

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.

NOTICE OF RESOLUTION OF SCHEDULED APPEAL

COME NOW the Plaintiffs, HOWARD ADELMAN AND JUDITH SCLAWY, as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman and the Defendant BOY SCOUTS OF AMERICA, pursuant to their undersigned counsel and hereby notify the Court of the resolution of the Plaintiffs' Appeal of Magistrate Judge's Order following February 11, 2011 Discovery Conference [D.E. 159], which had been scheduled for Oral Argument before the Honorable Allen S. Gold, United States District Judge on April 1, 2011 and would further show the Court as follows:

1. Based upon the stipulation of the Defendant BOY SCOUTS OF AMERICA that the document captioned "Heat Related Incidents 2004 to YTD 2011" marked as Exhibit 27 to the depositions of Frank Reigelman and Richard Bourlan contains a record of all incidents and claims

arising out of heat related injuries for all Boy Scouts of America activities for the above-described time period, the parties consider the Plaintiffs' Appeal of the Magistrate Judge's Order limiting the Plaintiffs' earlier interrogatory to litigation stemming from serious heat related illnesses and heat related deaths from a hiking activity to be moot.

2. Since the basis for this stipulation is the fact that the information requested by the Plaintiffs through their appeal is fully and completely contained within the above-described document, the parties further agree that the entry into the stipulation shall not serve as a waiver of their positions regarding the appropriate scope of discovery as to any future discovery matters.

3. The parties would request that the Court enter the Order attached hereto, if the Court deems that appropriate.

By: /s/ Robert D. Peltz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 24th, 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 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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BOY SCOUTS OF AMERICA, et al
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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

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