

EXHIBIT 3



February 7, 2011

IRA H. LEESFIELD
Board Certified Civil Trial Lawyer

PATRICIA M. KENNEDY

VIA EMAIL TRANSMISSION:

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ALEXANDER J. PERKINS
Also Admitted in District of Columbia

Mr. Horace Clark
Regional Solicitor
Office of the Regional Solicitor
Southeast Region
75 Spring Street, S.W., Suite 304
Atlanta, GA 30303

ROBERT D. PELTZ
Board Certified Civil Trial Lawyer

Re: *Estate of Michael Sclawy-Adelman v. Boy Scouts of America, et al.*
Our File No.: 09-7337

CAROL L. FINKLEHOFF
Also Admitted in California and Massachusetts

Dear Mr. Clark:

I am writing as a follow up to my conversations with Mike Stevens in order to request the depositions of the following Department of the Interior employees, pursuant to 43.C.F.R. 2.82:

Reply to Miami Office only:
2350 South Dixie Highway
Miami, Florida 33133
305/854-4900
800/836-6400
Fax: 305/854-8266
E-mail: Info@Leesfield.com
Internet: www.Leesfield.com

1. Wynn Carney
2. Gary Shreffler
3. Drew Gilmour
4. Edward Clark
5. Armando Pina (EMT)

Key West:
615 1/2 Whitehead Street
Key West, Florida 33040

In accordance with 43 C.F.R. 2.85, we will be submitting a check for costs to the Department of the Interior.

South Beach:
1111 Lincoln Road
Miami Beach, Florida 33139

The above captioned case is currently pending in the federal district court for the Southern District of Florida. The Court has directed the parties to file the notices of deposition for the various witnesses by Friday, February 11, 2011.

Central Florida/Orlando:
Of Counsel
Bounds Law Group
222 W. Comstock Avenue
Suite 215
Winter Park, Florida 32789

The testimony of the individuals noted above is highly pertinent to our case. On May 9, 2009, Michael Sclawy-Adelman was on a 20-mile hike, sanctioned by the Boy Scouts of America, in an attempt to obtain his Hiking Merit Badge. Michael died of heat stroke during the hike.

LEESFIELD
& PARTNERS

Mr. Horace Clark
Regional Solicitor
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National Park Service Chief Ranger Edward Clark was informed of the situation on the Florida Trail, and was the first to begin coordinating rescue efforts for Michael. EMT Armando Pino was the first to arrive on scene, and attempted to resuscitate him. After Michael was taken via helicopter to the nearest hospital, Rangers Wynn Carney, Gary Shreffler and Drew Gilmour were responsible for investigating this matter and in fact prepared an extensive report. The testimony of these individuals is vital to establishing the precise sequence of events on May 9, 2009, as well as Michael's condition and the treatment he received.

The plaintiffs in this case are Howard Adelman and Judith Sclawy, co-personal representatives of Michael Sclawy-Adelman's estate. The defendants in this case are Boy Scouts of America, South Florida Council, Plantation United Methodist Church, Andrew Schmidt and Howard Crompton. To the best of our knowledge, there are no relationships between any of the parties and the Department's mission and/or programs.

The testimony of the above individuals is not reasonably available from any other source, as they were the limited few who had access to Michael prior to his untimely death and thereafter were actively involved in investigating the circumstances surrounding his death and the hike. Moreover, there are no records available that could be provided and used in lieu of employee testimony. The testimony of the above employees will help frame the last hours of Michael's life, as well as set the background for the conditions of the Florida Trail that day, and other investigations that took place after Michael's death.

This *Touhy* request complies with 43 C.F.R. 2.88 as the depositions will be set according to the best times available for the employees, and should take no more than several hours. Moreover, our office will be happy to travel to the local offices of these employees in order to accommodate their work schedules and to aid in making sure that official business remains unimpeded. Finally, we remain committed to making sure that the employees remain impartial, and are only looking for their unbiased professional observations as to the facts gleaned from their investigation of Michael's death.

Barbie Leon

From: Barbie Leon
Sent: Monday, February 07, 2011 12:38 PM
To: 'horace.clark@sol.doi.gov'
Cc: 'mike.stevens@sol.doi.gov'
Subject: Adelman v. Boy Scouts of America et al./ Our File: 09-7337

Attachments: DOC020711.pdf



DOC020711.pdf
(101 KB)

Dear Mr. Clark:

Please see attached correspondence from Attorney Robert Peltz. Should you have any questions, please do not hesitate to contact our office at the number listed below.

Regards,

Barbie Leon
Legal Assistant to Robert Peltz
Leesfield & Partners, P.A.
2350 South Dixie Highway
Miami, FL 33133
Phone: (305) 854-4900
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Trial Lawyers with offices in Miami, Key West and South Beach - Of Counsel Bounds & Gonzalez in Winter Park, Florida.

For more information about Leesfield & Partners, go to our web site at: www.Leesfield.com.

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