

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 10-CV-22236-ASG/GOODMAN

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.

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**UNOPPOSED MOTION REGARDING DOWNLOAD OF CROMPTON'S CELL PHONE**

COME NOW, the Parties, and file their Joint Motion Regarding the Download of the Defendant Crompton's Cell Phone and would respectfully show the Court as follows:

1. On January 28, 2011, Magistrate Judge McAliley entered an order directing both the Plaintiffs and the Defendants to produce their cell phones for inspection by the same expert no later than February 22, 2011. [D.E. 118]. As reflected by the Court's order, the purpose of the inspection was to allow the expert to "retrieve any data from May 8, 2009 and May 9, 2009 and produce a report that identifies all data for those two days found on the telephone, and shall distribute his report to counsel for each party."

2. Although counsel for the Defendant Crompton transmitted his phone to the expert, Conrad Carter, Mr. Carter subsequently advised the parties that he could not guarantee the ability to safely download the information contained in the cell phone without its password. The Defendant Crompton thereafter filed various papers with the Court indicating that the Defendant did not have the password to the phone, which was owned by his employer, and had been used by other employees. As a result, no further action has been taken by Mr. Carter regarding the Court ordered download.

3. At a conference conducted on Tuesday, May 24, 2011, counsel for the parties agreed that Mr. Carter should use his best efforts to safely download the data pursuant to Judge McAliley's order of February 22, 2011 [D.E. 118], with the understanding that without the password, some or all of the data may be lost. Under the circumstances, the Parties jointly agreed that there was no other option but for Mr. Carter to proceed forward as best as he could without the password.

4. Accordingly, the Plaintiffs file this unopposed motion for the entry of an order directing Mr. Carter to complete the download of the Defendant Crompton's cell phone as originally directed by Judge McAliley. A copy of a proposed order is attached hereto.

Dated: **May 27, 2011.**

Respectfully submitted,

/s/ Robert D. Peltz

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on **May 27, 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

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