

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.

**DEFENDANTS, HOWARD K. CROMPTON AND ANDREW L. SCHMIDT'S  
ANSWER, AFFIRMATIVE DEFENSES AND DEMAND FOR JURY TRIAL TO  
PLAINTIFFS' AMENDED COMPLAINT**

Defendants, HOWARD K. CROMPTON and ANDREW L. SCHMIDT, by and  
through the undersigned counsel, and in accordance with the applicable Fed. R. Civ. P.,  
hereby file this Answer, Affirmative Defenses and Demand for Jury Trial, to Plaintiffs'  
Amended Complaint, as follows:

1. Admitted.
2. Admitted.
3. Admitted that MICHAEL SCLAWY-ADELMAN participated in a hike in  
the Florida Trail in the Big Cypress National Park, otherwise denied.
4. Admitted.

5. Admitted.
6. Denied.
7. Denied.
8. Admitted. Michael became dizzy but Denied he was delirious.
9. Denied.
10. Defendants Deny that Andy and the other two Scouts went in search for water. It is Admitted at the end of the trail water was offered to the Scouts. Otherwise Denied.
11. Defendants are without knowledge to Admit or Deny so therefore, Denied.
12. Defendants are without knowledge to Admit or Deny so therefore, Denied.
13. Admitted.
14. Defendants are without knowledge to Admit or Deny so therefore, Denied.
15. Defendants are without knowledge to Admit or Deny so therefore, Denied.
16. Defendants are without knowledge to Admit or Deny so therefore, Denied.
17. Defendants are without knowledge to Admit or Deny so therefore, Denied.
18. Defendants are without knowledge to Admit or Deny so therefore, Denied.
19. Admitted.
20. Defendants are without knowledge to Admit or Deny so therefore, Denied.
21. Defendants are without knowledge to Admit or Deny so therefore, Denied.
22. Defendants are without knowledge to Admit or Deny so therefore, Denied.
23. Defendants are without knowledge to Admit or Deny so therefore, Denied.
24. Defendants are without knowledge to Admit or Deny so therefore, Denied.

25. Defendants are without knowledge to Admit or Deny so therefore, Denied.
26. Defendants are without knowledge to Admit or Deny so therefore, Denied.
27. Defendants are without knowledge to Admit or Deny so therefore, Denied.
28. Admitted.
29. Admitted.
30. Defendants are without knowledge to Admit or Deny so therefore, Denied.
31. Admitted.
32. Denied.
33. Defendants are without knowledge to Admit or Deny so therefore, Denied.
34. Admitted that this Court has subject-matter jurisdiction.

Paragraphs 35 through 44 (Count I) are Denied and strict proof thereof is demanded.

Paragraphs 45 through 52 (Count II) are Denied and strict proof thereof is demanded.

Paragraphs 53 through 62 (Count III) are Denied and strict proof thereof is demanded.

Paragraphs 63 through 70 (Count IV) are Denied and strict proof thereof is demanded.

Paragraphs 71 through 94 (Count V) are not directed to these Defendants and therefore are Denied.

Paragraphs 95 through 111 (Count VI) are not directed to these Defendants and therefore are Denied.

Paragraphs 112 through 133 (Count VII) are not directed to these Defendants and therefore are Denied.

Paragraphs 134 through 139 (Count VIII) are not directed to these Defendants and therefore are Denied.

Paragraphs 140 through 151 (Count IX) are not directed to these Defendants and therefore are Denied.

Paragraphs 152 through 173 (Count X) are not directed to these Defendants and therefore are Denied.

Paragraphs 174 through 179 (Count XI) are not directed to these Defendants and therefore are Denied.

Paragraphs 180 through 191 (Count XII) are not directed to these Defendants and therefore are Denied.

Paragraphs 192 through 204 (Count XIII) are not directed to these Defendants and therefore are Denied.

**DEMAND FOR JURY TRIAL**

These Defendants demand trial by jury.

**FIRST AFFIRMATIVE DEFENSE**

The Decedent and/or Plaintiffs conducted themselves in a negligent manner and as a direct and proximate result of their negligence, they caused or contributed to cause the incident and injuries complained of by Plaintiffs in this action. Therefore, the Plaintiffs are barred from recovery in whole or in part against these Defendants on the basis of comparative negligence.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiffs' damages herein were partially or totally caused by non-parties or persons over whom these Defendants had no dominion or control and, therefore, Defendants seek entitlement to the defenses and privileges set forth in Section 768.81(3) Florida Statutes, with respect to apportionment of fault principles. Any judgment against these Defendants should be reduced by the apportionment of fault allocated on the verdict form at the time of trial to designated *Fabre* defendants and/or co-defendants in this action.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiffs expressly and/or impliedly consented to all, or part of actions which Plaintiffs alleges were the cause of any and/or all of their alleged damages.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against HOWARD K. CROMPTON, and ANDREW L. SCHMIDT, are barred, in whole or in part, by the doctrine of waiver, pursuant to the terms and conditions of the "PARENT PERMISSION FORM" executed by Michael Selawy-Adelman's parent/guardian on August 20, 2008.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's claims against, HOWARD K. CROMPTON, and ANDREW L. SCHMIDT, are barred, in whole or in part, by the doctrine of release, pursuant to the terms and conditions of the "PARENT PERMISSION FORM" executed by Michael Selawy-Adelman's parent/guardian on August 20, 2008.

I HEREBY CERTIFY that on August 18, 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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By:       /s/ Frederick E. Hasty, III

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