

February 5, 2025

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, D.C. 20543

Re: *Lujan Claimants v. Boy Scouts of America, et al.*, No. 25-490

Dear Mr. Harris:

We are counsel to respondents the Boy Scouts of America (BSA) and Delaware BSA LLC in this case. In our brief in opposition to the petition for a writ of certiorari, we explained that under the terms of the BSA Plan affirmed by the court of appeals, “more than \$1.4 billion” is currently held in escrow for the benefit of sexual abuse survivors. Opp. 11. And we stated that the “escrow funds w[ould] be released immediately if this Court denie[d] the petition.” *Ibid.* The respondent settling insurers who contributed those funds currently in escrow have since taken the position that those funds can be released to the Settlement Trust for distribution to survivors only upon expiration of petitioners’ time for petitioning this Court for rehearing of the denial of the petition for a writ of certiorari, or upon this Court’s denial of such a rehearing petition, should one be filed.

Under this Court’s Rule 44.2, petitioners’ deadline to file a petition for rehearing is February 6, 2026. Respondents do not know whether petitioners intend to file a rehearing petition. If petitioners do file, given the settling insurers’ position on the conditions of the escrow, respondents wish to clarify our brief in opposition to make this Court aware that the escrowed funds will not be released to survivors until this Court denies any rehearing petition. Respectfully, any rehearing petition that does not meet the demanding Rule 44.2 standard should be expeditiously denied so that survivors can finally receive the compensation that has eluded them for so many years.

Respectfully submitted,



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cc: Counsel for all Parties