

66450-3

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,

CIRCUIT CIVIL DIVISION
CASE NO. 10-CV-22236-ASG

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.

_____ /

AFFIDAVIT OF ANDREW L. SCHMIDT

STATE OF FLORIDA)
) SS.
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, on this day personally appeared
ANDREW L. SCHMIDT, who after being first duly sworn, under oath, deposes and
says:

1. My name is **ANDREW L. SCMIDT**. I am over the age of eighteen (18) and the averments in this Affidavit are based on my personal knowledge.
2. In May of 2009, I was Committee Chair of Boy Scouts of America Troop 111, Plantation, Florida.

3. E-mail #1 on my Privilege Log was sent to Annette Hungler (District Executive, Pine Island District of the South Florida Council), to be directly forwarded to Jeff Hunt. I did not have Jeff Hunt's e-mail address. The e-mail contained information that I was required to provide to the Boy Scouts of America.

4. E-mail #8 on my Privilege Log was sent to Cliff Friedwald (of the South Florida Council) for Boy Scouts of America to provide information that I was required to provide to the Boy Scouts of America.

5. E-mail #9 on my Privilege Log was sent to me by Cliff Friedwald of South Florida Council for Boy Scouts of America to me about information that I was required to provide to the Boy Scouts of America.

6. E-mail #15 on my Privilege Log was sent to Dean Kubler (Committee Member, Troop 111). This e-mail was private and confidential. I expected that it would remain private and confidential as between myself and Dean Kubler. I expected that this e-mail would not be shared with any other persons. No other persons were copied. I expressed personal feelings to Dean.

7. E-mail #16 on my Privilege Log was sent to Blanca Leon, the mother of Kris Leon, a Scout who went on May 9, 2009 hike. The e-mail was copied to Howard Crompton (Scoutmaster, Troop 111) and Chris Zimmerman (First Assistant Scoutmaster, Troop 111). This e-mail was private and confidential, and I expected that it would remain private and confidential as between myself and Blanca Leon. This e-mail was copied to Mr. Crompton and Mr. Zimmerman, because it was a communication with a Scout's mother. I expected that this e-mail would not be shared with any other persons. The

content expressed concerns for the emotional well-being of a youngster whose friend died on the hike, which was confidential. I had an expectation that this message would remain confidential. This e-mail was sent 3 days after the death of Michael.

8. E-mail #18 on my Privilege Log was sent to Dean Kubler (Committee Member, Troop 111, Pine Island District). This e-mail regarded whether Michael Sclawy-Adelman satisfied the requirements for attaining the rank of Eagle Scout. This e-mail was private and confidential. I expected to keep it private and confidential as between myself and Dean Kubler. I expressed personal opinions and expected it to remain confidential between us. No other persons were copied.

9. E-mail #19 on my Privilege Log was sent by Rosemary Novak (Committee Member, Troop 111). The e-mail regarded returning Michael Sclawy-Adelman's property from Naples. This e-mail was private and confidential. I believe that Rosemary Novak expected me to keep it private and confidential as between myself and her. This e-mail happened four days after the death of Michael.

10. E-mail #20 on my Privilege Log was sent to Rosemary Novak (Committee Member, Troop 111). The e-mail regarded returning Michael Sclawy-Adelman's personal property from Naples. This e-mail was private and confidential. This e-mail was sent four days after Michael's death, and related to getting his things back from Naples and nothing else.

11. E-mail #21 on my Privilege Log was sent by Cliff Friedwald (Training Director of the Pine Island District of the South Florida Council) to myself and Howard Crompton (Scoutmaster, Troop 111, Pine Island District). The e-mail regarded the service

for Michael Sclawy-Adelman, and Mr. Freewald's personal feelings. This e-mail was private and confidential. I believe that Cliff Friedwald expected me to keep it confidential. This e-mail was five days after Michael's death.

12. E-mail #22 on my Privilege Log was sent to Howard Crompton (Scoutmaster, Troop 111), Chris Zimmerman (First Assistant Scoutmaster, Troop 111), Cindy Inklebarger (Advancement Coordinator, Committee Member, Troop 111), Pat Quinn (Assistant Scoutmaster, Troop 111), Brad Schmidt (Assistant Scoutmaster, Troop 111), Linda Vedsted (Charter Organization Representative, Plantation United Methodist Church, Troop 111), Dean Kubler (Committee Member, Troop 111), Ron McAlpin (District Advancement Coordinator, Pine Island District), and Dick Ware (Committee Member, Troop 111, Pine Island District). The e-mail expressed my personal opinions about whether Michael Sclawy-Adelman had satisfied the requirements to attain the rank of Eagle Scout. This e-mail I expected would remain private and confidential as between myself and the individuals to whom it was sent. This e-mail was sent five days after Michael's death.

13. E-mail #23 on my Privilege Log was sent by Dean Kubler, (Committee Member, Troop 111) to me and nobody else, five days after Michael's death. The e-mail expressed Dean Kubler's opinions about whether Michael Sclawy-Adelman had satisfied the Scout requirements to attain the rank of Eagle Scout. This e-mail was sent only to me and I considered it to be private and confidential. I believe that Dean Kubler expected me to keep it private and confidential.

14. E-mail #24 on my Privilege Log was sent by Cindy Inklebarker (Advancement Coordinator, Committee Member, Troop 111). The e-mail expressed Cindy Inklebarker's opinions about whether Michael Sclawy-Adelman had satisfied the Scout requirements to attain the rank of Eagle Scout. This e-mail was private and confidential. No other persons were copied. I believe that Cindy expected me to keep it private and confidential. Cindy expressed her personal feeling with an expectation of me keeping her feelings and thoughts confidential. This e-mail was sent to me five days after Michael's died.

15. E-mail #25 on my Privilege Log was sent by Dick Ware (Committee Member, Troop 111). The e-mail expressed Dick Ware's personal opinions about whether Michael Sclawy-Adelman had met the requirements of attaining the rank of Eagle Scout. This e-mail was private and confidential. I believe that Dick Ware expected me to keep it private and confidential. It was sent five days after Michael's death.

16. E-mail #26 on my Privilege Log was sent by Pat Quinn (Assistant Scoutmaster, Troop 111). The e-mail expressed Pat Quinn's personal opinions about whether Michael Sclawy-Adelman had met the requirements to attain the rank of Eagle Scout. I believe that Pat Quinn expected me to keep it private and confidential. Pat's e-mail was sent five days after Michael died.

17. E-mail #27 on my Privilege Log was sent by Linda Vedsted (Charter Organization Representative, Plantation United Methodist Church, Troop 111). The e-mail expressed Linda Vedsted's personal opinions about whether Michael Sclawy-Adelman had met the requirements to attain the rank of Eagle Scout. This e-mail was

private and confidential. I believe that Linda Vedsted expected me to keep it private and confidential as between myself and her. This e-mail was sent five days after Michael died. Linda is on the Committee.

18. E-mail #28 on my Privilege Log was sent by Chris Zimmerman (First Assistant Scoutmaster, Troop 111). The e-mail expressed Chris Zimmerman's personal opinions about whether Michael Sclawy-Adelman had satisfied the requirements of attaining the rank of Eagle Scout. This e-mail was private and confidential. I believe that Chris Zimmerman expected me to keep it private and confidential. This e-mail was sent six days after Michael's death.

19. E-mail #29 on my Privilege Log was sent to Chris Zimmerman (First Assistant Scoutmaster, Troop 111). The e-mail expressed my opinions about whether Michael Sclawy-Adelman had satisfied the requirements of attaining the rank of Eagle Scout. This electronic-mail was private and confidential. I expected that it would remain private and confidential as between myself and Chris Zimmerman. This e-mail was sent six days after Michael died.

20. E-mail #30 on my Privilege Log was sent to Dean Kubler (Committee Member, Troop 111). The e-mail expressed my opinions about whether Michael Sclawy-Adelman had satisfied the requirements of attaining the rank of Eagle Scout. This electronic-mail was private and confidential. I expected that it would remain private and confidential as between myself and Dean Kubler. This e-mail was sent by me seven days after Michael's death.

21. As a custom and habit, e-mail sent to me by Dean Kubler would be kept private and confidential, and I expected Dean Kubler to keep private and confidential e-mail that I sent to him.

FURTHER AFFIANT SAITH NAUGHT.



Andrew L. Schmidt

Sworn to (or affirmed) and subscribed before me this 1st day of August, 2011,
by

SUSAN D. FOX



SUSAN D. FOX
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE090084
Expires 5/15/2015



Notary Public – State of Florida

(Print, Type, Stamp, or Commissioned
Name of Notary Public)

Personally Known OR Produced Identification _____

Type of Identification Produced: _____