

Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

SUBPOENA IN A CIVIL CASE
CASE NO. 10-32346 CA 22
**YOU MAY MAIL RECORDS IN LIEU
OF APPEARING. PLEASE ADVISE THIS
OFFICE OF YOUR DECISION.

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.

Server *lu*
Process # *540*
Date *4-26-11*
Time *12:50*

TO: **Records Custodian of:**
Menorah Gardens and Funeral Chapel
21100 West Griffin Road
Fort Lauderdale, FL 33332
(954) 434-1531

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at
the place, date, and time specified below (list documents or objects).

**Complete file for Michael Sclawy-Adelman (DOB: 5/23/1991) including but not limited to,
notes, memorandum, documents, scraps, phone notes, autopsy-related communications,
bills, death certificates, correspondence to and from any member of the family of Michael
Sclawy-Adelman, e-mails, letters, electronically stored data, and all other documents related
to, confirming, reflecting, and/or embodying services performed, rendered, planned,
undertaken, by Menorah Gardens and Funeral Chapel for Michael Sclawy-Adelman, and his
relatives, family, and/or friends, whether electronic, handwritten, typewritten or otherwise.**

PLACE Wicker, Smith, O'Hara, McCoy & Ford, P.A. 2800 Ponce de Leon Boulevard, Suite 800 Coral Gables, Florida 33134	DATE AND TIME Monday, May 9, 2011 at 10:00 a.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) Attorney for Defendant <i>Frederick E. Hasty III</i>	DATE April 19, 2011
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Frederick E. Hasty III, Esquire 260606 (305) 448-3939	Wicker, Smith, et al. 2800 Ponce de Leon Boulevard Suite 800 Coral Gables, FL 33134
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PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45. Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(D) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified or compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(5) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (iii) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person

resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (vii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (viii) subjects a person to undue burden.

(D) If a subpoena

- (vii) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (viii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (ix) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

APR 21 2011