

40756

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Howard Adelman and Judith
Sclawy-Adelman,
as Co-Personal Representatives of
The Estate of Michael Sclawy-Adelman,

Plaintiffs,

vs.

Boy Scouts of America, a Foreign
Corporation;
The South Florida Council Inc.,
Boy Scouts of America;
Plantation United Methodist Church;
Howard K. Crompton, individually; and
Andrew L. Schmidt, individually,

CASE NO: 1:10-CV-22236-ASG

Judge: ALAN S. GOLD

Defendants.

**NOTICE OF SERVICE OF FED. R. CIV. P. 26 INITIAL
DISCLOSURES OF DEFENDANT
SOUTH FLORIDA COUNCIL INC.**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A), (B), (C), and (D), Defendant, South Florida Council Inc., Boy Scouts of America (“South Florida Council”) makes its initial disclosures as follows:

1 Individuals likely to have discoverable information and upon whom Defendant may rely to support its claims or defenses, unless solely for impeachment, and identifying the subjects

of the information:

Josh Christ (South Florida Council Director of Field Service)

Knowledge of his contacts with the family of the decedent prior to the suit, primarily as it relates to helping arrange a tribute to Michael Sclawy-Adelman. Also, he has general knowledge of the structure of the scouting movement; the general organization of the South Florida Council; publications offered by South Florida Council; and the relationship of Boys Scouts of America, Howard K. Crompton, Andrew L. Schmidt, Plantation United Methodist Church to the South Florida Council.

Jeff Hunt (past South Florida Council Scout Executive)

Knowledge of South Florida Council's contact with the family of Michael Sclawy-Adelman after learning of his death.

Rich Levenson (South Florida Volunteer Council Commissioner)

Knowledge of South Florida Council's contact with the family of Michael Sclawy-Adelman after learning of his death.

Chase Howard Crompton

A scout, son of Howard K. Crompton, who was present on the practice hike, hike preparation meetings and on the subject hike on May 9, 2009 when the incident occurred.

Kristopher Lee Leon

A scout who was present on the practice hike, hike preparation meetings the subject hike on May 9, 2009 when the incident occurred.

Christopher Leon's mother

She has general knowledge of the subject hike on May 9, 2009 that her son participated in.

“James (last name unknown)”

A scout who was present during the practice hikes and pre-hike meetings but who did not attend the May 9, 2009 hike.

Armando Rodolfo Fina

US Forest Service Firefighter present at the scene of the incident on May 9, 2009.

Kevin P. O’Neill (Major Crimes Investigator - Collier County Sheriff’s Office)

May have knowledge pertaining to the investigation of the incident.

J.R. Comings (c/o Collier County Sheriff’s Office)

The reporting officer for the subject incident who filled out the incident report.

Howard K. Crompton (named Defendant)

He has knowledge of the incident in question and his training and experience.

Andrew L. Schmidt (named Defendant)

He has knowledge of the incident in question and his training and experience.

2 A description of documents, data compilations, and tangible things, by category, and location, which may be used to support the South Florida Council’s claims or defenses, unless solely for impeachment:

- **The Medical Examiner’s file for Michael Sclawy-Adelman concerning the May 9,**

2009 incident.

- **The Incident Reports #09-13212 and #09-0194 (supplemental narrative) related to the subject incident involving Michael Sclawy-Adelman provided by the United States Department of the Interior, National Park Service.**
- **The 911 tape in possession of the Collier County Sheriff's Department.**
- **Photographs taken of Michael Sclawy-Adelman and of the scene where he was located when Fire Rescue arrived.**
- **Park Ranger records.**
- **A Parent Permission Form used by Plaintiffs' Troop in 2008-2009.**
- **A Medical Form and Health Insurance Information for Michael Sclawy-Adelman.**
- **Boy Scouts of America publications and training materials including, but not limited to, "Guide to Safe Scouting," "The Troop Committee Guidebook," "Boy Scouts of America Field Guide," "The Scoutmaster Handbook," "Boy Scouts Handbook," "Hiking Merit Badge Book" and "First Aid Merit Badge Book."**
- **Materials obtained through the website maintained by Plaintiffs' Troop including calendar of events and parent permission forms.**
- **2009 Charter Agreement for Plantation United Methodist Church and Charter Renewal Application.**
- **Materials related to Plaintiff's Troop including roster, applications and registrations for its youth and adult membership.**
- **Troop Advancement Reports**
- **Tour Permit Application for the May 9, 2009 Big Cypress Preserve Hike.**

- **Cell phone records for Howard Crompton for May 9, 2009.**
- **GPS records related to the location of the incident.**

3 **No damages are being sought by the South Florida Council.**

4 **Insurance: The Boy Scouts of America Risk Management Program may provide insurance coverage to satisfy part or all of a judgment that may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.**

By: _____s/Kevin D. Franz_____

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Attorneys for Defendant, South Florida Council

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was mailed August 27, 2010 to: Mark A. Sylvester, Esq., LEESFIELD & PARTNERS, P.A., 2350 South Dixie Highway, Miami, FL, 33133; Frederick E. Hasty, Esquire, Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A., Grove Plaza Building, 5th floor, 2900 Middle Street, Miami, FL, 33133; Greg Gaebe, Esq., Devang Desai, Esq., Gaebe, Mullen Antonelli, Esco & DiMatteo, 420 S. Dixie Highway, Third Floor, Coral Gables, FL, 33146.

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