

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-CV-22236-ASG
Magistrate Judge: Magistrate Judge Chris M. McAliley

HOWARD ADELMAN and JUDITH
SCLAWY-ADELMAN, as Co-Personal
Representative 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.

**RESPONSE TO PLAINTIFFS' MOTION TO COMPEL [DE 141] ON BEHALF
OF DEFENDANT, HOWARD K. CROMPTON**

Defendant, Howard K. Crompton files this his response to Plaintiffs' Motion to
Compel Interrogatories ^{DE 155} 1, 2, 6; response to Request for Production 1, 2, 8, 9, 13, 14, and
15, and responses to Requests for Admissions 9 and 10 as follows:

INTERROGATORIES

Interrogatory 1: Defendant, Crompton stands by his response to interrogatory
number 1 and the objections contained therein.

Interrogatory 2: Defendant, Crompton will provide a copy of the insurance policy
which declined coverage on his homeowners policy.

Interrogatory 6: Defendant, Crompton stands by the responses he provided previously but in the event the Court requires supplementation of witnesses which also invades attorney-client privilege and attorney work-product as of the time that the interrogatory answers were signed on July 30, 2010, then Defendant, Crompton requests the Court to Order the Plaintiffs to supplement their responses accordingly.

RESPONSES TO REQUEST FOR PRODUCTION

Request 1: As previously disclosed there are seven (7) photographs from the hike which had been available for inspection since the response to request for production was filed on July 30, 2010.

Request 2: The insurance policy for Howard Crompton's homeowners coverage will be requested and provided to Plaintiffs.

Request 8: Defendant, Crompton stands by his response to paragraph number 8.

Request 9: Defendant, Crompton has nothing to add to paragraph number 9.

Request 13: Defendant, Crompton stands by his objection to the overbroad nature of the request in paragraph 13 and stands by his good faith response in paragraph 13.

Request 14: Response number 14 should have incorporated the response to number 13 above it, relating to the Guide to Safe Scouting, Hiking Merit Badge Book and The Scout Master Handbook. To the extent that response to number 14 is inclusive of response to number 13, there is no additional response by Defendant, Crompton to paragraph 14.

Request 15: Defendant, Crompton does not have a copy of the Red Cross First Aid Handbook in his possession but would supplement his response to be inclusive of the Red Cross First Aid Handbook.

RESPONSE TO REQUEST FOR ADMISSIONS

Defendant, Crompton answered and responded to Request for Admissions 9 and 10. An objection could have been made on the grounds of being vague, overbroad, overreaching, burdensome, and calling for a legal conclusion. The term “guideline” is not defined in the request for admissions directed to Defendant, Crompton. In spite of the inartful and overbroad language contained in Request for Admissions 9 and 10, Defendant, Crompton answered to the best of his ability without further definition and in response to Request for Admissions 9 and 10. Plaintiffs could have provided a specific written document to Defendant, Crompton and asked if the document and the contents therein constituted “guidelines” but the Plaintiffs relied upon a generalized term such as “guidelines”. Defendant, Crompton provided responses appropriately to this vague and overbroad request for admissions as contained in paragraphs 9 and 10. Defendant, Crompton has responded appropriately and has nothing further to add or supplement unless or until the Plaintiffs provide a better definition of “guidelines”.

WE HEREBY CERTIFY that on February 22, 2011, I electronically filed the foregoing with the Clerk of the Courts by using the ECF system, which will send a notice of electronic filing to the parties on the attached service list. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-ECF participants:

/s/ Frederick E. Hasty III

Frederick E. Hasty III, Esquire

Florida Bar No. 260606

WICKER, SMITH, O'HARA,

McCOY & FORD, P.A.

Attorneys for Howard K. Crompton

2800 Ponce de Leon Boulevard

Suite 800

Coral Gables, FL 33134

Phone: (305) 448-3939

Fax: (305) 441-1745

E-mail: FHasty@WickerSmith.com

Service List

Ira H. Leesfield, 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
Coral Gables, FL 33134

Greg M. Gaebe, Esquire
Gaebe, Mullen, Antonelli, Esco & DiMatteo
420 South Dixie Highway, 3rd Floor
Coral Gables, FL 33146

Robert D. Peltz, Esquire
Leesfield & Partners, P.A.
2350 South Dixie Highway
Miami, FL 33133