

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-22236-CIV-GOLD/MCALILEY

HOWARD ADELMAN and JUDITH  
SCLAWY, as co-personal representatives  
of the ESTATE OF MICHAEL  
SCLAWY-ADELMAN,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, et al.,

Defendants.

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**ORDER ON MOTIONS TO COMPEL PLAINTIFFS**

On January 6, 2011 and January 10, 2011, Defendants Howard Crompton and Andrew Schmidt, and Defendants South Florida Council and Boy Scouts of America, respectively, filed motions to compel Plaintiffs to produce copies of items inspected by Defendants on November 24, 2010 (Plaintiffs' Rule 26 initial disclosures). [DE 92, 93]. Later, on January 25, 2011, in their Joint Discovery Plan, the parties reported that Plaintiffs had produced the materials, but Defendants said they needed more time to confirm that the production was complete. [DE 113, pp. 5-6].

On January 26, 2011, I ordered Defendants to complete their review of Plaintiffs' production by February 9, 2011, and to file a written notice stating either that the motions are moot, or identifying the matters still in dispute. [DE 115, p. 3]. On February 9, 2011,

Defendants filed a notice that they had completed their review and identified for Plaintiffs items Defendants believed were missing from the production, and stated that they were working with Plaintiffs to resolve Defendants' concerns, before moving to compel. [DE 136, ¶¶ 3, 6]. To date, Defendants have neither withdrawn their motions nor filed more focused motions to compel. Based on the foregoing, the Court ORDERS that:

Defendants' Howard Crompton and Andrew Schmidt, and Defendants' South Florida Council and Boy Scouts of America, Motions to Compel Plaintiffs to produce copies of items inspected by Defendants on November 24, 2010 [DE 92, 93] are **DENIED WITHOUT PREJUDICE**. If there are any remaining areas of dispute regarding Plaintiffs' production of their initial disclosure materials, Defendants may file a revised motion to compel, that addresses those remaining disputes.

DONE and ORDERED in chambers in Miami, Florida this 10th day of March, 2011.

  
CHRIS McALILEY  
UNITED STATES MAGISTRATE JUDGE

cc:  
The Honorable Alan S. Gold  
Counsel of record