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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 10-Cv-22236-GOLD/McALILEY

HOWARD ADELMAN, Co-Representative  
of the Estate of Michael  
Selaway-Adelman & JUDITH  
SELAWAY-ADELMAN,

Plaintiffs,

vs.

MIAMI, FLORIDA  
JANUARY 27, 2011

BOY SCOUTS OF AMERICA,  
a Foreign Corporation,  
HOWARD K. CROMPTON  
Individually, ANDREW  
L. SCHMIDT, et al.,

Defendants.

TRANSCRIPT OF TELEPHONIC DISCOVERY CONFERENCE HEARING  
BEFORE THE HONORABLE CHRIS M. McALILEY,  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PLAINTIFFS:

LEESFIELD & PARTNERS, P.A.  
2350 South Dixie Highway  
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Miami, Florida 33131  
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BY: PATRICIA KENNEDY, ESQ.

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(Call to order of the Court)

THE CLERK: The United States District Court is now in session; The Honorable Chris M. McAliley presiding.

Calling the case of Howard Adelman, et al. versus Boy Scouts of America, et al., case number 10-22236-Civil-Judge Gold.

THE COURT: Good afternoon, counsel. Let's start with appearances for the plaintiff.

MR. PELTZ: Thank you, Your Honor.

THE COURT: Go ahead. Counsel for the plaintiff, could you announce your appearance.

MR. PELTZ: Yes, Your Honor. Bob Peltz and Patricia Kennedy on behalf of the plaintiff.

THE COURT: Mr. Peltz and Mr. Kennedy?

MR. PELTZ: Ms. Kennedy.

THE COURT: Ms. Kennedy. Okay. Thank you. And for defendants Crompton and Schmidt?

MR. LEVIN: Good afternoon, Your Honor. Drew Levin appearing on behalf of Mr. Crompton and Mr. Schmidt.

THE COURT: Okay. And for the Boy Scouts of America and the South Florida Council?

MR. FRANZ: Good afternoon, Your Honor. Kevin Franz on behalf of Boy Scouts of America and the South Florida Council.

THE COURT: Okay. And do we have counsel on behalf of

1 I just wanted to mention to the court that this hike  
2 took place early in the morning on a Saturday. And so with  
3 regard to an inspection of Michael's phone, which I know we  
4 just covered that, but this is counsel just reminded me of this  
5 issue.

6 There is an issue in this case as to what Michael's,  
7 you know, mental and physical mind-set and state were on this  
8 Saturday morning hike, and his cell phone from the night prior,  
9 the day prior information that might be on that phone from that  
10 time period, even a couple of days even previous to that would  
11 certainly be relevant as Michael was almost 18 years old.

12 He was a 17 year-old at the time, I believe, and his  
13 cell phone was probably, as you know people that age, he was  
14 probably using it to do a lot of things in his life at that  
15 time. And so to limit the inspection data to the day of the  
16 incident only --

17 THE COURT: MR. Levin, I don't have a problem with  
18 your going back a day before.

19 MR. LEVIN: Okay.

20 THE COURT: To the day before the like.

21 MR. LEVIN: Okay.

22 THE COURT: I think that sounds reasonable. And,  
23 listen, the phone will be preserved. You are going to get 24  
24 hours worth of data the day -- I am sorry. I had it written  
25 down the day that he died was August what?

1 MR. LEVIN: May 9th, Your Honor, I believe.

2 THE COURT: Oh. May 9th. Okay. May 9th. So May 8th  
3 and May 9th, the data on those two days.

4 MR. LEVIN: Okay.

5 THE COURT: And the phone will be preserved. And  
6 after you get it, if there is something that gives you, you  
7 know, some reasonable basis to say, "Well, gee, we really  
8 should have had this phone inspected earlier," that would be an  
9 option.

10 MR. LEVIN: Thank you.

11 THE COURT: Okay. Fair enough. So that is what we  
12 will do there.

13 Mr. Franz, is there anything we need to add on the  
14 subject of the defendant's cell phone or the defendant's  
15 phones? Excuse me.

16 MR. FRANZ: Maybe one way to view the possible future  
17 discovery issue, and hear me out on this, you mentioned that  
18 the plaintiff can subpoena the defendant's phone records for a  
19 month before the death.

20 I anticipated that they will be asking for every  
21 person, every employee of the South Florida Council and the Boy  
22 Scouts of America, which is in the thousands, but you had  
23 indicated before that the cell phones of Crompton and Schmidt  
24 and the cell phone of Michael would be tested.

25 Now, that will show, you know, who has a call to and

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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of proceedings in the above-entitled matter.

April 7th 2011

S/JERALD M. MEYERS

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DATE

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JERALD M. MEYERS, RPR-CM