

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.

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**RESPONSE TO PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS TO  
DEFENDANT, ANDREW L. SCHMIDT**

Defendant, ANDREW L. SCHMIDT, 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 Andrew L. Schmidt 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 Andrew L. Schmidt.

**RESPONSE: Admitted.**

3. Admit that Defendant Andrew L. Schmidt has been named properly and in the proper legal capacity based on the allegations of the complaint.

**RESPONSE: Admitted that Andrew L. Schmidt 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 Andrew L. Schmidt 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 Andrew L. Schmidt based on the allegations of the complaint.

**RESPONSE: Admitted.**

6. Admit that Defendant Andrew L. Schmidt 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 Andrew L. Schmidt.

**RESPONSE: Admitted to the extent that Andrew L. Schmidt participated in the organization, planning and leading of the subject hike.**

8. Admit that Defendant Andrew L. Schmidt 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 Andrew L. Schmidt 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, otherwise denied.**

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

**RESPONSE: Admitted.**

I HEREBY CERTIFY that on August 10 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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