

CERTIFIED TRANSCRIPT

**BOY SCOUTS OF AMERICA
OFFICIAL TORT CLAIMANTS COMMITTEE TOWN HALL
OCTOBER 28, 2021**



Court Reporting • Video

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1 **HUMPHREY:** Hey, everybody. If you haven't joined us before, the drill is we let the
2 participants join, and we usually get started about five minutes after the top of the hour. So just
3 hang tight. Grab a Coke or a cold drink, and we'll be getting going here in a few minutes.

4 **KENNEDY:** John, do you wanna say a word about our question and answer tonight while
5 people are waiting?

6 **HUMPHREY:** Yeah, as you guys are joining, we usually try to keep this thing to an hour.
7 I think last week we had 650 questions. We were able to get to a little over 300 during the
8 session. So what we're gonna do at 9:00 Eastern is we're going to kind of stick around and just
9 answer questions. It'll be a lot of silence, unless John Lucas sees something that is a theme and
10 we can address it verbally. So the program will be over at the top of the hour, but we will
11 continue to be here and answer questions. So you can start your Q&A. If you have questions,
12 we'll try to get to them. We have a lot of people in the background helping with that.
13 So I have 7:03. We're gonna get started at 7:05. But I'm not in the Eastern Standard Time. I'm in
14 Central.

15 **LUCAS:** Hey, John Humphrey, someone's asking did you catch any fish last weekend?

16 **HUMPHREY:** No, we didn't fish. You know, we worked pretty hard. We had a lot of
17 opinions on what we could and couldn't say, and I think we had to do four takes of that video.

18 **KENNEDY:** I do want--somebody asked where we were in Arkansas, and I want to give a
19 shoutout to Lonoke. Is that how you pronounce it, John?

20 **HUMPHREY:** Lo--Lonoke Arkansas.

21 **KENNEDY:** I was--I've never been to Arkansas, and it's a really pretty state.

22 **HUMPHREY:** Okay. We got about another minute or two before we get going. All right.
23 Let's go ahead and get started. Bring down the slide, Deb, if you would, please. Welcome,
24 everybody. John Humphrey, chairman of the Tort Claimants Committee. I'm joined by a very
25 special guest, and my regular crowd, Doug Kennedy, vice-chairman, John Lucas, attorney with
26 PSZJ, Jim Stang, our lead counsel. In the background answering questions we have Steve

1 Golden, Deb Grassgreen, and Rob Saunders. So we've brought in the Marines to help answer all
2 your questions. And if this is your first time, I'm very excited to announce a guest that we have,
3 Michael Johnson, who knows a lot about youth protection at the BSA, and so that's gonna be the
4 gist of our topic. He served as 10 years--for 10 years at the Boy Scouts, trying to improve and fix
5 that program, and we're gonna be asking him some questions.

6 So we're gonna break down the night into three parts. The first will be Q&A with Michael. The
7 second will be what do we want around non-monetary demands. We're gonna go through a slide
8 deck of four slides. And then here to answer your questions. So Doug, why don't you welcome
9 some of our first-timers?

10 **KENNEDY:** Yeah, I wanna say welcome to everyone, and a few reminders. We put up all
11 these Town Halls on the TCC's website. That's tccbsa.com. Also, we're catching up to
12 technology. We've created a YouTube channel where we'll go ahead and put our videos up, so
13 we'll put that link on the tccbsa.com website as well. The questions, we continue to take
14 questions, and we really enjoy reading your questions. And they are shared with the members of
15 the TCC, so that email address is always put up at the beginning and end of these webinars. As
16 well as also I should remind everyone, as John mentioned a few minutes ago, we're gonna leave
17 the question and answer up a lot later, even when we're done talking. So don't get too upset if
18 we don't get to your question right away. We're gonna have time to get to that, okay?

19 **HUMPHREY:** So the funny question was earlier did we catch any fish? You know, we've
20 had over 10--almost, I think what, 10,000 views of that video--

21 **KENNEDY:** Almost.

22 **HUMPHREY:** --since Sunday. And we just thought it was really important to respond to
23 the videos that we saw. But let me make one thing perfectly clear. We want you to vote no on the
24 plan the way the plan is currently constructed. But we're fighting right now, even as we speak
25 this week, to improve that plan. So we think a huge part of what you guys have told us is non-
26 monetary, and that's why we asked Michael to join us. But things are fluid. You know, one thing

1 I will tell you that, you know, if you're watched the fun barbs between us and the coalition is that
2 we agree on protecting youth, and we agree on making sure that this never happens again, that no
3 person, even outside of Boy Scouts, no child should ever be subject to the sexual abuse that we
4 see in our society today. So a much bigger picture.

5 So we'd like to welcome Michael. We're going to talk about youth protection. We're gonna talk
6 also about voting, if anybody has any questions about voting. I know many of you already have.
7 We will have another Town Hall next Thursday. I'm not gonna steal Mr. Stang or Lucas'
8 thunder, but we have a really exciting performance coming. We think we have some great
9 information to share with you guys.

10 **KENNEDY:** Oh, I think you can say what that's gonna be, John.

11 **HUMPHREY:** You think?

12 **STANG:** You want me to do it, John?

13 **HUMPHREY:** Sure.

14 **STANG:** Okay. We've mentioned this in prior Town Halls. The TCC, working with its
15 financial advisor, called Berkeley Research Group, has done an in-depth analysis of 253 local
16 councils, all of the local councils, including analysis of real estate assets, personal property,
17 value of claims against that local council, trends in membership, revenue, expenses, and the like,
18 and also an analysis of the camps that are available to the local council, the utilization of those
19 camps, and in effect identifying the amount of excess real property. Starting beginning of next
20 week we are gonna roll out the bulk of those analyses. And we're working on about 15% of them
21 to try to make them more accurate. We have found some issues that needed to be updated.
22 So check the website. They won't all hit on the same day, 'cause of just some of the technology.
23 It'll be rolled out over a couple of days. But this will really illustrate to all of you the financial
24 position of the local council implicated in your abuse, and help you assess the disclosure
25 statement, I think it's Exhibit G, John Lucas, that spells out the local councils' proposed
26 contribution, proposed by the local councils as a percentage of their liability for the abuse. And

1 this will fill in more detail about the assets available, not that just they're contributing, but the
2 assets that we believe are available, while at the same time giving those local councils financial
3 viability and functionality.

4 So that's gonna be something we will next week walk you through, a local council presentation,
5 'cause they're all in the same format. And you can understand what we're doing, and appreciate-
6 -then you'll be able to look up your local council and say, "Okay. Now I have a better picture of
7 that potential defendant or claim target." Well, that's next week.

8 **HUMPHREY:** Great. Thanks, Jim. Doug, why don't you kick us off and--

9 **KENNEDY:** Sure, sure. Let me first say a couple things. That is, first, I want to thank Michael
10 Johnson for being with us tonight. I have seen so many emails from survivors that have all said
11 the same thing, and that is they want what happened to them to never happen to anyone else. I've
12 really been touched by how that's just a common theme. I'm not surprised, but I'm just--it's such
13 an important issue. And the TCC has been laser focused on what are referred to as the non-
14 monetary demands outside of the money, making sure that the Boy Scouts reorganize to make
15 sure the abuse doesn't continue.

16 So one thing I wanna kind of get to the 800-pound gorilla in the room, Mike, just a little bit, and
17 that is, first of all, thank you so very, very much--

18 **JOHNSON:** My pleasure.

19 **KENNEDY:** --for coming out and--

20 **JOHNSON:** My pleasure.

21 **KENNEDY:** --and being brave enough to sort of just open the doors to this operation. But one
22 of the questions that survivors wonder is what took you so long?

23 **JOHNSON:** That is a great question. I left Boy Scouts in December of 2010 under interesting
24 circumstances. And one of the things that Boy Scouts wanted me to do was sign a non-
25 disparagement NDA, which basically restricted me from literally telling the truth to anybody
26 about anything. I refused to sign it, and walked away from money I feel like I was owed.

1 Then it became pretty obvious, and I know how the organization works, I know I had then a
2 target on my back, and that I was kind of on my own. And again, I'm trying to start my own life
3 over, if you will, in a career. But I wanted to tell the truth, you know? Silence is complicity for
4 me, and I stood on that and other moral and ethical principles. And so then it became what am I
5 gonna do? How do I go about this?

6 And so eventually, after a little bit, I reached out to Jeff Anderson & Associates, and he said he
7 would represent me. And I needed to have that type of representation, if you will, against an
8 organization like the Boy Scouts of America or Scouts BSA in order to tell my truth.

9 I had become fed up with the lack of progress and commitment to keeping youth safe in the
10 organizations a good three years before I left. People there that I worked with know that. But this
11 is where we are here today, and I'm really happy to be here, and honored to be--have the
12 opportunity to speak with you today.

13 **HUMPHREY:** Yeah, we certainly appreciate it. You know, we asked you to sort of take a
14 look at the plan that survivors are voting on, and you've got as much expertise in this field as
15 anybody. In your opinion will the non-monetary portions do anything to roll back sexual abuse in
16 the Boy Scouts the--

17 **JOHNSON:** No.

18 **HUMPHREY:** --way it's written today?

19 **JOHNSON:** No. No, absolutely not. As a matter of fact, I feel pretty confident in reading it
20 that it's pretty clear that Boy Scouts still retains the power in the sense of being able to decide
21 what it is they should do or should not do moving forward.

22 **HUMPHREY:** Yeah.

23 **JOHNSON:** If there is no--

24 **HUMPHREY:** (Inaudible) may consider, yeah.

25 **JOHNSON:** If there is no accountability, if there is no independent non-scouting
26 accountability, if there's no complete transparent release of not only the IV files before they got

1 scrubbed or reviewed or what have you, and Boy Scouts knows what I'm talking about, and any
2 other--and removal of NDAs and the non-disparagement agreements against numerous experts
3 that are out there, and I know prior to my starting with Boy Scouts, as well as while I was there.
4 You're never gonna find out the truth about what is taking place and then begin the process of
5 what needs to be done to protect kids moving forward.

6 **KENNEDY:** Michael, that's a really important statement for you to come out and say that you
7 don't think that this current plan is going to do enough. And we've had--

8 **JOHNSON:** Not even come close.

9 **KENNEDY:** --some con--we've had a few conversations, and I know you to be someone that
10 wouldn't lie about that in any way, shape or form. So you've been in this area for a long time,
11 not only with the Scouts, but also, you know, had experience in the prevention of youth sexual
12 abuse. What do you think are the most important things--and I know we could probably have an
13 hour long conversation on all of the things, but what do you think the most important things are
14 that the BSA needs to do right away to stop the abuse?

15 **JOHNSON:** So let me--I will answer your question, but let me clar--just add a little something.
16 I'm a retired police detective who spent 24 of my 28 years investigating child sexual abuse. I was
17 very good at talking--to getting victims of all ages to tell me what happened to them in detail.
18 And then I was actually even better at understanding perpetrators, the whole gamut of sexual
19 deviants, including pedophiles, and getting them to confess. That's a very core of criminal cases,
20 and then the investigation. So it--I just want you to know that's my background, okay, coming
21 into this. So none of this, if you will, is a surprise to me.

22 Here's the fundamental issue that Boy Scouts refuses to own, acknowledge, that I was working
23 on all the years that I was there, was that they're a high risk organization, plain and simple.
24 When it comes to the actual perpetrators having access to boys and girls, youth, it is an issue of
25 access and opportunity. And the Boy Scouts still fail miserably when it comes to preventing
26 individuals, sometimes known offenders, okay, which is the cra--sometimes incredible part, from

1 having access to youth in the program wha--you know, via policies, procedures, follow-up and
2 what have you. And that's at the very core of the problem. The Boy Scouts won't own that part
3 of it.

4 **HUMPHREY:** So let's talk a little bit about the IV files.

5 **JOHNSON:** Okay.

6 **HUMPHREY:** Have you seen them?

7 **JOHNSON:** I have.

8 **HUMPHREY:** Is it possible for an independent reviewer to look through them and make
9 sense of them?

10 **JOHNSON:** So I have seen them. I haven't seen all of them. There's obviously a lot of them. If
11 the Boy Scouts releases them, it's possible for an independent reviewer to look through them and
12 make sense of them, absolutely.

13 **HUMPHREY:** Do you--

14 **JOHNSON:** You know--

15 **HUMPHREY:** --believe there are names in those files of predators that are out there
16 today?

17 **JOHNSON:** Absolutely. Absolutely. It is a pretty common practice. One of the first things I
18 did when I got there, after reviewing some of the litigation that had taken place, one of the major
19 issues that Boy Scouts as a national organization was dealing with was the concern about failure
20 to report law enforcement. And I was one of the ones that pushed to make sure any and all of the
21 files had been in fact reported to law enforcement, because there's no tracking of that. And then
22 we find out that the vast ma--many of them, I can't say vast majority, but many of the files had
23 not been reported to law enforcement, or there was not enough information in the file to
24 determine that.

25 The files of today, after some major changes, do insure that there is some type of notification, but
26 there's--

1 **HUMPHREY:** What do you think--

2 **JOHNSON:** --still some--

3 **HUMPHREY:** --it is? Do you think it's they're just worried about reputational risk or--it
4 seems like they're more worried about being sued for putting the wrong information out there
5 than they are for protecting kids.

6 **JOHNSON:** You know, you bring up something really important. It seemed that the files
7 themselves are more--they were more interested in the indi--information in the files than actually
8 protecting the victims. It always bothered that there was more other superfluous information than
9 there was about the victim and the family and any support, you know, that can be given to them.
10 But I'm sorry, what was your original question again?

11 **HUMPHREY:** Well, just, you know, what do you think the reasons are that are--

12 **JOHNSON:** Oh.

13 **HUMPHREY:** --any--are there any legitimate reasons for not giving--

14 **JOHNSON:** No, no, no, no. It's all about the brand.

15 **HUMPHREY:** Yeah.

16 **JOHNSON:** Period. It is all about the brand and the perception of the brand for the
17 organization, and the protection of partnering chartering organizations that are at the very core of
18 the business model. Those are the big three issues, okay? And if it goes against that, even best
19 information from the top experts in the nation, which Boy Scouts had access to, it doesn't matter.
20 If there's a perception that the brand is gonna be hurt and endangered, and it goes to the bottom
21 line of membership and money.

22 **KENNEDY:** You know, Michael, I was gonna ask you what your general perception is of the
23 Boy Scouts regarding sexual abuse, but I think you just answered that question. One of the things
24 that surprised us though when you had--when you came out and spoke was in your mind you
25 believe that 50% of the abuse was youth on youth right now. And I--you motivated me to go on
26 and take the youth protection training that anybody can take, and in that training they mentioned

1 that that's thought to be about 25% in the general public. So I guess my question is is the Boy
2 Scouts ignoring that it's twice as high in the Boy Scouts of youth on youth abuse, or are they not
3 aware of that? I mean, are you fairly confident that's what the number is?

4 **JOHNSON:** Well, a couple of facts. Number one, one of the responsibilities I had at Boy
5 Scouts was consulting with scout executives, camp directors, and field service directors of
6 councils that are dealing with various incidences. It was very clear that over 50%, pushing 70%,
7 75% of the incidences that they're dealing with are youth on youth or youth with problematic
8 behavior issues. Number two, the only reason that these individuals would be calling the
9 national office is if it was really serious, borderline somebody needs to be kicked out of scouting.
10 In talking to camp directors, and I understand, John, one of you used to be working in a camp or
11 whatever, the camp people tell me they deal with 10 times that many issues with kids all the
12 time. We're talking about what gets reported to the national office, which is where I was at.
13 When you look at the youth on youth issues, you're talking about today's youth streaming
14 pornography, lack of supervision, older boys taking younger boys on outings without any adult
15 supervision. You're talking about sometimes the chartered organizations and/or the parents know
16 certain boys have issues, whether they be criminal, cognitive, behavioral, or what have you. Yet
17 these older boys 16 or 17 are supervising or leading or what have you 12- and 13-year-old boys.
18 And then they have privacy in the tent with no--at night during these extended campouts, with no
19 adult supervision during the night. So the statistics from the training that you took are national
20 statistics. What I was referring to is what's actually happening in scouting.
21 I want to tell you--this is a true story. It's pretty amazing. When I first started bringing this issue
22 up at the national office, the first general--well, the general counsel I worked for, he wanted to
23 make this out like it was a gay issue for certain gay youth. I go, "No. This is not a gay issue." He
24 did not want to focus on this youth exhibiting problematic behavior that we needed to focus on.
25 He wanted to go that route, which was a major issue in discrimination of certain populations in
26 scouting during that time period. So just to show you how deep it was, and all of these

1 conversations are happening at the national level.

2 **HUMPHREY:** So do you think that the TCC can get the BSA to tighten up their policies
3 and get independent oversight?

4 **JOHNSON:** If you vote no, and you hol--and you maintain your ability to require them to do
5 the very things that we know needs to take place. So that is complete transparency of all their—
6 beyond just the ineligible volunteer or perversion files. I'm talking about all research. Release
7 past experts like myself that have worked with them from their NDAs, so they can speak freely
8 about what they have talked about, what they have done and what have you, both internal and
9 external documents. Then and only then will you be able to get a clearer picture of the problem,
10 the magnitude of the problem. And once you do that, now we can start talking about, with non-
11 scouting independent experts, what needs to be done to protect scouts.

12 **KENNEDY:** And Michael, we've got one more question. But again, we want to thank you so
13 much. And after I ask you this question, if there's anything you wanna add, please do. But we
14 appreciate you--

15 **JOHNSON:** Sure.

16 **KENNEDY:** --being someone who's speaking out, and is trying to keep this in the public eye,
17 and your dedication to preventing sexual abuse. And we hope that you'll continue to do that. You
18 mentioned that you've been in this field for a long time. We know that you've been having
19 conversations with other organizations and know what they do. Are there one or two things that
20 other youth serving organizations are doing that the Boy Scouts need to do immediately?

21 **JOHNSON:** So two things that I will say to that. Number one, if another youth serving
22 organization has had an independent historical top to bottom review of their program, not paid
23 for by the Boy Scouts of America, that would be a very important thing to do. But I want you to
24 be real careful, because the Boy Scouts is real quick to say, "Look at all the great things we've
25 done." And the thing about it is, a lot of the great things that they're gonna tout are things that I
26 brought in the last 10 years, I'm just gonna--I don't know how else to say it, along with other

1 experts and colleagues in the field.

2 The Boy Scouts should ke--don't compare the Boy Scouts to any other youth serving
3 organization unless they camp from two days to two or three weeks, unless they have chartered
4 organizations that are selecting their own leaders, and not doing reference checks or properly
5 vetting them, unless it--you know what I mean? Unless they don't have youth that are taking
6 other youth out on outings and activities, you know, you cannot compare the program risks in the
7 Boy Scouts of America with any other youth serving organization, which is what they tend to
8 wanna do.

9 **KENNEDY:** Yeah, that--

10 **JOHNSON:** That's one of the things--

11 **KENNEDY:** --that's a really important point that we have to remember. And in this
12 reorganization the TCC has really been focused on how the Boy Scouts can reorganize to make
13 its mission and its operation more successful when it comes to abuse, not in comparison to
14 another organization that isn't doing those things.

15 **JOHNSON:** That's why you gotta have those independent experts looking at all of the
16 different programs in Boy Scouts, and looking at the incidences, and looking at any research
17 that's applicable, like youth--we talked about the youth on youth. But then you gotta look at what
18 that looks like actually in the Boy Scouts of America. Then from there you could begin with our
19 basic knowledge of what some standard of care is, what needs to be done to prote--to insure kids
20 are safe. And then you need to evaluate. You need to research it to determine if it is in fact
21 making a difference. You cannot--I cannot stress this enough. Boy Scouts have been at this,
22 what, 100-plus years? You can't trust them to do it themselves. They are enabl--they are
23 incapable of doing it. And if you look at--

24 **HUMPHREY:** Yeah, I think culturally--

25 **JOHNSON:** --the current structure--

26 **HUMPHREY:** --culturally they're stuck. They've got--

1 **JOHNSON:** Yes.

2 **HUMPHREY:** --too much go along to get along, too much cultural inbreeding, and
3 nobody willing to risk their neck to make a change. Well, listen--

4 **JOHNSON:** Yes.

5 **HUMPHREY:** --Michael, we just really appreciate you being here tonight.

6 **JOHNSON:** Thank you.

7 **HUMPHREY:** Happy to have you stick around. We're gonna kinda move with our theme
8 of non-monetary and youth protection, and we're basically gonna outline a four point plan that
9 we would like to see in the plan. So thank you once again for attending. Thank you for your
10 courage in coming out, and we really appreciate your support.

11 **JOHNSON:** It's my honor. Thank you very much for everything that you guys are doing.
12 Good luck.

13 **HUMPHREY:** Thank you.

14 **KENNEDY:** Thanks, Michael.

15 **HUMPHREY:** Okay. Deb, you wanna bring up our slide deck? We got lots of questions
16 flying in. I think we've answered about 160. We're gonna keep going even after we finish this
17 part of the presentation. We're going to continue to answer questions, so hang in there and keep
18 asking.

19 So I'm gonna sort of summarize what we're gonna talk about, and then I'm gonna turn it over to
20 Doug. Doug is kind of the architect on our team of non-monetary demands, you know? It's funny
21 how we have this amazing team of people, everybody with different skills. It's almost like the
22 U.S. trustee was like a savant in knowing what we needed, 'cause the right people have showed
23 up when they needed to.

24 So, you know, we really believe that, as you heard us talk about with Michael, this oversight of
25 youth protection is critical. Validating the data and creating a mechanism for public reporting,
26 including the report that they make to Congress, dealing with the ineligible volunteer files, and

1 then finally governance. So with that, I'm gonna turn it over to Doug, and Deb, you can go to the
2 next slide.

3 **KENNEDY:** Thanks, John. So let me just say that this is not a laundry list of the things that the
4 TCC wants to see the Boy Scouts to enact. This is a framework. This is just the oversight, just
5 the 10,000-foot view, if you want, to get at some of the things that a lot of people have been
6 talking about.

7 So one of them is categorized under level of oversight. And what's really needed is an
8 independent standing body with not a three-year term limit, but with no term limit, that's gonna
9 be responsible for measuring and reporting abuse on an ongoing basis. We need an independent
10 standing body. And when I say "we" I'm not only talking about survivors. This is a
11 reorganization and bankruptcy that's going to serve the public. So the public needs this body. It
12 should be made up of survivors, experts in the field, and there are a lot of amazing experts out
13 there, also BSA professionals and volunteers. We need a lot of eyes looking at this.

14 The reporting's gonna occur every six months for three years, and then annually after that. So
15 we're going to have ongoing reporting as to how the abuse is being eliminated. We don't think
16 after hundreds of years of history of this, and 82,500 claims, that we can say after a few years
17 we're just gonna forget about it, and it's mys--magically never going to happen again.

18 And we also think that this body should be responsible for determining the actions the BSA must
19 take to eliminate abuse. The Boy Scouts can consider all those and report to the public, but
20 (inaudible) and is going to take. We want to give the Boy Scouts the opportunity to say, "Hey,
21 these are the changes we're gonna make." But also, just as importantly, we think that they should
22 be able to explain the ones that they're not going to take. Next slide, Deb.

23 The second piece of this is validated data and public reporting. So we've been dealing with too
24 many secrets for too long, so we need to have data that's validated by a completely independent
25 entity. The public needs to have confidence that the levels of abuse that are reported each year
26 are the actual ones, and nothing's being held from it. We also think that that data should be

1 published to the Boy Scouts website, sent to every local council board member, so they know
2 whether or not there's any abuse that's been reported within their council. And again, that's just
3 not the Boy Scouts paid employee, but the volunteer board members.

4 Also, it should be part of the Boy Scouts report to Congress. Boy Scouts are very quick to say
5 that they're a chartered organization, chartered by Congress, and since Congress serves the
6 public and is elected by the public, we think they have a right and a responsibility to know that
7 the public's children are safe. Next slide.

8 The third portion deals with the ineligible volunteer files. And we think that all these files should
9 be turned over to the survivors trust, and then we'll work with a mutually agreed upon third party
10 that's gonna determine which of these are valid files, and which of them should be made public
11 in a way that will ensure survivor and anyone else's privacy. We need to get these files out in the
12 open. As Mr. Johnson reported, one of our incredibly big concerns is that not only the people that
13 abused us are still walking around out there unknown, but also that they've now gone and are
14 starting to volunteer and work with youth in other organizations. And that needs to be stopped.
15 And our last slide.

16 And the last piece of this is governance. And one portion of it is there--lots been made of there
17 being one survivor on the Boy Scouts board, and one voice in a closed ro--closed door room of
18 40 people we don't think is enough. And we think as the Boy Scouts board increases or
19 decreases, it should be no less than 10% of its board members. And of that number, at least 50%
20 should be--not be present Boy Scouts professionals or volunteers. So we think there needs to be
21 an independent voice on that board as well.

22 And then lastly, we think that the trust needs a sexual abuse survivors advisory committee, and
23 that is going to advise the trust and keep an eye on the operation of the trust so that it knows how
24 best to serve all of us, because these are our settlement--or our settlement that they're going to be
25 managing.

26 **HUMPHREY:** You know, Doug, I'll add an anecdote, and it didn't come up tonight

1 during Michael Johnson's Q&A. But what we learned when we were talking to him is he
2 reported to the chief legal counsel of the BSA. And if youth protection was part of the strategy of
3 the Boy Scouts, of paramount importance, you would think that that person would report to the
4 CEO. And so I think that's telling about governance. So we really think they've got a long way
5 to go. So--

6 **KENNEDY:** So Deb, you can take that slide down now, I think.

7 **HUMPHREY:** Yep.

8 **KENNEDY:** So, you know, overall what we have here is we have a framework, everyone, that
9 the details can be worked out by the experts. But we really want this framework to be sort of the
10 four underpinnings in the foundation of what's going to happen moving forward, and it's based
11 heavily on transparency and reporting, so the public knows whether or not its children are safe.

12 **HUMPHREY:** So hopefully by now you all know how to vote. If you have not received a
13 ballot from your attorney, you should have requested one. If you need to know how to request a
14 ballot, if you go to tcbsa there's a big red button on that home page that says, "Request a
15 ballot." And we just want to make sure that you know it's not vote yes, vote no. There's three
16 things on that ballot that you have to vote about, and I'd maybe like to turn that over to John
17 Lucas to cover those things.

18 **LUCAS:** Okay. Yeah, happy to. Thanks, John and Doug. Just wanna say that we have a lot of
19 general voting questions, and, you know, while we're urging everybody to vote no, we just
20 wanna say that we still have a lot of time. The ballots need to be at the voting agent in their
21 hands by December 14th, so we have some time. And so if we do something--a little bit of
22 something on voting next week or the week after, you know, please, you know, we're trying to
23 get through as much of this as we can.

24 But here's a couple of questions, and I'll go through them and I'll answer John's question.
25 People have asked, "My ballot is 22 pages long. They gave me an envelope to send back my
26 ballot, but I can't fit all the pages in the envelope." So here's the answer. Pages 1, 5, 6, 8 and 17,

1 and that's the one you sign, all go back into the envelope. You can throw out the other ones.
2 We'll put some sort of FAQ, frequently asked questions, on the TCC website to let people know.
3 We've been getting a lot of questions about that, and Steve and Rob have been answering that
4 question here over the past--basically today was when it really came up, and we got confirmation
5 that we could do it that way.

6 And another question today was, "How do I vote online?" And so what that means, or the answer
7 to that question is there isn't, like, a web page that you could go and input your name, and make
8 your selections, and then hit send. What you'll need to do is if you have a paper ballot, you'll
9 need to scan it, and you'll have to upload it to the website. And there's a link on the Omni
10 website, and the link is in our page that we have on our TCC website about "How do I vote?"
11 And that's the medium to do that or the way to do that. But really, the simplest way on how you
12 get there vote there is to make your selections, put it in the envelope, and mail it to the address.
13 And that information is on "How do I vote" on the page on our website also.

14 **STANG:** John--

15 **LUCAS:** And--

16 **STANG:** --can I interrupt for a second?

17 **LUCAS:** Yeah.

18 **STANG:** I have heard that there have been some communications from the coalition saying
19 that an app is going to be rolled out that will enable people to vote. You and I have talked to
20 Omni directly, and there is no alternative platform for voting being created through an app. It is
21 possible that this app, as I've heard it described, is a way for people to communicate with their
22 counsel, who will then tabulate that vote on a master ballot. But if you get an email that says,
23 "This is your ballot for voting," that is a communication between you and whoever has sent it.
24 But it is not the way you cast your vote directly with Omni, directly with Omni. You either are
25 going to do it the way John described, put it in the mail, or you're going to communicate with
26 your attorney, who will tabulate your vote on a master ballot. But there's no third way of doing

1 it.

2 **LUCAS:** Yep.

3 **HUMPHREY:** So Deb, before you bring down that screen, I saw a question in there,
4 “Where can I see John and Doug’s video?” Well, there it is on tcbbsa.com. It’s also out on
5 YouTube. Are there any other themes of questions that you’re seeing, John, that--

6 **LUCAS:** Yeah, hey, you know, we’ll put this up on the website, but I’m gonna say it again.
7 Which pages on my ballot do I return? So here I go. I’m gonna say it again, but I’m gonna say it
8 a little bit slower. But we’ll put it up on the website by tomorrow too. Pages 1, 5, 6, 8 and 17. So
9 that’s pages 1, 5, 6, 8 and 17.

10 And so, you know, you have, you know, the key thing there on your ballot is do I accept--do I
11 want to accept the plan or do I want to reject the plan? That’s the key--one of the key thing—
12 obviously the main primary piece of your ballot, and, you know, obviously the TCC is
13 recommending that you reject.

14 And the next piece is whether or not you opt out of the voluntary releases, and there are a lot of
15 questions generally on that. And what that means is other than your sexual abuse claims, do you
16 have any other claims that belong to you personally against, let’s say, the Board Scouts board of
17 directors or officers? Most of you probably don’t even know the answer to that question, and
18 maybe even most of them are--maybe you don’t. But opt out, because it doesn’t hurt to opt out.
19 If there’s any doubt, just opt out. It doesn’t affect what you’re going to otherwise get.

20 The other provision in the ballot is do I want to make the \$3500 election and be done? And if
21 you want it, you can vote accept or reject on the plan, or--and vote to get the election. And for 3-
22 -you know, but if you don’t want the election, you just leave it blank and you walk away. But
23 you want to return that page though, even though it’s blank.

24 And then finally, you know, you’re go--there will be a page there where you put in all your
25 personal information, your name and your address, and all the other information that it works—
26 that it asks for. But crucial, sign the ballot. Sign the ballot.

1 **HUMPHREY:** So Jim, I saw a theme, a couple of themes, in there, and we--Doug and I
2 tried to address this in our video about does a no vote mean years or litigation and delay. And,
3 you know, you've been doing this for many, many years, you know? Let--why don't you
4 hypothesize if the no vote goes through, how long will it take, and what that work might include?
5 And then also talk about if the other side starts to worry about whether they have the votes to
6 win, how they might be more accommodating to some of the things that we're after. So maybe
7 you could address those two things.

8 **STANG:** Okay. So everyone's trying to get the early exit polling to see how the voting's
9 going, because on some issues it shouldn't matter. And I'd say there's really--we have started,
10 very preliminarily, additional discussions with the coalition about child protection. This is not an
11 issue that I can imagine we would have differences with the coalition on, 'cause everyone wants
12 to protect children. And Michael's comments about the institutional priorities of the Boy Scouts
13 is an aside. I'm talking about how the plaintiff's groups align on that issue.
14 But the exit polling, if there is such a thing in this case, is really about how far one can push the
15 other. Because while voting is not the sole issue the bankruptcy judge looks at, it is an important
16 issue. And we are going to get interim voting reports through the TCC and other parties who are
17 interested in the case. We'll be able to get interim voting reports. We've been promised that. But
18 we have no way of knowing how many votes ultimately are gonna come in until the voting
19 deadline has passed, because people for one reason or another might hold master ballots 'til the
20 last few days.

21 But the process of negotiation is ongoing, and attendance at these Town Halls is an important
22 indicator for--of interest. How many people have viewed the videos is an important indication of
23 interest. And I think Doug--or John, you said it's--is it up to nearly--is it over 8,000?

24 **HUMPHREY:** Close to 10,000.

25 **KENNEDY:** I think it's 9700 right now.

26 **STANG:** Okay. Yeah, that's pretty good, and that keeps on increasing. That has not

1 plateaued, folks. The word is getting out that it exists, and the word is getting out that these
2 Town Halls exist. The disclosure statement package, the solicitation package we call it
3 sometimes, should've been received by people by now. It certainly has gone out to all the
4 lawyers, and it has gone out to those who wanted to be--have their communication sent to them
5 directly. And so if you don't have your voting package yet, or haven't--if you haven't heard from
6 your lawyer, you should definitely contact your lawyer, because that voting package, unless the
7 postal service has really let us all down, should be in their hands. And if you--and if they have it
8 and haven't forwarded it to you, they undertook the responsibility pursuant to a highly negotiated
9 process with the court to get those to you, and time is clicking.

10 Now, we all know that you can see the plan by going to our website. You can see the disclosure
11 statement by going to our website. Our letter recommending a no vote, all of those are available
12 to you if you have (inaudible) online. So I can't speak for any given law firm in what it's done or
13 hasn't done, but I saw a question on the Q&A saying, "My lawyer told me it's gonna be--there's
14 some delays in getting it to me." I just--I can go to Kinkos and print these things off, folks.

15 **LUCAS:** Yeah, well--

16 **STANG:** I don't get it.

17 **LUCAS:** --and Jim, one thing I want--

18 **STANG:** But I want to--

19 **LUCAS:** --to say though--

20 **STANG:** --answer the rest of John's question, but go ahead, Doug, I--John Lucas.

21 **LUCAS:** Well, I mean, just one thing though. One thing that I know that certain law firms are
22 doing is that they're trying to prepare sort of an informational summary that they could send to
23 their clients that might include a recommendation.

24 **STANG:** Okay.

25 **LUCAS:** And so, I mean, I know that because people have shared some of them with me, and
26 I've looked at some of them. And so they're, you know, saying, "Hey, this is what the plan--"

1 you know? You know, it's 400 pages, you know, and we're trying to sort of distill this down to
2 the essence, so that we can advise you and make you aware of all the important things in the
3 plan. And in the end we might be recommending X or Y, so please tell us what you want to do.
4 And so I think that might be some of the delay associated with some of them. But still, they
5 should all be able to very quickly, at the very minimum, send you, you know, electronic links to
6 all these documents, so that you could begin reviewing them.

7 **KENNEDY:** And John--

8 **STANG:** At a minimum--look. I stand corrected, and I certainly don't want to fault people for
9 adequately informing their clients. But I understand the anxiety here, and people should at least
10 know why they haven't heard. And so I would encourage people to communicate with their
11 clients, whoever the law firm is that's representing them. Let them know when thing--what the
12 ETA is on this stuff. Because while we say there's plenty of time, people are anxious, and they
13 want to be able to hold onto something and make a decision. But I certainly encourage every law
14 firm that's out there that has clients to make sure that these materials, which are complex, are
15 understandable, so they can make--

16 **KENNEDY:** So one--

17 **STANG:** --their point better.

18 **KENNEDY:** Yeah, and one thing I want to say, Jim, is in reading emails I receive is I think
19 there is some confusion out there about am I going to get a ballot? Am I gonna be contacted by
20 my attorney? Is there something else that's gonna happen this way? And, you know, at the end of
21 the day I think sometimes this comes down to if you have an attorney, that's a question you have
22 to ask. How is my vote going to be cast? But John Lucas, at the end of the day, if a survivor says,
23 "You know what? I want my ballot. I want to touch it. I want to feel it. This is something that's--
24 I've been waiting decades to do, to cast a vote." This is as simple as sending an email to Omni,
25 right?

26 **LUCAS:** It is.

1 **KENNEDY:** So--and on our website, that's that red button you push, but oftentimes that will
2 bring up your email program, and some people's phones and everything else. So we need to—
3 we're gonna post that website. It's just bsaballots@omniagnt.com with no "e" in agent, which is
4 right, John?

5 **LUCAS:** Yes.

6 **KENNEDY:** Yeah, that's a little weird. So yeah, there it is. So we'll post that somewhere it's
7 prominent. But anybody today can send an email just to that address and say, "I want my ballot."

8 **LUCAS:** Yeah, and--

9 **STANG:** But--

10 **LUCAS:** --that email information that's right there is in our forum called "How do I vote?"
11 So--

12 **KENNEDY:** But again, and I--but I want to be clear here. The TCC has been recommending
13 from day one that you discuss with your attorney your individual situation. And I've done this.
14 John's done this. We've chatted with our attorney and say, "How are we gonna be voting? How
15 are you going to cast our vote?" But if you can't do that, you're not comfortable, you don't want
16 to do that, there are other options.

17 **STANG:** So let me answer--

18 **HUMPHREY:** Right. So yeah, I wanna--

19 **STANG:** --John's question about--

20 **HUMPHREY:** --I want you to answer that question about this.

21 **STANG:** Yeah, I'm going to.

22 **HUMPHREY:** Are we gonna go on forever? Because I think--

23 **STANG:** Right.

24 **HUMPHREY:** --people are nervous that a no or a reject vote is gonna result in liti--you
25 know, a litigation that goes on forever.

26 **STANG:** Well, the answer is, in my opinion, no. You're not going to wait forever. The scare

1 story for people who are saying that is that everyone goes back to their own corners and takes all
2 their money with them. So Hartford we know--we can talk about Hartford 'cause it's a publicly
3 announced deal--will take its \$785 million and say, "We're never paying a penny. Forget about
4 the 785 we offered yesterday. And we're not gonna talk to you, and we're gonna expect you to
5 litigate your individual claim against our insured." The real world doesn't work that way, folks.
6 Any of you who have ever negotiated anything knows that a no is often just the word you say
7 before, "But how about this?" Now, you say, "Jim, you know, your opinion." But let's talk about
8 two, and we've used them before, or one of them before, real world examples in the bankruptcy
9 system.

10 In the Archdiocese of St. Paul Minneapolis the debtor filed a reorganization plan, and the
11 creditors committee filed a reorganization plan. The survivors voted no against the archdiocese
12 plan, and the arch--the survivor plan, for various reasons, didn't get approved by the court.
13 People didn't go back and fight for years against the archdiocese. They went to a continued
14 mediation, and within--I wasn't the attorney involved in the case, but shortly thereafter,
15 relatively speaking, shortly thereafter a deal was cut that survivors supported. No one went off to
16 their corners and pouted for more than a day. They came back and renegotiated.

17 But let me give you the second example, which is even more relevant to what we're talking
18 about. Judge Silverstein is the bankruptcy judge in the Boy Scout case, and she presides over a
19 case called Imerys. Imerys was, in effect, the sole supplier of talcum powder to Johnson &
20 Johnson, and Imerys was getting sued for ovarian cancer and mesothelioma as a result of the use
21 of the talcum powder. Its reorganization plan went out for vote. That reorganization plan did not
22 pass. Did the insurance companies who were objecting to the plan take their money and go
23 home? No. What did they do? Well, within the last 48 hours those insurance companies filed a
24 motion with the bankruptcy court to appoint a mediator. I guess they didn't have one in Imerys.
25 Those very insurance companies who supposedly are gonna go to the four corners of the earth
26 and never be heard from again, in a mass tort case involving severe personal injury, they said,

1 “Now let’s go back to the room and talk some more.” It’s only going to get better. It’s not going
2 to get worse, one might say, if that’s possible. It’s not gonna get worse. It will only get better.
3 That is my opinion. I think it is people’s gut. People who say otherwise I don’t think are
4 accurate. And the real world examples in the bankruptcy world, where one might argue deal
5 making is king, for better or for worse, it’s not what happens. So a no vote means after 24 hours
6 of going, “Oh, my gosh, what are we gonna do now?” I have no doubt we will be back in the
7 mediation rooms, and the leverage of survivors for the best case possible will be enhanced.
8 Because if there’s one thing these folks want, be it BSA, local councils, chartered organizations
9 or insurance companies, is finality.

10 One thing we hear time and time again, the insurance companies never want to hear the phrase
11 Boy Scouts again. They want to be done with this. And if you tell them that \$785 million isn’t
12 gonna get it done, they will find a way to get it done.

13 **HUMPHREY:** Jim, what is the percentage that the BSA and coalition would have to get
14 with their votes to--for the judge to say, “Yep, it--they won.”

15 **STANG:** Well--

16 **HUMPHREY:** I know there’s other issues, but--

17 **STANG:** --for the package of releases and resolutions that they want, it is no less than 75%.
18 There is no hard and fast rule for this kind of mass tort case. In an asbestos case, where asbestos
19 is the agent that caused the harm, there is a specific kind of Chapter 11 case that requires
20 creditors vote at least 75--of the creditors voting, at least 75% support the settlement. That
21 percentage is being used by people to say, “Well, that’s probably the percentage necessary in a
22 sex abuse case.” That is just a rule of thumb that people are using, but it is not a hard and fast
23 rule. The court might require that the percentage of yes votes be much higher. But people are
24 using a working assumption that it can’t be less than 75%, but it might have to be more. We just
25 don’t know, because a mass tort case of this proportion with this kind of disagreement over the
26 proper solution has not occurred, to my knowledge.

1 **HUMPHREY:** So we're gonna continue to answer questions. We've answered 300--over
2 300. We still--it looks like we've got about 144. So what I think we're gonna do, Doug, is we're
3 gonna go through sort of our normal wrap up, and then kind of go on mute and just keep
4 answering questions for the next 20 or 30 minutes, if people want to stick around and ask.
5 You know, I'll--I've got a few things to say, and then I'll turn it over to you, Doug, to close us
6 out. You know, people ask us all the time, you know, "Do you have a plan? What do you want?"
7 And we've been very clear about that. And if the coalition and the BSA could get movement on
8 these three items, we could be satisfied and support this plan. Number one, as we talked about
9 tonight, the two big elements are youth protection. You know, I think the coalition joins us in
10 this. I think every parent in America supports every youngster that's in organized sports, or
11 travel sports, or community organizations, or churches, that we stop abuse of children. And that
12 is what we want from the BSA.
13 We want independent review. As Michael said, they haven't fixed it themselves. They need
14 some help from the outside. And there's lots of flexibility that we have there. We think the IV
15 files are a no brainer. They have to be reviewed and redacted, and they need to be published to
16 an independent review. That's number one.
17 Number two, we think there's billions more. I think they talked about in their press releases close
18 to \$1.9 billion, like that's a historical number. It's historically low when you think about 82,200
19 claimants. We think there is a substantial amount more money that the local councils could put
20 up, and that's what we're gonna cover next week when we review the dashboards, and you guys
21 get to see a few examples. We think the sponsoring and chartering organizations want a hall pass
22 for no dollars. We think that's completely unacceptable. And we believe there's a path to the
23 insurance companies making a contribution. So we think we know where the coalition is gonna
24 end up, and we think we can do 30% to 50% better monetarily.
25 And then a last thing that is extraordinarily critical to us is that when this trust is formed, and the
26 monies go in, and the process starts, we think it's extraordinarily important to have an

1 independent trust administrator that is not in the game, so to speak, and that they have the--they
2 report to the judge or the court, not to a group of lawyers. And so--and then there's some
3 mechanics of how the trust operates, and how it could save some money, and those things are
4 really important.

5 So, you know, we're three things away from a plan that we might support. So one of the
6 questions was, "Is there mediation going on?" Yes, there is. We can't really talk about where we
7 are, but it's--yesterday, today and tomorrow it's been pretty intense. So--and there have been
8 some interesting movements. So, you know, it's obviously covered by mediation privilege, so
9 more to come on that.

10 So that's what we want. We don't want to run the BSA out of business. We don't want to destroy
11 the local councils. We just want what's best for survivors. Doug?

12 **KENNEDY:** Yeah, John, I think you really stated it well. Just the only thing I want to add to
13 that is on behalf of all of the TCC, we get your emails. We debrief after this meeting. The nine of
14 us chat. We email and text each other on a daily basis. And I want to thank every single survivor
15 for your strength. It's your strength that's keeping the nine of us going, because we know how
16 important this is to you. We read your concerns. We know how passionate, how hurt you are by
17 some of it, and I want to thank you for being strong.

18 I do want to say that it concerns us that some people try and scare survivors into saying that this
19 is going to drag on forever, and we think that that's really playing off of the concern of every
20 survivor that they want to get some resolution. And I'm going to ask everyone, every survivor,
21 to--all that strength that you've had over the years and decades, you still have to be strong now.
22 And you have to be strong to make sure that your vote is counted the way you want it to be
23 counted. If you agree with the TCC, that's great. If you disagree with us, you know what? We
24 want you to still make sure that your vote is cast, and we want you to have the strength to make
25 sure that your attorney is going to listen to you and vote your will as well--as well. But we don't
26 want you to be scared.

1 We want you to know that the nine of us are trying to do the very best thing possible, and we
2 don't think anyone has--should be scared right now into thinking that if they vote yes for this it's
3 their only path to ever seeing any money. So stay strong.

4 **HUMPHREY:** Yeah, so we're going to--John Lucas, I'm asking you. Are we gonna--are
5 you gonna address any big trends on the Q&A, or are we just gonna go mute and just answer
6 them online? What's your thought right now? You're muted.

7 **STANG:** John, you're on mute. Maybe that's an indicator.

8 **LUCAS:** Thank you. Yeah, I had one of my kids coming up trying to get me to sign one of
9 their homework things. But I wasn't--I had no idea what I was signing, so I said, "Go away for
10 now."

11 **STANG:** There's a lesson. Don't sign something you haven't thought about.

12 **LUCAS:** Yes. So I haven't really found, you know, there's a couple--I wanna say that there
13 are a couple people, you know, a handful of people that are--and maybe even more than a
14 handful, that are frustrated that we're not getting to their questions. We have gone through and
15 answered almost 400 questions right now, and so we're trying to get through to everything here.
16 And so, you know, be patient, or send us an individual question as bsasurvivors@pszjlaw.com.
17 Just go to our website at the tcbsa.com, and you can send us a question there.

18 And, you know, some of the questions that I saw earlier tonight was, you know, "Is there going
19 to be a list of abusers that's published?" And my response to that was, "I don't think so." I just—
20 or at least at the very minimum, the plan isn't going to publish the names of the abusers. Let's
21 say, for example, that John might've put on his proof of claim, because his--John's proof of
22 claim is confidential, and so that's not being made known to the public. And I know that that's
23 sort of frustrating to a lot of people. I think that in some respects I think a lot of survivors wanna
24 know if the same abuser abused other people, and so we've got a lot of questions like that. But I
25 haven't seen anything that would provide sort of that information at this time.

26 **STANG:** John, let me just address that for a moment. And I know we may lose some people,

1 but if we're gonna keep this open, maybe we can answer some questions. And I saw a question
2 that I wanted to answer as well.

3 In the Catholic Church cases, which I am very involved in, the church has created a standard
4 called "credibly accused". If you are credibly accused, which is the result of a re--internal church
5 review, many diocese and many religious orders list those men, the names of those men. I think
6 it's the unique relationship between especially Catholic clergy and the bishop and the diocese
7 that gives the diocese the cover, in effect, to be able to do that. But very, very--and it's sad. It's
8 unfortunate. It's actually tragic that so many of these people have not been criminally
9 prosecuted, which of course is in the--once notified is in the hands of the authorities, and not in
10 the hands of the Catholic Church or the Boy Scouts, again, once notified. That's very important.
11 And there are concerns that perpetrators will litigate the issue of defamation as a way of kind of
12 defending themselves, and we've seen that happen in the church cases. But I think there's a
13 unique relationship there where people go, "Well, the church is doing it. Why can't the Boy
14 Scouts do it?" It's a different relationship between the volunteer in the Boy Scouts and a Catholic
15 priest and his bishop.

16 The other thing that I have seen on the Q&A, someone wrote, "I was sexually assaulted many
17 times, and the chart, the matrix, says I'm gonna get \$2.7 million." Well, folks, we've talked
18 about this before, and I want to be really, really clear with you. That matrix tells you what the
19 value of your claim may be. It does not tell you how much you are going to get paid. The Boy
20 Scouts have said, and this is in public documents, that the abuse claims range from a value of \$2
21 billion to \$7 billion. The future claims representative has said that the claims are \$25 billion. And
22 we think the number is higher. And there's a whole chart in the disclosure statement that shows
23 that under the current settlements you're gonna get 10 cents on the dollar. Now of course, as the
24 value of the settlements go up, your percentage could go up. But please do not confuse the value
25 of your claim and what you are going to receive on that claim. That's where we--that's why we
26 talk about percentages on the dollar. This is something that I keep on seeing in the Q&A, and it's

1 all about how much the claims are worth, and we're working on that as part of our presentation
2 of our opposition to the plan, and how much money is coming in. Because if the claims are worth
3 \$7 billion, that's the Boy Scout high-end range, and the settlement is \$2 billion, then you're
4 gonna get, I don't know, someone do it quickly for me.

5 **HUMPHREY:** Two cents.

6 **STANG:** About--yeah, not quite 30%. If the claims are \$25 billion, that \$2.18 billion
7 settlement gets you a lot less. So value of your claim versus the amount you're gonna get paid.
8 Fractions. Amount you're gonna get paid on top, value of your claim below. So I'm sorry if I'm
9 beating a dead horse on this, but I have still seen questions about--that suggest some confusion
10 between valuation of the claim and what you will receive on account for the claim.

11 **HUMPHREY:** So I've tried to answer this other question that I've seen, and I'm gonna
12 try to give it--somebody's asked about a timeline. We know that we're in the voting period, and
13 that the votes have to be in by December the 14th. We know on December, what is it, 27th, we'll
14 know what the votes actually were tabulated. We know that on the 24th of January there will be
15 a hearing where the judge will look at the votes, the parties will make legal arguments, and if it's
16 clear, she'll rule. If it's not clear, she'll put people back into mediation.

17 So our feeling, and this is a John Humphrey opinion, so--is that we're not that far off, and it is
18 likely that if we go through a no vote, that within 48 hours we'll be back around a negotiation
19 table, and it'll probably extend the bankruptcy 60 days. But certainly not a year, and certainly
20 yes, by this spring. If we get defeated, and there's a yes vote, and it is 75%, as Mr. Stang says,
21 then whatever the BSA and the coalition have cooked up, that's the deal. And it gets confirmed
22 during the hearing, assuming the legal arguments aren't overwhelming, and it is our belief that
23 they might be. Then, you know, it could be done by February. And so--

24 **KENNEDY:** Let me just--well, while Jim thinks about that, let me just add it's not a John
25 Humphrey feeling. It's a TCC feeling that all of us are like every other survivor. We want a
26 resolution to this. For sure we want a resolution. We just want a fair resolution. That's all.

1 **HUMPHREY:** Right. And we, you know, look. I've been looking at numbers all day
2 long, and I think, based on what I've seen in press releases, that the coalition is a little aggressive
3 on how many claims they actually have. And so I think it's gonna be interesting to see how this
4 voting comes down, and I believe that this is gonna push people back to the negotiating table
5 even before the middle of Jan--of December. So be patient.

6 **STANG:** So John, on the timeline, the hearing will start on January 24th. We don't know
7 how many days she has reserved for us, and in the world of civil litigation, that's what this is
8 even though it's in the bankruptcy court, you don't necessarily have serial dates. It might be the
9 24th, 25th, and then we--she has other matters, and she'll pick up again the following week. And
10 so we don't know how long the trial will be, because we're still in the early processes of getting
11 documents exchanged and taking depositions. And we'll see how that all plays out.

12 After the bankruptcy court rules, if she rules in favor of confirmation, the Boy Scouts want to go
13 to the district court, in a sense a superior court, a higher court, and get that court to affirm her
14 decision to confirm the plan. And in Delaware, which is where the bankruptcy case is presiding--
15 is pending, that could take, we're told, you know, about 30 days. It's not a whole new trial. It's
16 kind of a review by the district court judge.

17 The projections that we see when the Boy Scouts talk about their f--its financial condition when
18 it emerges from bankruptcy, are March 31 projections. Now, can it get out sooner? Sure. But
19 right now the projections stop at around March--not around, at March 31st.

20 I--I'm not going to necessarily contradict John or Doug about how long it'll be if we--to put
21 Humpty Dumpty into a better egg, but it will happen very, very quickly. And the Imerys case is a
22 perfect example of that. Within, I think, a week to 10 days the insurance--of the plan being voted
23 down, the insurance companies went to Judge Silverstein and said, "Appoint a mediator." So just
24 look at the real world. Look at what really happens, and decide the risks associated with a no
25 vote, which we recommend.

26 **KENNEDY:** Thanks. And Jim, I appreciate that. And, you know, you've been at this for four

1 decades, so it's one of the reasons why the TCC retained your firm was for that kind of
2 experience. In the time it's gonna take me to ask the next question, we're gonna go over 400
3 questions answered, 400 questions answered. So I want to thank all your staff for doing that.
4 But here's a question, and it's one that I want you to address. There have been a number of
5 people that have asked, "How do I get rid of my attorney? They're not answering my phone call.
6 They won't help me for--" you know, "How do I get rid of them?" And I think that's--there's a
7 lot going on there, there really is, you know, related to whether that's a good idea, whether or not
8 you should, how you would do that. And I think it's important that that question be ask--be
9 answered from an attorney.

10 **STANG:** Okay. We're not picking on anybody here?

11 **KENNEDY:** No, no. And I want to be clear about that. I, you know, it--these are people that
12 are unhappy with their--

13 **STANG:** Right.

14 **KENNEDY:** --representation, plain and simple.

15 **STANG:** This is the way you do it. You write to the attorney, and an email should be
16 sufficient, that you are terminating the relationship. If you have a copy of your retainer
17 agreement, which I hope people do, you should make reference to it by date. You should also
18 make reference specifically to the law firm. You know, "I, so-and-so, hereby terminate my legal
19 rep--my legal relationship with you and your representation of me." You don't have to write this
20 down word for word, but you get the gist of it. "Your representation with me." And this is very
21 important. I re--and every--I think every state in the country has this provision in the Rules of
22 Professional Conduct. "I demand that you immediately provide to me a copy of my file."
23 Because you need to know what's actually been done for you, and the only way you know that
24 for sure is to ask for a copy of the file. You are entitled to it. You are entitled to it, I'm sure,
25 under your engagement agreement with the law firm, and you are entitled to it under certainly,
26 you know, every law--every state I've ever heard of.

1 Once you have done that, you have severed the relationship with that law firm, you have to
2 deliver it, of course, it would be a good idea to call the law firm. And I appreciate
3 communication is part of the problem you're describing. And get to the highest level you can get.
4 "I want to talk to an attorney." And tell that person, "I have sent an email," to whatever your
5 email address is, "and I have terminated the relationship with your law firm." So verbal, make a
6 note to yourself that you did it and when, and you have an email.

7 If you do--if you want to have a replacement lawyer, your replacement lawyer will engage with
8 your now fired lawyer to enforce your rights to copy the file. And that lawyer's job, the new one,
9 will be to work out the fee split. Because the fact that you have fired the lawyer doesn't mean
10 that they're not entitled to any compensation. They may be. Are they entitled to--so let's just say
11 you signed a fee agreement with a 33% contingency. Are they entitled to the whole 33%? Well,
12 no, I don't think so. But it really is the job of your new lawyer to deal with that. That shouldn't
13 be on you. That's what the new lawyer's job is when you come in as the, if you will, the second
14 kid on the block.

15 So it's gotta be in writing. You should make reference to your engagement letter, if you have it.
16 If you don't have it, you can still terminate the lawyer. You should demand a copy of the file.
17 And if you hire a successor lawyer, he or she will want to see your communication, 'cause
18 they'll wanna be sure they're free to represent you. And let them handle the transmission of the
19 file, and handle the fee issue.

20 **KENNEDY:** Thanks, Jim. I know that's a, you know, a thorny subject, but it's important that
21 survivors sort of know what their rights are in that regard. And--

22 **STANG:** Absolutely.

23 **KENNEDY:** --I think we would encourage them before they take that action to really try and
24 do everything they can to reach out to that attorney and make it clear that--how frustrated they
25 are.

26 **STANG:** I will say one more thing, Doug. If the pers--if the survivor says, "You know,

1 thanks, Jim, but I really don't want another one of you guys. I really don't want another lawyer."
2 You can terminate the relationship without a lawyer, meaning without using one to terminate it.
3 By the way, that letter, if you have a se--a new attorney ready to go, they can write that letter too.
4 It doesn't have to be from you. It can be from the new lawyer, if you will. They might ask you to
5 countersign it. That will be up to them.

6 But if you decide, "I'm not gonna have another lawyer," you're entitled to terminate. It's an—
7 what we call an at will relationship. You're entitled to your file. And when the time comes for
8 your award, if you're challenging their entitlement to the contingency fee, all or part of it, you
9 can take that up at the time with--probably the settlement trust will have the mechanism. Because
10 the settlement trust will be sending out checks, and, you know, we'll--that'll get worked out.
11 But you don't have to get to--if you're not hiring a succe--another lawyer, you know, the
12 compensation part will get addressed. You don't have to do that today. And you shouldn't
13 reasonably expect the lawyer who you've just fired to say, "Oh, well I'll give up my fee." You
14 know, that's probably not going to happen. But you don't have to fret right now about the fee re-
15 -the contingency fee, 'cause at least for a while you're not getting any money to be fighting over.

16 **KENNEDY:** John Lucas, have you noticed any trends, or anything that you want to--

17 **LUCAS:** Oh, there's a lot of emails about, you know, can I get a new attorney, can I fire my
18 attorney, do I have to pay my attorney that I fire, and Jim just sort of went through that. There's a
19 lot. I mean, we're up--we've responded to, in one way or the other, I think about 500 in total
20 now.

21 **KENNEDY:** Oh, okay.

22 **LUCAS:** And there are about 120 or so left here. And we're trying to go through them, but,
23 you know, if we don't get to it here tonight, please send us an email at the address on the website
24 at tcbsa.com. And our email address is there, and Steve or Rob will get back to you, or I
25 respond to many of them too, and even tonight responded to everybody saying, "Hey, you know,
26 there's my email address. Send me an email." So, you know, we're not trying to hide or anything

1 like that here. There's just really a just huge volume of questions, and we're trying to do the best
2 we can here to get answers to your questions.

3 **HUMPHREY:** We've been averaging--

4 **STANG:** John, I saw--

5 **HUMPHREY:** --about 600 to 700 questions.

6 **STANG:** Yeah, I saw one question, and it had to go with what tier of abuse does my assault
7 fall into. And that proof of claim form was heavily, heavily reviewed by Doug, John and the
8 other seven guys. I mean, they literally spent--I don't remember how many tens of hours it was,
9 and I'll say going over every word. And it was important to try to come up with these tiers of
10 abuse, but how can you measure human depravity in categories? So we--so someone who was
11 penetrated may well have suffered in that very assault all of those conducts. Certainly you were
12 groped. You were touched under your clothing. There may have been masturbation preceding the
13 penetra--I mean, please, I don't want to relive--have you relive your experience.

14 So the question is, you know, "I checked all the boxes." When we evaluate the claim, and this is
15 pursuant to the plan, and we don't disagree with it at this point, the highest or worst form of
16 abuse you suffered is what's being measured. So in that sense it's not cumulative. It goes to the,
17 if I can call it this, the top of the list, if you will, and that's what's being assessed. So I did see
18 some questions that related to that.

19 And I still see some statute of limitations questions about especially which state is the statute,
20 which app--which state's statute is applicable. It is not the state where you live today. It is the
21 state where the abuse occurred.

22 **HUMPHREY:** Yeah, so--

23 **STANG:** People have theories that it could be Washington, D.C., because that's where the
24 Boy Scouts were--are chartered. Some people--but it is generally speaking, and it's a pretty good
25 generality, that it's where your abuse occurred.

26 And then we also see questions to some people are hiring a lawyer for the first time now. Some

1 might be thinking about substitutes. Should I have a lawyer who resides or practices in the state
2 where my abuse occurred? And I'll say that there are lawyers around the country who have, in
3 effect, a national practice. They're situated in one place, but they represent survivors all over the
4 country. And those lawyers who do that work, generally speaking, are excellent.

5 There is something to be said for knowing the local color, if you will. Now remember, our case
6 is all situated in Delaware, and these TDPs don't have you in state court except under certain
7 circumstances. We're trying to make that more expansive. But these national law--players often
8 will associate with a local lawyer if they feel that local knowledge is important. And so you--I've
9 said this before, and I still believe it, you want not just a lawyer, if you will, *My Cousin Vinny*.
10 You don't want just a personal injury lawyer. You want someone who has experience in
11 representing a survivor of child sexual abuse. And if you can find someone, and I'm not plugging
12 any firm here, who's got BSA experience, that's a plus too.

13 So if you--on the issue of local color, if you're talking to a firm that's outside of your state, ask
14 them, "Do you represent people in California? How many cases have you had in Calif--" you
15 know, you're a consumer of very expensive legal goods here, folks. You're entitled to have your
16 questions answered by, in my opinion, by an attorney. Not by a receptionist, not by a paralegal,
17 but by an attorney. Because you're gonna be dedicating upwards of--I've seen some fee
18 agreements--40% of your recovery to your legal representative. And you should know who
19 you're hiring. So those are the questions I would ask just as a starter. And so there you go--

20 **HUMPHREY:** So--

21 **STANG:** --John Humphrey.

22 **HUMPHREY:** --we've been about 30 minutes over. We've answered well over 500, and
23 there's still 130 open. So I think the more we talk, the more you guys ask, which is great. But I
24 don't think we're gonna make any progress at getting to zero.

25 **LUCAS:** Well, I have one thing I'd like to say again.

26 **HUMPHREY:** Okay.

1 **LUCAS:** And we'll put this up on the website by tomorrow. What pages should I send in of
2 my proo--my ballot? Pages 1, 5, 6, 8 and 17.

3 **STANG:** John, can I just comment? I mean, like, you and I weren't the ones doing the
4 mailing. It is somewhat beyond me that no one said, "Let's fold this thing up and see if it fits in
5 the envelope." I mean, my God.

6 **HUMPHREY:** Oh, I needed to laugh.

7 **STANG:** Oh, I got this little tiny envelope and this very big ballot, and maybe they'll just
8 squeeze it in. I don't know. It's just, you know, sometimes you have to laugh about human--

9 **HUMPHREY:** Well, listen, folks, we're gonna get to the rest of these questions. We'll be
10 putting together a Q&A and putting it up on the website. You guys know where that is,
11 tcbsa.com. You also know that we have bsasurvivors@pszjlaw.com if you want to ask
12 questions directly. I know Steve and Rob and team are looking at those things every day, because
13 they do forward some messages on to us by request.

14 So with that, I think we're going to end our evening. Hang in there, folks. We know this is hard.
15 We know it's complicated. But we're fighting for you, and we're making progress. So keep the
16 faith.

17 **KENNEDY:** Stay strong, everyone.

18 **HUMPHREY:** So long.

19 **STANG:** Good night.

20 **LUCAS:** Thank you, everybody.

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1 I hereby certify that the foregoing is a true and correct transcription of the audiotape labeled
2 GMT20211029-000103_Recording_2560x1440.

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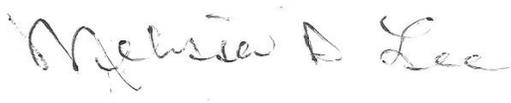
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Melissa D. Lee

11 Date

Printed Name

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Signature