

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.

PLAINTIFFS' MOTION TO STRIKE REPLY [D.E. 183]

The Plaintiffs move to Strike the Reply of the Defendants Crompton and Schmidt to Plaintiffs' Response to Defendants' Motion to Compel Production of Michael Sclawy-Adelman's Text Messages [D.E. 183] for failing to comply with the procedures of the Magistrate Judge and would respectfully state:

1. On March 28, 2011, the Defendants Crompton and Schmidt filed a Motion to Compel Production of Michael Sclawy-Adelman's Text Messages [D.E. 177], following which the Plaintiffs filed their Response [D.E. 182] on April 1, 2011.

2. Subsequently, the Defendants Crompton and Schmidt filed a 7 page Reply to the Plaintiffs' Response to the Defendants' Motion to Compel Production [D.E. 183].

3. The Defendants' Reply is in violation of the Magistrate Judge's procedures in that it significantly exceeds the permissible length, which the Magistrate has previously indicated would be strictly enforced. *See* Orders D.E. 123 and D.E. 128.

4. In addition, the Reply violates the discovery procedures adopted and posted by the Magistrate, which provide for a discovery motion and a response, but not a Reply. The filing of the unauthorized Reply has prejudiced the Plaintiffs' in that it refers to matters, depositions and discovery which were not addressed in the Defendants' initial motion, thereby depriving the Plaintiffs of the opportunity to even present argument concerning the relevancy and/or significance of said matters.

WHEREFORE, the Plaintiffs respectfully request an Order striking Defendants Crompton and Schmidt's Response to Defendants' Motion to Compel Production of Michael Sclawy-Adelman's Text Messages [D.E. 183].

Respectfully submitted,

/s/ Robert D. Peltz
ROBERT D. PELTZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **April 5th, 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.

/s/ Robert D. Peltz

ROBERT D. PELTZ

Fla. Bar No. 220418

LEESFIELD & PARTNERS, P.A.

2350 S. Dixie Highway

Miami, Florida 33133

Telephone: (305) 854-4900

Facsimile: (305) 854-8266

E-mail: peltz@leesfield.com

Counsel for Plaintiffs

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

IRA H. LEESFIELD

ROBERT D. PELTZ

LEESFIELD & PARTNERS, P.A.

2350 S. Dixie Highway

Miami, Florida 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

E-mail: leesfield@leesfield.com

peltz@leesfield.com

Attorneys for the Plaintiffs

FREDERICK E. HASTY, III

WICKER, SMITH, O'HARA, MCCOY, GRAHAM
& FORD, P.A.

2800 Ponce de Leon Blvd.

Suite 800

Coral Gables, Florida 33134

Telephone: 305-448-3939

Facsimile: 305-441-1745

Email: fhasty@wickersmith.com

*Attorneys for Howard K. Crompton and
Andrew L. Schmidt*

WILLIAM S. REESE

WILLIAM SUMMERS

KEVIN D. FRANZ

LANE, REESE, SUMMERS, ENNIS &
PERDOMO, P.A.

2600 Douglas Road

Douglas Centre, Suite 304

Coral Gables, Florida 33134

Telephone: 305-444-4418

Facsimile: 305-444-5504

Email: wreese@lanereese.com

kfranz@lanereese.com

wsummers@lanereese.com

*Attorneys for Boys Scouts of America and The
South Florida Council, Inc.; Boy Scouts of
America*

GREG M. GAEBE

GAEBE, MULLEN, ANTONELLI & DiMATTEO

420 South Dixie Highway, 3rd Floor

Coral Gables, FL 33146

305-667-0223

305-284-9844 – Fax

Email: ggaebe@gaebemullen.com

*Attorneys for Plantation United Methodist
Church*