

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.

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**DEFENDANTS', HOWARD K. CROMPTON AND ANDREW L. SCHMIDT,  
MOTION TO COMPEL PLAINTIFFS TO PRODUCE COPIES OF ITEMS  
INSPECTED ON NOVEMBER 24, 2010**

The Defendants, HOWARD K. CROMPTON and ANDREW L. SCHMIDT, by  
and through the undersigned counsel, and in accordance with the applicable Federal  
Rules of Civil Procedure and Local Rules of the Southern District of Florida, hereby file  
this Motion to Compel Plaintiffs to Produce Copies of Items Inspected on November 24,  
2010, as follows:

1. On November 24, 2010, these Defendants inspected at the office of  
Plaintiffs' counsel documents and things disclosed by Plaintiffs in their Rule 26 Initial  
Disclosures and responses to co-defendants' request for production.

2. Plaintiffs' counsel made one of his law clerks, Ms. Courtney Tie, attend the inspection on behalf of Plaintiffs, while the Defendants had counsel attend with a court reporter.

3. During said inspection on November 24, 2010, the undersigned attorney requested copies of certain documents and things by identifying them to Plaintiffs' counsel's law clerk on the record, as follows:

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25 MR. HASTY: We could use a professional copy

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1 service if that's what you want to do?

2 MS. TIE: Well, I mean, I don't know what the

3 total copying is going to be, so it would be kind of

4 better if you guys want to put together an entire pile of

5 things so we can decide if a professional copy service

6 would be easier, better, if all you want is a couple of

7 pages.

8 MR. HASTY: It's going to be a lot.

9 MR. SUMMERS: You don't want to do it

10 in-house?

11 MR. HASTY: The other issue is we have a time

12 constraint, the parents' depositions are coming up.

13 MS. TIE: Right.

4. On December 8, 2010, the undersigned attorney discussed with Plaintiffs' counsel during a telephone conference that said documents had not been received. The undersigned attorney was advised that the documents had to be copied at their office, as opposed to a professional copy service which was originally requested to expedite delivery. Plaintiffs' counsel insisted on making the copies in-house.

5. On January 4, 2011, a letter was sent to Plaintiffs' counsel again requesting the documents from the November 24, 2010 inspection.

6. On January 4, 2011, all counsel had a conference call in compliance with the Magistrate's Orders from December 29, 2010. Again undersigned counsel requested Plaintiffs' counsel to provide the copies and when undersigned counsel would receive them.

7. To date, neither the undersigned attorney, nor any other counsel for the Defendants in this lawsuit, have received the copies of documents and things that were requested on November 24, 2010.

8. These materials are original evidence in possession of Plaintiffs and are necessary and vital in order to properly prepare to take the depositions of Plaintiffs, Howard Adelman and Judith Sclawy-Adelman.

9. Furthermore, these Defendants have been prejudiced from November 24, 2010 until the filing of this Motion on January 6, 2011, waiting on agreed-upon copies. For more than forty-three (43) days the Defendants have been waiting on this evidence to be able to decide what discovery is needed, what witnesses need to be deposed, and to comply with this Court's Order regarding discovery cut-off.

**LR 7.1 CERTIFICATION**

The undersigned hereby certifies that we have conferred with Plaintiff's counsel in an attempt to resolve these issues without court involvement, as stated in detail throughout this Motion, but to date, have not been able to achieve compliance.

WHEREFORE, the Defendants, HOWARD K. CROMPTON and ANDREW L. SCHMIDT, respectfully request that this Honorable Court enter an Order granting this Motion, compelling the production of the materials requested on November 24, 2010, and for any other relief this Honorable Court deems just and proper.

I HEREBY CERTIFY that on January 6, 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 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.

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By: /s/ Frederick E. Hasty, III

Frederick E. Hasty III

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