

IN THE
Supreme Court of the United States

LUJAN CLAIMANTS, *et al.*,

Applicants,

v.

BOY SCOUTS OF AMERICA, *et al.*,

Respondents.

ON APPLICATION FOR A STAY OF THE BANKRUPTCY PLAN BEING IMPLEMENTED
IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

**AMICI CURIAE BRIEF OF CLAIMANTS REPRESENTED BY
MERSON LAW, PLLC IN OPPOSITION TO THE APPLICATION
FOR A STAY OF THE BANKRUPTCY PLAN BEING
IMPLEMENTED IN THE UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF DELAWARE**

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	ii
INTEREST AND IDENTITY OF THE <i>AMICI</i>	1
SUMMARY OF ARGUMENT.....	2
ARGUMENT	3
CONCLUSION	5

TABLE OF AUTHORITIES

Cases

In re Boy Scouts of America and Delaware BSA, LLC,
650 B.R.87 (D. Del. 2023)1

In re Boy Scouts of America and Delaware BSA, LLC.,
642 B.R.504 (Bankr. D. Del. 2022)1

Other Authorities

SCR 37.61

INTEREST AND IDENTITY OF THE *AMICI*¹

Amici curiae are 320 Claimants represented by Merson Law, PLLC. They submit this Brief to urge this Court to deny the Application for a Stay of the plan of reorganization currently being implemented in the United States Bankruptcy Court the District of Delaware and Boy Scouts of America.²

¹ In accordance with SCR 37.6, *Amici Curiae* represent that Merson Law PLLC, which is counsel for 320 of the 82,000 Claimants, and Hasapidis Law Offices authored this Brief entirety, and wholly funded the preparation and submission of this Brief.

²The Bankruptcy Court decision is reported at *In re Boy Scouts of America and Delaware BSA, LLC*, 642 B.R. 504 (Bankr. D. Del. 2022) (“BSA”). The District Court decision is reported at *In re Boy Scouts of America and Delaware BSA, LLC*, 650 B.R. 87 (D. Del. 2023) (“BSAII”). The relevant plan is the Third Modified Fifth Amended Chapter 11 Plan of Reorganization (with technical modifications) for Boy Scouts of America and Delaware BSA, LLC, (the “Plan”) filed in Case No. 20-10343 on September 6, 2022, at ECF Dkt. 10296.

SUMMARY OF ARGUMENT

The grant of the stay will defeat the very purpose of the litigation; to secure justice for victims of child sexual abuse before they pass away. To delay justice for these victims because a mere fraction of other Claimants are hoping to extract a greater award is inequitable and certainly not a basis for granting the extraordinary relief of a stay.

ARGUMENT

On January 6, 1941, before the United States of America entered World War II, President Franklin Delano Roosevelt said to Congress: "We must especially beware of that small group of selfish men who would clip the wings of the American eagle in order to feather their own nests."

In the present case, more than 82,000 victims of child sexual abuse while in the Boy Scouts of America came forward seeking justice. Many of these victims, when they were children were raped, sodomized and forced to perform oral copulation repeatedly by older men who were supposed to be caring for these boys. The Boy Scouts bankruptcy represents the only chance at justice that many of these victims will ever have. More than 86% voted in favor of the plan.

Only 140 of the 82,000 (.2%) are at present objecting. They are represented by two law firms. The victims of one law firm have already received compensation for their injuries by the Roman Catholic Diocese of Agana. They apparently want to double-dip and hold hostage the more than 99% of tens of thousands of child sexual abuse survivors, hoping to secure a better side-deal.

This Honorable Court should heed the warnings of President Roosevelt and deny this stay request. If granted, more of these child sexual abuse survivors will suffer and die without ever getting justice.

Doug Kennedy, who is represented by this firm and was co-chair of the Tort Claimants Committee, was told by more than a dozen of the survivors throughout the course of the bankruptcy proceedings, that they wanted to die. And, when news spread of

potential further delay, they told him that they do not know how much more they can take of this.

Twelve victims represented by this firm have already died and will not see justice. Two other survivors are gravely ill. If this stay is granted, these two will also die without justice. This firm represents a small fraction of the total survivors, just .36% of the entire group, so one can only imagine how many more will be lost without finally getting the justice -- that everyone acknowledges -- they deserve?

The equities are not close. The stay request should be denied.

CONCLUSION

WHEREFORE, for the foregoing reasons, these Claimants respectfully request that this Court deny the Application for a Stay, together with such other and further relief as this Court deems just and proper.

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Respectfully submitted,

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