

# EXHIBIT 3



January 24, 2011

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

IRA H. LEESFIELD  
Board Certified Civil Trial Lawyer

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

PATRICIA M. KENNEDY

MARK A. SYLVESTER

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

THOMAS SCOLARO

Dear Mr. Hasty:

I am writing pursuant to the Local and Federal Rules of Civil Procedure to request better answers to the Plaintiffs' Initial Interrogatories served upon your client, Andrew Schmidt. Specifically,

ALEXANDER J. PERKINS  
Also Admitted in District of Columbia

1. In order to accommodate your objections as well as the reasons behind our request, we would accept your supplementing your present answer to include the cities that your client has resided in over the past ten (10) years along with the approximate dates.
2. In your response to this interrogatory regarding insurance coverage for your client, you indicate that this information was provided by letter dated August 20, 2010. In reviewing our file, I do not see any such correspondence. I did, however, see a letter from you dated August 4, 2010 indicating that Mr. Crompton and Mr. Schmidt would be insured through the Boy Scouts, further inquiring as to whether the Plaintiff wished a formal response. On August 6, 2010, Mr. Sylvester responded to your letter and requested a formal response, since your earlier letter did not address the issue of homeowner's and/or other potential coverage. Therefore, I would appreciate your forwarding a copy of your letter of August 20, 2010 so that we can determine whether it addresses our interrogatories. In the meantime, we are entitled to a formal sworn response from your client and therefore, request that you provide supplement answer to this interrogatory as well.

Reply to Miami Office only:  
2350 South Dixie Highway  
Miami, Florida 33133  
305/854-4900  
800/836-6400  
Fax: 305/854-8266  
E-mail: [Info@Leesfield.com](mailto:Info@Leesfield.com)  
Internet: [www.Leesfield.com](http://www.Leesfield.com)

Key West:  
615 1/2 Whitehead Street  
Key West, Florida 33040

South Beach:  
1111 Lincoln Road  
Miami Beach, Florida 33139

Winter Park/Orlando:  
Of Counsel  
Bounds Gonzalez  
222 W. Comstock Avenue  
Suite 215

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6. This interrogatory request the names and contact information for witnesses to the issues raised in this lawsuit and further requests an identification of those witnesses from whom a statement was obtained. Although you provided a response, you objected to this interrogatory "on the grounds that it is unduly burdensome and harassing." I fail to understand how an interrogatory asking for an identification of witnesses can be considered to be unduly burdensome and harassing. Nevertheless, in providing an answer, you indicated that it was "subject to, and without waiving said objection."

Therefore, I cannot determine from your answer whether there are other witnesses that you and your client are aware of, but which were not identified because of the objection. Accordingly, I am writing to request that you advise us whether your answer was full and complete, despite the objection or whether there are other witnesses to the issues raised in this lawsuit that were not identified. I am further writing to request that you answer the portion of the interrogatory which seeks information concerning whether witness statements were obtained, along with the other information which would normally be provided in connection with a privilege log as to such statements.

9. We are entitled to know whether your client has been involved in any lawsuits involving personal injury and/or wrongful death, since the information contained in such suits is certainly reasonably calculated to lead to the discovery of admissible evidence. The fact that something may be "a matter of public record," is not a valid objection for failing to answer the interrogatory. Moreover, since you have refused in response to interrogatory number 1 to even identify the other cities that your client has resided in, there is no way that we can even obtain this information from the public records. Accordingly, I am writing to request that you provide a supplemental answer identifying any lawsuits involving personal injuries or wrongful deaths.
12. Although you have responded to this interrogatory by describing in general verbal instructions given to the scouts, the interrogatory requested that your client "specify" in detail what [instruction] was provided . . . and when it was provided." If you contend that your clients response to this interrogatory is as specific as the verbal instructions which were given, please advise us.

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14. Please provide us with the names of the "hiking guidebooks," referred to in your answer.
20. This interrogatory seeks information regarding any grievances or complaints which were made as to your client relating to "any Scouting activity." This information was clearly relevant to not only your clients claims regarding the subject hike, but his background and qualifications as well. The objection on the grounds of relevancy is not legally supportable.
21. We are entitled to a better answer to this interrogatory for the same reasons expressed with regard to items 8, 13, 14 and 15 of the Plaintiffs' Initial Request for Production.
22. Please identify "the Florida trail information" that you are referring to with sufficient specificity to form the subject matter of a request for production.
23. Please indicate whether the tour permit was ever submitted to anyone and if so, the date and individual entity to which the tour permit was submitted.
27. Although you indicated that you would be providing a partial response to this interrogatory, none is contained in your answers. I am willing to withdraw the portion of the interrogatory which requests information regarding rates of pay, however, the remainder of the interrogatory is clearly relevant to your client's background, training and experience.

I am more than happy to discuss the resolution of these issues with you. Nevertheless, in light of the extremely short period of time which we have to complete discovery in this case and the lack of responses which we have received to our prior request for discovery information, we will have no alternative but to seek the Court's assistance in obtaining this information if we do not receive better responses by the 27<sup>th</sup> or at least reach an agreement by that time as to the provision of specific better responses.

Sincerely,



ROBERT D. PELTZ  
RDP/bl