

66450-3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISIONHOWARD 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.

NOTICE OF TAKING DEPOSITION DUCES TECUM
(Appearance and Live Testimony Required)

PLEASE TAKE NOTICE that the undersigned attorneys will take the depositions

of:

NAME: **Records Custodian of:**
Alltel Wireless
ATTN: Appearance Team/Legal Department
180 Washington Valley Road
Bedminster, NJ 07921
Fax: (908) 306-7496

DATE AND TIME: **Monday, September 19, 2011 at 9:00 a.m.**

PLACE: **Wicker, Smith, O'Hara, McCoy & Ford, P.A.**
2800 Ponce de Leon Boulevard, Suite 800
Coral Gables, FL 33134

upon oral examination before **U.S. Legal Support**, Notary Public, or any other Notary Public or other officer authorized by law to take depositions in the State of Florida. The


oral examination will continue from day to day until completed. The depositions are being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Florida Rules of Civil procedure in such cases.

Deponent is to bring with him/her the following:

See attached Schedule "A".

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 7th day of September, 2011 to all parties on the attached service list.

WICKER, SMITH, O'HARA, MCCOY &
FORD, P.A.
Attorney for Howard K. Crompton and
Andrew L. Schmidt
2800 Ponce de Leon Boulevard, Suite 800
Coral Gables, FL 33134
Phone: (305) 448-3939
Fax: (305) 441-1745

By: 
Frederick E. Hasty III #48419
Florida Bar No. 260606

Service List

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Ubaldo J. Perez, Jr., Esquire
Law Office of Ubaldo J. Perez, Jr., P.A.
8181 N.W. 154 Street, Suite 210
Miami Lakes, FL 33016

Horace Clark, Esquire
U.S. Department of the Interior
Office of the Regional Solicitor
Southeast Region
75 Spring Street, S.W., Suite 304
Atlanta, GA 30303

Schedule "A"

Any and all documents regarding the following:

- (a) the RF plan for the area of the cell tower at the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida, on May 9, 2009;
- (b) the neighbor cells to the cell tower at the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida, on May 9, 2009;
- (c) the maintenance of the cell tower(s) at the Florida Trail, in the Big Cypress National Preserve, in Everglades, Florida, including drive test and measurements;
- (d) the RF plan for the areas that provide coverage for the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida, through Florida to the Georgia state line. (This includes all towers along this route and the RF plan including towers owned by other companies which Altell has roaming agreements to provide coverage in gap areas not covered by Altell on May 9, 2009).
- (e) the calculated Erlangs for the cell tower at the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida.
- (f) Whether the cell tower at the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida, is sectorized. (Including the orientation and sector plan for the period of May 2009).
- (g) the detailed RF plan that includes roaming partners for the area of the Florida Trail in the Big Cypress National Preserve, in Everglades, Florida from the Ranger Station, north 20 miles and south 10 miles.
- (h) the original equipment in the Big Cypress National Preserve areas in Everglades, FL, is being original Alltel equipment or other equipment;
- (i) the cell tower(s) integrated into the Alltel network if this equipment was originally other than Altell equipment;
- (j) the RF equipment integrated into the Alltel network, including what changes in the back haul made to integrate the towers to an Alltel network;
- (k) the backhaul that was done for this site on May 9, 2009.
- (l) whether the towers in the Big Cypress National Preserve include PDE's or other network-based location equipment during the May 2009 timeframe;
- (m) the type of 911 service available in the Big Cypress National Preserve, in Everglades, FL;
- (n) the evolution and time table of 911 location service for the cell tower on the Florida Trail in the in the Big Cypress National Preserve, in Everglades, Florida, including the dates that this tower first provided Phase 0, Phase I, and Phase II services to the covered area;
- (o) whether on May 5 - 9, 2009, the service in the Big Cypress National Preserve W911 phase II compliant;
- (p) whether any waivers were granted to Alltel allowing continued operation without Phase II;

- (q) how Phase 1 location was provided to the PSAP in May 2009 and the names of any PDE equipment or network configuration.
- (r) the connection between the Verizon or Alltel Mobile Switching Station and the PSAP associated Selective Router, ALI database and voice connection to the PSAP.
- (s) ALI/ANI discrepancy reports received from the PSAP associated with the cell tower on the Florida Trail, in the Big Cypress National Preserve in Everglades, FL;
- (t) the protocol for receiving and handling questions from subscribers who have questions about coverage in specific areas of Florida for the carrier.
- (u) the script provided to customer service in response to the customer query about coverage in specific areas of Florida and the person(s) who wrote this part of the script in effect in May of 2009.
- (v) the work, actions and communications related to connections and protocol between Verizon or Alltel's MSC and the PSAP associated with the Florida Trail, in the Big Cypress National Preserve, Everglades, FL.
- (w) the management of the reconfiguration and other action taken on or about May 6, 2009, required as a result of the Collier County Sheriff's 911 Dispatch move to a new facility (including the initial notification to the carrier of the proposed move; and, all documentation regarding planning, project plans, intermediate notification, test plans and cut over)

Issued by the
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

66450-3

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.

SUBPOENA IN A CIVIL CASE

CASE NO. 10-CV-22236-ASG

TO: Records Custodian of:
Alltel Wireless
ATTN: Appearance Team/Legal Department
180 Washington Valley Road
Bedminster, NJ 07921
Fax: (908) 306-7496

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the
above case.

PLACE OF DEPOSITION

Wicker, Smith, O'Hara, McCoy
& Ford, P.A.
2800 Ponce de Leon Boulevard
Suite 800
Coral Gables, FL 33134

DATE AND TIME

**Monday, September 19, 2011
at 9:00 a.m.**

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).

See attached Schedule "A".

PLACE

Same location as above.

DATE AND TIME

Same date and time as above.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more
officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person
designated, the matters on which the person will testify. Federal Rules of Civil Procedure. 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Attorney for Defendant



Sept. 7, 2011

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

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.

(C) 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.

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

(ii) 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

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

(C) If a subpoena

(iv) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(v) 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

(vi) 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.

Schedule "A"

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