

44756

IN THE CIRCUIT COURT FOR THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

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

10-32346 CA22

Plaintiffs,

vs.

**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,**

ORIGINAL  
FILED  
JUN 08 2010  
HARVEY RUVIN  
CLERK

Defendants.

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

Plaintiffs, **Howard Adelman and Judith Sclawy-Adelman**, as Co-Personal Representatives of **The Estate of Michael Sclawy-Adelman**, by and through undersigned counsel, hereby sue Defendants **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**; for damages and allege as follows:

1. At all times material, and in particular on May 9, 2009, Michael Sclawy-Adelman, a minor, was a resident of Florida.

2. At all times material, and in particular on May 9, 2009, Michael Sclawy-Adelman, a minor, was a member of Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America (hereinafter "South Florida Council").
3. On May 9, 2009, Michael Sclawy-Adelman, a minor, took part in a 20 mile Boy Scout sanctioned and organized hike through the "The Florida Trail" in the Big Cypress National Park of the Florida Everglades (hereinafter "the Hike").
4. The Hike was organized, planned, and led by two adult Scoutmasters, Howard K. Crompton and Andrew L. Schmidt.
5. In addition to the two adult scoutmasters and Michael Sclawy-Adelman, there were two other minor Boy Scouts on the Hike.
6. On May 9, 2009, temperatures in the Florida Everglades were recorded at 100 degrees Fahrenheit.
7. At approximately mid-day on May 9, 2009, on approximately the 10<sup>th</sup> mile of the Hike, with temperatures around 100 degrees Fahrenheit, Michael Sclawy-Adelman began exhibiting signs of Heat Exhaustion. Nevertheless, the Hike was continued.
8. On the afternoon of May 9, 2009, at approximately the 15<sup>th</sup> mile of the Hike, with temperatures around 100 degrees Fahrenheit, Michael Sclawy-Adelman became dizzy, disoriented, and delirious.
9. On the afternoon of May 9, 2009, at approximately mile 15 of the 20 mile Hike, with temperatures hovering around 100 degrees Fahrenheit, Michael Sclawy-Adelman, died of heat stroke.
10. Global Positioning System (GPS) data gathered from the GPS used by one of the Scoutmasters, and information gathered from investigative reports, indicated that the

group was stopped at mile 15 of the Hike for more than 1 ½ hours before an emergency call was placed to 911.

11. First responders indicated that the surviving minor Boy Scouts showed signs of dehydration.

**-THE PARTIES-**

**The Plaintiffs**

12. Plaintiffs Howard Adelman and Judith Sclawy were the natural and biological parents of their minor son, Michael Sclawy-Adelman, deceased.

13. Plaintiffs Howard Adelman and Judith Sclawy have been, or soon will be, appointed Co-Personal Representatives of the Estate of Michael Sclawy-Adelman.

**Defendant Boy Scouts of America**

14. Defendant Boy Scouts of America is a corporation registered to do business and doing business in the State of Florida, including Miami-Dade County, Florida.

15. Defendant Boy Scouts of America has a principal business address of 1325 West Walnut Hill Lane, Suite 406, Irving, Texas 75038-3008.

16. Defendant Boy Scouts of America operates, promotes, oversees, guides, sets standards, and establishes policies, protocols, and procedures for youth organizations nationally through various local, state, and regional organizations.

17. Defendant Boy Scouts of America operates, promotes, oversees, and guides, sets standards, and establishes policies for youth organizations within the State of Florida, and in particular in Miami-Dade, and Broward County.

18. Defendant Boy Scouts of America grants charters to local councils and local organizations to operate and conduct Boy Scout activities within their geographic areas.

**Defendant South Florida Council**

19. Defendant South Florida Council Inc., Boy Scouts of America (hereinafter "South Florida Council") is a Florida corporation for business doing business in Broward, Miami-Dade, and Monroe County, Florida; with its principal place of address being 15255 NW 82<sup>nd</sup> Street, Miami Lakes, Florida 33016.

20. Defendant South Florida Council is a charter organization of the Boy Scouts of America.

21. Defendant South Florida Council as a charter organization of the Boy Scouts of America, serves to administer the programs, guidelines, and policies of Defendant Boy Scouts of America in Broward, Miami-Dade, and Monroe County, Florida.

22. Defendant South Florida Council is divided into districts responsible for the operation of Boy Scout programs and the implementation of Boy Scout guidelines, policies, procedures, and protocols; including the Pine Island District.

**Defendant Plantation United Methodist Church**

23. Defendant Plantation United Methodist Church is a corporation registered to do business in the State of Florida, with a principal business address of 1001 NW 70<sup>th</sup> Avenue, Plantation, Florida 33313.

24. Defendant Plantation United Methodist Church is a chartered organization of Defendant Boy Scouts of America and Defendant South Florida Council.

25. At all times material, Defendant Plantation United Methodist Church as a chartered organization of Defendant Boy Scouts of America and Defendant South Florida Council, operated Troop 111 of the Pine Island District of the South Florida Council.

26. At all times material, Defendant Plantation United Methodist Church as a chartered organization of Defendant Boy Scouts of America and Defendant South Florida Council, was responsible for the operation of Boy Scout programs and the implementation of Boy Scout guidelines, policies, procedures, and protocols as it related to Troop 111 of the Pine Island District of the South Florida Council.

**Defendant Howard K. Crompton**

27. At all times material, Defendant Howard K. Crompton was, and is, a resident of Florida, and is otherwise *sui juris*.

28. At all times material, and in particular on or about May 9, 2009, Defendant Howard K. Crompton was acting as a Scoutmaster for Troop 111 of the Pine Island District of Defendant South Florida Council of the Boy Scouts of America.

29. At all times material, and in particular on or about May 9, 2009, Defendant Howard K. Crompton was acting as an actual and/or apparent agent or servant of Defendant Plantation United Methodist Church, Defendant South Florida Council of the Boy Scouts of America, and Defendant Boy Scouts of America.

**Defendant Andrew L. Schmidt**

30. At all times material, Defendant Andrew L. Schmidt was, and is, a resident of Florida, and is otherwise *sui juris*.

31. At all times material, and in particular on or about May 9, 2009, Defendant Andrew L. Schmidt was acting as a Scoutmaster for Troop 111 of the Boy Scouts of America, Pine Island District of Defendant South Florida Council of the Boy Scouts of America.

32. At all times material, and in particular on or about May 9, 2009, Defendant Andrew L. Schmidt was acting as an actual and/or apparent agent or servant of Defendant Plantation United Methodist Church, Defendant South Florida Council of the Boy Scouts of America, and Defendant Boy Scouts of America.

### **JURISDICTION**

33. This is an action for damages well in excess of this Court's required minimum jurisdictional limit of \$15,000.00, exclusive of costs and interest, and otherwise within the jurisdiction of this Court.

### **COUNT I** **NEGLIGENCE OF HOWARD K. CROMPTON**

34. Plaintiffs affirm and re-allege paragraphs 1 through 13, 27-29, and 33 as if fully set forth herein, and alternatively and concurrently further allege that:

35. Defendant Howard K. Crompton, as an adult Scoutmaster who organized, planned, and led 3 minor Boy Scouts, in particular minor Michael Sclawy-Adelman, on a 20-mile through the Florida Everglades, had a duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman.

36. Defendant Howard K. Crompton was negligent and breached his duty of care by committing the following acts or omissions, including, but not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;

- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;
- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress.
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress.
- j. Failing to have proper communication equipment for the Hike;
- k. Failing to have proper equipment for the Hike;
- l. Failing to recognize an emergency situation;
- m. Failing to properly and timely respond to an emergency situation;
- n. Failing to undertake adequate emergency planning;
- o. Failing to otherwise properly plan for the subject Hike;
- p. Failing to otherwise properly prepare for the subject Hike;
- q. Failing to otherwise properly conduct the subject Hike;
- r. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

37. As a direct and proximate result of the aforementioned negligence of Defendant Howard K. Crompton, minor Michael Sclawy-Adelman died in the Florida Everglades.

38. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Howard K. Crompton which resulted in the death of Michael Sclawy-Adelman.

39. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Howard K. Crompton in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT II**  
**NEGLIGENT SUPERVISION BY HOWARD K. CROMPTON**

40. Plaintiffs affirm and re-allege paragraphs 1 through 13, 27, and 33 as if fully set forth herein, and alternatively and concurrently further allege that:

41. Defendant Howard K. Crompton, as an adult leading 3 minors, in particular minor Michael Sclawy-Adelman, on a 20-mile through the Florida Everglades, had a duty to use reasonable care in the supervision of the minors entrusted to his care, in particular, Michael Sclawy-Adelman.



42. Defendant Howard K. Crompton was negligent and breached his duty to use reasonable care in the supervision of the minors entrusted to his care, in particular Michael Sclawy-Adelman, by committing the following acts or omissions, including, but not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;
- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress;
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress;
- j. Failing to timely communicate an emergency situation to rescue personnel;
- k. Failing to recognize an emergency situation;
- l. Failing to properly and timely respond to an emergency situation;
- m. Failing to undertake adequate emergency planning;
- n. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

43. As a direct and proximate result of the aforementioned negligence of Defendant Howard K. Crompton, minor Michael Sclawy-Adelman died in the Florida Everglades.

44. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Howard K. Crompton which resulted in the death of Michael Sclawy-Adelman.

45. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE,** Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Howard K. Crompton in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT III**  
**NEGLIGENCE OF ANDREW L. SCHMIDT**

46. Plaintiffs affirm and re-allege paragraphs 1 through 13, and 30-33 as if fully set forth herein, and alternatively and concurrently further allege that:

47. Defendant Andrew L. Schmidt, as an adult Scoutmaster who organized, planned, and led 3 minor Boy Scouts, in particular minor Michael Sclawy-Adelman, on a 20-mile through the Florida Everglades, had a duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman.

48. Defendant Andrew L. Schmidt, was negligent and breached his duty of care by committing the following acts or omissions, including, but not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;
- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress.
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress.
- j. Failing to have proper communication equipment for the Hike;
- k. Failing to have proper equipment for the Hike;
- l. Failing to recognize an emergency situation;
- m. Failing to properly and timely respond to an emergency situation;
- n. Failing to undertake adequate emergency planning;

- o. Failing to otherwise properly plan for the subject Hike;
- p. Failing to otherwise properly prepare for the subject Hike;
- q. Failing to otherwise properly conduct the subject Hike;
- r. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

49. As a direct and proximate result of the aforementioned negligence of Defendant Andrew L. Schmidt, minor Michael Sclawy-Adelman died in the Florida Everglades.

50. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Andrew L. Schmidt which resulted in the death of Michael Sclawy-Adelman.

51. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE,** Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Andrew L. Schmidt in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as

allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT IV**  
**NEGLIGENT SUPERVISION BY ANDREW L. SCHMIDT**

52. Plaintiffs affirm and re-allege paragraphs 1 through 13, 30, and 33 as if fully set forth herein, and alternatively and concurrently further allege that:

53. Defendant Andrew L. Schmidt, as an adult leading 3 minors, in particular minor Michael Sclawy-Adelman, on a 20-mile through the Florida Everglades, had a duty to use reasonable care in the supervision of the minors entrusted to his care, in particular, Michael Sclawy-Adelman.

54. Defendant Andrew L. Schmidt, was negligent and breached his duty to use reasonable care in the supervision of the minors entrusted to his care, in particular Michael Sclawy-Adelman, by committing the following acts or omissions, including, but not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;

- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress;
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress;
- j. Failing to timely communicate an emergency situation to rescue personnel;
- k. Failing to recognize an emergency situation;
- l. Failing to properly and timely respond to an emergency situation;
- m. Failing to undertake adequate emergency planning;
- n. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

55. As a direct and proximate result of the aforementioned negligence of Defendant Andrew L. Schmidt, minor Michael Sclawy-Adelman died in the Florida Everglades.

56. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Andrew L. Schmidt which resulted in the death of Michael Sclawy-Adelman.

57. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages

against Defendant Andrew L. Schmidt in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT V**  
**NEGLIGENCE OF BOY SCOUTS OF AMERICA**

58. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

59. Defendant Boy Scouts of America had a duty to use reasonable care for the health, safety, and well-being of Boy Scout Michael Sclawy-Adelman.

60. Defendant Boy Scouts of America was negligent and breached their duty of care by committing the following acts or omissions, including, but not limited to:

- a. Failure to adopt and implement adequate guidelines for the planning, preparation, and conduct of Boy Scout hikes;
- b. Failure to adopt and implement adequate guidelines for recognizing and responding to emergency situations on Boy Scout hikes;
- c. Failure to adopt and implement adequate guidelines and standards for the selection of Scoutmasters;
- d. Failure to adopt and implement adequate policies, protocols, and procedures for the planning, preparation, and conduct of Boy Scout hikes;
- e. Failure to adopt and implement adequate policies, protocols, and procedures for recognizing and responding to emergency situations of Boy Scout hikes;
- f. Failure to adopt and implement adequate policies, protocols, and procedures for the selection of Scoutmasters;
- g. Failure to provide proper instruction and training to local councils, charter organizations, districts, and troops relative to the planning, preparation, and conduct of Boy Scout hikes;

- h. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to recognizing and responding to emergency situations on Boy Scout hikes;
- i. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to the selection of Scoutmasters;
- j. Failure to provide adequate and proper instruction and training to Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- k. Failure to provide adequate and proper instruction and training to Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- l. Failure to provide adequate and proper supervision to local councils, charter organizations, troop units, and Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- m. Failure to provide adequate and proper supervision to local councils, charter organizations, troop units, and Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- n. Failure to provide adequate and proper supervision local councils, charter organizations, relative to the selection of Scoutmasters;
- o. Failing to properly review and evaluate the performance of Scoutmasters;
- p. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

61. As a direct and proximate result of the aforementioned negligence of Defendant Boy Scouts of America, minor Michael Sclawy-Adelman died in the Florida Everglades.

62. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Boy Scouts of America which resulted in the death of Michael Sclawy-Adelman.

63. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by



Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Boy Scouts of America in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT VI**  
**NEGLIGENCE OF THE SOUTH FLORIDA COUNCIL INC.,**  
**BOY SCOUTS OF AMERICA**

64. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

65. Defendant South Florida Council had a duty to use reasonable care for the health, safety, and well-being of Boy Scout Michael Sclawy-Adelman.

66. Defendant South Florida Council was negligent and breached their duty of care by committing the following acts or omissions, including, but not limited to:

- a. Approving the subject 20 mile hike through the Florida Everglades;
- b. Failure to adopt and implement adequate guidelines for the planning, preparation, and conduct of Boy Scout hikes;
- c. Failure to adopt and implement adequate guidelines for recognizing and responding to emergency situations on Boy Scout hikes;

- d. Failure to adopt and implement adequate guidelines and standards for the selection of Scoutmasters;
- e. Failure to adopt and implement adequate policies, protocols, and procedures for the planning, preparation, and conduct of Boy Scout hikes;
- f. Failure to adopt and implement adequate policies, protocols, and procedures for recognizing and responding to emergency situations of Boy Scout hikes;
- g. Failure to adopt and implement adequate policies, protocols, and procedures for the selection of Scoutmasters;
- h. Failure to provide proper instruction and training to local councils, charter organizations, districts, and troops relative to the planning, preparation, and conduct of Boy Scout hikes;
- i. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to recognizing and responding to emergency situations on Boy Scout hikes;
- j. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to the selection of Scoutmasters;
- k. Failure to provide adequate and proper instruction and training to Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- l. Failure to provide adequate and proper instruction and training to Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- m. Failure to provide adequate and proper supervision to local councils, charter organizations, troop units, and Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- n. Failure to provide adequate and proper supervision to local councils, charter organizations, troop units, and Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- o. Failure to provide adequate and proper supervision to local councils and charter organizations relative to the selection of Scoutmasters;
- p. Failing to properly review and evaluate the performance of Scoutmasters;
- q. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

67. As a direct and proximate result of the aforementioned negligence of Defendant South Florida Council, minor Michael Sclawy-Adelman died in the Florida Everglades.

68. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant South Florida Council which resulted in the death of Michael Sclawy-Adelman.

69. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant South Florida Council in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT VII**  
**THE SOUTH FLORIDA COUNCIL INC., BOY SCOUTS OF AMERICA:**  
**NEGLIGENT SELECTION AND RETENTION OF SCOUTMASTERS**

70. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

71. Defendant South Florida Council had a duty to minor Michael Sclawy-Adelman to use reasonable care in the selection and retention of Scoutmasters for Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America.

72. Defendant South Florida Council was negligent and breached their duty of care by selecting and retaining Scoutmasters Howard K. Crompton and Andrew L. Schmidt, and committing the following acts or omissions, including, but not limited to:

- a. Failing to select and retain properly and adequately qualified Scoutmasters;
- b. Failing to select and retain properly and adequately trained Scoutmasters;
- c. Retaining Howard K. Crompton and Andrew L. Schmidt as Scoutmasters when they were not properly and adequately trained, instructed, or versed in acting as Scoutmasters;
- d. Retaining Scoutmasters Howard K. Crompton and Andrew L. Schmidt as Scoutmasters when they did not display a proper degree of reasonable care in the performance of Scouting activities;
- e. Failing to properly and timely review the performance of Scoutmasters Howard K. Crompton and Andrew L. Schmidt;
- f. Any and all other acts or omissions that constitute a failure to use reasonable care in the selection and retention of Scoutmasters for Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America that are discovered during the course of this lawsuit.

73. As a direct and proximate result of the aforementioned negligence of Defendant South Florida Council, minor Michael Sclawy-Adelman died in the Florida Everglades.

74. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant South Florida Council which resulted in the death of Michael Sclawy-Adelman.

75. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant South Florida Council in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT VIII**  
**THE SOUTH FLORIDA COUNCIL INC., BOY SCOUTS OF AMERICA:**  
**NEGLIGENT SUPERVISION**

76. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

77. Defendant South Florida Council had a duty to Boy Scout Michael Sclawy-Adelman to use reasonable care in the supervision of Scoutmasters Howard K. Crompton and Andrew L. Schmidt.

78. Defendant South Florida Council was negligent and breached their duty of care by committing the following acts or omissions, including, but not limited to:

- a. Approving the subject 20 mile hike through the Florida Everglades;

- b. Failing to prevent these Scoutmasters from conducting a 20 mile hike through the Florida Everglades in 100 degree Fahrenheit temperatures;
- c. Failing to ensure that these Scoutmasters were properly and adequately conducting Scouting activities;
- d. Failing to ensure that these Scoutmasters were properly and adequately instructed and trained in conducting Scouting activities;
- e. Failing to ensure that these Scoutmasters were properly and adequately abiding by National, State, and Local guidelines and standards, including those of the Boys Scouts of America, for conducting Scouting activities, in particular, hiking;
- f. Failing to properly and timely review the performance of Scoutmasters Howard K. Crompton and Andrew L. Schmidt;
- g. Any and all other acts or omissions that constitute a failure to use reasonable care in the selection and retention of Scoutmasters for Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America that are discovered during the course of this lawsuit.

79. As a direct and proximate result of the aforementioned negligence of Defendant South Florida Council, minor Michael Sclawy-Adelman died in the Florida Everglades.

80. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant South Florida Council which resulted in the death of Michael Sclawy-Adelman.

81. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant South Florida Council in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT IX**  
**NEGLIGENCE OF PLANTATION UNITED METHODIST CHURCH**

82. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

83. Defendant Plantation United Methodist Church had a duty to use reasonable care for the health, safety, and well-being of Boy Scout Michael Sclawy-Adelman.

84. Defendant Plantation United Methodist Church was negligent and breached their duty of care by committing the following acts or omissions, including, but not limited to:

- a. Approving the subject 20 mile hike through the Florida Everglades;
- b. Failure to adopt and implement adequate guidelines for the planning, preparation, and conduct of Boy Scout hikes;
- c. Failure to adopt and implement adequate guidelines for recognizing and responding to emergency situations on Boy Scout hikes;
- d. Failure to adopt and implement adequate guidelines and standards for the selection of Scoutmasters;
- e. Failure to adopt and implement adequate policies, protocols, and procedures for the planning, preparation, and conduct of Boy Scout hikes;
- f. Failure to adopt and implement adequate policies, protocols, and procedures for recognizing and responding to emergency situations of Boy Scout hikes;

- g. Failure to adopt and implement adequate policies, protocols, and procedures for the selection of Scoutmasters;
- h. Failure to provide proper instruction and training to local councils, charter organizations, districts, and troops relative to the planning, preparation, and conduct of Boy Scout hikes;
- i. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to recognizing and responding to emergency situations on Boy Scout hikes;
- j. Failure to provide proper instruction and training to local councils and charter organizations, districts, and troops relative to the selection of Scoutmasters;
- k. Failure to provide adequate and proper instruction and training to Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- m. Failure to provide adequate and proper instruction and training to Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- n. Failure to provide adequate and proper supervision local councils, charter organizations, troop units, and Scoutmasters relative to the planning, preparation, and conduct of Boy Scout hikes;
- o. Failure to provide adequate and proper supervision local councils, charter organizations, troop units, and Scoutmasters relative to recognizing and responding to emergency situations on Boy Scout hikes;
- p. Failure to provide adequate and proper supervision local councils, charter organizations, relative to the selection of Scoutmasters;
- q. Failing to properly review and evaluate the performance of Scoutmasters;
- r. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

85. As a direct and proximate result of the aforementioned negligence of Defendant Plantation United Methodist Church , minor Michael Sclawy-Adelman died in the Florida Everglades.



86. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Plantation United Methodist Church which resulted in the death of Michael Sclawy-Adelman.

87. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Plantation United Methodist Church in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT X**  
**PLANTATION UNITED METHODIST CHURCH:**  
**NEGLIGENT SELECTION AND RETENTION OF SCOUTMASTERS**

88. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

89. Defendant Plantation United Methodist Church had a duty to minor Michael Sclawy-Adelman to use reasonable care in the selection and retention of Scoutmasters for

Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America.

90. Defendant Plantation United Methodist Church was negligent and breached their duty of care by selecting and retaining Scoutmasters Howard K. Crompton and Andrew L. Schmidt, and committing the following acts or omissions, including, but not limited to:

- a. Failing to select and retain properly and adequately qualified Scoutmasters;
- b. Failing to select and retain properly and adequately trained Scoutmasters;
- c. Retaining Howard K. Crompton and Andrew L. Schmidt as Scoutmasters when they were not properly and adequately trained, instructed, or versed in acting as Scoutmasters;
- d. Retaining Scoutmasters Howard K. Crompton and Andrew L. Schmidt as Scoutmasters when they did not display a proper degree of reasonable care in the performance of Scouting activities;
- e. Failing to properly and timely review the performance of Scoutmasters Howard K. Crompton and Andrew L. Schmidt;
- f. Any and all other acts or omissions that constitute a failure to use reasonable care in the selection and retention of Scoutmasters for Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America that are discovered during the course of this lawsuit.

91. As a direct and proximate result of the aforementioned negligence of Defendant Plantation United Methodist Church, minor Michael Sclawy-Adelman died in the Florida Everglades.

92. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Plantation United Methodist Church which resulted in the death of Michael Sclawy-Adelman.

93. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by

Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Plantation United Methodist Church in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT XI**  
**PLANTATION UNITED METHODIST CHURCH: NEGLIGENT SUPERVISION**

94. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

95. Defendant Plantation United Methodist Church had a duty to Boy Scout Michael Sclawy-Adelman to use reasonable care in the supervision of Scoutmasters Howard K. Crompton and Andrew L. Schmidt.

96. Defendant Plantation United Methodist Church was negligent and breached their duty of care by committing the following acts or omissions, including, but not limited to:

- a. Approving a 20 mile hike through the Florida Everglades in 100 degree Fahrenheit temperatures;
- b. Failing to prevent these Scoutmasters from conducting a 20 mile hike through the Florida Everglades in 100 degree Fahrenheit temperatures;

- c. Failing to ensure that these Scoutmasters were properly and adequately conducting Scouting activities;
- d. Failing to ensure that these Scoutmasters were properly and adequately instructed and trained in conducting Scouting activities;
- e. Failing to ensure that these Scoutmasters were properly and adequately abiding by National, State, and Local guidelines and standards, including those of the Boys Scouts of America, for conducting Scouting activities, in particular, hiking;
- f. Failing to properly and timely review the performance of Scoutmasters Howard K. Crompton and Andrew L. Schmidt;
- g. Any and all other acts or omissions that constitute a failure to use reasonable care in the selection and retention of Scoutmasters for Boy Scout Troop 111 of the Pine Island District of the South Florida Council Inc., Boy Scouts of America that are discovered during the course of this lawsuit.

97. As a direct and proximate result of the aforementioned negligence of Defendant Plantation United Methodist Church, minor Michael Sclawy-Adelman died in the Florida Everglades.

98. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Plantation United Methodist Church which resulted in the death of Michael Sclawy-Adelman.

99. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Plantation United Methodist Church in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT XII**  
**PLANTATION UNITED METHODIST CHURCH:**  
**VICARIOUS LIABILITY FOR ACTS OF HOWARD K. CROMPTON**

100. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

101. On or about May 9, 2009, Defendant Howard K. Crompton was an employee, servant, agent, or apparent agent of Defendant Plantation United Methodist Church, performing as a Scoutmaster for Boy Scout Troop 111 of the Pine Island District.

102. Defendant Howard K. Crompton was previously selected by Defendant United Methodist Church to serve as a Scoutmaster for Boy Scout Troop 111 of the Pine Island District.

103. At all times material on May 9, 2009, Defendant Howard K. Crompton was serving in his role as Scoutmaster for Boy Scout Troop 111 of the Pine Island District, to which he was selected by Defendant United Methodist Church.

104. Defendant Howard K. Crompton, as an adult Scoutmaster who organized, planned, and led 3 minor Boy Scouts, in particular minor Michael Sclawy-Adelman, on a

20-mile hike through the Florida Everglades, had a duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman.

105. Defendant Howard K. Crompton, was negligent and breached his duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman, and pursuant to Florida law, Defendant Plantation United Methodist Church is vicariously liable for the acts or omissions of Defendant Howard K. Crompton which include, but are not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;
- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress.
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress.
- j. Failing to have proper communication equipment for the Hike;
- k. Failing to have proper equipment for the Hike;
- l. Failing to recognize an emergency situation;

- m. Failing to properly and timely respond to an emergency situation;
- n. Failing to undertake adequate emergency planning;
- o. Failing to otherwise properly plan for the subject Hike;
- p. Failing to otherwise properly prepare for the subject Hike;
- q. Failing to otherwise properly conduct the subject Hike;
- r. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

106. As a direct and proximate result of the aforementioned negligence of Defendant Howard K. Crompton, of which Defendant Plantation United Methodist Church is vicariously liable, minor Michael Sclawy-Adelman died in the Florida Everglades.

107. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Howard K. Crompton, of which Defendant Plantation United Methodist Church is vicariously liable, and which resulted in the death of Michael Sclawy-Adelman.

108. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE**, Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages

against Defendant Plantation United Methodist Church in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

**COUNT XIII**  
**PLANTATION UNITED METHODIST CHURCH:**  
**VICARIOUS LIABILITY FOR ACTS OF ANDREW L. SCHMIDT**

109. Plaintiffs affirm and re-allege paragraphs 1 through 33 as if fully set forth herein, and alternatively and concurrently further allege that:

110. On or about May 9, 2009, Defendant Andrew L. Schmidt was an employee, servant, agent, or apparent agent of Defendant Plantation United Methodist Church, performing as a Scoutmaster for Boy Scout Troop 111 of the Pine Island District.

111. Defendant Andrew L. Schmidt was previously selected by Defendant United Methodist Church to serve as a Scoutmaster for Boy Scout Troop 111 of the Pine Island District.

112. At all times material on May 9, 2009, Defendant Andrew L. Schmidt was serving in his role as Scoutmaster for Boy Scout Troop 111 of the Pine Island District, to which he was selected by Defendant United Methodist Church.

113. Defendant Andrew L. Schmidt, as an adult Scoutmaster who organized, planned, and led 3 minor Boy Scouts, in particular minor Michael Sclawy-Adelman, on a 20-mile through the Florida Everglades, had a duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman.



114. Defendant Andrew L. Schmidt , was negligent and breached his duty to use reasonable care for the health, safety, and well-being of Michael Sclawy-Adelman, and pursuant to Florida law, Defendant Plantation United Methodist Church is vicariously liable for the acts or omissions of Defendant Andrew L. Schmidt which include, but are not limited to:

- a. Planning a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- b. Conducting a 20-mile hike through the Florida Everglades in 100 degree Fahrenheit weather;
- c. Failing to obtain proper and accurate weather information for the day of the hike;
- d. Failing to follow guidelines for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- e. Failing to follow policies, protocols, and procedures for hiking established by local, state, and national organizations, including the Boy Scouts of America;
- f. Failing to undertake proper training for leading minors on the Hike;
- g. Failing to properly recognize the signs and symptoms of heat exhaustion and heat stroke;
- h. Failing to take proper action after Michael Sclawy-Adelman began to show signs of distress.
- i. Continuing the Hike after Michael Sclawy-Adelman began to show signs of distress.
- j. Failing to have proper communication equipment for the Hike;
- k. Failing to have proper equipment for the Hike;
- l. Failing to recognize an emergency situation;
- m. Failing to properly and timely respond to an emergency situation;
- n. Failing to undertake adequate emergency planning;
- o. Failing to otherwise properly plan for the subject Hike;
- p. Failing to otherwise properly prepare for the subject Hike;

- q. Failing to otherwise properly conduct the subject Hike;
- r. Any and all other acts or omissions that constitute a failure to use reasonable care that are discovered during the course of this lawsuit.

115. As a direct and proximate result of the aforementioned negligence of Defendant Andrew L. Schmidt, of which Defendant Plantation United Methodist Church is vicariously liable, minor Michael Sclawy-Adelman died in the Florida Everglades.

116. Plaintiffs, as heretofore set forth, suffered damages as a direct and proximate result of the negligence and carelessness of Defendant Andrew L. Schmidt, of which Defendant Plantation United Methodist Church is vicariously liable, and which resulted in the death of Michael Sclawy-Adelman.

117. Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman, claim all damages allowed by Florida's Wrongful Death Act (Florida Statute §768 et. seq.), including, but not limited to mental pain and suffering, loss of consortium, companionship, affection and protection, medical expenses and/or funeral expenses, loss of support and services, contributions in kind, loss of net accumulations, and loss of household services, and any and all elements of damages allowable under Florida law.

**WHEREFORE,** Plaintiffs Howard Adelman and Judith Sclawy as Co-Personal Representatives of the Estate of Michael Sclawy-Adelman demand judgment for damages against Defendant Plantation United Methodist Church in excess of the minimal jurisdictional limits of this court, as well as pre-judgment interest as allowed by law, post-judgment interest as allowed by law, and costs to the extent permitted by law, and demand trial by jury of all issues so triable.

Dated this 8<sup>th</sup> day of June, 2010.

**LEESFIELD & PARTNERS, P.A.**

Attorneys for the Plaintiffs

2350 South Dixie Highway

Miami, FL 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

Email: Sylvester@Leesfield.com

Email: Leesfield@Leesfield.com

By:



**Mark A. Sylvester, Esq.**

Fla. Bar No. 178561

**Ira H. Leesfield, Esq.**

Fla. Bar No. 140270

IN THE CIRCUIT COURT FOR THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

10-32346CA22

**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,**

Defendants.

Steve Frahl  
SPS # 279  
6/16/10 -  
10:51 AM

**CIVIL ACTION SUMMONS**

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the  
Complaint on:

**BOY SCOUTS OF AMERICA**

**By Serving Registered Agent: Paul Beal**  
**73800 Overseas Highway**  
**Islamorada, FL 33036**

**IMPORTANT**

A lawsuit has been filed against you. You have 20 calendar days after this  
summons is served on you to file a written response to the attached Complaint in this

RECEIVED

JUN 17 2010

RISK MANAGEMENT

Court. A phone call will not protect you; your written response, including the above case number and named parties, must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (list in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, located at: Clerk, Circuit Court, 73<sup>rd</sup> West Flagler Street, Miami, Florida 33130, you must also mail or take a carbon copy or photocopy of your written response to the Plaintiff's attorney noted below:

### **IMPORTANTE**

Usted ha sido demandado legalmente. Tiene 20 días, contados a partir del recibo de esta notificación, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefónica no lo protegerá. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el número del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, pudiese perder el caso y podría ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guía telefónica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, deberá usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's attorney" (Demandante o Abogado del Demandante).

### **IMPORTANT**

Des poursuites judiciaires ont été entreprises contre vous. Vous avez 20 jours consécutifs à partir de la date de l'assignation de cette citation pour déposer une réponse écrite à la plainte ci-jointe auprès de ce Tribunal. Un simple coup de téléphone est insuffisant pour vous protéger; vous êtes obligé de déposer votre réponse écrite, avec mention du numéro de dossier ci-dessus et du nom des parties nommées ici, si vous souhaitez que le Tribunal entende votre cause. Si vous ne déposez pas votre réponse écrite dans le délai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent être saisis par la suite, sans aucun préavis ultérieur du Tribunal. Il y a d'autres obligations juridiques et vous pouvez requérir les services immédiats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez téléphoner à un service de référence d'avocats ou à un bureau d'assistance juridique (figurant à l'annuaire de téléphones).

Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's attorney (Plaignant ou à son avocat) nommé ci-dessous.

**MARK SYLVESTER, ESQUIRE  
LEESFIELD & PARTNERS, P.A.  
2350 South Dixie Highway  
Miami, Florida 33133  
Telephone: 305-854-4900  
Facsimile: 305-854-8266**

DATED ON \_\_\_\_\_, 2010.

**JULY 08 2010**

HARVEY RUVIN  
as Clerk of the Court

By: \_\_\_\_\_

as Deputy Clerk  
(Court Seal)

**NOTICE TO PERSONS WITH DISABILITIES:**

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact (the Court ADA Coordinator) (Attorney AA Coordinator) no later than seven days prior to the proceeding. Telephone (305-375-2006 Court ADA number) (305-279-2130 Attorney Number) for assistance; if hearing impaired, telephone (1-800-955-8771 Florida Relay Service Number) for assistance.

IN THE CIRCUIT COURT FOR THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 10-32346 CA22

**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,**

Defendants.

*Pascual 1312*  
*6/15/10*  
*10:25A*

**CIVIL ACTION SUMMONS**

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the  
Complaint on:

**THE SOUTH FLORIDA COUNCIL, BOY SCOUTS OF AMERICA**

**By Serving Registered Agent: Joshua Christ**  
**15255 N.W. 82<sup>nd</sup> Avenue**  
**Miami Lakes, FL 33016**

**IMPORTANT**

A lawsuit has been filed against you. You have 20 calendar days after this  
summons is served on you to file a written response to the attached Complaint in this

Court. A phone call will not protect you; your written response, including the above case number and named parties, must be filed if you want the Court to hear your case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or legal aid office (list in the phone book).

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### **IMPORTANTE**

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### **IMPORTANT**

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Si vous choisissez de déposer vous-même une réponse écrite, il vous faudra également, en même temps que cette formalité, faire parvenir ou expédier une copie de votre réponse écrite au "Plaintiff/Plaintiff's attorney (Plaignant ou à son avocat) nommé ci-dessous.

**MARK SYLVESTER, ESQUIRE  
LEESFIELD & PARTNERS, P.A.  
2350 South Dixie Highway  
Miami, Florida 33133  
Telephone: 305-854-4900  
Facsimile: 305-854-8266**

DATED ON       JUN 08 2010      , 2010.

HARVEY RUVIN  
as Clerk of the Court

By: \_\_\_\_\_  
as Deputy Clerk  
(Court Seal)

**NOTICE TO PERSONS WITH DISABILITIES:**

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact (the Court ADA Coordinator) (Attorney AA Coordinator) no later than seven days prior to the proceeding. Telephone (305-375-2006 Court ADA number) (305-279-2130 Attorney Number) for assistance; if hearing impaired, telephone (1-800-955-8771 Florida Relay Service Number) for assistance.

IN THE CIRCUIT COURT FOR THE  
11TH JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 10-32346 CA22

1055 MD  
61510 R36  
a

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

Defendants.

**CIVIL ACTION SUMMONS**

THE STATE OF FLORIDA:

To Each Sheriff of Said State:

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the  
Complaint on:

**HOWARD K. CROMPTON  
10349 N.W. 2<sup>nd</sup> Court  
Plantation, FL 33324-1749**

**IMPORTANT**

A lawsuit has been filed against you. You have 20 calendar days after this  
summons is served on you to file a written response to the attached Complaint in this  
Court. A phone call will not protect you; your written response, including the above case