

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,

vs.

BOY SCOUTS OF AMERICA, *et al.*,

Defendants.

\_\_\_\_\_ /

**OMNIBUS ORDER GRANTING MOTIONS FOR LEAVE TO AMEND AFFIRMATIVE DEFENSES TO PLAINTIFFS' AMENDED COMPLAINT [ECF Nos. 62, 79]; DENYING AS MOOT DEFENDANT PLANTATION UNITED METHODIST CHURCH'S MOTION FOR LEAVE TO AMEND THEIR AFFIRMATIVE DEFENSES TO PLAINTIFF'S AMENDED COMPLAINT [ECF No. 66]; CANCELLING ORAL ARGUMENT**

This matter is before the Court on Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's Motion for Leave to Amend their Affirmative Defenses to Plaintiff's Amended Complaint [ECF No. 62]; Defendant Plantation United Methodist Church's Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [ECF No. 66]; and Defendant Plantation United Methodist Church's Supplemental Unopposed Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [ECF No. 79].

On December 29, 2010, Defendant Plantation United Methodist Church ("PUMC") filed a Supplemental Unopposed Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint, indicating that although Plaintiffs initially opposed Defendant PUMC's original Motion for Leave to Amend its Affirmative Defenses, "[n]ow, Plaintiff [*sic*] has agreed not to object to this Motion." [ECF No. 79 ¶¶ 1-2]. Defendant

PUMC also withdrew its originally-filed Motion **[ECF No. 66]**. *Id.* at ¶ 2. On December 30, 2010, Plaintiffs filed a Response to Defendants' Motions for Leave to Amend Affirmative Defenses and indicated that they did not oppose Defendants' motions. **[ECF No. 81]**. On January 3, 2011, Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America filed a Reply to Plaintiffs' Response **[ECF No. 82]** and an Amended Reply **[ECF No. 83]**,<sup>1</sup> stating that Plaintiffs do not oppose Defendants' Motion.

Having reviewed the Motions, Response, Replies, relevant submissions, applicable law, and the record, I GRANT Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's Motion for Leave to Amend their Affirmative Defenses to Plaintiff's Amended Complaint **[ECF No. 62]**; GRANT Defendant Plantation United Methodist Church's Supplemental Unopposed Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint **[ECF No. 79]**; and DENY AS MOOT Defendant Plantation United Methodist Church's Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint **[ECF No. 66]**. Accordingly, it is hereby

ORDERED AND ADJUDGED that:

1. Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's Motion for Leave to Amend their Affirmative Defenses to Plaintiff's Amended Complaint **[ECF No. 62]** is GRANTED.


---

<sup>1</sup>Although the Amended Reply fails to specifically identify why an amendment was necessary or the nature of the amendment, it appears that the only difference between the Reply and the Amended Reply is the citation to docket entry 62 instead of docket entry 66 on page 2.

2. Defendant Plantation United Methodist Church's Supplemental Unopposed Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [**ECF No. 79**] is GRANTED.
3. Defendant Plantation United Methodist Church's Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [**ECF No. 66**] is DENIED AS MOOT.
4. Defendants South Florida Council Inc., Boy Scouts of America, Boy Scouts of America, and Plantation United Methodist Church are directed to file their Answers, First Amended Affirmative Defenses, and Demands for Jury Trial no later than **Friday, January 7, 2011**.
5. Oral argument on Defendants South Florida Council Inc., Boy Scouts of America, and Boy Scouts of America's Motion for Leave to Amend their Affirmative Defenses to Plaintiff's Amended Complaint [**ECF No. 62**] and Defendant Plantation United Methodist Church's Motion for Leave to Amend Affirmative Defenses to Plaintiff's Amended Complaint [**ECF No. 66**] previously set before the Honorable Alan S. Gold, at the United States District Courthouse, Courtroom 11-1, Eleventh Floor, 400 North Miami Avenue, Miami, Florida, 33128 on Friday, **February 11, 2011 at 11:00 a.m. is hereby CANCELLED**.
6. All parties are ORDERED to carefully review S.D. Fla. Local Rule 7.1(a)(3), which states in pertinent part that: "Prior to filing any motion in a civil case, . . . counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing), with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be

raised in the motion. Counsel conferring with movant's counsel shall cooperate and act in good faith in attempting to resolve the dispute.”

DONE and ORDERED in Chambers in Miami, Florida, this 4<sup>th</sup> day of January, 2011.

A handwritten signature in black ink, appearing to read "Alan S. Gold", written over a horizontal line.

THE HONORABLE ALAN S. GOLD  
UNITED STATES DISTRICT JUDGE

cc: U.S. Magistrate Judge Chris M. McAliley  
Counsel of record