

**BOY SCOUTS OF AMERICA BANKRUPTCY
FREQUENTLY ASKED
QUESTIONS AND ANSWERS**

NOVEMBER 5, 2020

1. Q. Why do we need to file a proof of claim if we have not been sued and we doubt that we ever will be?

A. Most of the CVA claims that we have seen in the UNY Conference are from events that occurred in the 1960s and 1970s. As a result, there are very few people who have a recollection of any facts concerning Boy Scout troop activities at a local church. Documents that are 50 or 60 years old are also not available at most local churches. The fact that the BSA will be discharged from its liability to victims and, thus, may not be sued in the future does not estop such victims from commencing litigation within an applicable statute of limitations period against any co-defendant of the BSA, such as a local church involved in a charter with the Boy Scouts of America. Given the claims bar date established by the Bankruptcy Court, it is prudent to file a proof of claim now if you can to protect the local church. This will allow the local church to preserve its claims for insurance and indemnity and contribution under the Charter Agreement if it gets sued in a CVA case involving the BSA and/or the regional council.

2. Q. What happens if a local church doesn't file a Proof of Claim?

A. Unfortunately, if a Proof of Claim is not filed by November 16, 2020 and a CVA claim is brought against the Boy Scouts and the local church, the local church will be without any financial recourse against the Boy Scouts and will be responsible for any judgment against it.

3. Q. Why do we have a relatively short time to respond?

A. It has only recently been clarified that Chartered Organizations have potential standing in the BSA bankruptcy proceedings and should file a Proof of Claim to protect their interests before the Bar Date on November 16, 2020. The Bar Date means just that. If you fail to file a Proof of Claim by November 16, 2020, you will be barred from ever filing one.

4. Q. Even if there is not a current troop, if a local church has ever had a troop should it file?

A. Yes, if a local church has ever been involved in a charter at any point with the Boy Scouts of America, it should file a Proof of Claim.

If this somehow changes you will be notified via another e-mail blast. If the local church believes there are other legal issues, the local church needs to hire counsel.

5. Q. Should you file a proof of claim if the local church only rented the premises to a local Boy Scout troop or simply allowed the troop to use the church for meetings at no charge?

A. Yes, you should still file a proof of claim. At a minimum, the local church may still have a claim of contribution which it would want to preserve by filing the proof of claim.

6. Q. What if you have uncovered documents at your church regarding the relationship between the BSA or the regional council and your local church or found documents concerning potential claims of child abuse from the time?

A. You do not need to attach any of these documents to your proof of claim. But you must secure and preserve these documents. They may need to be produced during the course of the bankruptcy or of any litigation. It is critical that you take the steps to maintain these documents.

7. Q. What happens after the proof of claim is filed?

A. The BSA will propose a plan of reorganization in its chapter 11 case and seek approval of the plan from its creditors and the Bankruptcy Court. In formulating the plan, there may be negotiations that occur between the BSA and a group of Chartered Organizations on how Chartered Organizations should be treated in the bankruptcy. At some point after the plan is approved, we expect that a trustee acting on behalf of the BSA, or a creditors' committee, will evaluate your claim and, in connection with such evaluation, ask you for additional information or documents regarding the claim. It is possible that the BSA or the claims evaluator may object to the allowance of your claim in the bankruptcy case. Please let us know if you receive any such notices of objection or document requests so we may provide guidance to churches on these occurrences. As we learn about how the indemnification and insurance claims will be treated in the BSA bankruptcy, we will keep you advised.

8. Q. Does my church need to notify any others associated with our chartered Boy Scout troop who may be affected by BSA's bankruptcy?

A. No. Notification of potential victims and affected others is the responsibility of BSA.

9. Q. If we want to mail the completed proof of claim in, rather than complete it online, how do we do that? Are there any special instructions?

A. Instructions for filing the proof of claim by mail are included on page 3 of conference chancellor's notice of October 28, including a link to the fill-in form proof of claim for mailing and the address of the claims agent for mailing.

We strongly recommend that you send the proof of claim by overnight courier service; you can use FedEx, UPS or some other such private service as well as USPS express mail. We also strongly suggest that you send your proof of claim to the claims agent as soon as practicable, so that in case there is a problem with delivery of your proof of claim parcel, you will have time before November 16 to send out your proof of claim again. Please follow the tracking on your next day package to make sure it has been timely received. Do not wait until Friday the 13th to send out your proof of claim to the claims agent.

10. Q. How do I know that my claim has actually been received and filed?

A. Parties submitting their proofs of claim online should receive email confirmation of receipt.

All parties can check to see if their claims have been filed by visiting the claims agent's web portal for the BSA case. If you have filed your proof of claim online, you will have created an account for the portal. If you have filed your proof of claim by mail, you can access the portal by creating an account as follows:

- Got to website <https://cases.omniagentsolutions.com/docket/list>
- Under the letter B in the case list find the Boy Scouts of America site and click on.
- On the Boy Scouts site, click on the "Claims" tab at the top of the page and choose "Submit a General Proof of Claim" from the dropdown menu.
- Once there, scroll down to the box entitled "Submit a Claim Online". Follow the instructions for a link where you can create an account. Once you have created an account, you can access the claims portal through the link for logging into your account, also in the box entitled "Submit a Claim Online".

Once you have accessed the portal, entitled "Omni Agent Solutions eClaims Submission Site Boy Scouts of America", you will see a link to search the "POC Docket". Click on that link and it will permit you to search the claims docket by name of creditor. It will also include the claim number that has been assigned to your claim. Make a note of the case number. Updating of the claims docket may lag a day or so, which is all the more reason to get claims filed well before November 16 at 5 P.M.

If you submit your proof of claim by overnight courier, you can include a copy of the proof of claim (marked COPY) in your package along with a stamped self-addressed envelope and a cover letter to the claims agent asking the claims agent to return the COPY to you marked received in the enclosed envelope. Claims agents do not always do this promptly, however, so be sure check the POC Docket at the claims agent's web portal.

11. Q. Can I amend my claim? How do I do that?

A. You may generally amend a proof of claim even after the bar date (November 16). You would prepare and submit a new proof of claim form with the updated information (for instances, known monetary damages assessed after the bar date). When preparing the amended proof of claim, in Box 4 ("Does this claim amend one already filed?") check the "Yes" box and provide the claim number of the claim being amended and the date such claim was filed.

12. Q. What if I file an incomplete proof of claim or one that has a mistake in it?

A. You may file a completed or corrected proof of claim by amending the proof of claim previously filed, following the instructions given in answer to the preceding question.

13. Q. Do churches that are closed or have merged with another church need to file a proof of claim? What if a church is about to close but it hasn't been finalized yet?

A. Closed churches and old predecessor churches who have merged into another church entity do not need to file a proof of claim. These churches no longer exist. A church which is a successor by merger to a closed church and files a proof of claim as recommended would be covered for both its liabilities and those of the merged church which it assumed by operation of law. For churches that are about to close, it makes sense to still file a proof of claim since the timing of the closure and approval by annual conference is unclear.

14. Q. Can we confirm whether we were a Chartered Organization or not?

A. The only information to this effect that we have is a BSA list as of 2002, 2010 and 2020 of Chartered Organizations in New York State. Here is a [LINK](#) to a merged list of the NYS Chartered Organizations.

15. Q. Should all churches in UNY file a proof of claim?

A. We think this is a prudent and good idea to do so. Many churches do not have historical documents or people with recollections from 50 or 60 years ago so it makes sense to file the proof of claim now. It is easy to do and it is within your control.

16. Q. Who should sign the claim?

A. We would suggest that the Chair of the Trustees sign the claim or the church's treasurer or attorney if they have one. It is also okay if the pastor signs the claim. Note that notices of goings-on in the BSA bankruptcy case will be addressed to the person designated on the proof of claim to receive notices, so that person should be someone who will be receiving and reviewing the mail and will act on any notices received relating to your claim or to the BSA bankruptcy generally.