

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO. 10-CV-22236-ASG**

**HOWARD ADELMAN AND JUDITH SCLAWY**  
as Co-Personal Representatives of the  
**ESTATE OF MICHAEL SCLAWY-ADELMAN,**

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,**

Defendants.

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**PLAINTIFFS' RESPONSE TO COURT ORDER DATED 12/13/10  
RELATED TO GPS DEVICE**

In response to the Court Order (DE # 68), and previous to the Court Order requiring a status report, the parties all met and conferred in a one-hour telephone conference.

From the Plaintiffs' perspective, and we believe from every parties' perspective, there is no remaining controversy surrounding the inspection, control or testing of the GPS device. (Please see previous status report dated December 13, 2010 paragraph 2. F)(DE # 69).

Plaintiffs' counsel would submit to the Court that counsel are in agreement that the GPS device will be inspected upon proper notice with all parties and their experts present at a mutually convenient time and place.

The parties do not wish to unnecessarily take the Court's time and believe that this matter has been resolved among experienced counsel in a very simple and straight-forward way.

Accordingly, unless the Court is apprised differently, we would request that the Court need not schedule a discovery conference on December 29, 2010, and that all the parties are in agreement that there will be no testing or usage of the subject GPS device until all counsel and their experts are present so as to avoid any prejudice to any party. This is a rather standard procedure regarding evidence inspection.

Plaintiffs have provided the Court with proposed order.

#### **GOOD FAITH CERTIFICATE**

I HEREBY CERTIFY that counsel for the Plaintiffs has made an attempt to confer with all parties who may be affected by the relief sought in this response in a good faith effort to resolve the issues.

Dated: December 17, 2010  
Miami, Florida

Respectfully submitted,

s/Ira H. Leesfield  
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#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 17, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ IRA H. LEESFIELD  
IRA H. LEESFIELD

**SERVICE LIST**

**HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN  
VS.  
BOY SCOUTS OF AMERICA, et al  
CASE NO.: 10-CV-22236-ASG**

**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA**

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**ORDER**

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THIS CAUSE having come before the Court and the Court having ordered a status report as to the issue related to the GPS/Garmin eTrex device owned by Defendant, Howard Crompton, counsel having conferenced by telephone it is hereby

ORDERED that

1. Said GPS/Garmin eTrex device will be inspected at a mutually convenient time and place with all parties and their experts present and there will be no usage, destruction, or alteration of the device until that events occurs.
2. The hearing on December 29, 2010 set by the Court is therefore moot.

DONE and ORDERED in Chambers at Miami-Dade County, Florida this \_\_\_\_ day  
of December, 2010.

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CHRIS McALILEY  
UNITED STATES MAGISTRATE JUDGE

cc: All Counsel of Record