

EXHIBIT 1

08/16/2010

66450-3

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

HOWARD ADELMAN and JUDITH
SCLAWY-ADELMAN, as Co-Personal
Representative of the Estate of
MICHAEL SCLAWY-ADELMAN,

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

HONORABLE ALAN S. GOLD

Plaintiffs,

v.

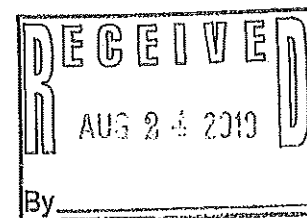
BOY SCOUTS OF AMERICA, THE
SOUTH FLORIDA COUNCIL, INC.;
BOY SCOUTS OF AMERICA;
PLANTATION UNITED METHODIST
CHURCH; HOWARD K.
CROMPTON, individually; and
ANDREW L. SCHMIDT, individually,

Defendants.

**DEFENDANT, ANDREW L. SCHMIDT'S NOTICE OF SERVING ANSWERS TO
PLAINTIFFS' INITIAL INTERROGATORIES**

NOTICE IS HEREBY GIVEN that Answers to the Initial Interrogatories propounded to, Defendant, ANDREW L. SCHMIDT, by Plaintiffs', HOWARD ADELMAN and JUDITH SCLAWY-ADELMAN, as Co-Personal Representative of the Estate of MICHAEL SCLAWY-ADELMAN, served with the Summons and Complaint have been furnished to: all counsel of record on date shown below.

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 20th day of August, 2010, to Mark A. Sylvester, Esquire, Leesfield & Partners, P.A., 2350 South Dixie Highway, Miami, FL 33133, William S. Reese, Esquire, Lane, Reese, Summers, Ennis & Perdomo, Douglas Centre, Suite 304, 2600 Douglas Road and Coral



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if a statement was obtained from that person, the date or dates said statements were obtained, the name, address, employer and job classification of the person taking said statement, the name, address, employer and job classification of all persons present at the taking of said statement, and the name, address, and job classification of the person having custody or control of the original statement, recording or transcript of said statement.

ANSWER: Objection. The Defendant objects to this interrogatory on the grounds that it is unduly burdensome and harassing. Subject to, and without waiving said objection, the Defendant states:

The Defendants and the Plaintiffs.

Investigator Kevin P. O'Neill – Major Crimes Investigator
Sheriff's Office
Collier County
Naples, Florida

Chase Howard Crompton – Scout on Hike
10349 NW 2nd Court
Plantation, FL 33324

Kristopher Lee Leon – Scout on Hike
Address Unknown.

Ed Clark
United States Park Ranger

Sergeant Wrobleski
Collier County Sheriff's Office
Naples, Florida
(O'Neill's supervisor)

Brian Reeds – Family friend of Adelman's
Address Unknown.

Ranger Schreffler
(239) 340-0121

Chase Crompton (son of Howard Crompton)

Collier County 911 Dispatcher – name unknown.

Responders whose names are not known by me.

7. State the name and address of every person known to you, your agents, or your attorneys who has knowledge about, or possession, custody or control of, any model, plat, map, drawing, motion picture, videotape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what item such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

ANSWER: GPS and the Park Service Rangers who refuse to release the GPS owned by Howard Crompton.

Howard Crompton is in possession of 7 photographs taken on May 9, 2009, during the hike.

8. Have you made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in the case? If so, state the terms of the agreement and the parties to it.

ANSWER: No.

9. Please state if you have ever been a party, either plaintiff or defendant, in a lawsuit other than the present matter, and, if so, state whether you were plaintiff or defendant, the nature of the action, and the date and court in which such suit was filed.

ANSWER: Objection on the grounds of being irrelevant and immaterial to the allegations in this case. This is also a matter of public record. There is a foreclosure action pending.

10. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted punishable by death or imprisonment in excess of one (1) year, or that involved dishonesty or a false statement, regardless of the punishment? If so, state as to each conviction, the specific crime, the date and the place of conviction.

ANSWER: No.

11. Identify by name, address, telephone number, title/job description the person or persons who were responsible for coordinating and preparing for the 20 mile hike on May 9, 2009.

ANSWER: Myself, Committee Chair, Assistant Scoutmaster, merit badge counselor and Howard Crompton, Scoutmaster and merit badge counselor.

12. Did you or anyone else provide any verbal or written instructions, manuals or warnings to minor Michael Sclawy-Adelman, and/or his parents, prior to the 20 mile hike on May 9, 2009; and relating to said hike? If so, specify in detail what was provided, to whom it was provided, how it was provided, and when it was provided.

ANSWER: Yes. E-mail was sent before the hike. Verbal instructions were given about preparation for the hike before the day of the hike. The Scouts were advised about bringing food and water. Michael was provided the Boy Scouts hiking merit badge book. Michael was reminded of the need to bring and drink plenty of water during the hike. Rests were taken during the hike.

13. Please list and describe all equipment, survival gear, safety equipment, to include communications equipment, taken on the 20 mile hike on May 9, 2009.

ANSWER: Cellphones, a GPS, water and hiking food were brought on the hike in addition to the information about the Florida Trail.

14. List and provide a description of any and all verbal, oral or written training and instruction relative to hiking that you received prior to the subject hike on May 9, 2010. In doing so, state when you recorded said training and instruction, and from whom you received said instruction.

ANSWER: Trek Safety
Outdoor Leader Training
Hiking guide books
Experience from prior hiking, including completion of a 14 mile hike 4 different times.

15. Were any photographs or videotapes taken by you or anyone else during the subject hike? If so, state who took said photographs or videotape, what said photographs or videotape purport to show, and who is in possession of the photographs and/or videotapes.

ANSWER: Yes. Howard took 7 photographs during the hike.

16. Were you or anyone else using any type of global positioning system device during the subject hike? If so, provide the make and model, as well as the current location of said device.

ANSWER: Yes. Howard's GPS device is being held by the National Park Service.

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17. Were you in possession of a cellular phone or any other communication device during the subject hike? If so, provide the cellular phone number, or any other number associated therewith, as well as the name of the service provider.

ANSWER: No.

18. Prior to the subject hike, did you review any weather related information? If so, list the sources of all weather information that you reviewed, and the state when you reviewed said information.

ANSWER: Yes. The weather forecast was reviewed on the internet by me the evening before our hike.

19. List all positions that you have held with any scouting organization and the dates you held these positions.

ANSWER: Tiger Den Leader, 1996 Troop Committee Chairman, 2002
Wolf Den Leader, 1997 Assistant Scoutmaster, 2001
Bear Den Leader, 1998 Scoutmaster, 2003-08
Webelos I and II Den Leader, 1999-00
Cubmaster 1999-01

20. Have you ever received a grievance or complaint, whether written or oral, from the parent or guardian or any scout as it relates any scouting activity? If so, state the nature of the grievance or complaint, when it was made, and the full name of the person who made the complaint or grievance.

ANSWER: Yes. Objection is made on the grounds of relevancy, materiality, privacy and not calculated to lead to admissible evidence at the time of trial.

21. List and describe any and all text books, manuals, guidelines, written materials, videotape material, or computer related material that you have reviewed as it relates to hiking.

ANSWER: Objection is made as being overbroad since there is no list I can refer to to respond. In good faith my Scout Master handbook, guide to safe scouting, trek safety, the Florida trail information and the hiking merit badge handbook are some of the materials that I had prior to the hike.

22. List and describe any and all text books, manuals, guidelines, written materials, videotape material, or computer related material that you have reviewed as it relates to handling emergency medical situations, such as heatstroke.

ANSWER: Basic Red Cross first aid, field book and scout handbook.

23. Did you, or anyone to your knowledge, seek permission or authorization from any person or entity to conduct the subject hike? If so, state the name of the person(s) or entity(ies) from whom you sought permission or authorization, when that permission or authorization was sought, and the result of your request.

ANSWER: A tour permit was filled out but it was not stamped before the hike.

24. Did you or anyone to your knowledge, obtain a permit for the subject hike? If so, from whom was said permit obtained, and when?

ANSWER: The Park gave us a permit to be on the trail.

25. List by name and description any and all training and instruction pertaining to scouting that you have received, whether through written material, videotape material, or computerized material.

ANSWER: Scoutmaster fundamentals, outdoor leader training, youth protection training, trek safety, climb on safety, committee challenge instruction from the South Florida Council and instruction at the University of Scouting. In addition word of mouth from other scout leaders before me for the same troop.


26. List by name and description any and all training and instruction pertaining to serving as a Scoutmaster that you have received, whether through written material, videotape material, or computerized material.

ANSWER: Objection as being overbroad and burdensome. See answers above.

27. List the names, business address, dates of employment and rates of pay regarding all employers, including self-employment, for whom you have worked in the past ten (10) years.

ANSWER: Objection. The Defendant objects to this request on the grounds that it is overly broad as to subject-matter scope, as the rates of pay earned by this Defendant during any period of time is not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving said objections, the Defendant states:

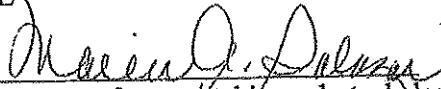
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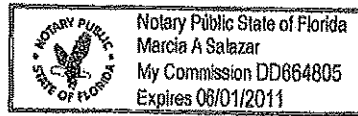

Andrew L. Schmidt

STATE OF FLORIDA)
) SS.
COUNTY OF Miami-Dade)

The foregoing instrument was acknowledged before me this 20th day of August, 2010, by Andrew L. Schmidt, who is personally known to me or who has produced _____ and who did take an oath.

S
E
A
L


Signature of person taking acknowledgment



Name of officer taking acknowledgment

Title or rank

Serial number