

# CERTIFIED TRANSCRIPT

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**BOY SCOUTS OF AMERICA  
OFFICIAL TORT CLAIMANTS COMMITTEE TOWN HALL  
FEBRUARY 03, 2022**

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1 **HUMPHREY:** Hey, everybody. We are going to wait a couple minutes like usual, give  
2 people a chance to log in. Probably won't have a very long meeting tonight. Doug  
3 and I will explain that in a little bit. Glad you all could make it. Give us just  
4 another couple minutes. Going to get started here in just a few minutes. It's starting  
5 to slow. All right. Why don't we go ahead and get started? Hope everybody's  
6 doing well tonight. John Humphrey here, along with Doug Kennedy and some of  
7 our favorite attorneys in the background making sure all this stuff works. Hope  
8 everybody's doing great. Happy February.

9 Um, I just want to welcome you all and let you know that we're going to have a  
10 pretty short meeting tonight, that's why you don't see the Q&A. We've been in  
11 mediation now for three weeks. I'm going to turn it over to Doug in just a moment  
12 because he's actually been a part of the mediation. And, you know, I got to tell you  
13 just personally, mediation is one of those frustrating things mostly because we can't  
14 really talk about anything that's been going on. And so we debated whether we  
15 were going to have a town hall tonight. Honestly, a lot of our professionals thought  
16 maybe we didn't have anything to say, so we shouldn't report it and Doug and I kind  
17 of feel like even when we don't have anything to say, we need to let you guys know  
18 what's going on.

19 So I want Doug to talk just a few minutes about the mediation process and then I'm  
20 going to come back and review, um, you know, the same things we've been talking  
21 about for the last year. But one thing I will say before I turn it over, Doug, is that  
22 the vote that you guys came through with has brought us back to the table with a  
23 real seat and we are making meaningful progress in these mediations. And, you  
24 know, who knows, right? But, you know, obviously, the fact that we're still  
25 mediating and we're still talking and we haven't, you know, told anybody to pound  
26 sand and them us is I think, encouraging news.

27 So Doug, what was your impression?

28 **KENNEDY:** Yeah, thank--thanks, John appreciate that. And I just want to reiterate what John  
29 said. We know people want answers, we know people want to know what's going  
30 on. We know a lot of people are trying to read the tea leaves and figure out, you  
31 know, what this means. We know how frustrating this can be and it's really a  
32 matter of timing. And as John said, is--we just want to let people know tonight  
33 where we are and if things change, we'll have another meeting. We just thought  
34 that would be more valuable than just ghosting you guys for a week or two or  
35 however long.

1 So as John mentioned, um, I had the opportunity to represent the TCC during  
2 mediation in person session of mediation over the course of a couple days. there  
3 have been, I don't know, thousands of files flying back and forth during all this  
4 process. This process is practically around the clock at this point trying to get  
5 something done. As John mentioned, we can't talk about a lot because there is  
6 confidentiality. The parties want to be able to mediate in private and sort of make  
7 their offers and sometimes they're accepted or rejected or modified and that's part of  
8 the process.

9 So we're really hamstrung what we can say. What I do want to report, though, is, as  
10 John mentioned, we are back at the negotiating table. We are being listened to. I  
11 will tell you that all parties, Boy Scouts, coalition, insurers, ad hoc council,  
12 religious organizations, all parties have behaved respectfully. They have listened. I  
13 was really--this was heartfelt in their response to what we had to say. Doesn't mean  
14 they agree with everything but in no way, shape or form is the TCC being ignored  
15 in this process. We are right in the middle of it and we're trying to do what's best  
16 for all survivors on our three pinnacles of this, or foundation points, and I'll let  
17 John--that's John's story to tell. I'll let him talk about that a little bit. I also want to  
18 mention as well, that we had some really good opportunity to chat with the  
19 mediator, as well, Tim Gallagher, about what our specific concerns are. And I have  
20 personally found him to be a sincere, genuine, hard-working professional at this.

21 So the--I think more than anything, I left mediation feeling like, whether or not  
22 something works or it doesn't and we hope that it does, we are not being ignored  
23 and we are right in the middle of it. And that's where we wanted to be and we  
24 really just want everybody to know out there how hard we're working now to make  
25 something happen. And we are on a daily basis, the nine members of the TCC are  
26 communicating about this and we'll be having meetings coming up to make some  
27 hard decisions. So that's kind of the--I know it's vague but hopefully, we'll have  
28 more to say when the mediation part of the channel is over.

29 **HUMPHREY:** I mean, well, you know, we might get frustrated but the reason that  
30 mediations are confidential, if you've never been in one, is that so people can put  
31 things out there and not get ratted out to a constituency that might, you know, blame  
32 them personally. So there is some real powerful notions in the idea of  
33 confidentiality.

34 What we've been saying for, gosh, at least the last nine months since this vote was  
35 around the corner was that if we could get to where we kept them from the 75-plus  
36 percent, that that would get us back to the table. And, you know, that was our hope  
37 and that was our prayer and that is what happened and we've been standing on these

1 same three pillars; more money, youth protection and better governance and we're  
2 making progress on all three fronts.

3 I will tell you on the youth protection, I'm real proud of Doug. He picked up the  
4 mantle and met with the BSA and the mediators and council and really hashed it out  
5 in a really calm and substantial meeting. I was impressed that the BSA was  
6 listening. It seems like kind of a no-brainer from my perspective, you know, make  
7 youth protection a cornerstone and a pillar and your membership will grow. And so  
8 thanks to you, Doug, for doing that.

9 **KENNEDY:** Well, first of all, that's not deserved at all. We've been sharing documents within  
10 the TCC and got an excellent response from all those--as well as all their state core  
11 councils. And nothing is done yet but more than anything, we've gotten our point  
12 across and we're going to continue to negotiate and that's one of the three pillars  
13 that we hope to get some degree of settlement on. And John's now going to explain  
14 also what tomorrow means or doesn't because we have to sort of thread the needle  
15 on the language.

16 **HUMPHREY:** Well, the last--so before I go there, Doug, you know, we talk about  
17 governance and, you know, I've been--I was pretty harsh in a lot of my videos about  
18 why I thought having, you know, getting beat on government meant to the trust.  
19 But if we can get--and I've only spoken in court one time in the last two-plus years  
20 and that was to tell the judge that the most important thing to survivors was to have  
21 a trustee that was above reproach and independent, that didn't ordinarily work with  
22 any of these law firms, our law firm or anybody else's law firms, and they can be  
23 impartial and they could bring critical structure to the organization. I mean, this is  
24 going to be a multi-billion dollar enterprise with lots of expenses and the trustee is  
25 the CEO of that enterprise.

26 And so, you know, if we can't get the kind of money that we may think we want on  
27 the--in the numerator, then what you do is you go after the denominator and you go  
28 after the expenses. And so having that kind of structure where we're going to spend  
29 less of your money in the trust is money. And I think that's what I really want to  
30 communicate to you guys is that having that right structure is money in the bank.

31 The last thing, you know, if you guys are watching the schedules, you know that  
32 tomorrow is the deadline for filing our objections. I would just say we're deep into  
33 mediation, we're making pretty good progress and I wouldn't be surprised if nothing  
34 gets filed. We've reserved all of our rights and we're making substantial progress.  
35 And so you can read between the lines on that.

1           Once again, I just want to thank you for your support and the vote. I think it was  
2           really--it's going to end up being a better deal, one way or another, for survivors and  
3           we think, you know, we think that--

4   **KENNEDY:** Yeah, and if we can work something out, we want everyone to feel like the TCC  
5           is behind it and if we can't come to an agreement, then we want everyone to know  
6           how hard we're working to try and achieve that and that was the decision we came  
7           up with and it wasn't taken lightly.

8   **HUMPHREY:**       And also know that we're not afraid to not blink--

9   **KENNEDY:** Right.

10 **HUMPHREY:**       --in this great game of chicken that we've got going on. So thanks  
11           everybody. Have a great February. Keep an eye on the TCC BSA website. You  
12           know, I was out there today, you know, all of the local counsel--or the majority of  
13           the local counsel's stuff is out there. If you want to ask questions, the TCC  
14           questions at pscjlaw dot com is still out there. TCC BSA has all the current  
15           information, so if there's some impromptu meeting that we're going to have, it'll be  
16           out there. So put it in a bookmark and we'll go from there. Thanks for joining us.

17 **KENNEDY:** Stay strong.

18 **HUMPHREY:**       Have a good--

19 **KENNEDY:** Stay strong, everybody. Thanks John.

20 **HUMPHREY:**       Good night.

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2 I hereby certify that the foregoing is a true and correct transcription of the audiotape labeled  
3 GMT20220107-010101\_Recording\_1538x960.

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Nicole Perry

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