

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-CV-22236-ASG

HOWARD ADELMAN AND JUDITH SCLAWY
as Co-Personal Representatives of the
ESTATE OF MICHAEL SCLAWY-ADELMAN,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA;
THE SOUTH FLORIDA COUNCIL INC.,
BOY SCOUTS OF AMERICA; PLANTATION
UNITED METHODIST CHURCH; HOWARD
K. CROMPTON, Individually, and
ANDREW L. SCHMIDT, Individually,

Defendants.

PLAINTIFF'S MOTION TO RESCHEDULE DISCOVERY CONFERENCE

COME NOW, the Plaintiffs, HOWARD ADELMAN AND JUDITH SCLAWY, by and through their undersigned attorneys and move this Honorable Court for the entry of an order rescheduling the discovery conference scheduled by the Magistrate Judge for February 10, 2011 at 10:30 a.m. [DE 123] and would respectfully show the Court as follows:

1. On February 2, 2011, the Magistrate Judge issued an order setting a discovery conference for February 10, 2011 at 10:30 a.m. [See DE 112]
2. Previously, the deposition of the Defendant's corporate representative and a witness had been scheduled in the pending federal case of *Thomas Carson v. Seabird Exploration PLC. and Seabird Exploration, Americas, Inc.*, Case No.: 10-10101-Civ/Martinez-Brown for February 10 in Houston, Texas. Due to the fact that undersigned counsel, who is the lead counsel in this case, is

the only attorney in his firm who has actively worked on the *Carson* case, there is no one else in his firm who can take these depositions in Houston. Since the Court in the *Carson* case has also set a very short time period for the completion of discovery and other pre-trial deadlines, the deposition cannot be postponed without severe prejudice.

3. The hearing scheduled by the Court in this matter is an important one and accordingly, it is necessary for undersigned counsel to be in attendance. Moreover, the only other attorney in undersigned counsel's firm who could even conceivably be in a position to handle this matter is scheduled to be in Orlando in connection with the hearing with another matter on Thursday.

4. Undersigned counsel has conferred with counsel for the Defendants, Boy Scouts of America, South Florida Council and Plantation United Methodist Church and they have no objection to the rescheduling of this hearing for either Friday, February 11 in the afternoon or Monday February 14 in the morning, if either time is agreeable to the Court. Undersigned counsel has not received a response at this time to his request from the Defendants Crompton and Schmidt.

WHEREFORE, the Plaintiffs move this Honorable Court for the entry of an order resetting the discovery conference scheduled for February 10, 2011 to either the afternoon of February 11, the morning of February 14 or some other date that is convenient for the Court.

Respectfully submitted,

/s/ Robert D. Peltz
ROBERT D. PELTZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 4, 2011, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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SERVICE LIST

**HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN
VS.
BOY SCOUTS OF AMERICA, et al
CASE NO.: 10-CV-22236-ASG**

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

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