

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 10-CV-22236-ASG
Magistrate Judge: Magistrate Judge Chris M. McAliley

HOWARD ADELMAN and JUDITH SCLAWY-
ADELMAN, as Co-Personal Representative of the
Estate of MICHAEL SCLAWY-ADELMAN,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, THE SOUTH
FLORIDA COUNCIL, INC.; BOY SCOUTS OF
AMERICA; PLANTATION UNITED
METHODIST CHURCH; HOWARD K.
CROMPTON, individually; and ANDREW L.
SCHMIDT, individually,

Defendants.

**DEFENDANTS', HOWARD K. CROMPTON AND ANDREW L. SCHMIDT,
NOTICE OF FILING GPS MEMORANDUM**

The Defendants, HOWARD K. CROMPTON and ANDREW L. SCHMIDT, by
and through the undersigned counsel, and in accordance with this Court's Order
Following Status Report [DE 68], hereby files their GPS Memorandum, as follows:

1. These Defendants respond to this Court's Order Following Status Report
[DE 68] as follows. The protocol described herein was previously communicated by
facsimile today, December 21, 2010, to all counsel but is not yet agreed to by counsel.

2. These Defendants have consulted with a forensic expert in the field of
GPS devices and information, who believes the GPS device should be inspected as

follows, and the parties can avail themselves of the information on the device by the following proposed procedure:

- a. The GPS device remains sealed and is brought to an independent forensic laboratory in Raleigh, North Carolina, that specializes in the extraction of data.
 - b. Undersigned counsel will volunteer to hand carry the GPS device in the evidence bag to the independent forensic laboratory whereupon at an agreed date and time the evidence bag can be opened and the information stored on the GPS device is retrieved by the independent forensic laboratory.
 - c. The independent laboratory performs non-destructive testing performed in the presence of Plaintiffs' and Defendants' experts, as well as counsel, that will read the GPS data contained on the device and all other relevant data therein.
 - d. The independent lab may provide factual data as to any data updates, modifications or destruction that may have occurred between May 7, 2009, and the day of testing.
 - e. The independent forensic laboratory shall provide a report and the data of the contents to all parties for their own evaluation.
 - f. The laboratory cost and charges be split equally by the Plaintiff and the Defendants.
 - g. Plaintiffs' and the Defendants' experts can do what they wish with their set of the data taken off the GPS device.
3. The counsel may offer additional recommendations to this procedure. If

counsel agree, undersigned counsel will notify this Court.

I HEREBY CERTIFY that on December 21, 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 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.

WICKER, SMITH, O'HARA, MCCOY &
FORD, P.A.

Attorney for Howard K. CromptonAndrew
L. Schmidt

Grove Plaza, 5th Floor
2900 S.W. 28th Terrace
Miami, FL 33133
Phone: (305) 448-3939
Fax: (305) 441-1745

By: /s/ Frederick E. Hasty, III
Frederick E. Hasty III
Florida Bar No. 260606

Service List

William S. Reese, Esquire
Lane, Reese, Summers, Ennis & Perdomo
Douglas Centre, Suite 304
2600 Douglas Road
Coral Gables, FL 33134

Greg M. Gaebe, Esquire
Gaebe, Mullen, Antonelli, Esco & DiMatteo
420 South Dixie Highway, 3rd Floor
Coral Gables, FL 33146

Ira H. Leesfield, Esquire
Leesfield & Partners, P.A.
2350 South Dixie Highway
Miami, FL 33133