an [Order \(available on the Trust website\)](#) authorizing the Trust to confidentially exchange information with applicable health insurance providers. The Trust will generally require all Claimants whose claims are allowed to provide some basic lien-related information before they are paid.
- (3) **Local Councils.** In some cases, some of the information from your bankruptcy Proof of Claim form may be shared with Local Councils.

## **B. How the Matrix Claims Process Works: General Considerations**

Why is the Claims Questionnaire so long and so complicated? Because the rules that govern the claims process are very complex. The rules were approved by the Bankruptcy Court, and they were presumably written to address many of the parties’ different concerns. The Trustee and Claims Administrators are considered “Trust Officers.” They are required to follow the rules in the [Trust Distribution Procedures](#) (“TDP”) and the other settlement papers. Therefore, the Trust was required to write a Claims Questionnaire that asks for all the information that the Trust needs to apply those rules.

### **1. How does the Trust assess claims?**

Once you have submitted your Claims Questionnaire, the Trust completes two main steps in the Matrix claims process: deciding whether your claim is “allowable,” and if so, deciding how to “value” the claim by applying the matrix and scaling factors.

#### **a. Deciding whether the claim is “allowable.”**

There are several facts that the Trust must confirm to determine whether your claim is “allowable.” Questions relating to these facts are in many places in the Claims Questionnaire. All of these “allowance” requirements come from Article VII(C) of the TDP. The requirements focus on:

- (1) **Timely submission.** Your Claims Questionnaire and your Proof of Claim must be complete and must have been submitted on time (the Claims Questionnaire must have

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the extent necessary to pursue or obtain payment for your Claim and subject to appropriate confidentiality protections. (“Chartered Organizations” means any civic, faith-based, educational, business, or governmental entity or organization or any group of people that is or was authorized by the Boy Scouts of America to operate, sponsor, or otherwise support one or more Scouting units.)”

<sup>2</sup> The first section of the Claims Questionnaire also states, “**Health Information May be Used to Resolve Liens.** Health insurance providers that may have paid for medical care related to the harm you suffered may have a legal right to be repaid out of your award for the expenses they paid. They may have a “lien” on your award. In those cases, the Trust cannot pay the Claim unless we provide certain information to those insurance providers. By signing this Questionnaire, you acknowledge that the Bankruptcy Court has entered an Order (available on the Trust website) authorizing the Trust to confidentially exchange information with applicable health insurance providers.”

been submitted on or before May 31, 2024, and the Proof of Claim must have been submitted on or before November 16, 2020).

- (2) **No previous resolution.** Your claim cannot have been previously resolved by litigation and/or settlement involving all parties to your claim who are protected by the plan.
- (3) **Abuse.** You must state what acts of abuse you suffered.
- (4) **Abuser identification.** You must identify your abuser(s) by name or at least by last name; **or** you must provide some specific information about your abuser, such as a physical description of the abuser **plus** the name or location of your troop.<sup>3</sup>
- (5) **Connection to Scouting.** The TDP includes requirements concerning your connection to Scouting as well as your abuser's connection to Scouting. You must provide information that shows (or the Trust must conclude based on other information) that you were abused during a Scouting activity or that the abuse resulted from involvement in Scouting activities **and** that a party that is protected by the plan (such as BSA, a Local Council, or perhaps others) may be negligent or may bear legal responsibility for your abuse<sup>4</sup>.

Claimants must also provide enough information about the abuser so that the Trustee "can make a reasonable determination that the alleged abuser was an employee, agent or volunteer of a Protected Party, the alleged abuser was a registered Scout, or the alleged abuser participated in Scouting, or a Scouting activity and the Abuse was directly related to Scouting activities."<sup>5</sup>

There are many ways to establish a connection to Scouting. For example, a Claimant's and/or abuser's name on a roster is one way to establish a connection to Scouting. Other ways to show a connection include, but are not limited to, photographs, membership cards, or other documentation that demonstrates a connection to a Scouting unit or a Scouting-related event where the abuse occurred. Additionally, a Claimant may also demonstrate a Connection to Scouting by submitting a sworn statement by a third-party witness explaining the witness's personal knowledge of how the Claimant or abuser is connected to Scouting<sup>6</sup>. The Trust's forms that can be used for providing third-party witness statements are referred to as the 'pink' or 'olive' forms.

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<sup>3</sup> The exact language of TDP Art. VII(C)(2)(b) is: The Abuse Claimant has either (i) identified an alleged abuser (*e.g.*, by the full name or the last name) or (ii) provided specific information (*e.g.*, a physical description of an alleged abuser combined with the name or location of the Abuse Claimant's troop) about the alleged abuser such that the Settlement Trustee can make a reasonable determination that the alleged abuser was an employee, agent or volunteer of a Protected Party, the alleged abuser was a registered Scout, or the alleged abuser participated in Scouting or a Scouting activity and the Abuse was directly related to Scouting activities.

<sup>4</sup> The exact language of TDP Art. VII(C)(2)(c) is: The Abuse Claimant has provided information showing (or the Settlement Trustee otherwise determines) (i) that the Abuse Claimant was abused during a Scouting activity or that the Abuse resulted from involvement in Scouting activities, and (ii) that a Protected Party may be negligent or may otherwise bear legal responsibility.

<sup>5</sup> This is the exact language of TDP Art. VII(C)(2)(b) as it relates to "Alleged Abuser Identification."

<sup>6</sup> The IRO section of the TDP describes the requirements of a sworn statement by a third-party witness and if provided to the Trust, how it will be used to help the Trust establish your connection to Scouting and your abuser's connection to Scouting. See TDP Art. XIII(G)(iii)(c)-(d) for additional details.

They are located on the Trust's website (["Claimant Connection to Scouting"](#) and ["Abuser Connection to Scouting"](#)).

Additionally, the Trust understands that in certain situations, it is possible that even after a diligent search for documents, no documentary evidence is available to corroborate the Claimant's and/or the abuser's connection to Scouting. In those cases, you, or your attorney if you are represented, should provide a detailed statement explaining what you did to try to find documents and why documents are not available. You can provide this written detailed statement to the Trust in a few different ways. Details on how to provide this written detailed statement to the Trust can be found on the [Trust's website, www.scoutingsettlementtrust.com](#), specifically the [FAQ 7.8, "How can a Claimant establish a connection to Scouting?"](#) and [FAQ 5.7, "How to Respond to a Deficiency Notice"](#) for additional information.

- (6) **Date and age.** You must either tell us the date of the abuse and/or your age at the time of the abuse or you must provide other facts to allow the Trust to determine the date of the abuse or your age at the time of the abuse. For example, you could provide the approximate year of the abuse along with the names of other scouts in, or the leaders of, your troop.
- (7) **Location of abuse.** You must tell us the "venue" or location of the abuse. "Venue" is the name of the place, for example: "at the XYZ Boy Scout Camp in or near [city, state]."

Claimants who provide all the information listed above will meet the rules for their claims to be "allowable."

#### b. Deciding how to "value" allowable claims

Once a claim is determined to be allowable, the next step is for the Trust to "value" the claim under the rules of the settlement. First, based on the information you provide to the Trust, the "matrix" is applied to your claim, and then aggravating and mitigating factors need to be applied. This calculation process is described in more detail in [FAQ 7.22 – 7.25](#).

The "matrix" is in Article VIII(A) of the [Trust Distribution Procedures](#) ("TDP"). It specifies six different "tiers" of abuse. The tiers are: (1) penetration by an adult perpetrator; (2) oral contact by an adult perpetrator or penetration by a youth; (3) masturbation by an adult perpetrator or oral contact by a youth; (4) masturbation by a youth perpetrator or touching (unclothed) by an adult perpetrator; (5) touching (unclothed) by a youth perpetrator or any touching (clothed) but not including masturbation; (6) sexual abuse with no touching or adult abuse claims. For each tier, the matrix provides a "base matrix value," and a "maximum value."

The first thing the Trust must do in valuing a claim is to assign the claim to one of the six tiers. If your claim responses indicate several different incidents of abuse, the Trust will assign your claim to the tier that corresponds to the highest possible value for the claim.

Once your claim has been assigned to a tier, the TDP requires the Trust to apply "aggravating" and "mitigating" factors to your claim. The aggravating factors are listed in the [TDP](#) at Article VIII(C), and the mitigating factors are listed in the [TDP](#) at Article VIII(D). The mitigating factors

can reduce the claim below the “base matrix value” for the tier – in some cases, they can reduce the allowed amount of the claim to zero or near zero. Applying the aggravating and mitigating factors will result in the Trust valuing the claim at some amount between zero dollars and the maximum dollar value for that tier.

(1) **Aggravating factors.** The TDP’s aggravating factors are detailed below. The Claims Questionnaire asks questions about all of these factors. An aggravating factor that increases the value of your claim may be applied to your claim if your abuse included the following:

- i. **Nature of abuse and circumstances.** Nature of abuse and circumstances includes extended duration and/or frequency of abuse; exploitation of the Claimant for child pornography; coercion or threat of use of force or violence or stalking; and/or multiple perpetrators involved in the abuse.
- ii. **Abuser profile.** If the abuser was accused by a higher number of alleged victims, the claim’s value can increase.<sup>7</sup>
- iii. **Impact of the abuse.** Impact of the abuse includes mental health issues, physical health issues, interpersonal relationship issues, vocational capacity, academic capacity, and/or legal difficulties.

(2) **Mitigating factors.** The TDP’s mitigating factors are detailed below. The Claims Questionnaire asks questions about all these factors. A mitigating factor that decreases the value of your claim may be applied if your claim included any of the following:

- i. **Family relationship.** You had a family relationship with the abuser such that you knew the abuser through your family, not just through Scouting.
- ii. **Another non-Scouting relationship.** You had another non-Scouting relationship with the abuser. For example, perhaps you knew the abuser because the abuser was your schoolteacher, doctor, or priest.<sup>8</sup>
- iii. **Other responsible non-protected party.** Another party that is not protected by the plan is partly responsible for the abuse. (For example, your church was a “chartered organization” that sponsored your Scouting troop, and that church is not protected by the plan.)
- iv. **Other settlements, awards, contributions, or limitations.** You already received a settlement or award related to the abuse and/or you are likely to receive a settlement or award in the future.
- v. **Statute of limitations.** The statute of limitations that applies to your claim could prevent you from obtaining a full or partial recovery. The Trust will track changes to each state’s statute of limitations laws (i.e., the Trust will track how states “open”, “close”, or modify their statutes of limitations to file a claim for

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<sup>7</sup> If your claim is determined to be allowable, the settlement papers require the Trust to learn about the number of people who your abuser is alleged to have abused. The Trust looks at that number to determine whether an “aggravating factor” can be applied to increase the value of your claim.

<sup>8</sup> The Trust looks at whether the nature of your relationship with the abuser outside of Scouting requires the application of a mitigating factor.

sexual abuse survivors) and will modify the information included in the TDP's "Schedule 1" accordingly.<sup>9</sup>

- vi. **Absence of a putative defendant.** Depending on how the state law that applies to your claim treats the apportionment of liability between responsible parties, the allowed value of your claim may be mitigated (reduced) based on the absence of timely filing of claims against BSA, your Local Council, and/or your chartered organization. If you did not timely file a Proof of Claim form in the bankruptcy, then you cannot recover the portion of your award that relates to BSA's liability. If you did not timely file a lawsuit against another party that is protected by the plan, such as your Local Council or a chartered organization, then you may not be able to fully recover the portion of your award that relates to those other parties' liability.

The Trust will start with the "base matrix value" of the tier that your claim is in and will apply the aggravating factors and the mitigating factors that apply to your claim to determine the value of your claim.

## **2. How can I get access to the Claims Questionnaire to fill it out?**

Your Matrix claims process starts when you submit your Claims Questionnaire. Your access to your Claims Questionnaire will be different based on whether (i) you are represented by a lawyer and (ii) your ability to access to the internet.

For most Claimants, access to the Claims Questionnaire is electronic in the Trust's secure claims "portal" (the "Claims Processing Portal"). For Claimants who do not have access to the internet, a paper option is available.

- a. **If you are represented by a lawyer.** If you are represented by a lawyer, your lawyer will get access to your Claims Questionnaire before you get access to it. This is because your lawyer needs to take a first look at any documents in your Claims Processing Portal to make sure that they pertain only to you and not to other Claimants. Once your lawyer verifies that everything in your Claims Processing Portal relates to you, your lawyer can allow you to have "read-only" access to your claim within the Claims Processing Portal. Only your lawyer (and your lawyer's staff) will be able to make changes to the Claims Questionnaire and upload additional supporting documents.

If you do not have internet access, your lawyer can send you a paper copy of the Claims Questionnaire for you to review and sign when you are ready.

You and your lawyer should be in touch to complete the process of filling out your Claims Questionnaire and providing the required documents. You can remain in touch with your lawyer by phone, video call, in-person, or whichever communication method best suits you and your lawyer. Your lawyer should not "submit" your Claims Questionnaire to the Trust until both of you are sure that: (1) the Claims Questionnaire is complete and all information you are providing

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<sup>9</sup> Mitigating Scaling Factor Ranges for Statutes of Limitation or Repose by State ("Schedule 1").



is accurate; (2) everything you say in the Claims Questionnaire is true; and (3) your lawyer has uploaded all of the required documents to the Trust.

There are two ways you can sign your Claims Questionnaire based on what works best for you and your lawyer. You can sign electronically or manually (on paper). If you choose to sign electronically, once the completed Claims Questionnaire is submitted you and your lawyer will receive emails asking you to sign the completed Claims Questionnaire using a program called Adobe Sign. You will continue to receive reminder emails regarding signing from Adobe Sign until you have signed your Claims Questionnaire. If you and your attorney decide that a paper signature will work best, you will send the signed paper Claims Questionnaire to your attorney, and your attorney will upload it to the Claims Processing Portal.

Once your completed Claims Questionnaire is signed and submitted to the Trust, the Trust can begin reviewing your claim.

- b. **If you are not represented by a lawyer.** If you are *not* represented by a lawyer (you are “pro se”), the Trust will work with you to help you get access to the Claims Processing Portal so you can fill out your own Claims Questionnaire.

After logging in, you can click on your claim ID, which starts with “SST” to access the Claim Questionnaire. You should have already received an email from the Trust asking you to register. If you have not received this communication, you can complete a “user registration form” on [www.scoutingsettlementtrust.com](http://www.scoutingsettlementtrust.com). Once the completed form has been submitted, you will receive an email with a link to the Claims Processing Portal. Please check your spam folder in your email as this communication may be directed there. If you have not received communication regarding an account or you are having any difficulty registering, you can contact the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) and we will do our best to help you.

If you are not represented by a lawyer and do not have internet access, the Trust can send you a paper version of the Claims Questionnaire, along with instructions on how to return it to the Trust once it is complete and signed. You can contact the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) and request that a paper copy be sent to you. Note that the Trust agent will ask a few questions to verify your identity before sending you the paper Claims Questionnaire.

### **3. How much information should I submit to support my claim?**

There are two parts to figuring out how much information you should provide to support your claim. One part relates to how much you should *say* in responding to questions asked in the Claims Questionnaire. The other part relates to *how many, and which, documents* you should provide to the Trust. If you are represented by a lawyer, this is something that you and your lawyer will work out together. Some general guidelines are below.

- a. **How much should I say?** There is no precise answer to what you need to submit, but in general, more information is better than less information. The more we understand about what happened to you, the better we can understand how to value your claim.

Also, there may be some people who will try to get paid under this settlement even though they may not be entitled to be paid. We need to make sure that we don't allow invalid claims so that the funds in the Trust can be reserved for people with valid claims. The more information you can give us, the better we'll be able to verify your claim.

You'll see that in the Claims Questionnaire there are three places where the answer to the open-ended narrative question needs to be in your own words (not your lawyer's words). Those three places are: (1) Section C (reviewing information provided on the Proof of Claim form); (2) Section K (tell us about the abuse); and (3) Section M (overall impact of the abuse). While all three of these sections are *optional (meaning that you are not required to answer)*, the Trust encourages you to tell us as much as possible in response to these questions so that we can better evaluate your claim, including your connection to Scouting.

- b. **How many, and which, documents should I provide?** You are required to provide *all* documents and records in your possession related to your abuse claim.
- c. **What do I do if I receive a "deficiency notice" requesting additional information or documents?** The Trust may reach out to you for clarification on your claim or to request additional documentation. In most cases we reach out by sending you a "deficiency notice." You may receive a deficiency notice asking for: (i) documents that connect you or your abuser to Scouting; (ii) information about a prior settlement related to your claim; (iii) a missing signature on a required form; and/or (iv) some other missing piece of information. You or your lawyer will receive this notification through an email from [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com). The notice will direct you or your lawyer to your Claims Processing Portal for further details.

If you are not a Claims Processing Portal user, the Trust will send you a letter in the mail which will include directions on how to respond.

Refer to the [Trust's website, www.scoutingsettlementtrust.com](http://www.scoutingsettlementtrust.com), specifically FAQ "[5.7 How do I respond to a deficiency notice?](#)" for further guidance on how to respond to a deficiency notice. In the event you are responding to a deficiency notice requesting additional information to connect you or your abuser to Scouting, see section B(1)(a)(5) "5. Connection to Scouting" above for additional guidance.

#### **4. How do I get access to the documents I need to support my claim?**

Section B(1)(a)(5) above about connection to Scouting lists several kinds of documents that you might consider providing to establish connection to Scouting. You may be concerned that you do not have enough documents (or any documents) to support your claim.

The Trust has some information available in an electronic repository called the "document repository" ("the repository"). The repository includes certain troop rosters, files related to abusers, documents related to BSA's policies, and more. The repository is not exhaustive, and the information you need might not be in the repository. Lawyers can sign certain papers to gain access to the document repository on your behalf. If you are representing yourself, there is a process for you to ask for information to be searched for by the Trust on your behalf.

If you need more documents than those available in the repository, you may seek further discovery in accordance with the procedures described in the "[Document Appendix.](#)" You can refer to the [Trust's](#)

[website, www.scoutingsettlementtrust.com](http://www.scoutingsettlementtrust.com), specifically FAQ 12, [“Discovery, Document Requests, And The Document Appendix.”](#)

Once you find documents in the repository or through further discovery, you need to submit them to the Trust. If you are represented, your lawyer needs to upload them into your Claims Processing Portal. If you are representing yourself, you need to upload them into your claims Processing Portal or include them when returning your completed questionnaire via hardcopy mail.

#### **5. In what order will the Trust decide claims?**

Generally, the claims will be processed on a “FIFO” or “first-in-first-out” basis. Your place in line is determined generally by when you have submitted a completed and signed Claims Questionnaire to the Trust. (See section C(14) below regarding “exigent health circumstances” and “claims determination deferrals” for exceptions to this general FIFO rule).

#### **6. Is there a deadline for my claim to be submitted to the Trust?**

Yes. The deadline was May 31, 2024. By that date you must have completed, signed, and submitted your Claims Questionnaire to the Trust, along with all the supporting documents that you would like the Trust to consider when evaluating your claim. Failure to submit by this date will result in the denial of your Claim.

However, there are exceptions to this deadline for Matrix claims within the “special kinds of claims” described in section A(6) above (future abuse claims, other protected party claims, and indirect abuse claims). No deadline has been set for the submission of those claims to the Trust.

#### **7. What role do insurers play in the claims process?**

Certain insurers may have an obligation to pay certain allowed claims. Therefore, insurers must be provided with access to certain information about those claims. As we noted above in footnote #1 and repeated in a footnote here,<sup>10</sup> the Claims Questionnaire notifies you that certain information may be shared with insurers.

### **C. How the Matrix Claims Process Works: The Claims Questionnaire**

This Guide gives you a brief explanation of each section of the Claims Questionnaire. You may want to reference this Guide as you work through your Claims Questionnaire with your lawyer (if you are represented) or in your own Claims Processing Portal (if you are not represented). Each section of the Claims Questionnaire is briefly explained below.

#### **1. Section A: Welcome & Instructions**

This section provides a lot of basic information about the Claims Questionnaire.

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<sup>10</sup> The first section of the Claims Questionnaire states, **“Information May be Shared with Insurers.** You must agree that all information that you provide in this Questionnaire may be provided to insurers, Chartered Organizations, or other entities that may have payment obligations in connection with your Claim, solely to the extent necessary to pursue or obtain payment for your Claim and subject to appropriate confidentiality protections. (“Chartered Organizations” means any civic, faith-based, educational, business, or governmental entity or organization or any group of people that is or was authorized by the Boy Scouts of America to operate, sponsor, or otherwise support one or more Scouting units.)”

It starts by explaining that you should not fill out the Claims Questionnaire if you are represented by a lawyer. Instead, your lawyer will fill it out with your input and approval. This section explains some of the requirements in the process:

- a. **Signature.** You must sign the Claims Questionnaire under penalty of perjury.
- b. **Documents.** You must provide all the documents and records that you have regarding your abuse claim.
- c. **Interviews and Exams.** If the Trust asks you to participate in an interview, and/or to answer questions in writing, and/or to participate in an examination, you must agree to the request. In the event the Trust requests an interview with you, we will work with your lawyer to schedule the interview (or, if you are not represented by a lawyer, we will contact you directly). The interview topics related to your claim will depend on the facts of your claim.
- d. **Release.** If your claim is allowed, you will have to sign a release before you can be paid.
- e. **Limited Information Sharing.** You must agree that your information may, under certain circumstances, be shared with insurers and with health care lienholders.

The “instructions” section also explains how you can submit your completed Claims Questionnaire to the Trust.

## **2. Section B: Election**

This section asks whether you would like to proceed with a Trust Matrix submission or whether instead you would like to elect the Independent Review Option (IRO). The IRO is explained above in section A(5)(2). It is too late to now elect the IRO, as the deadline to make that election has passed. This Guide is about the Matrix claims process.

## **3. Section C: Reviewing Information Provided on Proof of Claim Form**

You filed a “Proof of Claim” form in the underlying bankruptcy cases. Some Claimants have asked whether they can review their Proof of Claim and perhaps explain some parts of what they wrote. If you would like to explain more about the contents of your Proof of Claim, this section is the place to do that. This section is optional – you do not need to fill it out, but it is available to you in case you want to explain something. Any responses to this question must be in your own words (not in your lawyer’s words).

## **4. Section D: Attorney Overview of Claim**

If you are represented by a lawyer, this is the place for your lawyer to provide his or her summary of the abuse you experienced and the impact of the abuse on you. You should have a chance to approve what your lawyer says, or to ask for changes if you disagree with something your lawyer says.

This section also gives your lawyer the opportunity to tell the Trust about how the applicable state statute of limitations might affect your claim. In the event your lawyer filed a lawsuit on your behalf in the tort system, the Trust will request a copy of the complaint that was filed.

## **5. Section E: Basic Identification Information**

This section asks for your basic identification information.

Note that we ask whether you have any concerns about how we contact you. Some Claimants do not want the people they live with to know about their claim, so they provide the Trust with specific instructions about how they prefer to be contacted.

We ask about your address during the time of sexual abuse because having the address might help us find information that supports your claim. We understand that in many cases the abuse happened long ago, and you may not remember every detail. Partial information is acceptable in response to this question. If you don't remember the street address, but you do remember the city, please provide the city.

#### **6. Section F: Criminal History Involving Financial Fraud**

This section asks whether you have been convicted of, or pled guilty to, a crime that involved taking or attempting to take money or property that belonged to someone else.

#### **7. Section G: Has Claimant Sued a Chartered Organization?**

This section asks about whether you have sued or made a claim against any entity in connection with the abuse.

If you answer yes, the section asks whether you sued a "chartered organization." The term "chartered organization" is defined in the [court papers](#)<sup>11</sup> and is also defined in the Claims Questionnaire. The Claims Questionnaire says:<sup>12</sup>

. . . [T]his could be a school or a church that sponsored a troop. "Chartered Organization" means any civic, faith-based, educational, business, or governmental entity or organization or any group of people that is or was authorized by the Boy Scouts of America to operate, sponsor, or otherwise support one or more Scouting units.

If you did sue a chartered organization, this section asks the name of that chartered organization.

#### **8. Section H: Resolution of Claim in Previous Litigation**

This section asks whether anything has already happened to resolve all or part of your claim of child sexual abuse. This resolution could have happened in a prior lawsuit, settlement, or a payment from someone or some entity. This section asks whether you ever signed papers to "release" any person or entity from your child sexual abuse claim. If you have previously signed a "release," you are asked to provide all related documents and to describe what happened.

#### **9. Section I: Is the Claimant Submitting the Claim or is a Representative Submitting on Behalf of the Claimant due to the Claimant's Death or Incapacity?**

The Claimant is the person who experienced childhood sexual abuse. Sometimes another person submits the claim on behalf of the Claimant. This can happen because the Claimant has died, or because

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<sup>11</sup> Third Modified Fifth Amended Chapter 11 Plan of Reorganization (with Technical Modifications) for Boy Scouts of America and Delaware BSA, LLC, Article I(A)(58).

<sup>12</sup> This definition of Chartered Organization is in the Claims Questionnaire at Section G, "Has Claimant Sued a Chartered Organization?"

the Claimant is incapacitated in some way and has gone through a legal process to empower somebody else to handle their affairs.

This section asks whether a “Representative” is submitting the claim on behalf of the Claimant because of death or incapacity. If the answer is “no,” then you can just check the “no” box and move onto the next section. If the answer is “yes,” then we need the Representative to fill out the information about the Representative and to provide the papers that make the Representative legally entitled to act for the Claimant. The Trust provides a “Teal Form” on the Trust’s web site that can guide the lawyer through the process of providing papers that establish the Representative’s status.

Note that the Claimant’s *lawyer* is different from their *Representative*. The terminology is a little confusing. In your relationship with your lawyer, your lawyer is your advocate, but you still make decisions for yourself – you are the person who determines what facts are true about your connection to Scouting, your abuse, and the impact of your abuse on you. If the Claimant is deceased or is incapacitated and a Representative is appointed, the Representative stands in the shoes of the Claimant and makes the decisions that normally the Claimant would make. The Representative who stands in the shoes of the Claimant may or may not be represented by a lawyer in this claims process.

#### **10. Section J: Connection to Scouting**

One of the items that you need to show in the “claims allowance” process is that you have a connection to Scouting. See section B(1)(a)(5) above. This section asks you to say as much as you can remember about your connection to Scouting for each year in which you were connected to Scouting. It asks about every age level of Scouting you may have been a part of (Cub Scouts, Boy Scouts, etc.) and for each level it asks which years, what troop number, what Local Council, and what organization sponsored or chartered the troop. Please tell us as much as you can remember and provide all documents that support your connection to Scouting.

#### **11. Section K: Tell Us About the Abuse**

One of the required items in the “claims allowance” process is that you identify the acts of abuse that you suffered. See section B(1)(a)(3) above. And then, to “value” your allowable claim, the Trust is required to assign your claim to a “tier” of abuse. See section B(1)(b) above. This section is organized according to the type of abuse in the settlement papers.

In the electronic Claims Questionnaire, if you click on a type of abuse, questions will open about that one type of abuse. In the paper version, all questions are visible for each type of abuse. If you are filling out a paper Claims Questionnaire, you only need to complete the questions about the abuse types that you selected.

If one incident involved several types of abuse – for example, one incident of penetration also involved oral contact and touching – you only need to write out and check boxes about the details once for the most severe type of abuse you are describing (the highest “tier” of abuse). In the first open box that you can use to write answers in Section K (the “describe the abuse” box) you can explain that one incident involved multiple forms of abuse.

Any responses to the first open-ended narrative box in this Section must be in your own words (if you are represented by a lawyer, it should not be in their words). We encourage you to answer the question, but it is optional.

## **12. Section L: Identity of the Abuser**

The settlement papers require that you provide information about the person you identify as your abuser(s). See section B(1)(a)(4) above. We understand that Claimants may have had multiple abusers, so we wrote the Claims Questionnaire to allow you to provide information about Abuser #1, Abuser #2, etc. The information that you give to us will support your claim and may help us to better provide support for abuser allegations in other Claimants' claims, too.

## **13. Section M: Overall Impact of the Abuse**

If your claim is determined to be allowable, the settlement papers require the Trust to learn about the impact of the abuse on you in order to apply "aggravating factors" in the process of valuing your claim. The Claims Questionnaire asks about the impact of the abuse on you in terms of mental health, physical health, interpersonal relationships, vocational capacity, academic capacity, and legal difficulties. See section B(1)(b)(2)(iii) above.

Any responses to the first open-ended narrative box in this Section must be in your own words (if you are represented by a lawyer, it should not be in their words). While we encourage you to answer the question, it is optional.

## **14. Section N: Other Claim Information**

Section N asks about two Options that are each for special situations.

### ***a. Exigent health circumstances***

This situation arises if you are in bad health. If your health is such that you are unlikely to live more than six months, you may apply to have your Claim Questionnaire moved to the front of the line (ahead of where it would be in line in "FIFO," or "first-in-first-out" order). If you choose to apply for this, please check the "yes" box for this item. Also, please download the "[Exigent Health Declaration Form](#)" from the Key Links tab on the Trust's website and ask your Doctor of Medicine or Doctor of Osteopathic Medicine to fill it out and sign it. Send the completed form to the Trust by Submitting it with your Claims Questionnaire.

### ***b. Claim determination deferral***

One of the factors that affects how allowable claims are valued concerns the statute of limitations in the state that applies to your claim. See section B(1)(b)(2)(v) above. Some claims may be affected by changes in law in states where the legislature is actively considering changing the statute of limitations for childhood sex abuse claims. Because of this, the TDP allowed Claimants to elect to defer the Trust's consideration of their claims for a limited period of time. That deferral period expired on April 19, 2024. Claimants no longer have the option of asking the Trust to hold off on considering their claims.<sup>13</sup>

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<sup>13</sup> Claims determination deferral is available only until one year after the effective date of April 19, 2023. See TDP Art. VII(H).

## **15. Section O: Documentation**

Section O reminds you that you must submit with your Claims Questionnaire all documents, records, photos, medical records, mental health treatment records, and other evidence that you have. This includes all papers related to any litigation, previous claim, settlement, or release concerning your childhood sexual abuse claim.

Using our secure “upload” process to send us your documents is more secure than sending them to us by email. That is why we require that you use our secure upload process. The privacy and security of your data is very important to us. If you do not have access to the internet, you need to submit paper documents, and you are represented by an attorney, please submit the documents to your lawyer who will upload them for you. If you do not have access to the internet, you need to submit paper documents, and you are **not** represented by an attorney, please contact the Trust for instructions about how to send in your documents. You can reach out to the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com).

## **16. Section P: Signature Under Penalty of Perjury**

In Section P, both you and your attorney (if you are represented) must sign the Claims Questionnaire. Your signature is “under penalty of perjury.” That means you are swearing that all the information in the Claims Questionnaire is true and correct. The Claims Questionnaire explains that if you knowingly make a false statement, you could be criminally prosecuted.

Your attorney (if you are represented) will have to sign to say that they conducted due diligence to investigate your claim. The attorney will also have to swear that the narrative responses in Sections C, K, and M are in your (the Claimant’s) own words. Finally, they will have to swear that:

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 your attorney (although I may have refreshed the Claimant’s recollection based on prior conversations with the Claimant).

## **17. Submitting your Claims Questionnaire**

If you are represented, your attorney will submit your Claims Questionnaire to the Trust.

If you are not represented, and you are filling out the Claims Questionnaire online, you should click “save” after each time you work on the Claims Questionnaire. If you have documents to support your claim, these can be uploaded by clicking on the ‘Documents’ tab within your Claims Processing Portal and clicking on the Document Upload button. Once you are sure that the Claims Questionnaire is complete, the included information is true, and that all of your documents are uploaded, you will be ready to submit your Claims Questionnaire to the Trust. You do that by clicking on the “submit” button. Once you click “submit,” you will not be able to make further changes to your Claims Questionnaire and you will not be able to upload additional documents. If you find additional documents to support your



claim after you have submitted your Claims Questionnaire, please contact the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) and we will do our best to help you.

### **18. Need help?**

If you are having a challenging time with any part of the process, please reach out for help. If you are represented by a lawyer, please reach out to your lawyer for help as the Trust is not able to discuss your claim without your lawyer present. If you are having trouble reaching your lawyer, you can reach out to the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) to ask us to help you contact your lawyer.

If you are not represented by a lawyer and you need help with these processes, reach out to the Trust at 1-833-961-6495 or via email at [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com) and we will do our best to help you.

## **D. After You Submit Your Questionnaire**

There are still several things to think about after you have submitted your Claims Questionnaire to the Trust.

### **1. The Review**

While the Trust reviews your claim, we may need to request additional information from you. This booklet explains the kinds of information we need. If we need more information from you, we will send you a request via the Claims Processing Portal (or we will send you a paper letter if our records indicate that you do not have access to the internet). Please try to respond to our request quickly so the Trust can continue with the review of your claim.

### **2. The Decision**

You will receive a decision once the Trust has carefully reviewed your claim. The decision will say whether your claim was “allowable,” and if it was allowable, how your claim was “valued” (the dollar amount of your allowed claim). Additionally, your claim may be “disallowed” if it did not meet the criteria set forth in the TDP. The Trust’s decision, also referred to as a determination notice, will include the details about how the Trust reached its decision.

### **3. Reconsideration**

Within thirty (30) days after you receive your determination notice, you may ask the Trustee to reconsider the Trust’s determination notice. However, your reconsideration request must be accompanied by payment of \$1,000 as an administrative fee for reconsideration. The Trust MUST receive both your reconsideration request and your payment within the thirty (30) days of your receipt of your determination notice. This process is outlined within the TDP (Article VII (G)) and the procedures for submitting your payment are explained within the “[Reconsideration Request Form](#)”, located in the “News and Key Documents” section of the Scouting Settlement Trust website.

### **4. Accepting your Award**

If your claim was allowed and you accept the Trust’s decision and the allowed claim amount, the next steps concern documents you need to submit in order to receive any payment from the Trust. The Trust

will send you three or four documents (three if you have a lawyer and four if you do not have a lawyer). You must complete, execute, and submit these documents back to the Trust. The documents are:

**a. Release**

The first set of documents that you will receive are release documents. You will receive three different forms of releases. You must sign and submit one of these releases to the. All three of the form releases are in the TDP (as [Exhibit B, C and D of the TDP](#)). When the Trust sends these documents to you, the Trust includes an information sheet that explains the differences between these releases. The Trust cannot provide legal advice to you on which release you should sign.

**b. Payment Form (only for Claimants who are not represented by lawyers)**

You will receive a form on which you can indicate your payment instructions. Please read these instructions carefully and fill out and submit the completed form to let us know how you'd like to receive your payments from the Trust.

**c. Liens Questionnaire**

You will receive a Healthcare Lien Questionnaire. As explained in the Confidentiality section above (Part 6 of the Introduction), health insurance providers that may have paid for medical care related to the harm you suffered may have a legal right to be repaid out of your award for the expenses they paid on your behalf. They may have a "lien" on your award. You must fill out a form with questions regarding potential liens. The Trust will likely need to "hold back" a portion of your initial distribution to satisfy any potential lien(s) against your award. The Trust will post updates about lien resolution on the Trust's website as they are available.

**d. Matrix Distribution Release and Attestation**

You will receive a Matrix Distribution Release and Attestation. After you signed and submitted your Claims Questionnaire to the Trust, you may have submitted additional information to us. This form asks you and your lawyer (if you have one) to declare under penalty of perjury that all information that you provided – either in your Claims Questionnaire or later is true and correct. And, if you have an attorney, the form asks your attorney to swear that they performed appropriate due diligence concerning the information provided to the Trust.

**5. Payment Disbursements**

The Trust's assets come from several different sources. The Trustee is taking several actions to increase the value of the Trust's assets over time. Her work includes selling certain physical assets (real estate, artwork, oil and gas interests, and more); pursuing coverage amounts from insurance companies; and collecting on notes receivable owing to the Trust.

Because the monies available in the Trust may increase over time, the Trust will likely pay out allowed claims in multiple distributions. For example, all allowed claims may be sent a fixed percentage of their allowed claim amount, then later they may be sent another fixed percentage of their allowed claim amount, and so on. Article IX of the [Trust Distribution Procedures](#) directs the Trustee to pay an "initial distribution" based on a percentage established by the Trustee, which ensures that all Claimants with

allowed claims receive the same percentage recovery on their allowed claims from the Trust. In turn, the percentage of each allowed claim that will be paid depends on the amount of available funds in the Trust and the aggregate amount of all allowed claims.

It is possible that you will never receive 100% of your allowed claim because of a lack of funds with which to pay Claimants in full. Payment amounts are explained more in the FAQ section of the Scouting Settlement Trust website; [16. "Initial Payments: When Will I Get Mine, How Are The Amounts Calculated, And What Comes Next?."](#)

## **6. Other Considerations About Payment**

As you approach payment, there are still a few more things to think about.

### **a. Preservation of government benefits**

If you currently receive any kind of government benefits, acceptance of a cash award could possibly put those benefits in jeopardy. Benefits such as Supplemental Security Income (SSI), Children's Health Insurance Program (CHIP), Supplemental Nutrition Assistance Program (SNAP), Federally Assisted Housing, Medicaid, and Medicare may have tests of your income or assets that could be affected by an award.

The Trust urges you to consult with your attorney (if you are represented by one) or a financial professional if you are concerned about this issue. If you need help finding someone who may be able to assist you, please email [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com). While we will not be able to recommend a particular law firm, financial professional, or advisor, we may be able to give you a list of possible options.

If you determine that you wish to receive less than the full compensation amount offered to you by the Trust in order to attempt to preserve your government benefits, you may contact the Trust by emailing [info@scoutingsettlementtrust.com](mailto:info@scoutingsettlementtrust.com), or call the Trust toll-free at 1-833-961-6495.

### **b. Tax consequences of award**

It is possible that you could have tax consequences of any award. The Trust cannot provide you with any tax advice related to your allowed claim. Please consult with your law firm, financial professional, or trusted advisor.

## **E. Conclusion**

We hope this Guide helps you understand the Matrix claims process. We appreciate your continued patience as we process claims as quickly as possible.