IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:	Chapter 11
BOY SCOUTS OF AMERICA AND DELAWARE BSA, LLC,[1]	Case No. 20-10343 (LSS)
	(Jointly Administered)
Debtors.	Re: DI 13217

REPLY TO SLATER'S OBJECTION TO MOTION FOR ORDER ALLOWING: (1) SUBSTITUTION OF ATTORNEYS; (2) TERMINATION OF EXISTING CONTINGENCY FEE LEGAL SERVICES AGREEMENTS WITH SLATER SLATER SCHULMAN AND (3) DENIAL OR REDUCTION OF ATTORNEY'S FEES TO BE PAID TO SLATER SLATER SCHULMAN

[1] The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are as follows: Boy Scouts of America (6300) and Delaware BSA, LLC (4311). The Debtors' mailing address is 1325 West Walnut Hill Lane, Irving, Texas 75038.

Claimants herein (collectively referred to as "**Claimants**") respectfully submit their Reply to the Objection ("**Objection**") of Slater Slater Schulman ("**SLATER**") to their Motion for a Court Order (1) allowing for a substitution of attorneys, (2) terminating the Claimants' existing contingency fee legal services agreements with SLATER, and (3) denying or alternatively reducing to a quantum meruit amount any attorney's fees to be paid to SLATER under the legal services agreements ("**Motion**"), and respectfully state as follows:

I. REPLY

The twin purposes of the BSA cases was to: (a) address the vast number of survivors' claims against BSA in a centralized forum and (b) ensure a fair and equitable distribution of limited assets to survivors. That goal did not conclude at confirmation. The post-confirmation focus is the implementation of the confirmed plan and any impediment to achieving that goal—which is the focus of the Motion—remains within the purview and jurisdiction of the Court. The Court retains jurisdiction over the *res* of the Trust and the distribution of trust assets. The Court should adjudicate the Motion and embrace, not turn from, its commitment to ensure the integrity of the distribution process so that survivors receive their maximum distributive share.

The Motion shines a spotlight on the misconduct of counsel who represent a great number of survivors and victims in mass tort bankruptcy cases. That misconduct includes, without limitation, highly questionable practices, alleged client misrepresentations, ethical violations and exorbitant professional fees. Here, the SLATER firm, which represents over 14,000 claimants, is an example of such alleged misconduct. Discovery and testimony are necessary to show this Court how survivors in this case may have been stripped of their entitlement to their full recoveries. Just as the Bankruptcy Court is the only centralized forum to address survivors' claim, this Court is the only forum to address the alleged wide scale abuse, provide a remedy, and ensure survivors receive their full distributions. This is a Court of equity that has the power and authority to right a wrong. This Court should exercise its jurisdiction to adjudicate the Motion to ensure implementation of the confirmed plan.

The Motion devotes much space alleging how survivors were not well represented by SLATER under professional and ethical rules, its communications with clients, it assistance in preparation of claims, the settlement of cases, and how survivors were mistreated when they attempted to change counsel. Not surprisingly, Slater wants to shut off the spotlight. SLATER argues: (1) the Court has no jurisdiction to hear the Motion because (a) the Claimants are not specifically named and (b) it is a private fee dispute between attorneys and their clients which falls entirely outside the Court's jurisdiction because it does not affect the administration of the debtor's estate, (2) the Motion is procedurally defective because it seeks extraordinary relief that requires a plenary action, (3) the Motion is substantively deficient and provides no factual and legal basis for the relief it seeks due primarily to lack of sworn affidavits, and (4) the Motion cannot request prospective relief.

SLATER's Objection noticeably fails to directly address the merits of the Motion. The Objection deflects, arguing jurisdictional and procedural matters. But this Court has jurisdiction to ensure the implementation of the plan and the fairness and integrity of the distribution process is at the heart of implementation. Judicial oversight is necessary to ensure fairness and survivors need legal redress here where professionals allow their pecuniary interests to trump the legal interests of their clients.

SLATER's efforts to avoid defending the Motion on its merits must fail and are without merit. For example, SLATER is well aware of the identity of all the Claimants that filed the

Motion and the need for confidentiality and privacy in pleadings filed in this case. There is no dispute that the identity of all Claimants bringing the Motion has been specifically disclosed to SLATER. Claimants intend to address the balance of SLATER's Objection through discovery, including jurisdictional discovery, and testimony.

Claimants have and will show there is more than a close nexus between Claimants (and other claimants that may be flushed out through discovery) and SLATER and their right to receive their maximum recovery pursuant to the confirmed Plan of Reorganization and Settlement Trust. This is clearly at the heart of the implementation, consummation, execution, and administration of that confirmed Plan of Reorganization and/or the Settlement Trust. As a result, this Court should exercise jurisdiction over and adjudicate the Motion to ensure implementation of the Plan and ensure that survivors receive their maximum distributions under the Plan.

II. <u>**THE IDENTITY OF THE CLAIMANTS IS WELL KNOWN TO SLATER AND THE SETTLEMENT TRUST AND NON-DISCLOSURE ON THE PUBLIC RECORD IS APPROPRIATE**</u>

SLATER argues that this Court has no jurisdiction over Claimants' Motion because the Claimants have not been identified. It is therefore "impossible" for the Court to determine whether a genuine "case or controversy" exists, or to ensure that procedural and due-process rights are observed. (Objection at p. 3, 5-7). This argument is entirely a "red herring." The non-disclosure of Claimants' identities from the public record is not unexpected and, in this case, is actually required. As is well known to and acceptable in this Court, Claimants are actively protecting their right to privacy and protect their identity, due to the extremely sensitive nature of this action.

Claimants are ready and willing to provide additional information as may be requested by a party in interest upon written request therefor under an appropriate non-disclosure agreement.

Due process was satisfied. SLATER has actual notice of which Claimants are prosecuting the Motion. Prior to filing the Motion, each of the Claimants notified SLATER in writing of his intent to substitute the counsel herein for SLATER. SLATER cannot credibly claim that it has no idea who the Claimants are sufficient to defend the Motion. In addition, immediately after the Objection was filed, Claimants provided a specific list of the identity of all Claimants subject to this Motion to SLATER's counsel of record, as well as to counsel for the Settlement Trust. There has been no non-disclosure of the identity of the Claimants bringing this Motion.

III. THE RELIEF REQUESTED BY THE MOTION HAS A CLOSE NEXUS WITH THE IMPLEMENTATATION OF THE CONFIRMED PLAN AND SETTLEMENT TRUST AND DISTRIBUTIONS TO SURVIVORS

In the Objection, SLATER contends that Claimants' Motion simply seeks to resolve a private fee dispute between SLATER and its clients which is "entirely outside the Court's jurisdiction in these proceedings, as it does not affect the administration of the Debtors' estates". (Objection at p.3, 7-8). Notwithstanding SLATER's attempt to mischaracterize and minimize the relief requested by the Motion, the relief is much broader. The Motion seeks to address SLATER's professional and unethical misconduct that is interfering with implementation of the Plan, diluting potential distributions to survivors. The alleged misconduct began with SLATER's solicitation of claimants, the representations made to claimants in soliciting their approval for the confirmed plan and the manner in which claimants' claims were then handled by the firm. The Motion addresses the integrity of voting on the Plan, Plan implementation and the distributive amounts received by survivors which will be vastly *increased* if the Motion is successful. Further, when the claimants lost faith in the SLATER Firm, the firm used strong arm tactics to stop the exodus of claimants from the firm. That interference definitely affects Plan implementation, the heart of which is for survivors to receive their maximum distribution. Survivors should be able to throw off the yoke of SLATER's professional fees and this Motion requests that the Court adjudicate that relief. The Motion also seeks sanctions against SLATER pursuant to 11 U.S.C. §105(a) for its conduct and behavior that should shock the conscience of reasonable people.

The Third Circuit's decision in *Binder v. Price Waterhouse & Co., LLP (In re Resorts International, Inc.*), 372 F.3d 154 (3rd Cir. 2004) ("***Resorts Int'l***"), not referenced in SLATER's Objection, provides guidance. As set forth in *Resorts Int'l*, although a confirmed Reorganization Plan and Settlement or Litigation Trust arising from the Reorganization Plan may specifically contain retention of jurisdiction provisions, these retention of jurisdiction provisions can only be given effect if there is bankruptcy court jurisdiction. *Resorts Int'l,* 372 F.3d at 161-162. *Resorts Int'l* instructed that "[t]he source of the bankruptcy court's jurisdiction is 28 U.S.C. §§ 1334 and 157." Citing *United States Brass Corp. v. Travelers Ins. Group, Inc. (In re United States Brass Corp.*), 301 F.3d 296, 303 (5th Cir. 2002).

The *Resorts Int'l* Court noted that "bankruptcy court jurisdiction potentially extends to four types of title 11 matters, pending referral from the district court: '"(1) cases under title 11, (2) proceeding arising under title 11, (3) proceedings arising in a case under title 11, and (4) proceedings related to a case under title 11.'" *In re Guild & Gallery Plus*, 72 F.3d at 1175 (quoting *In re Marcus Hook Dev. Park, Inc.*, 943 F.2d 261, 264 (3d Cir. 1991))." *Resorts Int'l,* 372 F.3d at 162-163 (emphasis added). These cases can be core or non-core proceedings, with non-core proceedings being those cases "related to" a case under Title 11.

In analyzing the concept of "related to" in non-core proceedings, the *Resorts Int'l* Court started with the *Paco*r test. The *Resorts Int'l* Court stated that "With "related to" jurisdiction, Congress intended to grant bankruptcy courts "comprehensive jurisdiction" so that they could "'deal efficiently and expeditiously'" with matters connected with the bankruptcy estate. *Celotex Corp. v. Edwards*, 514 U.S. 300, 308 (1995) (quoting *Pacor, Inc. v. Higgins*, 743 F.2d 984, 994 (3d Cir. 1984)). Nonetheless, a bankruptcy court's "related to" jurisdiction "cannot be limitless." *Id*." The Court went on to reason that "under *Pacor*, bankruptcy courts have jurisdiction to hear a proceeding if "the outcome of that proceeding could conceivably have any effect on the estate being administered in bankruptcy." *Resorts Int'l,* 372 F.3d at 163-64.

As is the case here, the *Resorts Int'l* case involved a post-confirmation factual situation, which required additional refinement of the *Pacor* test. The *Resorts Int'l* Court stated that "[t]he post-confirmation context of this dispute affects our "related to" inquiry because bankruptcy court jurisdiction "must be confined within appropriate limits and does not extend indefinitely, particularly after the confirmation of a plan and the closing of a case." *Donaldson,* 104 F.3d at 553. After confirmation of a reorganization plan, retention of bankruptcy jurisdiction may be problematic. *See Bank of La. v. Craig's Stores of Tex., Inc. (In re Craig's Stores of Tex., Inc.*), 266 F.3d 388, 391 (5th Cir. 2001); *In re Fairfield Communities v. Daleske (In re Fairfield Communities*), 142 F.3d 1093, 1095-96 (8th Cir. 1998)." *Resorts Int'l,* 372 F.3d at 164-65.

After reviewing and analyzing the various standards that prior courts have utilized in determining whether "related to jurisdiction" should be upheld post-confirmation, the *Resorts Int'l* Court reasoned that "**the essential inquiry appears to be whether there is a close nexus to the bankruptcy plan or proceeding sufficient to uphold bankruptcy court jurisdiction over the matter**." *Resorts Int'l,* 372 F.3d at 166. (emphasis added).

In reviewing cases where a "close nexus" was found, the *Resorts Int'l* Court underscored crucial phases such as the lawsuit was "basically . . . seeking to carry out the intent of the reorganization plan", the case did "not involve a dispute essentially collateral to the bankruptcy case", and the action "implicated the integrity of the bankruptcy process" because one party's actions impaired the other party's ability to act in accordance with the plan. *Resorts Int'l,* 372 F.3d at 166-67. The Court stated "<u>At the post-confirmation stage, the claim must affect an integral aspect of the bankruptcy process--there must be a close nexus to the bankruptcy plan or proceeding</u>."

Viewed in this context, the *Resorts Int'l* Court stated that "Matters that affect the interpretation, implementation, consummation, execution, or administration of the confirmed plan will typically have the requisite close nexus. Under those circumstances, bankruptcy court jurisdiction would not raise the specter of "unending jurisdiction" over continuing trusts." *Resorts Int'l,* 372 F.3d at 167.

Notably, the *Resorts Int'l* Court also looked at ***factual*** situations where there is a sufficiently close nexus to the bankruptcy plan or proceeding to uphold bankruptcy jurisdiction in post-confirmation scenarios involving continuing trusts, as there is with the Settlement Trust in this case.[2]

In reviewing *Bergstrom v. Dalkon Shield Claimants Trust (In re A.H. Robins Co.*), 86 F.3d 364, 372-73 (4th Cir. 1996), which involved a dispute regarding professional fees between a claimants' trust and attorneys representing claimants on the trust, as an example, the *Resorts Int'l*

[2] This factor alone underscores the need to develop a factual record through discovery prior to any determination of jurisdiction. The development of evidence is particularly true when one considers that if claims were improperly vetted or solicited, it may well have impacted the integrity of the confirmation and distribution process.

Court noted that the underlying dispute implicated an integral aspect of the bankruptcy process. The confirmed plan created a trust intended to distribute surplus funds to tort claimants on a pro rata basis, but certain attorneys claimed entitlement to contingent fees creating dispute. To resolve the dispute, the *Resorts Int'*l Court stated that:

> "it was necessary to interpret the plan's accompanying documents to determine whether it was unreasonable to charge standard attorneys' fees out of the pro rata distribution. *See id. at 368-71*. In upholding "related to" jurisdiction, the court explained why the dispute was central to the bankruptcy proceeding: "The Trust was created to protect and pay those persons who had been damaged by use of the Dalkon Shield. The efforts of the Trust to settle the remaining claims could easily be affected if the remaining claimants are aware that any attorneys' fees out of the pro rata distribution will be limited to ten percent." *Id. at 372*. Accordingly, the dispute integrally affected the bankruptcy plan and proceeding, and it was appropriate for the district court, sitting in bankruptcy, to exercise jurisdiction over that proceeding." *Resorts Int'l,* 372 F.3d at 167-168.

Notably, in interpreting the statutory language "broadly", the Court in *Bergstrom v. Dalkon Shield Claimants Trust (In re A.H. Robins Co.*), 86 F.3d 364, 372-73 (4th Cir. 1996), found jurisdiction under §1334(b) because the matter both "arises in" and was "related to" a case in bankruptcy and the proceeding could have an effect on the estate being administered. The Bergstrom Court found that "[t]he present controversy could have an effect on the operation of the Trust, and it impacts its handling and administration and is therefore "related to" the bankruptcy within the meaning of § 1334(b)." *Bergstrom v. Dalkon Shield Claimants Trust (In re A.H. Robins Co.*), 86 F.3d at 372. <u>The same is precisely true in this case!</u>

Ultimately, after its extensive analysis, the *Resorts Int'l* Court held that "**the jurisdiction of the non-Article III bankruptcy courts is limited after confirmation of a plan. But where there is a close nexus to the bankruptcy plan or proceeding, as when a matter affects the interpretation, implementation, consummation, execution, or administration of a confirmed plan or incorporated litigation trust agreement, retention of post-confirmation bankruptcy court jurisdiction is normally appropriate**." *Resorts Int'l,* 372 F.3d at 168-69.

The confirmed Plan of Reorganization at Article XI specifically and very broadly retains the Court's jurisdiction over all aspects of this case.

- Article XI(A): Jurisdiction. "Until the Chapter 11 Cases are closed, the Bankruptcy Court shall retain the fullest and most extensive jurisdiction that is permissible, including the jurisdiction necessary to ensure that the purposes and intent of the Plan are carried out. Except as otherwise provided in the Plan or the Settlement Trust Agreement, the Bankruptcy Court shall retain jurisdiction to hear and determine all Claims against and Interests in the Debtors, and to adjudicate and enforce the Insurance Actions, the Settlement Trust Causes of Action, and all other Causes of Action which may exist on behalf of the Debtors."
- Article XI(B): General Retention. "Following Confirmation of the Plan, the administration of the Chapter 11 Cases will continue until the Chapter 11 Cases are closed by a Final Order of the Bankruptcy Court. The Bankruptcy Court shall also retain jurisdiction for the purpose of classification of any Claims and the re-examination of Claims which have been Allowed for

purposes of voting, and the determination of such objections as may be filed with the Bankruptcy Court with respect to any Claims."

- Article XI(C): <u>Specific Purposes</u>. " 4. enforce and interpret the terms and conditions of the Plan, the Plan Documents, the Settlement Trust Documents, the DST Agreement, and any Insurance Settlement Agreements; … 11. hear and determine such other matters and for such other purposes as may be provided in the Confirmation Order; … 18. hear and determine any other matters related hereto, including the implementation and enforcement of all orders entered by the Bankruptcy Court in the Chapter 11 Cases; .. 31. hear and determine all questions and disputes regarding matters pertaining to discovery rights of the Settlement Trust and the related agreements that include, but not limited to, the Plan, the Plan Documents, Settlement Trust Agreement, Trust Distribution Procedures, and Document Appendix; …"

Moreover, the Settlement Trust also supports the broad consent by the Parties to the retained jurisdiction of the Court. Section 3.12 "Consent to Jurisdiction" provides: "The Parties mutually agree that, as relates to the Parties' obligations under this Agreement, the Bankruptcy Court, or the District Court after all of the Debtors' chapter 11 cases are closed, shall retain jurisdiction over all matters regarding the interpretation, implementation, and enforcement of this Agreement and the Parties consent to personal jurisdiction and venue in the Bankruptcy Court."

In this case, as applied to Claimants' Motion, there is a sufficient and adequate close nexus to the confirmed Plan of Reorganization and Settlement Trust, which affects the interpretation, implementation, consummation, execution, or administration of the confirmed Plan or the Settlement Trust, allowing and warranting this Court to exercise jurisdiction over the Motion.

The "close nexus" factors which make this Court's exercise of jurisdiction over the dispute between the Claimants and SLATER set forth in the Motion appropriate are as follows:

- SLATER has been intimately involved in the claims process which has a direct effect on the bankruptcy case and distributions to the Claimants by the Settlement Trust

  (1) SLATER executed at least 90 claims which in and of itself confers personal jurisdiction;

  (2) SLATER assisted in the preparation and vetting of claims many of which have been deemed irregular or fraudulent;

- How SLATER solicits its claimant clients, how it encourages preparation and filing of claims, how it vets claims, and how it forms and prepares its contingency fee agreements is strongly related to the bankruptcy case and distributions under the Trust;

- Akin to *Bergstrom*, SLATER's contingency agreement and the amount of fees expected from distributions to Claimants are at issue for a variety of misconduct and other reasons making it related to the bankruptcy case and the Settlement Trust;

- SLATER has filed a Notice of Appearance in the bankruptcy case

Pursuant to the *Resorts Int'l* and *Bergstrom* cases, and in light of the Court's liberal view of the jurisdiction analysis, it is clear under §1334(b) that Claimants' Motion "arises under" and is "related to" the Bankruptcy case and the Settlement Trust, and there is a close nexus sufficient and adequate for this Court to properly exercise jurisdiction to adjudicate the merits of the Motion.

III. <u>THIS CASE IS NOT A FEE DISPUTE BUT RATHER SEEKS AN AWARD OF SANCTIONS AGAINST SLATER FOR ALLEGED MISCONDUCT</u>

SLATER characterizes Claimants' Motion as simply a private fee dispute between parties arising from the contingency fee agreements. This is a gross mischaracterization and minimization of the Motion and ignores SLATER's misconduct which began with the solicitation of its clients and continued throughout the case.

Bankruptcy Code §105(a) provides:

> "The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

It is clear that §105(a) can be used by this Court to sanction "bad conduct" by any party or counsel that appears before it. Upon proof of that bad faith conduct, courts have consistently used §105(a) to impose a wide range of sanctions including monetary penalties, fee disgorgement, suspension from practice, permanent injunctions, and referrals for disciplinary proceedings.

The Ninth Circuit Bankruptcy Appellate Panel established that disciplinary proceedings under §105(a) require proof by "clear and convincing" evidence. *In re Crayton*, 192 B.R. 970 (9th Cir. BAP 1996). Courts must also consider the American Bar Association Standards for Imposing Lawyer Sanctions when determining the reasonableness of disciplinary measures, as held in *In re Brooks-Hamilton*, 400 B.R. 238, 241 (9th Cir. BAP 2009).

If attorney misconduct is demonstrated under §105(a), Courts have great discretion and authority to impose a wide range of comprehensive sanctions. In their Motion, Claimants have outlined in detail a wide range of misconduct by the SLATER firm, and intends to offer competent, credible and admissible evidence to the Court of that misconduct, at an evidentiary hearing. The Motion provides SLATER with actual notice of the attorney misconduct of which Claimants complaint and Claimants' intent to seek appropriate sanctions.

SLATER's misconduct includes but is not limited to:

(1) How SLATER solicits clients and what representations are made to them to induce them in the retention process;

(2) What representations were made to the claimants in the solicitation of ballots supporting confirmation of the Plan of Reorganization;

(3) How SLATER partners with other firms or business entities and whether the fee share or the full details of the relationship is disclosed;

(4) SLATER's numerous violations of the Delaware Rules of Professional Conduct, including lack of communication, how cases are settled, *etc*;

(5) SLATER's bizarre provision in its retention agreements which prohibit the client from settling the claim without the express written consent of the firm;

(6) SLATER's expected extraordinary compensation in this bankruptcy case compared to the services provided;

(7) The escalating issues with how SLATER assisted in the preparation of claims which may have encouraged fraudulent, false, or inflated claims.

(8) The manner in which the SLATER firm attempted to "save the claim" by telling more untruths to their clients and spreading falsehoods about the claimants rights.

(9) SLATER's misrepresentations and lack of accountability in communications with Claimants.

At the heart of all of this is the integrity of the bankruptcy process in a high profile mass tort bankruptcy case. When called into question, this Court must embrace its duty and commitment to ensure that the integrity was and is maintained, preserved and protected.

As a result, the Court's substantial equitable powers to sanction SLATER's misconduct under §105(a) may be used to: (1) Enforce compliance with the Bankruptcy Code and court orders; (2) Prevent abuse of the bankruptcy process (e.g., improper filings, concealment, delaying tactics), and (3) Deter misconduct that threatens the integrity of the bankruptcy system.

Consequently, Claimants' Motion is not a private fee dispute but is, subject to discovery, a detailed exposure of SLATER's bad conduct and a request, for sanctions under §105(a) for the misconduct.

IV. THIS MOTION IS TOPICAL

As the Court considers the "close nexus" of the issues presented by this Motion in liberally determining whether to exercise jurisdiction, and the potential effect an adjudication of the Motion will have on the mass torts bankruptcy industry, the Court should be aware of the attention that Claimants' Motion has received in the media and the need for the Court's intervention in this matter.

On November 13, 2025, **at the exact time that the initial hearing on this Motion will be taking place**, the Rabiej Litigation Law Center will be hosting a program entitled "Toughest Issues in Mass-Tort Bankruptcies Bench-Bar Summit" at Cleveland State University, College of Law. A copy of the agenda, attendees, and materials are attached as Exhibit "6".

Notably, an entire panel session in the Program is dedicated to the "Handling Lawyers' Contingency Fee Agreements with Individually Retained Clients in MDL-Tort Actions", **AND** the underscoring the national importance and significance of Claimants' Motion, the Program materials include for discussion, complete copies of both the Claimants' Motion and SLATER's response:

> PANEL 3 — Handling Lawyers Contingency Fee Agreements with Individually Retained Clients in MDL-Tort Actions, Including Common-Benefit Fee Wthholdings
>
> - Common Benefit Fees in Multidistrict Litigation, Hon. Eldon Fallon, 74 Louisiana Law Review No. 2, p. 371 (2014) (Significant sections highlighyted in yellow, Rabiej Litigation Law Center) (Download)
> - *In Re: Boy Scouts of America and Delaware BSA*, LLC, Case No. 20-10343, D. Del. Doc. No. 13181 (October 14, 2025) (Motion to Terminate or Reduce Fees Under Contingency Fee Legal Services Agreements — Significant Passages Highlighted in Yellow) (Download)
> - *In Re: Boy Scouts of America and Delaware BSA*, LLC, Case No. 20-10343, D. Del. Doc. No. 13181 (October 30, 2025) (Objections to Motion to Terminate or Reduce Fees Under Contingency Fee Legal Services Agreements — Significant Passages Highlighted in Yellow) (Download)

The attendees include no less than eight (8) retired judges! In adjudicating this dispute, this Court will be providing guidance at a time when guidance is very much needed.

Further, Claimants' Motion has been a hot topic in national legal media publications such as Bloomberg Legal and Law360. Attached as exhibits hereto are recent articles published in the last few weeks:

- October 15, 2025: "Boy Scouts Claimants Seek to Axe Agreements with Mass Torts Firm"; Bloomberg AI; ("Exhibit "1")
- October 15, 2025: "Boy Scouts Claimants Look to Remove Slater, Cite Probe"; Law360; ("Exhibit "2")

- October 27, 2025: "Judge to Vet LA County Abuse Settlement; LA Times; ("Exhibit "3")
- October 30, 2025: "Slater Blasts Bid to Terminate Boy Scout Fees"; Law360; ("Exhibit "4")
- November 3, 2025: "Scouts Lawyer Seeks to Shine a Light on Mass Tort System Flaws"; Bloomberg Law. ("Exhibit "5")

These articles provide a small glimpse of growing importance of this issue on the national stage and the need for judicial guidance.

Finally, since the filing on October 14, 2025, the spirited discussion of Claimants' Motion and the serious issues concerning SLATER are daily topics all over social media survivor forums, including Facebook, Reddit and many others.

Consequently, this Court's adjudication of the issues presented by Claimants' Motion are of interest not only to the Claimants, but also all other client claimants of SLATER, other claimants who have 40% contingency fee agreements in this bankruptcy case, and on a national stage, how mass torts bankruptcy cases may be handled in the future.

V. CONCLUSION

As set forth herein, as well as in detail in the Motion, Claimants hereby respectfully request that the Court find that there is a sufficient and adequate close nexus to the confirmed Plan of Reorganization and Settlement Trust, which affects the interpretation, implementation, consummation, execution, or administration of the confirmed Plan or the Settlement Trust, allowing and warranting this Court to exercise jurisdiction over the Motion.

Claimants will be prepared at the hearing to discuss and agree to a discovery scheduling order leading to a prompt evidentiary hearing within sixty (60) days.

Dated: November 7, 2025

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Dated: November 7, 2025

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EXHIBIT 1

Bankruptcy

Boy Scouts Claimants Seek to Ax Agreements with Mass Tort Firm

Oct. 15, 2025, 2:50 PM EDT

Summary by Bloomberg AI AI Generated

- A group of Boy Scouts of America sex abuse claimants sought to terminate legal and contingency fee agreements with Slater Slater Schulman LLP, accusing the firm of deceiving thousands about the treatment of their claims.
- The claimants said Slater has failed to meet legal and ethical client obligations while standing to collect tens of millions of dollars in contingency fees, and has done little more than basic paralegal work since signing up claimants.
- Slater has been accused of hiding the truth from clients about the status of their claims, and the claimants are seeking to have the firm's fees denied or limited to $250 per claimant.

A group of Boy Scouts of America sex abuse claimants sought to terminate legal and contingency fee agreements with Slater Slater Schulman LLP, accusing the mass tort law firm of deceiving thousands about the treatment of their claims.

The Slater firm, which represented roughly 14,600 child sex abuse claimants in the Boy Scouts bankruptcy case, has failed to meet legal and ethical client obligations while standing to collect tens of millions of dollars in contingency fees, according to a motion filed Tuesday in the US Bankruptcy Court for the District of Delaware.

The complaints against Slater come as frustration builds among the more than 60,000 people who have received just 1.5% recoveries on claims of being sexually assaulted as children by scout masters and volunteers.

The group of several dozen claimants, being represented by a former executive director of the Justice Department's bankruptcy monitoring unit, said Slater has done little more than basic paralegal work since signing up claimants en masse several years ago and should either be denied all of its fees or receive no more than $250 per claimant.

"For decades the attorneys at Slater, Slater and Schulman have been committed to securing justice for injured people and they continue fighting on behalf of their clients every day," attorney Clifford Robert of Robert and Robert PLLC, who represents Slater, said in a statement. "These scurrilous accusations are an attempt to undermine their efforts."

'Irregularities'

Slater has for years failed to provide comprehensive representation for Boy Scouts abuse victims, including giving updates and discussing settlement options, according to the motion, which was signed by attorney Lawrence Friedman, who led the US Trustee Program between 2002 and 2005.

Those failures culminated in the public notification last month of an investigation into "irregularities" of claim submissions by the firm to the $2.46 billion bankruptcy trust set up to distribute settlement funds, the group said.

Slater knew since June 2024 that the Scouting Settlement Trust paused the processing of nearly 10,000 claims it submitted for evaluation, but for roughly a year and a half it hid the truth from clients and told them that their claims were "in the queue" to be reviewed, the group said.

Claimants who have asked to terminate Slater's legal services have been told that the 40% contingency fee agreements are "iron clad" and that the law firm will file a lien against any settlement award they receive, they said.

"Slater's business practices in this case, as well as those by other mass tort law firms that follow the same claims accumulation business model, should be closely examined and no longer tolerated by this court or other bankruptcy courts administrating mass torts," the claimants said.

Slater has recently acknowledged procedural and factual issues within claims it submitted to the settlement trust, and it has agreed to pay the expenses of a third party to review the submissions.

Boy Scouts filed for bankruptcy in 2020 to address increasing exposure to child sex abuse lawsuits. The organization, which rebranded this year as Scouting America, came out of from bankruptcy in 2023 through a Chapter 11 plan that was accepted by a majority of claimants but has been appealed to the US Supreme Court by a small group of opponents.

In addition to Friedman, the moving claimants are represented by Scheer Law Group LLP, and Rosner Law Group LLC.

The case is In re Boy Scouts of Am., Bankr. D. Del., No. 20-10343, motion filed 10/14/25.

To contact the reporter on this story: Alex Wolf in New York at awolf@bloomberglaw.com

To contact the editor responsible for this story: Rob Tricchinelli at rtricchinelli@bloombergindustry.com

EXHIBIT 2

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Boy Scouts Claimants Look To Remove Slater, Citing Probe

By Jeff Montgomery ·

Law360 (October 15, 2025, 8:23 PM EDT) --Alleging trial lawyer case aggregators at Slater Slater Schulman have "run amok" in the Boy Scouts sexual abuse case, a claimants group has moved for a bankruptcy court order terminating contingency fee legal service agreements with victims and a reduction in fees paid to the firm.

The motion in Delaware federal court alleged "blatantly false" representations that claimant cases were positioned for review, as well as bullying and threats of liens against those who sought an exit from the firm's caseload.

"This of course is false and extremely heavy-handed. It is this lien threat which necessitates the request that this court opine on the reasonableness of fees (if any) as it is integral to the termination and substitution of counsel," the motion said.

Retired U.S. Bankruptcy Court Judge Barbara J. Houser, trustee for the settlement trust, docketed a notice "to apprise the court of irregularities" on Sept. 9 involving claims submitted by the Slater firm.

The motion noted that Slater has hired, at the firm's expense, a neutral, independent third party to review documents sought by the trust and to identify those that may be relevant to the claim determination process.

In a statement late Wednesday, Clifford Robert, a partner at Robert and Robert PLLC, representing Slater, said: "For decades, the attorneys at Slater Slater and Schulman have been committed to securing justice for injured people, and they continue fighting on behalf of their clients every day. These scurrilous accusations are an attempt to undermine their efforts."

Included in the motion docketed on Tuesday is a document issued by Slater disclosing that the trustee for the Scouts settlement had been investigating irregularities since June 2024 in some of the roughly 14,600 claims filed by the firm.

The document said Slater had cooperated fully and that "[w]e now agree that there are procedural and factual problems in some of our claim submissions to the trust. We have been and will continue to work diligently to address these concerns," with the firm adding that it will be contacting some clients to confirm claim information.

According to the claimants' motion, the development "is the culmination of what happens when you let trial lawyers run amok in the bankruptcy system." It added that firms had raced "to bundle or aggregate as many claims as humanly possible to be filed in the bankruptcy case to take the largest portion of available funds they could."

Some 82,000 claims eventually emerged, with Slater and other law firms, including the "marketing" firm of Pintas & Mullins, acquiring 14,600 cases, the motion said. It alleged an "indefensible" lack of communication with claimants and seeks Slater's replacement by Scheer Law Group, Friedman Partners LLC and The Rosner Law Group LLC.

Also sought is a denial of fees to Slater under 40% contingency agreements or a reduction to reasonable value "quantum meruit," or $250-per-claimant terms.

Included in the motion was a copy of a Slater notice dated Sept. 9 referencing a June 2024 notice that "[the trust] believed there were irregularities in some of our firm's claim submissions to the trust."

Included at the time was a notice that claims processing had been paused pending a trust investigation, along with a notice that contingent fee charges had been reduced by 10% of the firm's agreed-upon share.

Slater, the motion filed on Tuesday said, "was and is still so singularly focused on its own pecuniary interests — estimated to be between $50 million and $100 million — that the firm has completely lost sight of the ethical and professional obligations to all of its 14,600 clients."

Compensation for Slater should be made at the same rate as for petition and proof of claim prepares, the motion said. It added that due to the alleged fraud, the firm should be denied all of its fees.

According to the motion, claimant attorneys "may share in a pool of $91,000,000 aggregate legal fees" in the case while "the individual claimants who elect an express payment of $3,500.00 only net $2,100.00" after attorneys receive a $1,400 contingency fee.

"Every claimant represented a minimum fee of $1,400 to Slater, and to Slater it all adds up to a minimum payday" of $20 million, the motion said.

The Boy Scouts of America filed a voluntary Chapter 11 petition on Feb. 18, 2020, in a joint case before U.S. Bankruptcy Judge Laurie Selber Silverstein. The court confirmed the plan on Sept. 8, 2022, with the first trust distributions nearing completion and the matters in the motion filed on Wednesday "ripe for adjudication."

Aggregators working with Slater "as well as with other law firms" used every form of technology and media available to search out and target victims of sexual abuse, the motion said.

The Boy Scouts plan established a $2.5 billion settlement trust to pay out on more than 82,000 sexual abuse claims.

BSA Settlement Trust Trustee The Hon. Barbara J. Houser is represented by Kami E. Quinn, Emily P. Grim and Michael B. Rush of Gilbert LLP.

Slater Slater Schulman LLP is represented by Susan E. Kaufman of the Law Office of Susan E. Kaufman LLC and Clifford S. Robert and Michael Farina of Robert & Robert PLLC.

The claimants are represented by Timothy J. Silverman of Scheer Law Group LLP, Lawrence A. Friedman of Friedman Partners LLC and Frederick B. Rosner of The Rosner Law Group LLC.

The case is In re: Boy Scouts of America et al., case number 1:20-bk-10343, in the U.S. Bankruptcy Court for the District of Delaware.

--Additional reporting by Yun Park, Vince Sullivan and Hilary Russ. Editing by Philip Shea.

EXHIBIT 3

Judge to vet L.A. County abuse settlement

BY REBECCA ELLIS

Los Angeles County is bringing on a retired judge to tackle a $4-billion question: How can officials ensure that real victims are compensated from the biggest sex abuse payout in U.S. history — and not people who made up their claims?

The county has tapped Daniel Buckley, a former presiding judge of the county's Superior Court, to vet cases brought by Downtown LA Law Group after The Times found nine people represented by the firm who said they were paid to sue the county by recruiters. Four of the plaintiffs said they were told to fabricate the claims.

Downtown LA Law Group, or DTLA, has denied paying any of its roughly 2,700 clients, but agreed to cover the cost of Buckley to examine their cases in the $4-billion sex abuse settlement.

In a letter sent to clients last week, Andrew Morrow, the lead attorney in the firm's sex abuse cases, noted there are "additional safeguards" and "vetting protocols" underway following recent reports of paid clients, but did not specifically mention the new judge.

"While we categorically deny this ever occurred, we take these matters seriously and welcome the implementation of additional review procedures to ensure false claims do not move forward in the process," wrote Morrow, the chairman of the firm's mass torts department.

On Oct. 17, Dawyn Harrison, the top attorney for the county, requested an investigation from the State Bar based on The Times' reporting, saying she believed some of the settlement would flow to "the pockets of the plaintiffs' bar" rather than victims.

"The actions described in the article, if true, are despicable and run afoul of ethical duties of attorneys and criminal law in California," Harrison wrote in a letter to Erika Doherty, the bar's interim executive director. "I request the State Bar investigate all of the potential fraudulent and illegal activities described in this letter."

DTLA declined to comment last week. The firm has previously said it works "hard to present only meritorious claims and have systems in place to help weed out false or exaggerated allegations."

The bulk of the claims will be reviewed by retired Superior Court Judge Louis Meisinger, who will decide awards between $100,000 and $3 million.

The amount will depend on the severity of the abuse, the impact on the victim's life and the amount of evidence provided, according to the allocation protocol. The money will be paid out over five years unless the victim opts to get a one-time check for $150,000.

If the judges find cases they believe are fraudulent, the county can either resolve them through a $50,000 payment or get them removed from the settlement. The county saves money in that case, but runs the risk of the plaintiff continuing to litigate and landing a larger payout from a jury trial.

It's unusual — but not unheard of — for a neutral arbiter to be appointed to investigate cases from a specific firm in a massive settlement.

Retired U.S. Bankruptcy Judge Barbara Houser, who is overseeing the $2.4-billion trust for victims of the Boy Scouts of America sex abuse cases, said last month that she had asked for an "independent third party" to vet the claims brought by Slater Slater Schulman after finding a pattern of "irregularities" and "procedural and factual problems" among its plaintiffs.

Slater Slater Schulman, headquartered in New York City, represents roughly 14,000 victims in the Boy Scouts case. It also represents roughly 3,700 people in the L.A. County settlement — the most of any firm, by far.

On Oct. 14, Lawrence Friedman, aformer Department of Justice attorney who headed up the federal watchdog office for the bankruptcy system, spearheaded a blistering motion asking Houser to reduce Slater's attorneys fees, which he estimated were at least $20 million.

Friedman is seeking to push them out of the case, alleging the firm had "run amok" and "dangled the prospect of lottery sized payouts" in front of clients without vetting them.

"The SLATER law firm has little if any quality controls in place to validate the information in the 14,600 claims other than validating that they were real people who had filed the claim," the motion stated. "...What SLATER has effectively created is simply a 'Claims Machine' designed to spit out huge wads of cash for itself!"

Clifford Robert, an outside attorney who is representing Slater Slater Schulman in its issues with the Boy Scouts cases, said the firm's priority "has been and always will be securing justice on behalf of sexual abuse victims."

Friedman, who has been outspoken about misconduct by mass tort attorneys in bankruptcy cases, said he now represents dozens of former Slater plaintiffs. The ex-clients alleged the firm waited more than a year before informing them their cases were undergoing additional vetting and their payments would be delayed. The firm told them this September about the outside investigation, which began in June 2024, according to an email attached to the Oct. 14 motion.

"We now agree that there are procedural and factual problems in some of our claim submissions to the Trust," the three partners of Slater Slater Schulman wrote in a joint email to clients on Sept. 9. "Because of the problematic claims, we have agreed that all of our claim submissions to the Trust be vetted by an independent third party."

Both judges who will vet the L.A. County sex abuse payouts work for Signature Resolution, a firm that specializes in resolving legal disputes outside the courtroom with a heavyweight roster of former judges and lawyers. Litigation management company BrownGreer will be the settlement administration arm, responsible for making sure the checks go out, liens are settled and the judges have the records they need from the 11,000 plaintiffs.

An additional 414 sex abuse claims that led to a separate $828-million settlement announced Oct. 17 will be reviewed by a different judge with the money distributed over the course of three years. That settlement, which involves claims from three firms that opted to litigate separately from the rest, is expected to receive final approval from the Board of Supervisors on Tuesday.

The county will give the first tranche of money to the fund administered by BrownGreer in January, though it's unclear when that money will trickle down to victims. The additional fraud review could slow the process as the judges will need to decide what all 11,000 of the claims are worth before any money goes out.

"They should have had their duck in the rows at the beginning," said Tammy Rogers, 56, who sued over sex abuse at a county-run shelter for children in 2022.

Rogers said she has seen her bank account depleted recently following a shoulder surgery and her daughter's funeral. She said she's grown skeptical the settlement money will come her way anytime soon after reading the recent coverage of plaintiffs who say they were paid to sue.

"They should have known people were going to come out of the woodwork and do stuff like this," she said. "They should have taken this time in the beginning, not in the end."

The number of claims has fluctuated in recent months as some of the firms have dismissed cases from plaintiffs who died, lost interest in their lawsuit, or stopped responding. Since July, when the county began pushing firms to submit their clients' outstanding paperwork, DTLA has asked for the dismissal of at least 479 plaintiffs, according to a Times analysis of court records.

On Oct. 17, the firm asked a judge to dismiss three people in a 63-plaintiff lawsuit filed April 29 who told The Times they'd been paid to sue the county for sex abuse.

Quantavia Smith, whose case DTLA asked to be dismissed without prejudice, previously told The Times a recruiter paid her to join the litigation, but said she had a legitimate sex abuse claim against the county. She said the recruiter drove her to the office of a downtown law firm and then gave her $200.

The firm also asked to dismiss the cases of Nevada Barker and Austin Beagle with prejudice, meaning the cases can't be refiled. The Times reported this month that the Texas couple were told to make up allegations of abuse at a county-run juvenile hall and provided a script by someone in the firm's downtown office. Both said they left the firm with $100.

The Times could not reach the alleged recruiter for comment.

On the morning the story published Oct. 16, Beagle and Barker each received an automated email from Vinesign, a legal e-signature site, telling them Downtown LA Law was requesting their signature on a document.

"I wish to affirm my claim that I was sexually abused in a Los Angeles County juvenile facility, and I was never paid to bring this claim forward," stated the DTLA declaration, which they were asked to sign under the penalty of perjury.

Both said they did not want to sign as it was not true — and the opposite of what had just been published that morning in The Times. Beagle said the firm called twice that morning to discuss.

"We told them just dismiss it," said Beagle. "We ain't talking about it."

Times assistant data and graphics editor Sean Greene contributed to this report.

EXHIBIT 4

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Slater Blasts Bid To Terminate Boy Scout Case Fees

By **Rick Archer**

Law360 (October 31, 2025, 6:56 PM EDT) -- Mass tort plaintiffs' firm Slater Slater Schulman LLP is calling a motion seeking to end their contingency fee legal service agreements with sexual abuse claimants in the Boy Scouts of America bankruptcy a baseless attempt to lure away its clients.

In an objection filed Thursday, Slater asked a Delaware bankruptcy judge to reject the motion as "wholly untethered to any recognized legal authority," saying the movants are making flawed, evidence-free arguments the court does not have jurisdiction to hear.

"The transparent purpose of this opportunistic effort by movants' counsel is to wrongfully interfere with SSS's relationships with its clients, to alienate them from the firm and induce them to retain movants' counsel in its stead," it said.

The Boy Scouts filed for Chapter 11 in February 2020. In September 2022, the court approved a plan that established a $2.5 billion settlement trust to pay out on more than 82,000 sexual abuse claims.

Slater represented roughly 14,600 claimants in the case.

A motion filed Oct. 14 **claimed** Slater was an example of "trial lawyers run amok in the bankruptcy system," alleging the firm's fees were excessive for the services provided and that it had made "blatantly false" representations that claimant cases were positioned for review. It also claimed the firm had engaged in bullying and threats of liens against claimants seeking to end their representation.

The motion seeks to either to cancel Slater's 40% contingency fee or reduce the fee to $250 per claimant, and to substitute Scheer Law Group LLP, Friedman Partners LLC and The Rosner Law Group LLC as counsel.

In its response, Slater argued the court should dismiss the motion, saying fee disputes are outside the court's jurisdiction and that the settlement trust has procedures for changing counsel and handling fee disputes. In addition, because the motion was filed on behalf of "an unspecified number of unidentified claimants," the court has no way to determine if it has jurisdiction, it said.

It argued the claims in the filing are not backed by affidavits, declarations or other evidence, and that the claims are insufficient to terminate the fee agreements.

"The motion rests on mischaracterizations, unsupported assumptions, and flawed premises, including the incorrect assertion that representing multiple clients inherently violates ethics rules or that contingency-fee arrangements create inherent conflicts of interest," Slater said.

"Slater Slater Schulman's top priority has been and always will be securing justice on behalf of sexual abuse survivors. That's what they have focused on and what they will continue to focus on," Clifford Robert, one of the counsel representing Slater, said in an email statement Friday.

Lawrence Friedman of Friedman Partners said in a phone interview Friday that they expect to prevail, and that Slater is aware of the identity of the objecting claimants

"We provided them the names, and I believe we're headed for an agreement for each party to thoroughly examine their claims," he said.

Slater is represented by Susan E. Kaufman of the Law Office of Susan E. Kaufman LLC, Clifford S. Robert and Michael Farina of Robert & Robert PLLC and Jesus Suarez of Continental PLLC.

The movants are represented by Timothy J. Silverman of Scheer Law Group LLP, Lawrence A. Friedman of Friedman Partners LLC and Frederick B. Rosner of The Rosner Law Group.

The case is In re: Boy Scouts of America et al., case number 1:20-bk-10343, in the U.S. Bankruptcy Court for the District of Delaware.

--Additional reporting by Yun Park and Jeff Montgomery. Editing by Dave Trumbore.

EXHIBIT 5

Bankruptcy

Deep Dive

Scouts Lawyer Seeks to 'Shine a Light' on Mass Tort System Flaws

Nov. 3, 2025, 2:30 AM PST

At this stage of his career, Larry Friedman didn't envision being a finger-pointing court reformer.

The part-time litigator and bankruptcy services consultant had settled into a comfortable routine, splitting his time between his northern Michigan home and the Florida waterfront condo that affords him morning walks on the beach.

But now Friedman, 69, finds himself unexpectedly representing Boy Scouts abuse victims who assert they were being ripped off and lied to by a firm with more than 14,000 claimants in the multibillion-dollar settlement that emerged from the organization's 2020 bankruptcy.

That's opened a window to what the onetime trustee has long asserted is a blight on the bankruptcy system: the growth of factory-like mass tort operations designed to lock down mountains of potential plaintiffs at high fees and provide minimal representation, at best.

In the Boy Scouts case, former clients of Slater Slater Schulman LLP approached Friedman, he said, after the settlement trustee said she stopped processing thousands of Slater claims for irregularities. The New York-based firm acknowledged its claims were being investigated over "procedural and factual problems."

A Delaware judge next week is scheduled to hear Friedman's unusual request to take over some Slater clients and, more pointedly, reduce or outright deny Slater's 40% contingency fees in the case, which he estimates could top $50 million.

Slater on Thursday lashed back at Friedman, filing a response that called his motion an improper bid to interfere with their clients and "wholly untethered to any recognized legal authority."

Friedman insists he didn't seek out the role or the clients, saying that they approached him after reading his past public criticisms about mass tort firms gaming the system.

"I didn't ask for this," he told Bloomberg Law last week in an interview near his Stuart, Fla. home.

But the lawyer sees it as a golden opportunity to go beyond talking and writing about the need for change. With clients in the case, he can actively litigate the problems he says have followed mass torts into the bankruptcy system.

"If I don't shine a light on this, it won't get fixed," he said.

Trustee With a Camcorder

Friedman became a student of the US bankruptcy code as a young lawyer in the 1990s, taking trustee assignments in Chapter 7 cases in the Eastern District of Michigan.

He grew skeptical, he said, after noticing a surge of personal bankruptcies in which people listed no assets beyond what was exempt from being liquidated, like a home and standard furnishings.

Some were residents in affluent Detroit suburbs who claimed their household goods and furnishings were worth just $1,500, Friedman recalled.

In one case of someone with a manicured lawn and nice cars in a neighborhood he knew, Friedman drafted a motion seeking approval to search the home with a camcorder. He later showed the packed courtroom footage of assets worth more than 20 times what the individual had attested to, including a large porcelain doll collection.

The tactic won him accolades from seasoned Chapter 7 trustees, he said, but some also warned him that devoting time and resources to root out fraud in consumer cases wasn't a path to a profitable practice.

He didn't care, he said.

"It was wrong, and it didn't make sense to me," he said. "That's what the law said to do."

Over the next decade, Friedman spent time testifying in support of legislation to improve the bankruptcy code, including making it more stringent towards consumer debtors.

In 2002, he was appointed executive director of the US Trustee Program—the Justice Department's cop on the bankruptcy beat.

While there, he shepherded into law the Bankruptcy Abuse Prevention and Consumer Protection Act and created enforcement divisions to increase vigilance in cracking down on consumer fraud.

“I am about not letting people exploit the efficiencies of the bankruptcy system—whoever you are—for your own benefit,” he said.

Aviva Lehmann of Heritage Auctions and Boy Scouts of America’s settlement trustee, Barbara Houser, discuss paintings being put up for sale as part of the youth organization’s bankruptcy plan.
Photographer: Alex Wolf/Bloomberg Law

Mass Tort ‘Shakedown’

Friedman left the public role for private practice in 2005, taking a job at Bear Stearns and later, other corporate roles. In recent years he has become more vocal about bankruptcy policy, often railing against mass tort trial lawyers.

Several of his public papers have taken aim at the Boy Scouts case, which Friedman has called a “mass tort shakedown.”

It’s not unusual for lawyers working on more typical civil litigation to charge clients contingency fees up to 40% on favorable outcomes because they are “fronting all the expenses and taking the risk that they may get nothing,” said Friedman.

“We don’t have any of that in a mass tort bankruptcy case,” he said.

Instead, with tens or hundreds of thousands of potential victims, such settlements often end with most claimants getting some form of compensation, and their lawyers having much less to do—but still collecting 30% or more of the payout.

More than 60,000 Boy Scouts abuse victims are set to share a settlement that is expected to be at least $2.4 billion but could grow higher, with individual payments owed ranging from $3,500 to more than $1 million.

The diatribes against firms like Slater and others that banded together to form their own majority bloc in negotiations during the Boy Scouts case are easy to find online.

Friedman’s writings put him on the radar of Boy Scout claimants who have grown outraged over dimming prospects that they’ll recover more than just a fraction of what they’ve been told their claims are worth.

Attorney ethics prevent a lawyer from soliciting another firm’s clients, so Friedman said he has told people who contact him that he can’t represent them unless or until they fire their attorneys.

“It’s all inbound traffic,” he said. “I didn’t send a solicitation.”

Still, he saw the request as his chance to lean into the issue he had been railing about.

“This Motion is the culmination of what happens when you let trial lawyers run amok in the bankruptcy system,” his filing began. “After the Boy Scouts filed this bankruptcy case, the race was on amongst a group of technology firms and law firms to bundle or aggregate as many claims as humanly possible to be filed in the bankruptcy case to take the largest portion of available funds they could.”

Friedman said he threw a 20% fee contingency into the agreements, but the primary intent of his motion is to prove the allegations, get relief and get compensated in the form of sanctions against Slater.

“If that is to occur, our clients won’t pay any other fee because the whole point is to put money back in the pocket of survivors, not to pile on,” he said.

Tom Patton, a claimant in Maine who defected from Slater in September after the firm informed clients of the claim investigation, said he was encouraged by Friedman’s approach and his willingness to take calls at any time of the day.

“It’s a completely different type of attorney,” said Patton, 50.

In its reply last week, Slater said Friedman lacked standing to weigh in, failed to provide any evidence of its failures or clients who wanted to join him and said his argument was flawed in multiple ways. At its base, Slater called it a flimsy publicity campaign.

“The transparent purpose of this opportunistic effort by movants’ counsel is to wrongfully interfere with SSS’s relationships with its clients, to alienate them from the firm and induce them to retain movants’ counsel in its stead,” it said.

First Steps

With a hearing less than two weeks away, Friedman is confident that the facts are on his side and that Judge Laurie Selber Silverstein is obligated to rule on whether Slater has the right to seek a share of the payouts from clients who fire them.

“The question is: How deep and how broad is she going to go?” he said.

Friedman doesn’t expect a decision at the Nov. 13 hearing, but a sense of how the motion will proceed, and next steps for when and how she’ll take evidence.

If all goes as he hopes, the court will agree to take on the question of what constitutes a reasonable fee for Slater’s work in the case, he said. That’s the key to moving his goal forward.

“We have clients from other firms and we’ll be going there,” he said. “We’re not going away if we get relief here.”

To contact the reporter on this story: Alex Wolf in New York at awolf@bloomberglaw.com

To contact the editors responsible for this story: John P. Martin at jmartin1@bloomberglaw.com; Maria Chutchian at mchutchian@bloomberglaw.com

EXHIBIT 6

Rabiej Litigation Law Center

TOUGHEST ISSUES IN MASS-TORT BANKRUPTCIES BENCH-BAR SUMMIT

CO-HOSTED BY CLEVELAND STATE UNIVERSITY, COLLEGE OF LAW — NOVEMBER 13, 2025

The Center will hold a Bench-Bar Leadership Summit Addressing Several of the Toughest Issues in Mass-Tort Bankruptcies at the Cleveland State University College of Law on November 13, 2025.

Eight federal judges will join 20-25 practicing lawyers and other experts on five panels considering potential solutions to the identified problems. Registrations for the summit will be limited to a maximum of 15 additional lawyers and other experts. The smaller size and the addition of more federal judges will ensure an in-depth analysis and enhance the likelihood that courts will adopt the practical solutions recommended in the Center's forthcoming best practices.

The summit will address not only draft best practices developed by a team of nine judges and nine lawyers and other experts on topics

The panels will address:

- Understanding the Reasons for Tort Lawyers' Objections to Mass-Tort Bankruptcy and Lifting Automatic Stay for Selected Number of Tort Cases to Proceed in Civil Litigation;
- Proposed Best Practices, Including Plain-English Forms; Consensual-Release of Nondebtor Liability Provisions; Proof of Claims Expansion; and *Parens Patriae* Claims;
- Handling Lawyers' Contingency Fee Agreements with Individually Retained Clients in MDL-Actions, Including Common-Benefit Fee Withholdings;
- Estimating Values of Individual Tort Claims for Purposes of Voting on a Proposed Plan of Reorganization, Instead of Indiscriminately

discussed at the Center's November 14, 2024, summit at George Washington University School of Law, but also fundamental issues, which have perplexed the bench and bar for years.

Assigning $1 for Every Claim; and

- Model Plain-Language Summary Disclosure Notice and Consensual Nondebtor Release Provision.

New Jersey has approved 420 minutes (8.40 CLE credits) for attending the summit.

CHATHAM HOUSE RULE

The summit will be held under the Chatham House Rule: "[P]articipants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), or that of any other participant, may be revealed."

REGISTRATION

The registration fee for the summit is $950, which includes conference materials, a continental breakfast, coffee breaks, lunch, and grab-and-go snacks at adjournment. Two or more lawyers registering from the same law firm receive discounts (single registrant – $950; second registrant – $750; and third and each additional registrant – $600). In-house and company discounts are available.

CLE

New Jersey has approved 420 minutes (8.40 CLE credits) for attending the summit.

SUMMIT DETAILS

Agenda | Attendees | Materials | Registration | Sponsors | CLE

Mass-Tort Bankruptcies Bench-Bar Summit Cleveland State University College of Law

AGENDA

Thursday, November 13

Location: Cleveland State University College of Law

7:45 am — 8:30 am: Continental Breakfast

8:30 am – 8:45 am: Welcome – Opening Remarks — John Rabiej

Panels

Speaker Bios (https://rabiejcenter.org/wp-content/uploads/2025/10/Bios-2.docx)

Questions Assigned to Each Panelist Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Questions-for-Panelists.docx)

Moderator: Tim Opsitnick, Executive Vice President and General Counsel, Technology Concepts & Design, Inc. (TCDI)

8:45 am – 10:15 am: Panel 1 – Understanding the Reasons for Tort Lawyers' Objections to Mass-

Tort Bankruptcy and Lifting Automatic Stay for Selected Number of Tort Cases to Proceed in Civil Litigation

- Shenkman, Michael – Bailey & Glasser LLP
- Coleman, Hayden — Dechert LLP
- Prieto, Dan — Jones Day
- Prol, Jeffrey — Lowenstein Sandler LLP
- Harris, Robert — Binder Malter Harris and Rome-Banks LLP
- Hon. Kaplan, Michael — United States Bankruptcy Court, District of New Jersey

10:15 am – 10:30 am: Break

10:30 am – 12:00 pm: Panel 2 – Proposed Best Practices, Including Effective Releases of Non-Debtors' Liabilities (*Purdue Pharma*); Court-Appointed Neutrals; Expanding Information on Proof of Claim Forms; *Parens Patriae* Claims; and Court-Appointed Neutrals

- Hon. Kaplan, Michael — United States Bankruptcy Court, District of New Jersey
- Hon. Sargus, Edmund — Southern District of Ohio
- Goodman, Eric — Brown Rudnick LLP
- Hon. Poslusny, Jerrold — United States Bankruptcy Court, District of New Jersey
- Hon. Fitzgerald, F. Judith — United States Bankruptcy Court W.D.Pa. (ret.), Tucker Arensberg PC

12:00 pm — 12:45 pm: Lunch

12:45 pm – 2:15 pm: Panel 3 – Handling Lawyers' Contingency Fee Agreements with Individually Retained Clients in MDL-Tort Actions, Including Common-Benefit Fee Withholdings

- Dockterman. Michael – McDermott Will & Schulte

- Molton, David — Brown Rudnick LLP
- Honnold, Brad — Goza & Honnold LLC
- Kaplan, Michael — United States Bankruptcy Court, District of New Jersey
- Hon. Calabrese, Philip — Northern District of Ohio
- Harrison, Kathryn — Campbell & Levine LLC

2:15 pm – 2:30 pm: Break

2:30 pm – 4:00 pm: Panel 4 – Estimating Values of Individual Tort Claims by Assigning Multipliers for More Severe Injuries or Illnesses for Purposes of Voting on Proposed Plan of Reorganization, Instead of Indiscriminately Assigning $1 for Every Claim

- Hon. Summerhays, Robert — Western District of Louisiana
- Citera, Francis – Greenberg Traurig LLP
- Ruehlmann, Greg – King & Spalding LLP
- Davis, Kevin – Caplin & Drysdale
- Alpert, Jennifer — Rubris, Inc.
- DeLuca, Nicholas — Alvarez & Marsal

4:05 pm – 5:00 pm: Panel 5 – Plain-English Summary Notice and Consensual-Release of Nondebtor-Liability Models

- Hon. Gerber, Robert — United States Bankruptcy Court S.D.N.Y. (ret.), Joseph Hage Aaronson LLC
- Kimble, Joseph — Cooley Law School (tentative)
- Hilsee, Todd – The Hilsee Group LLC
- Molton, David — Brown Rudnick LLP

5:00 pm: Adjournment Grab-and-Go Snacks

SUMMIT DETAILS

Agenda | Attendees | Materials | Registration | Sponsors | CLE

Attendees

- Alpert, Jennifer – Rubris, Inc.
- Busch, Lisa Nathanson — Simmons Hanly Conroy LLP
- Coleman, Hayden – Dechert, LLP
- Hon. Calabrese, Philip — Northern District of Ohio
- Citera, Francis – Greenberg Traurig LLP
- Davis, Kevin – Caplin & Drysdale
- DeLuca, Nicholas — Alvarez & Marsal
- Dockterman, Michael – McDermott Will & Schulte
- Hon. Fitzgerald, F. Judith — United States Bankruptcy Court W.D.Pa. (ret.), Tucker Arensberg PC
- Hon. Gerber, Robert — United States Bankruptcy Court S.D.N.Y. (ret.), Joseph Hage Aaronson LLCKimble, Joseph — Cooley Law School (tentative)
- Goodman, Eric — Brown Rudnick LLP
- Harris, Robert — Binder Malter Harris and Rome-Banks LLP

- Harrison, Kathryn — Campbell & Levine LLC
- Hilsee, Todd – The Hilsee Group LLC
- Hoeflich, Adam — Bartlit Beck LLP

- Honnold, Brad — Goza & Honnold LLC
- Hurford, Mark — A. M. Saccullo Legal LLC
- Hon. Kaplan, Michael — United States Bankruptcy Court, District of New Jersey
- Kimble, Joseph – Cooley Law School (tentative)
- Mehta, Anjali — Bevan & Associates LPA
- Molton, David — Brown Rudnick LLP
- Opsitnick, Tim — Executive Vice President and General Counsel, Technology Concepts & Design, Inc. (TCDI)
- Hon. Poslusny, Jerrold — United States Bankruptcy Court, District of New Jersey
- Prieto, Dan – Jones Day
- Prol, Jeffrey — Lowenstein Sandler LLP
- Ripley, Edward — Andrews Myers PC
- Ruehlmann, Greg – King & Spalding LLP
- Saccullo, Anthony — A. M. Saccullo Legal LLC
- Hon. Sargus, Edmund — Southern District of Ohio
- Michael Shenkman – Bailey & Glasser LLP
- Hon. Summerhays, Robert — Western District of Louisiana

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SUMMIT DETAILS

Agenda | Attendees | **Materials** | Registration | Sponsors | CLE

SUMMIT MATERIALS

PANEL 1 — Understanding the Reasons for Tort Lawyers' Objections to Mass-Tort Bankruptcy and Lifting Stay for Selected Number of Tort Cases to Proceed in Civil Litigation

- Highlighted Official Committee Memorandum in Support of Stay Relief Motions and Roman Catholic Diocese of Albany Omnibus Objections to Motions for Relief from Automatic Stays: *In re The Roman Catholic Diocese of Albany, New York,* Case No. 23-10244, Doc. 1350, Doc. 1413, Northern District of New York, (January 8 and 22, 2025) (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Consolidated-Papers-on-Stay-Relief-Motions-2.docx))

PANEL 2 — Proposed Best Practices, Including Effective Releases of Nondebtors' Liabilities (*Purdue Pharma*); Expanding Information on Proof of Claims Form; and *Parens Patriae* Claims

- Draft Proposed Best Practices, Rabiej Litigation Law Center (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Compendium-adding-BK-2-1.docx))

- Side-by-Side Comparison of Standard-Release Provisions with Restyled Version (Download (https://rabiejcenter.org/wp-content/uploads/2025/11/Release-side-by-side.docx))
- Memorandum from Subcommittee on Business Issues to Advisory Committee on

Bankruptcy Rules (August 29, 2025) (Report on Proposed Amendments to Rule 9031 — Special Masters) (Download (https://rabiejcenter.org/wp-content/uploads/2025/09/2025-09_agenda_book_for_bankruptcy_rules_committee_final.docx))

PANEL 3 — Handling Lawyers Contingency Fee Agreements with Individually Retained Clients in MDL-Tort Actions, Including Common-Benefit Fee Wthholdings

- Common Benefit Fees in Multidistrict Litigation, Hon. Eldon Fallon, 74 Louisiana Law Review No. 2, p. 371 (2014) (Significant sections highlighyted in yellow, Rabiej Litigation Law Center) (Download (https://rabiejcenter.org/wp-content/uploads/2025/11/74_La_Rev-2014-Common_Benefit_Fees_in_Multidistrict-Litigation_Judge_Eldon_E_Fallon.docx))
- *In Re: Boy Scouts of America and Delaware BSA*, LLC, Case No. 20-10343, D. Del. Doc. No. 13181 (October 14, 2025) (Motion to Terminate or Reduce Fees Under Contingency Fee Legal Services Agreements — Significant Passages Highlighted in Yellow) (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Contingency-Fee-Boys-Scouts.docx))
- *In Re: Boy Scouts of America and Delaware BSA*, LLC, Case No. 20-10343, D. Del. Doc. No. 13181 (October 30, 2025) (Objections to Motion to Terminate or Reduce Fees Under Contingency Fee Legal Services Agreements — Significant Passages Highlighted in Yellow) (Download (https://rabiejcenter.org/wp-content/uploads/2025/11/contingency-fee-objection.docx))
- Two Hypotheticals — Contingency-Lawyer Fees in Mass-Tort MDLs and Mass-Tort Bankruptcies (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/contingency-fee-hypos.docx))
- *In Re: Kenneth Plaza*, Case 05-32524, Doc. 31 Southern District of Texas (February 23, 2007) (Discussion of Lawyer's Contingency Fee Based on Quantum Meruit Principles) (Download) (https://rabiejcenter.org/wp-content/uploads/2025/09/atty-fees-creditors.pdf)

- Reasonability of a Creditor's Claim for Attorney Fees, Comment, Lauren Firestone, 37 Emory Bankruptcy Developments Journal (2020) (Background Information on Contingency Fees in Bankruptcies) (Download (https://rabiejcenter.org/wp-content/uploads/2025/09/Reasonability-of-a-Creditors-Claim-for-Attorneys-Fees.pdf)) content/uploads/2025/09/Reasonability-of-a-Creditors-Claim-for-Attorneys-Fees.pdf))

Panel 4 – Estimating Values of Individual Tort Claims by Assigning Multipliers for More Severe Injuries or Illnesses for Purposes of Voting on Proposed Plan of Reorganization, Instead of Indiscriminately Assigning $1 for Every Claim

- Rubris, Framework to Evaluate and Apply Mass Tort Claim Valuation (Download (https://rabiejcenter.org/wp-content/uploads/2025/11/Rubris_Framework-to-Evaluate-and-Apply-Mass-Tort-Claim-Valuation_Fall-2025-1-1.pdf))

Panel 5 — Plain-English Summary Notice and Consensual-Release of Nondebtor-Liability Models

- Todd Hilsee, Preliminary Draft of Summary Disclosure Notice of Rights and Options in Mass-Tort Bankruptcy, Rabiej Litigation Law Center (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Final-Draft-Model-Plain-Language-Bankruptcy-Notice-4.docx))
- Restyled Versions of Standard Nondebtor-Release Provisions (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/Release-side-by-side-1.docx))
- *In re: Motors Liquidation Co.*, Case No. 09-50026, Case Management Order #3, Doc. 12625, SDNY Bankruptcy Court (April 22, 2014) (requiring clear formatting to maximize readability) (Download (https://rabiejcenter.org/wp-content/uploads/2025/10/CMO-clear-formatting.docx))
- Joseph Kimble, Redrafting All the Federal Court Rules: A 30-Year Odyssey, Judicature, Bolch Judicial Institute (2024) (Download (https://rabiejcenter.org/wp-content/uploads/2025/09/Odyssey-article-1.pdf))

- Joseph Kimble, Links to Two Articles on Restylization of Federal Rules of Bankruptcy Procedure (Download (https://rabiejcenter.org/wp-content/uploads/2025/09/Links-to-Kimble-articles.docx))