

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Miami Division

Howard Adelman and Judith Sclaway-Adelman,
as Co-Personal Representatives of
The Estate of Michael Sclawy-Adelman,

CASE NO. 1:10-cv-22236-ASG

Plaintiffs,

District Ct. Judge: Alan S. Gold

vs.

Boy Scouts of America, a Foreign Corporation; Magistrate Judge: Chris M. McAliley
The South Florida Council Inc.,
Boy Scouts of America;
Plantation United Methodist Church;
Howard K. Crompton, individually; and
Andrew L. Schmidt, individually,

Defendants.

**DEFENDANTS', SOUTH FLORIDA COUNCIL INC., BOY SCOUTS OF AMERICA AND
BOY SCOUTS OF AMERICA, REPLY TO PLAINTIFFS' RESPONSE TO APPEAL OF
MAGISTRATE JUDGE'S ORDER FOLLOWING DISCOVERY CONFERENCE**

COMES NOW, Defendants, South Florida Council Inc., Boy Scouts of America, ("South Florida Council") and Boy Scouts of America, by and through their undersigned counsel, file their Reply to Plaintiffs' Response to the partial appeal of the *Order Following Discovery Conference* and state more fully as follows:

1. It is unclear to Boy Scouts of America and South Florida Council, based on Plaintiffs' Response, whether Plaintiffs agree with or oppose the partial appeal.
2. All parties agree that a Joint Discovery Plan as ordered by Judge McAliley is necessary.
3. These defendants only appealed because listing all deponents and times for depositions was unduly burdensome to accomplish *by January 14, 2011*. Plaintiffs even concede that "none of the parties at this moment have all the information necessary to fully know and evaluate every aspect of this case. . ." *See* [DE # 104 at p. 3]. Plaintiffs list "anticipated" deponents (a-l), which these defendants agree may be deposed, but Plaintiffs concede that "specific dates for these depositions may depend on each witnesses availability. . ." *Id.* at p. 5.

4. In a good faith effort to identify deponents and schedule their depositions, the parties agreed during their last conference call on January 13, 2011 to set aside a block of dates each week from now until the discovery cut-off for depositions. Those dates have not been determined. Undersigned is attempting to set up another conference call for this week to prepare the Joint Discovery Plan, which will address depositions as well as other discovery issues.
5. As it further relates to Plaintiffs' Response, South Florida Council submits that it never agreed to the deposition of Joe Knight, which was set unilaterally. It also submits that Plaintiffs requested 2.5 days during February 14, 18 and 21 to depose Jeff Hunt, Joshua Christ and John Anthony. However, no particular order was established, because their respective availabilities on those dates were unknown.

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was sent January 20, 2011 to: Ira H. Leesfield, Esq., Robert Peltz, Esq., LEESFIELD & PARTNERS, P.A., 2350 South Dixie Highway, Miami, FL, 33133; Frederick E. Hasty, Esquire, Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A., Grove Plaza Building, 5th floor, 2900 Middle Street, Miami, FL, 33133; Greg Gaebe, Esq., Devang Desai, Esq., Gaebe, Mullen Antonelli, Esco & DiMatteo, 420 S. Dixie Highway, Third Floor, Coral Gables, FL, 33146.

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