

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-22236-CIV-GOLD/MCALILEY

HOWARD ADELMAN and JUDITH
SCLAWY, as co-personal representatives
of the ESTATE OF MICHAEL
SCLAWY-ADELMAN,

Plaintiffs,

v.

BOY SCOUTS OF AMERICA, et al.,

Defendants.

ORDER FOLLOWING DISCOVERY CONFERENCE

On December 29, 2010, the Court held a discovery conference on Plaintiffs' Motion for Preservation of Evidence and/or Injunctive Relief. [DE 55]. The Court also addressed the status of Plaintiffs' Motion for Protective Order on Defendant Howard Crompton and Andrew Schmidt's Notices for Deposition Duces Tecum of Plaintiffs Howard Adelman and Judith Sclawy [DE 61], and Plaintiffs' Motion for Status and Scheduling Conference to be Set on 02/11/2011. [DE 75]. The Court has considered the record, as well as the arguments of counsel during the discovery conference. For the reasons stated at the conference, which are incorporated in this Order, the Court ORDERS that:

1. Regarding Plaintiffs' Motion for Preservation of Evidence and/or Injunctive Relief [DE 55], **no later than January 12, 2011**, the parties shall exchange the name and

contact information for any laboratory located in Palm Beach, Broward or Miami-Dade County, that the party believes could properly conduct a forensic inspection of the GPS. To the extent that Plaintiffs contend that an inspection in a laboratory is unnecessary, Plaintiffs should provide the parties with the factual basis for this contention.

If the parties cannot agree to conduct the inspection in South Florida, Plaintiffs shall inform Defendants of the cost of Plaintiffs' expert attending the inspection in North Carolina. **No later than January 19, 2011**, the parties shall file a joint status report stating whether the issues regarding inspection of the GPS have been resolved and, if not, the precise areas of dispute remaining.

2. Plaintiffs' Motion for Protective Order on Defendant Howard Crompton and Andrew Schmidt's Notices for Deposition Duces Tecum of Plaintiffs Howard Adelman and Judith Sclawy [DE 61] is **DENIED WITHOUT PREJUDICE**.

3. Plaintiffs' Motion for Status and Scheduling Conference to be Set on 02/11/2011 [DE 75], is **GRANTED IN PART**. The Court held a scheduling conference on December 29, 2010, and it is apparent that the parties are having difficulty communicating and reaching agreements regarding discovery. The April 11, 2011, discovery cut-off is fast approaching. To facilitate the discovery process, the Court orders the parties to meet and exchange a list of all discovery they wish to complete,¹ and to reach agreement for a schedule

¹ The Court understands that the discovery that can now be anticipated may generate some follow-up discovery that can not yet be identified, however this should be minimal, and the parties are certainly now aware of the bulk of the discovery they need to prepare the case

to accomplish this discovery before April 11, 2011. To meet this deadline the parties may agree to produce some information informally; if they can not agree to informal and expedited production, then formal discovery should be issued forthwith, and if necessary to meet the discovery cut-off, the parties should agree to shorten the time periods for response.

No later than January 14, 2011, the parties shall file with the Court a joint discovery plan that specifically itemizes the outstanding discovery and a schedule for completing that discovery. Thus, each person to be deposed shall be named, along with a date for their deposition. Outstanding written discovery (or a timely deadline for issuing additional written discovery) shall be listed, along with any agreements to shorten response times. Any areas of dispute shall be specifically identified, with the respective positions of the parties clearly stated, such that the Court will have enough information to resolve those disputes.

DONE and ORDERED in chambers in Miami, Florida this 29th day of December, 2010.


CHRIS McALILEY
UNITED STATES MAGISTRATE JUDGE

cc:
The Honorable Alan S. Gold
Counsel of record

for settlement or eventual trial.