

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,

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

vs.

Judge: ALAN S. GOLD

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,

Defendants.

**NOTICE OF SERVICE OF FED. R. CIV. P. 26 AMENDED INITIAL
DISCLOSURES OF DEFENDANT
BOY SCOUTS OF AMERICA**

Pursuant to Fed. R. Civ. P. 26(a)(1)(A), (B), (C), and (D), Defendant Boy Scouts of America makes its amended 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:

Unless provided, the telephone number and address for the below-listed persons/entities, are unknown.

Richard Bourlon or Boy Scouts of America Corporate Representative concerning Health and Safety (c/o Boy Scouts of America)

May have knowledge of the manuals, instruction book, guidelines and similar materials developed and made available by Boy Scouts of America and which relate to hiking, first aid and general safety. May also have has general knowledge of the structure of the scouting movement.

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.

10349 NW 2nd Ct
Plantation, FL 33324
(954) 474-9910

Kristopher Lee Leon

A scout who was present on the practice hike and at hike preparation meetings regarding the subject hike.

1680 SW 22nd Ave.
Fort Lauderdale, FL 33312
(954) 583-4550

Kristopher Leon's mother

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

1680 SW 22nd Ave.
Fort Lauderdale, FL 33312
(954) 583-4550

“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 Pina

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

33100 Tamiami Trail East
Ochopee, FL 34141 (Home)
(305) 242-7740

Oasis Visitor Center (work)
(239) 695-1225

Mike O’Leary (Big Cypress Aviation/Fire Cache Manager)

May have knowledge of the incident described in the above-captioned law suit.

Bruce Dissel (Helicopter Manager)

May have knowledge of the incident described in the above-captioned law suit.

Helicopter 981RL
Big Cypress Aviation

Gary Freeman (Helicopter Pilot)

May have knowledge of the incident described in the above-captioned law suit.

Helicopter 981RL
Big Cypress Aviation

**Kevin P. O'Neill (Major Crimes Investigator - Collier County Sheriff's Office)
ID: 2518**

May have knowledge pertaining to the investigation of the incident.

3301 Tamiami Trail East, Bldg. J
Naples, FL 34112
(239) 774-4434

**J.R. Comings (c/o Collier County Sheriff's Office)
ID: 2039, District 7, Unit 7B50**

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

3301 Tamiami Trail East, Bldg. J
Naples, FL 34112
(239) 774-4434

Natalie Felber (c/of Collier County Sheriff's Office, CCSO PIO, ID # 2924)

May have knowledge of the investigation of the incident described in the above-captioned law suit

3301 Tamiami Trail East, Bldg. J
Naples, FL 34112
(239) 774-4434

Special Agent Dave Mayeski

May have knowledge of the investigation of the incident described in the above-captioned law suit

(828) 736-1671

Sergeant Wrobleski (c/o Collier County Sheriff's Office)

May have knowledge of the investigation of the incident described in the above-captioned law suit.

3301 Tamiami Trail East, Bldg. J
Naples, FL 34112
(239) 774-4434

McFadden (communication supervisor c/o Collier County Sheriff's Office)

ID: 2499

May have knowledge of the investigation of the incident described in the above-captioned law suit

3301 Tamiami Trail East, Bldg. J
Naples, FL 34112
(239) 774-4434

Investigator Terrie Morgenthal (SAO)

May have knowledge of the investigation of the incident described in the above-captioned law suit

Howard K. Crompton (named Defendant)

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

10349 NW 2nd Ct
Plantation, FL 33324
(954) 474-9910
(954) 401-3338

Andrew L. Schmidt (named Defendant)

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

911 East Country Club Cir.
Plantation, FL 33317
(954) 328-5527
(954) 696-7453

Linda Vedsted (Chartered Organization Representative)

May have knowledge concerning Troop 111 and Plantation United Methodist Church

5860 NW 15th St.
Sunrise, FL 33313
(954) 295-5641

N. Dean Kubler (Former Scout Master)

May have knowledge concerning The Florida Trail

1820 E. Oak Knoll Circle
Davie, FL 33324

Annette Hungler (Former District Executive for Pine Island)

May have knowledge concerning some of the parties to this action.

(305) 364-0020

Bob (last name unknown) (National Weather Service-Miami)

May have knowledge of the weather conditions on the Florida Trail on May 9, 2009

11691 Southwest 17th Street
Miami, FL 33165
(305) 229-4522

Kent Wimmer (Florida Trail Association)

David Denham (Florida Trail Association)

May have knowledge of the conditions on the Florida Trail on May 9, 2009

Florida Trail Association
5415 SW 13th St.
Gainesville, FL 32608
(850) 528-5261

United States Park Rangers (National Park Services - Big Cypress National Preserve

Ranger Wynn Carney (239) 340-8395 (knowledge of the incident in question in Big Cypress National Park; helped prepare incident record -narrative sheet)

Chief Ranger Edward Clark (239) 340-8395 (knowledge of the incident in question in Big Cypress National Park; helped prepare supplemental narrative)

Ranger Gary Shreffler (239) 340-0121 (knowledge of the incident in question in Big Cypress National Park; helped prepare incident record)

Supervisory Park Ranger Drew Gilmour (239) 340-8395 (knowledge of the incident in question in Big Cypress National Park; helped prepare incident record and narrative sheet)

National Park Service
Big Cypress National Preserve
HCR 61, Box 110
Ochopee, FL 34141

Howard Adelman and Judith Sclawy-Adelman (Plaintiffs)

Knowledge pertaining to claims made in the above-captioned law suit.

1262 Crossbill Ct.
Weston, FL 33327
(954) 389-5587

**District Twenty Medical Examiner
Manfred C. Borges, M.D. (Associate Medical Examiner)
Dr. Marta Coburn (Collier County Chief Medical Examiner)**

May have knowledge pertaining to the Initial Notification of Death Form for Michael Sclawy-Adelman including terminal event information

3838 Domestic Avenue
Naples, FL 34104
(239) 434-5020

Naples Community Hospital (where Michael Sclawy-Adelman was transported on 5/9/2009)

Eric (last name unknown) (emergency room supervisor): may have knowledge of the decedent's medical condition

350 7th St North
Naples, FL 34102
(239) 436-5000

Jackson Memorial Hospital Laboratories

May have information concerning the condition of Michael Sclawy-Adelman

1611 NW 12th Ave.
Miami, FL 33136

Marianne M. Mills (Public Affairs Specialist, United States Department of the Interior, National Park Service)

May have knowledge of information in the possession fo the National Pak Service concerning the subject incident.

100 Alabama Street SW, 1924 Building
Atlanta, GA 30303
(404) 507-5600

David Velga (Regional Director/Southeast Region, United States Department of the Interior, National Park Service)

May have knowledge of information in the possession fo the National Pak Service concerning the subject incident.

100 Alabama Street SW, 1924 Building
Atlanta, GA 30303
(404) 507-5600

Patricia Courtelyou-Hamilton (Attorney-Advisor, Office of the Regional Solicitor)

May have knowledge of information in the possession of the National Park Service concerning the subject incident.

U.S. Department of the Interior
75 Spring Street, SW Suite 304
Atlanta, GA 30303

Reverend Dr. Sam Wright (Pastor - Executive Officer - Plantation United Methodist Church)

May have knowledge concerning the Plantation United Methodist Church and Troop 111. May have knowledge about Charter agreements concerning the Church.

1001 NW 70th Avenue
Plantation, FL 33313
(954) 584-7500

Reverend Timothy Smiley (Executive Officer - Plantation United Methodist Church)

May have knowledge concerning the Plantation United Methodist Church and Troop 111. May have knowledge about Charter agreements concerning the Church.

6136 Rose Terrace
Plantation, FL 33317

Jeffrey Fliegenspan, M.D.

May have knowledge of the decedent's medical condition

3126 North Federal Highway
Lighthouse Point, FL 33064

Ronald Bullard, M.D.

May have knowledge of the decedent's medical condition

1835 North Corporate Lakes Blvd.
Weston, FL 33326

Jose Flores, M.D.

May have knowledge of the decedent's medical condition

5800 Colonial Dr., Suite 405
Margate, FL 33063

Walter Fingerer, M.D.

May have knowledge of the decedent's medical condition

3001 NW 49 Ave.
Lauderdale Lakes, FL 33313

Mark Mautner, D.M.D.

May have knowledge of the decedent's medical condition

1601 North Palm Ave.,
Pembroke Pines, FL 33026

Robert Sheinberg, D.P.M.

May have knowledge of the decedent's medical condition

1600 Town Center Blvd., Suite C
Weston, FL 33326

Mark Dorfman, M.D.

May have knowledge of the decedent's medical condition

2740 Hollywood Blvd.
Hollywood, FL 33020

Jose G. Poliak, M.D.

May have knowledge of the decedent's medical condition

5800 Colonial Dr.
Pompano Beach, FL 33063

Jeffrey Heilig, D.M.D.

May have knowledge of the decedent's medical condition

1040 Weston Rd., Suite 300
Weston, FL 33326

Jacqueline Schwartz, M.D

May have knowledge of the decedent's medical condition

2605 North Hiatus Road
Hollywood, FL 33026

Kenneth Taylor, M.D.

May have knowledge of the decedent's medical condition

4440 Sheridan St.
Hollywood, FL 33021

Dade County Medical Examiner Department (Toxicology Division)

May have information regarding the decedent's medical condition

Number One on Bob Hope Road
Miami, FL 33136
(305) 545-2400

Bethesda Memorial Hospital (Medical Records, Radiology Department, Billing Department)

May have information regarding the decedent's medical condition

2815 S. Seacrest Blvd.
Boynton Beach, FL 33435

West Regional Hospital (Medical Records, Radiology Department, Billing Department)

May have information regarding the decedent's medical condition

8201 W. Broward Blvd.
Plantation, FL 33324

Memorial Hospital West (Medical Records, Radiology Department, Billing Department)

May have information regarding the decedent's medical condition

703 N. Flamingo Rd.
Pembroke Pines, FL 33028

Miami Children's Hospital (Medical Records, Radiology Department, Billing Department)

May have information regarding the decedent's medical condition

3100 WE 62nd Ave.
Miami, FL 33155

All witness listed by Plaintiffs and Co-Defendants

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:

Unless otherwise noted, the documents are in the South Florida Council's possession. All materials concern the policies and procedures for Troop 111, Plantation United Methodist Church, the South Florida Council and/or Boy Scouts of America; factual information surrounding the subject incident on May 9, 2009.

- **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.**
- **Photographs taken of Michael Sclawy-Adelman taken at the hospital, which were obtained by the Collier County Sheriff's office.**
- **Photographs taken during subject hike on May 9, 2009.**
- **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 from 2006 through the present.

- **Troop Advancement Reports**
- **E-mail correspondence to and from Howard Adelman and Judith Sclawy-Adelman pertaining to Michael Sclawy-Adelman and the subject incident.**
- **Sworn statement of Kristopher L. Leon.**
- **Sworn statement of Howard K. Crompton in possession of Collier County Sheriff's Office.**
- **Sworn statement of Armando Rodolfo Pinain possession of Collier County Sheriff's Office.**
- **CAD Detail Report for OI Number : 09-13212, report number LSO090509013212.**
- **Howard K. Crompton's cell phone records for May 9, 2009.**
- **Laboratory report from Jackson Memorial Hospital Laboratories**
- **Personnel file for Howard K. Crompton and Andrew L. Schmidt.**
- **Incomplete 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, not in the South Florida Council's possession.**
- **Photos related to Michael Sclawy-Adleman from PowerPoint presentation for Eagle Banquet in 2010.**

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. Insurance policies are available for inspection and copying.**

By: _____s/Kevin D. Franz_____

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Kevin D. Franz, Esq.

Florida Bar No. 015243

kfranz@lanereese.com

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PERDOMO, P.A.

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Douglas Centre, Suite 304

Coral Gables, FL 33134

Phone: (305) 444-4418

Fax: (305) 444-5504

Attorneys for Defendant, Boy Scouts of America

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true copy of the foregoing was mailed September 3, 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.

By: _____s/Kevin D. Franz_____

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The South Florida Council, Inc.