

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,

vs.

BOY SCOUTS OF AMERICA, *et al.*,

Defendants.

**OMNIBUS ORDER SETTING ORAL ARGUMENT;
GRANTING DEFENDANTS HOWARD K. CROMPTON
AND ANDREW L. SCHMIDT'S MOTION FOR LEAVE TO AMEND
AFFIRMATIVE DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT [ECF No. 109]**

THIS CAUSE is before the Court upon Plaintiffs' Appeal of Magistrate Judge's Order Following February 11, 2011 Discovery Conference ("Appeal") [ECF No. 159] and Defendants Howard K. Crompton and Andrew L. Schmidt's Motion for Leave to Amend Affirmative Defenses to Plaintiffs' Amended Complaint [ECF No. 109].

On January 4, 2011, I granted Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's (collectively "Boy Scout Defendants") Motion for Leave to Amend their Affirmative Defenses to Plaintiff's Amended Complaint [ECF No. 62] and Defendant Plantation United Methodist Church's ("PUMC") Supplemental Unopposed Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [ECF No. 79]. The Boy Scout Defendants and Defendant PUMC sought leave to name the U.S. Department of the Interior National Park Service ("National Park Service ") as a *Fabre*¹

¹*Fabre v. Marin*, 623 So.2d 1182 (Fla. 1993).

defendant.

While Plaintiffs initially opposed the requested relief in Defendants' Motions (see **[ECF No. 79 ¶¶ 1-2]**), Plaintiffs later indicated that they did not oppose Defendants' motions. **[ECF No. 81]**. In Defendants Crompton and Schmidt's Motion **[ECF No. 109]**, they similarly seek to name the National Park Service as a *Fabre* defendant. The time for filing a response to Defendants Crompton and Schmidt's Motion has since expired.

Having reviewed the Appeal, Defendant Boy Scouts of America's Response **[ECF No. 165]**, and the record, I conclude that oral argument on Plaintiffs' Appeal is necessary. Accordingly, it is hereby


ORDERED AND ADJUDGED:

1. Oral argument on Plaintiffs' Appeal of Magistrate Judge's Order Following February 11, 2011 Discovery Conference **[ECF No. 159]** is hereby set before the Honorable Alan S. Gold, at the United States District Courthouse, Courtroom 11-1, Eleventh Floor, 400 North Miami Avenue, Miami, Florida, 33128 on **Friday, April 1, 2011 at 4:00 p.m.** Please notify the Court immediately at (305) 523-5580 of any disposition or resolution of the scheduled Appeal.
2. To assist the Court, the parties are ORDERED to deliver to the undersigned's Chambers a Joint Binder containing tabbed and indexed courtesy copies of the motion and any responses, replies, exhibits, memoranda of law, and case law related to the motions by **Friday, March 25, 2011 at 4:00 p.m.** The courtesy copies shall include a table of contents and shall indicate the docket entry number of each document contained therein.
3. Defendants Howard K. Crompton and Andrew L. Schmidt's Motion for Leave to

Amend Affirmative Defenses to Plaintiffs' Amended Complaint [ECF No. 109] is GRANTED.

4. Defendants Crompton and Schmidt shall file their Answers, First Amended Affirmative Defenses, and Demands for Jury Trial to Plaintiffs' Amended Complaint no later than **Friday, March 18, 2011**.

DONE and ORDERED in Chambers in Miami, Florida, this 16 day of March, 2011.



THE HONORABLE ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge Chris M. McAliley
All counsel and parties of record