

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

CASE NO. 10-CV-22236-ASG

**HOWARD ADELMAN AND JUDITH
SCLAWY-ADELMAN**, 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.

**PLAINTIFFS' MOTION FOR STATUS AND SCHEDULING
CONFERENCE TO BE SET ON 02/11/2011**

Plaintiffs respectfully move for an Order setting a status and scheduling conference on February 11, 2011, to be held following the oral argument the Court has scheduled on Defendants' Motion for Leave to Amend Affirmative Defenses and state:

1. The Court has set oral argument for February 11, 2011, [See ECF 72] on Defendant South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's [ECF 62] and Defendant Plantation United Methodist Church's [ECF 66] motions to amend their affirmative defenses to add a *Fabre* defendant.

2. The Court has previously issued an Order regarding the scheduling of discovery and deposition [ECF 39]. **The Court has ordered that all non-expert discovery must be completed by April 8, 2011.**

3. Plaintiffs, in a lengthy telephone conference with all Defense counsel on December 8, 2010, specifically requested dates for the depositions of the representatives and employees of each Defendant. At that time, the Defendants requested that the Plaintiffs' provide them with a general description of witnesses to be deposed. The Plaintiffs immediately did so, and in addition, offered the dates of January 27, 2011, and January 28, 2011, for the Plaintiffs' depositions. (See letter of December 9, 2010, attached as Exhibit "A.").

4. To date, more than two weeks later, not a single Defendant has responded with proposed deposition dates for their clients' representatives and employees, nor has any defendant responded as to whether they will take the Plaintiffs' depositions on January 27 and 28.

5. **With a discovery cut-off little more than 90 days away,** the Plaintiffs are justifiably concerned that absent a Court Order, Defendants will not timely provide dates for crucial depositions which are absolutely necessary for the progress of the case. Numerous out-of-state depositions must be scheduled in Irving, Texas, as well as the many depositions that must be taken in South Florida. Given the necessity of coordinating the schedules and availability of at least four attorneys, to match the schedules and availability of the many witnesses, dates must be provided and committed to now. Otherwise, the parties will be unable to meet the Court's April 8, 2010, discovery completion deadline.

6. It is estimated that approximately ten (15) minutes will be required for the status conference. A proposed Order is attached hereto as Exhibit B.

WHEREFORE, Plaintiffs respectfully request that this Court set a status and scheduling conference to be held on February 11, 2011, following the oral argument already set for that date, and that the Court order all parties to bring their calendars at that time, or otherwise to appear before Magistrate McAliley so that the depositions of Defendants' respective representatives/employees and other witnesses may be set, and to order any additional relief consistent with streamlining the discovery in this case.

Respectfully submitted,

/s/ Ira H. Leesfield
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Fla. Bar No. 140270
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Trial Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 23, 2011, 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

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the movant has conferred with all parties or non-parties who may be affected by the relief sought in this motion in a good faith effort to resolve the issues but has been unable to do so or has made reasonable efforts to confer with all parties or non-parties who may be affected by the relief sought in the motion, but has been unable to do so.

/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

<p>IRA H. LEESFIELD LEESFIELD & PARTNERS, P.A. 2350 S. Dixie Highway Miami, Florida 33133 Telephone: 305-854-4900 Facsimile: 305-854-8266 E-mail: leesfield@leesfield.com <i>Attorneys for the Plaintiffs</i></p> <p>FREDERICK E. HASTY, III WICKER, SMITH, O'HARA, MCCOY, GRAHAM & FORD, P.A. Grove Plaza Building, 5th Floor 2900 Middle Street Miami, Florida 33133 Telephone: 305-448-3939 Facsimile: 305-441-1745 Email: fhasty@wickersmith.com <i>Attorneys for Howard K. Crompton and Andrew L. Schmidt</i></p>	<p>WILLIAM S. REESE KEVIN D. FRANZ LANE, REESE, SUMMERS, ENNIS & PERDOMO, P.A. 2600 Douglas Road Douglas Centre, Suite 304 Coral Gables, Florida 33134 Telephone: 305-444-4418 Facsimile: 305-444-5504 Email: wreese@lanereese.com kfranz@lanereese.com <i>Attorneys for Boys Scouts of America and The Defendant South Florida Council, Inc.; Boy Scouts of America</i></p> <p>GREG M. GAEBE GAEBE, MULLEN, ANTONELLI & DiMATTEO 420 South Dixie Highway, 3rd Floor Coral Gables, FL 33146 305-667-0223 305-284-9844 – Fax Email: ggaebe@gaebemullen.com <i>Attorneys for Plantation United Methodist Church</i></p>
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EXHIBIT A



December 9, 2010

BEA H. LEESFIELD
Executive Vice President

EXTROCIAM KENNEDY

MARK A. SYLVESTER

THOMAS SCOLARO

ALEXANDER J. PERKINS
Vice President, Discovery Counsel

Via E-Mail

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Via E-Mail

Frederick E. Hasty, III, Esq.
WICKER, SMITH, O'HARA et al.,
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Fhasty@wickersmith.com

Re: Estate of Michael Sclawy-Adelman v. Boy Scouts of America, et al.

Dear Counsel:

I thought yesterday's telephone conference was very productive. I appreciate your cooperation in moving the discovery process along and in resolving, to the extent we can, the issues related to document discovery. As we discussed, here is the information regarding the depositions the Plaintiffs wish to take.

With respect to Boys Scouts of America in February 2011:

- The corporate representative with the most knowledge of every procedure related to outdoor scouting activities, in particular, hiking, trekking, any other physical scouting activities, first aid, medical assistance, emergency preparedness, and communication procedures in case of emergency. We also wish to depose the person or persons who formulate and enforce the organization's policies related to each of the areas mentioned herein. If one person does not satisfy all of the categories, please let us know in advance so we can set aside ample time.

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Miami Beach, Florida 33139

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Office
Brenda Gonzalez
222 W. Comstock Avenue
Suite 215
Winter Park, Florida 32789

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In addition, we wish to depose:

- The Chief Scout Executive of Boy Scouts of America (Robert Mazzuca)
- The organization's health safety administrator/officer by whatever title known;
- The authors and/or custodians of all health, safety, and emergency procedures;
- The person who formulates all information and communicates policies related to the investigations of injuries and deaths arising from, occurring in the course of, and/or related to scouting activities;
- The Records custodian of Adelman case within the organization;
- The Records custodian with the most knowledge and information on the communications of rules, regulations and procedures related to (1) hiking activities and (2) rescue, safety, and emergency procedures
- The person responsible for all scouting policies/procedures/guidelines on hiking safety;
- The person within the organization who Crompton and Schmidt report to in their capacities as scoutmasters and/or who Troop 111 reports to,
- The person within the organization who the South Florida Council, Boy Scouts of America reports to or communicates with;
- The person who formulates and/or is responsible for guidelines and policies for selection of scout masters;
- The person who formulates and/or is responsible for guidelines and policies for scoutmaster training ;

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& PARTNERS

December 9, 2010

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- The person who formulates and/or is responsible for guidelines and policies for first aid and emergency situations;
- The person who receives information and/or corresponds with any representative of any of the co-defendants in this case including Messrs. Schmidt, Crompton, Scout Troop 111, the South Florida Council, Messrs. John Anthony, Joshua Crist, and Jeff Hunt;
- The person with the most knowledge of the facts and circumstances surrounding and related to the death of Michael Sclawy-Adelman.

Once Bill confirms the dates for these witnesses, we will notice the depositions, duces tecum. We will ask that the witnesses have with them at their depositions any and all correspondence between Boy Scouts of America, Troop 111, and all other defendants that is not privileged and work product; any materials provided by Boy Scouts of America to Troop 111, South Florida Council, and all other defendants dealing with the issue of hiking safety, first aid, administration of first aid; and all documents related to the subject matter of their designated knowledge as set forth above.

I may need to revise this list as we move forward, but this should provide the essence of both the people we wish to depose and the documentation we wish them to produce.

With respect to South Florida Council, Boy Scouts of America:

We wish to depose the same categories of persons from the South Florida Council as set forth above for Boy Scouts of America. We would like to depose the Executive Director, Jeff Hunt, and Chief Operating Officer, Joshua Crist and John Anthony. This may lead to additional witnesses.

Inasmuch as the depositions of the witnesses for the South Florida Council are local, we are requesting 2 ½ days of depositions. If everyone would please check your calendars for possible dates when you are available in late January 2011, we can go ahead and set these depositions.

LEESFIELD
& PARTNERS

December 9, 2010

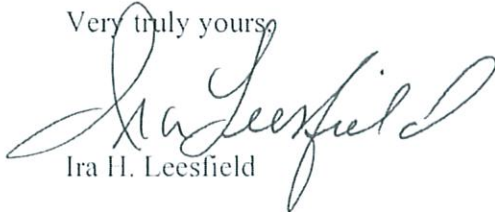
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With respect to Andrew Schmidt and Howard Crompton:

I anticipate that we will need one day for each of these defendants. If possible, we would like to depose them in January 2011, so please let me know what dates they, and you, are available.

Finally, please check your availability for depositions of the Plaintiffs, commencing January 27, 2011, at 10:30 a.m. and January 28, 2011, at 10:00 a.m.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ira H. Leesfield". The signature is written in dark ink and is positioned above the printed name.

Ira H. Leesfield

IHL/lag

EXHIBIT B

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.

ORDER

THIS CAUSE having come before the Court on Plaintiffs' Motion for Status and Scheduling Conference to Be Set on 02/11/2011, and the Court having reviewed the Motion and being otherwise fully advised in the premises, it is hereby

ORDERED and **ADJUDGED** that Plaintiffs' Motion is **GRANTED**, as follows:

A status conference will be held on February 11, 2011, immediately following oral argument on Defendants' Motions for Leave to Amend Affirmative Defenses. All counsel shall have their calendars available for the purpose of designating dates for the depositions of corporate representatives and other witnesses.

DONE AND ORDERED in Miami-Dade County, Florida this _____ day of _____
_____, 201__.

HONORABLE ALAN S. GOLD
UNITED STATES DISTRICT JUDGE