

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.

**JOINT MOTION TO EXTEND NON-EXPERT DISCOVERY DEADLINE AND
EXPERT WITNESS REPORT DEADLINE**

COMES NOW all Parties, Plaintiffs, Howard Adelman and Judith Sclawy-Adelman, as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, and the Defendants, Boy Scouts of America, The South Florida Council, Inc., Boy Scouts of America, Plantation United Methodist Church, Howard K. Crompton, and Andrew L. Schmidt, by and through their respective undersigned counsel, and pursuant to Fed. R. Civ. P. 6(b), 16(b)(4) and 29(6), hereby jointly file this Motion to Extend Non-Expert Discovery Deadline and Expert Witness Report Deadline, as follows:

1. This is a wrongful death action stemming from an incident that occurred on May 9, 2009, when Michael Sclawy-Adelman died while taking part in a hike in the Big Cypress National Preserve in the Florida Everglades.

2. On August 2, 2011, this Court issued its “Order Granting Parties’ Joint Motion to Extend Pre-Trial and Trial Deadlines”. [DE 261]. The Order sets forth the current deadlines for non-expert discovery and the exchange of expert witness reports.

3. Based upon the Parties’ need for a brief extension of time to complete fact discovery, the Parties agree that there is good cause for a brief extension of the non-expert discovery deadline and the expert witness report deadline. The Parties do not seek to extend any other Pretrial Dates or Trial Dates and Deadlines.

4. The current non-expert discovery deadline is August 31, 2011. [DE 261]. The Parties have agreed to extend the non-expert discovery deadline thirty (30) days, up to and including September 30, 2011.

5. The current expert witness report deadline is September 15, 2011. [DE 261]. The Parties have agreed to extend the expert witness report deadline fifteen (15) days, up to and including September 30, 2011.

6. In support of this motion the Parties would show the Court as follows:

- (a) The Department of Interior is allowing 5 depositions to go forward. Although each of the depositions had been scheduled to occur prior to the discovery cut-off on mutually agreeable dates, shortly before the depositions, two of the depositions were postponed at the request of the witnesses and cannot be re-scheduled until mid-September due to the schedule of the witnesses and the government’s counsel;
- (b) The General Magistrate has recently entered an order providing for additional testing of the decedent’s blood at a laboratory in Pennsylvania. Due to administrative requirements involved in transferring the blood sample from the Medical Examiner’s Office in Miami to the NMS Lab,

the parties do not believe that the testing will be able to take place until mid-September, following which it may be necessary to take the deposition of one or more of the lab technicians;

- (c) A number of depositions of other witnesses have to be re-scheduled due to the requests of the witnesses and the availability of counsel and cannot otherwise be set prior to the existing cut-off.
- (d) The court has recently given the Plaintiff authorization to depose a corporate representative of the South Florida Council, which cannot be scheduled until later in September.

7. The Parties therefore respectfully request this Honorable Court to enter an Order granting this Motion, and extending the non-expert discovery deadline and the expert witness report deadline to September 30, 2011. (See Proposed Order as Exhibit "1").

WHEREFORE, PLAINTIFFS AND DEFENDANTS jointly respectfully request that this Honorable Court extend the non-expert discovery deadline and the expert witness report deadline to September 30, 2011.

Respectfully submitted,

By: /s/ Frederick E. Hasty III
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I HEREBY CERTIFY that on August 26, 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 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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