

EXHIBIT 5

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.

**ORDER ON PLAINTIFF'S MOTION TO COMPEL
DISCOVERY FROM DEFENDANT ANDREW SCHMIDT**

THIS CAUSE having come before the Court on Plaintiffs' Motion to Compel Discovery from Defendant Andrew Schmidt, and the Court having reviewed the Motion and being otherwise fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** that Plaintiffs' Motion is **GRANTED**, as follows:

1. Defendant Andrew Schmidt shall identify the cities in which he has resided over the past ten years in response to interrogatory 1.
2. Defendant Schmidt shall supplement his original answer to interrogatory 2 to provide complete insurance information, including homeowners or any other insurance information available to him, and if none exists, shall so expressly state.
3. Defendant Schmidt shall provide a complete list of witnesses in response to interrogatory 6. If no additional witnesses are known to the defendant, he shall provide a supplemental response which so indicates.

4. Defendant Schmidt shall provide a complete answer to interrogatory 9. If the foreclosure action is the only responsive information, Defendant shall so indicate and provide the Plaintiffs with the state in which the action is pending and the date it was filed.

5. Defendant Schmidt shall provide a complete answer to interrogatory 20.

6. Defendant Schmidt shall provide a complete answer to interrogatory 22, stating specifically what is meant by "the Florida Trail information."

7. Defendant Schmidt shall provide a responsive answer to interrogatory 23.

8. Defendant Schmidt shall provide a complete answer to interrogatory 27.

9. Defendant Schmidt shall produce documents in response to Plaintiffs' request 2.

10. To the extent that documents exist in response to requests 9 which are in the Defendant's custody or control, even if not within his personnel possession, Defendant Schmidt shall produce such documents or shall make them available for inspection at a mutually convenient time and place. If there are no such documents, the Defendant shall provide a supplemental response so clarifying that.

11. To the extent that additional documents are in the Defendant's custody or control which are responsive to request 13, Defendant Schmidt shall produce such documents. If there are no such documents, the Defendant shall provide a supplemental response so clarifying that.

12. Defendant Schmidt shall provide a responsive answer to request 14 and shall produce all responsive documents which are in the Defendant's custody or control, even if not within his personnel possession.

13. To the extent that documents exist in response to requests 15 which are in the Defendant's custody or control, even if not within his personnel possession, Defendant Schmidt shall produce such documents or shall make them available for inspection at a mutually convenient time and place. If there are no such documents, the Defendant shall provide a supplemental response so clarifying that.

14. All discovery ordered herein shall be provided to the Plaintiffs no later than 5 working days from the date of this Order.

DONE AND ORDERED in Miami-Dade County, Florida this _____ day of _____,
2011.

Honorable Chris McAiley
United States Magistrate Judge