

66450-3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-CV-22236-ASG
Magistrate Judge: Magistrate Judge Jonathan Goodman

HOWARD ADELMAN and JUDITH SCLAWY-
ADELMAN, as Co-Personal Representative 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.

_____/

**DEFENDANT, ANDREW L. SCHMIDT'S, MOTION FOR ENLARGEMENT OF
TIME TO COMPLY WITH COURT ORDERS [DE 235 AND DE 237]**

Defendant, Andrew L. Schmidt, by and through the undersigned counsel, hereby moves this Court for an Enlargement of Time to Comply with Court Orders [DE 234 and DE 237], and as good cause in support thereof, would show as follows:

1. This Court ordered this Defendant to file a written response to Plaintiffs' motion to compel by July 1, 2011. [DE 235 and DE 237]. Defendant Schmidt seeks an enlargement of time to comply through July 6, 2011.
2. Compliance with this Court's Orders creates a hardship on Mr. Schmidt as well as undersigned counsel, and undersigned counsel therefore respectfully requests that this Court modify the Orders so the written response may be filed on or before July 6,

2011, and so the oral argument may commence on July 7, 2011. Plaintiffs' counsel has advised he is unavailable the entire week of July 11th, 2011. Undersigned counsel has vacation planned from July 18, 2011 through July 26, 2011.

3. The Defendant, Andrew L. Schmidt, is presently in Tennessee, and is not returning to south Florida until July 5, 2011.

4. Furthermore, undersigned counsel was asked to become lead counsel in the case of Doe v. Oakridge, set for Trial August 6, 2011, in Broward County, Florida, and has been instructed to appear live for the Plaintiff's liability expert witness deposition on July 8, 2011, in the greater St. Louis, Missouri area. (See Exhibit "A"). The undersigned's responsibility to appear live for this deposition conflicts with this Court's instructions that undersigned counsel needs to personally appear for oral argument on July 8, 2011.

5. On Wednesday and Friday of this week, undersigned counsel is required to prepare for and attend two (2) mediations prior to the current deadline ordered for the written response, due on July 1, 2011. One mediation is in Stuart, Florida, on June 29, 2011 (See Exhibit "B"), and the second is in Ft. Lauderdale, Florida, on July 1, 2011 (See Exhibit "C").

6. Therefore, the Defendant is in need of an enlargement of time to respond to Plaintiffs' motion and to personally appear for oral argument before this Court as directed.

7. No prejudice will result from an enlargement of time to any party.

8. Defendant Schmidt agrees to withdraw objections to 10 of the 32 e-mails.

LR 7.1 CERTIFICATION

Counsel for this Defendant conferred telephonically with Plaintiffs' counsel, who did not oppose a brief enlargement of time. However, Plaintiffs' counsel stated he was not available for oral argument on July 14, 2011 and July 15, 2011, because he will be out of town the week of July 11, 2011. Undersigned counsel is unavailable from July 18, 2011, until July 26, 2011, due to non-refundable tickets to travel to California. (See Exhibit "D").

WHEREFORE, the Defendant, Andrew L. Schmidt, respectfully requests that this Honorable Court grant an enlargement of time until July 6, 2011, for this Defendant to file a written response to Plaintiffs' motion in accordance with this Court's instructions, and reschedule the oral argument for a mutually convenient time.

I HEREBY CERTIFY that on June 28, 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 via transmission of Notices of Electronic Filing generated by CM/ECF.

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

Attorney for Howard K. Crompton

Andrew L. Schmidt

2800 Ponce de Leon Boulevard

Suite 800

Coral Gables, FL 33134

Phone: (305) 448-3939

Fax: (305) 441-1745

By: /s/ Frederick E. Hasty III

Frederick E. Hasty III

Florida Bar No. 260606

Service List

Ira H. Leesfield, Esquire
Leesfield & Partners, P.A.
2350 South Dixie Highway
Miami, FL 33133

Robert D. Peltz, Esquire
Leesfield & Partners, P.A.
2350 South Dixie Highway
Miami, FL 33133

William S. Reese, Esquire
Lane, Reese, Summers, Ennis & Perdomo
Douglas Centre, Suite 304
2600 Douglas Road
Coral Gables, FL 33134

Greg M. Gaebe, Esquire
Gaebe, Mullen, Antonelli, Esco & DiMatteo
420 South Dixie Highway, 3rd Floor
Coral Gables, FL 33146

William L. Summers, Esquire
Lane, Reese, Summers, Ennis & Perdomo
2600 Douglas Road, Suite 304
Coral Gables, FL 33134

Ubaldo J. Perez, Jr., Esquire
Law Office of Ubaldo J. Perez, Jr., P.A.
8181 N.W. 154 Street, Suite 210
Miami Lakes, FL 33016

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