

EXHIBIT 5

January 24, 2011

***Via U.S. Mail and
Facsimile No.: 305-448-3939***

Frederick E. Hasty, III, Esquire
WICKER, SMITH, O'HARA et al.
2800 Ponce De Leon Blvd., Suite 800
Coral Gables, FL 33134

***Re: Adelman v. Boy Scouts of America, et al
Case No.: 10-CV-22236-ASG***

Dear Mr. Hasty:

I am writing pursuant to the Local and Federal Rules of Civil Procedure to request better responses to the initial Request for Production served upon your client, Howard Crompton. Specifically,

2. Please provide us with reproductions of the photographs and other materials which you have agreed to produce.
8. This request is not asking your client to provide interrogatory type answer seeking forth all of the information and documents that he has reviewed, read or have been provided in his years of scouting with regard to the subject matter set forth in the response. Instead, it simply asks for a production of those materials, which were in your client's possession and/or control at the time of the request. This would, of course, include any such materials that he had provided to you following the filing of this lawsuit. Accordingly, I am writing to request production of these documents. Pursuant to your response, we will be happy to come to your office to review these materials, so long as you will provide an amended response indicating that you are making all of the requested materials available for inspection, so that we do not have to engage in multiple trips.
9. In your response to this request, you state that you have "none in my possession." As you are aware, Rule 34 is not limited to documents and materials in the parties "possession," but also include his custody and/or control." This would of course, include documents provided to the parties

attorney. Accordingly, I am requesting a clarification as to whether any such documents exist that your client is aware of.

13-15. In order to respond to your objection at the request is overbroad and burdensome, we are entitled to have some description of the parameters of the various documents which your client has in his possession, custody or control that meet the description contained. For example, if your client has a home library consisting of a shelf of books located in the same location, this would not be a difficult request to produce a handful of books and other materials. On the other hand, if your client has a more voluminous library on the subject, that might be a different story.

I am happy to discuss the parameters of this request in your response in an effort to narrow down the request, if necessary. In order to do so, however, it would be necessary for you to provide us with some more information concerning the parameters of the materials which your client has covered by these requests.

In light of our relatively short time period for completing discovery, it will be necessary to resolve these issues as quickly as possible. Therefore, if I do not hear from you by Thursday, January 27, I will have no alternative but to move forward and seek relief from the Court.

Sincerely,

ROBERT D. PELTZ
RDP/bl