

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,

vs.

BOY SCOUTS OF AMERICA; et al

Defendants.

**PLAINTIFFS' MOTION TO SHORTEN THE TIME IN WHICH DEFENDANTS MUST
RESPOND TO RECENT WRITTEN**

Plaintiffs, in accordance with the Court's suggestion, respectfully move for an Order shortening the time for Defendants to respond to written discover requests and state:

1. The depositions of the corporate representatives of Boy Scouts of America are scheduled for February 23-25, 2011, in Texas. The depositions of the corporate representatives of The South Florida Council (SFC) and employees of SFC are currently set for February 14 and 18. The deposition of Defendants Crompton and Schmidt are set for March 7 and 8.

2. Following the advice of the Court at several discovery hearings, the Plaintiffs have propounded additional *formal* written discovery specifically requesting documents and materials relevant to the claims in this cause which the Defendants have not otherwise produced.

3. On February 7, 2011, the Plaintiffs propounded the following discovery:
 - Plaintiffs' Third Request for Production to The South Florida Council
 - Plaintiffs' Fourth Request for Production to Boy Scouts of America
 - Plaintiffs' Third Request for Production to Plantation United Methodist Church
 - Plaintiffs' Third Request for Production to Howard K. Crompton
 - Plaintiffs' Third Request for Production to Andrew L. Schmidt

4. Unfortunately, the 30 day response time for the Defendants to produce and/or object to this latest discovery would preclude the Plaintiffs from receiving it, or contesting any objections, until AFTER the scheduled depositions. As a result, the Plaintiffs would not have the benefit of the requested discovery for purposes of questioning the defendants at their depositions.

5. To avoid postponing the depositions, which required hours of discussion and coordination to schedule, and to avoid having to take follow-up depositions of the defendants once this recently propounded discovery is received, the Plaintiffs request that the Court enter an Order shortening the time for the Defendants to respond to the above referenced discovery request as follows:

- a. With respect to any objections to the discovery, that such objections be served upon the Plaintiffs within 7 calendar days of service so that appropriate motions and court involvement, if necessary, may timely occur prior to the deposition dates;
- b. With respect to any non-objectionable requests, that such documents be produced to the Plaintiffs within 14 calendar days of service of the requests.

6. With an April 8, 2011, discovery cut-off rapidly approaching, the Plaintiffs believe that this motion is in keeping with the purpose of the Federal Rules of Civil Procedure to secure the just, speedy, and inexpensive determination of this proceeding.

WHEREFORE, the Plaintiffs respectfully request that the Court enter an Order shortening the time for the Defendants to respond to the Plaintiffs Requests for Production served upon the Defendants on February 7, 2011, as set forth herein. A proposed Order is attached as Exhibit "1" hereto.

Respectfully submitted,

/s/ Robert D. Peltz

ROBERT D. PELTZ

Florida Bar No. 220418

LEESFIELD & PARTNERS, P.A.

Counsel for Plaintiffs

2350 South Dixie Highway

Miami, FL 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

e-mail: peltz@leesfield.com

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues raised in the motion but was unable to resolve the issues after reasonable efforts.

/s/ Robert D. Peltz

ROBERT D. PELTZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **February 8, 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.

/s/ Robert D. Peltz

ROBERT D. PELTZ

Florida Bar No. 220418

LEESFIELD & PARTNERS, P.A.

Counsel for Plaintiffs

2350 South Dixie Highway

Miami, FL 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

e-mail: peltz@leesfield.com

SERVICE LIST

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

IRA H. LEESFIELD

ROBERT D. PELTZ

LEESFIELD & PARTNERS, P.A.

2350 S. Dixie Highway

Miami, Florida 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

E-mail: leesfield@leesfield.com

peltz@leesfield.com

Attorneys for the Plaintiffs

FREDERICK E. HASTY, III

WICKER, SMITH, O'HARA, MCCOY, GRAHAM
& FORD, P.A.

2800 Ponce de Leon Blvd.

Suite 800

Coral Gables, Florida 33134

Telephone: 305-448-3939

Facsimile: 305-441-1745

Email: fhasty@wickersmith.com

*Attorneys for Howard K. Crompton and
Andrew L. Schmidt*

WILLIAM S. REESE

WILLIAM SUMMERS

KEVIN D. FRANZ

LANE, REESE, SUMMERS, ENNIS &
PERDOMO, P.A.

2600 Douglas Road

Douglas Centre, Suite 304

Coral Gables, Florida 33134

Telephone: 305-444-4418

Facsimile: 305-444-5504

Email: wreese@lanereese.com

kfranz@lanereese.com

wsummers@lanereese.com

*Attorneys for Boys Scouts of America and The
South Florida Council, Inc.; Boy Scouts of
America*

GREG M. GAEBE

GAEBE, MULLEN, ANTONELLI & DIMATTEO

420 South Dixie Highway, 3rd Floor

Coral Gables, FL 33146

305-667-0223

305-284-9844 – Fax

Email: ggaebe@gaebemullen.com

*Attorneys for Plantation United Methodist
Church*