

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,

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.

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**PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO COMPLY WITH COURT'S  
ORDER FOLLOWING DISCOVERY CONFERENCE [D.E. 118]**

COME NOW, the Plaintiffs, HOWARD ADELMAN and JUDITH SCLAWY, by and through undersigned counsel and move this Honorable Court for the entry of an order extending the time for compliance with this Court's Order Following Discovery Conference [D.E. 118] and would respectfully show the Court as follows:

1. On January 28, 2011 this Honorable Court entered its Order Following Discovery Conference [D.E. 118] ruling upon various discovery matters that were before it. In paragraph (4) of the Court's order, it directed the parties to notice the depositions of each of the sixteen (16) third party witnesses, which had been identified in the parties Joint Discovery Plan [D.E. 113-1].

2. Promptly following the Court's order, Plaintiffs have undertaken to set the depositions of the following five employees of the U.S. Park Service/Department of Interior who were identified on the Joint Discovery Plan:

- Park Ranger Wynn Carney
- Park Ranger Gary Shreffler
- Park Ranger Drew Gilmour
- Park Ranger Edward Clark
- EMT Armando Pina

3. Due to the fact that these individuals are all governmental employees working for the Department of the Interior, a party cannot simply contact the witnesses and arrange for their depositions. Instead, it is necessary to file a formal request with the Department of the Interior pursuant to 43 C.F.R. §2.80 et seq.

4. Following this Court's order [D.E. 118], the Plaintiff promptly commenced the formal administrative process necessary to obtain deposition dates for these witnesses. In addition to filing the necessary formal written request, Plaintiff's counsel has had a number of conversations with the Office of the Regional Solicitor for the Southeast Region, which is handling to the request for these depositions. In the latest conversation which undersigned counsel had with the attorney from the Office of the Regional Solicitor handling this matter, he was advised that a response had been delayed to the Plaintiff's request, because one of the key individuals involved in the process had been out of work all this week, however, that this matter was scheduled to be determined early next week.

5. Accordingly, the Plaintiff moves this Honorable Court for the entry of an order extending the time for the compliance with its Order Following Discovery Conference in order to allow the Plaintiff an extension of time in which to notice the depositions of the five Park Service/Department of Interior employees to a time period of one week after the Department of

Interior's written response to the Plaintiff's request for the deposition of these employees.

6. Undersigned counsel has conferred with counsel for the Defendants and has been advised that counsel for the Boy Scouts of America and South Florida Council are in agreement with this request. Undersigned counsel has not received a definitive response from the other Defendants.

Memorandum of Law

The Court has the power for good cause to extend the time limits for discovery. As reflected in the Plaintiff's Motion, the Plaintiff has promptly exercised all reasonable and available efforts to set the depositions of the five Park Service/Department of Interior employees who were involved in either responding to the decedent and/or in investigating the circumstances surrounding this incident. As the Court is aware from prior discovery in this case, each of these individuals is a critical witness in this case.

Despite the best efforts of Plaintiff's counsel to schedule the depositions of these witnesses within the time frame set forth by the Court's order, the Plaintiff has been required to follow the regulations set forth by 43 C.F.R. §2.80 et seq. in order to obtain permission and dates for the depositions of these witnesses. Not only has the Plaintiff promptly filed the formal request required under the regulations, but has been in continual contact with the Office of the Solicitor to attempt to arrange a timely response.

As a result, the Plaintiff has clearly established good cause for this request.

Respectfully submitted,

  
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ROBERT D. PELTZ

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on February 11, 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.



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**SERVICE LIST**

**HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN**

**VS.**

**BOY SCOUTS OF AMERICA, et al**

**CASE NO.: 10-CV-22236-ASG**

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA**

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