

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

HOWARD ADELMAN and JUDITH
SCLAWY-ADELMAN, as Co-Personal
Representative of the Estate of
MICHAEL SCLAWY-ADELMAN,

CASE NO. 1:10-cv-22236-ASG

HONORABLE ALAN S. GOLD

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' FIRST REQUEST FOR ADMISSIONS TO
DEFENDANT, HOWARD K. CROMPTON**

Defendant, HOWARD K. CROMPTON, by and through the undersigned attorneys, and pursuant to the applicable Fla. R. Civ. P., responds to Plaintiffs', HOWARD ADELMAN and JUDITH SCLAWY-ADELMAN, as Co-Personal Representative of the Estate of MICHAEL SCLAWY-ADELMAN First Request for Admissions served with the Summons and Complaint as follows:

1. Admit that service of the summons and complaint on Defendant Howard K. Crompton was legally proper and sufficient.

RESPONSE: Admitted.

2. Admit that there are no jurisdictional defenses arising out of the service of the summons and complaint on Defendant Howard K. Crompton.

RESPONSE: Denied, because this matter was originally filed in the Circuit Court in and for Broward County, Florida.

3. Admit that Defendant Howard K. Crompton has been named properly and in the proper legal capacity based on the allegations of the complaint.

RESPONSE: Admitted that Howard K. Crompton has been named properly in the Complaint. Objection is made to the Request to the extent that it references "proper legal capacity" on the grounds of being vague and ambiguous, and therefore that portion of this Request is denied.

4. Admit that Defendant Howard K. Crompton has been properly served with the Summons and Complaint in this action.

RESPONSE: Admitted.

5. Admit that there are no statute of limitations defenses known to Defendant Howard K. Crompton based on the allegations of the complaint.

RESPONSE: Admitted.

6. Admit that Defendant Howard K. Crompton was acting in the course and scope of his duties as a Scoutmaster on the date of incident.

RESPONSE: Admitted.

7. Admit that the subject hike was organized, planned and led by Defendant Howard K. Crompton.

RESPONSE: Admitted to the extent that Howard K. Crompton participated in the organization, planning and leading of the subject hike.

8. Admit that Defendant Howard K. Crompton was responsible for the safety of the minor boy scouts on the subject hike, including, Michael Sclawy-Adelman.

RESPONSE: Objection. This Request is argumentative as phrased. It is admitted that Howard Crompton provided supervision and companionship consistent with his activities as an adult leader on the hike, which included Michael Sclawy-Adelman as a participant.

9. Admit that the subject hike was conducted according to guidelines established by the Boy Scouts of America National Council.

RESPONSE: It is admitted that the hike was a Troop activity to enable scouts to obtain their Merit Badge in Hiking pursuant to the Boy Scout's Hiking Merit Badge Handbook.

10. Admit that the subject hike was conducted according to guidelines established by The South Florida Council Inc., Boy Scouts of America.

RESPONSE: It is admitted that the hike was a Troop activity to enable scouts to obtain their Merit Badge in Hiking pursuant to the Boy Scout's Hiking Merit Badge Handbook.

11. Admit that a permit was obtained for the subject hike.

RESPONSE: Without sufficient personal knowledge to admit or deny, therefore denied.

I HEREBY CERTIFY that on July 30, 2010, 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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