

# Exhibit "A"

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

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.

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ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF  
RICHARD BOURLON  
FEBRUARY 24, 2011

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1 A. Not that I'm aware.  
 2 Q. Were there any other investigations  
 3 undertaken by any committee, group or task force of  
 4 the Boy Scouts of America into the circumstances of  
 5 Michael Adelman's death other than that was performed  
 6 by the health and safety support committee apart from  
 7 anything that the attorneys might have done?  
 8 A. Apart from anything the attorneys or risk  
 9 management might have in play, no, not to my  
 10 knowledge.  
 11 Q. Was the only investigation that was  
 12 performed by the health and safety support committee  
 13 into the circumstances surrounding Michael Adelman's  
 14 death, the -- did that occur during the May of 2009  
 15 meeting?  
 16 A. That would have been discussed at the May  
 17 of 2009 meeting.  
 18 Q. Now --  
 19 A. There -- there --  
 20 Q. Sorry.  
 21 A. To -- I guess, due to the issues associated  
 22 with this particular case, particularly the  
 23 interviews related to Nightline, this particular case  
 24 has been discussed by the committee in regards to the  
 25 media impact that it had.

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1 Q. Okay. Did this occur after May of 2009?  
 2 A. Yes.  
 3 Q. So the committee had discussed the  
 4 potential impact of the Nightline interview, but not  
 5 the -- any further discussion about the substance of  
 6 what had actually occurred or the sufficiency of the  
 7 Boy Scout of America procedures and guidelines for  
 8 hiking activities?  
 9 MR. LEVIN: Form.  
 10 A. Subsequent discussions post that May 2009  
 11 meeting would have been in October of 2010 and would  
 12 have been in February of 2011. And they would have  
 13 centered around the handling of the media event which  
 14 referenced Michael's death.  
 15 Q. (By Mr. Peltz) When you say focused or  
 16 centered around, did the discussion -- did the  
 17 committee discussions on either of those occasions  
 18 discuss or go into the sufficiency and adequacy of  
 19 the Boy Scout of America guidelines, policies and  
 20 procedures relating to hiking and the heat-related  
 21 ailments?  
 22 A. Not -- this case didn't drive any of  
 23 those. There have been discussions related to heat,  
 24 and based upon the 2010 jamboree developed  
 25 guidelines, how we could implement some of those best

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1 practices in the future within the organization.  
 2 Those have been discussed post-jamboree both in  
 3 October and in February. Neither was driven by this  
 4 particular issue or this particular case, but they  
 5 are a natural development in response to how best  
 6 practices and how to manage large group heat-related  
 7 issues, but not specific to hiking, not specific to  
 8 this particular incident.  
 9 Q. Is the answer to my earlier question no,  
 10 that the committee -- support committee meetings that  
 11 occurred after May of 2009 that discussed the death  
 12 of Michael Adelman related solely to how to handle  
 13 the media issues and did not go into the issue of  
 14 what happened and the sufficiency of the Boy Scout of  
 15 America guidelines for hiking and heat-related  
 16 ailments?  
 17 MR. SUMMERS: Objection to form.  
 18 A. I don't know that that's a yes or no. It's  
 19 qualified -- it's a qualified no, because in -- we  
 20 would have also discussed Michael's incident in  
 21 the -- not only in May, but in the -- as I said  
 22 earlier, we talked about year-to-date incidents. So  
 23 his would have come up again. It would have come up  
 24 twice in the presentation, the review, because it  
 25 would have been shown up as a 2009 fatality in the

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1 October of 2009 meeting as well. So other than that,  
 2 the answer is no.  
 3 Q. (By Mr. Peltz) Well, as I understood your  
 4 prior testimony when the numbers come up as  
 5 fatalities, it's only a raw number and not any  
 6 information regarding to the circumstances.  
 7 A. Then you're mistaken about that. In  
 8 relationship to fatalities, I believe I testified  
 9 that a description of each incident, the date of the  
 10 incident, the region that it occurred in and the  
 11 youth or adult was a year-to-date summary that was  
 12 provided at each of those meetings. And then the  
 13 total -- total other reported incidents would be  
 14 given as a lump sum.  
 15 Q. So the only additional time that  
 16 Michael Adelman's incident would have occurred was  
 17 during the remaining meetings of 2009, the  
 18 description of incident as set forth in Exhibit 27,  
 19 quote, hiking with troops, suspected medical-related  
 20 problem and heat stroke, period, fatality, end of  
 21 quote, would have been repeated?  
 22 A. Yes.  
 23 Q. Okay. Now, is the information contained in  
 24 the description of incident on Exhibit 27, is that  
 25 inputted initially once the information is received

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1 MR. SUMMERS: Objection to form.  
 2 A. I guess -- you know, I'm trying to answer  
 3 your question. Acceptance of levels of risk within  
 4 the organization -- no one -- no one died from heat  
 5 exhaustion at the 2005 jamboree. Was it anticipated  
 6 that people, you know, got sick or ill? That was  
 7 also unacceptable post-incident. But did -- if  
 8 you're asking me do you think that if the Boy Scouts  
 9 of America position was at the time they were  
 10 prepared for that, the answer would be yes.  
 11 Q. (By Mr. Peltz) That was not my question.  
 12 You know -- we have been talking about this. The  
 13 question is --  
 14 A. I don't understand your question, then.  
 15 Q. The question was in the year 2011. I mean,  
 16 I'm not suggesting that the Boy Scouts in 2005  
 17 intended this disaster to happen.  
 18 A. Thank you.  
 19 Q. Okay. My question -- you know very well  
 20 what my question is. And the question is, once  
 21 again, in the year 2011, is it the Boy Scout of  
 22 America position that the policies, procedures and  
 23 guidelines which were in effect that were applicable  
 24 to the 2005 jamboree were in order -- that were  
 25 intended to protect scouts from an unreasonable

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1 exposure to heat exhaustion and heat stroke were  
 2 reasonably and appropriate and sufficient for that  
 3 job?  
 4 MR. SUMMERS: Objection to form.  
 5 A. I'll attempt to answer you in another way.  
 6 If I look at the guidelines that the troop leaders  
 7 had for the prevention of heat-related illness, they  
 8 talk about adequate water, they talk about  
 9 hydrating. In most cases if the young men that  
 10 participate in these are in shape, then that is  
 11 pretty much all you need to do to prevent  
 12 heat-related illness.  
 13 So the plans and policies and  
 14 procedures, when I go back and look at 2005 guidance  
 15 on that, there is nothing wrong with it. Was it  
 16 executed correctly, was it executed in a way that  
 17 prevented illness and injury, no, it was not. I  
 18 mean, the Secret Service had these kids dump out all  
 19 of their water, you know. What do you expect? We  
 20 have guidance in place that says you've got to drink  
 21 water. You have a governmental agency taking that  
 22 water away from the people who were waiting to see  
 23 the President of the United States.  
 24 So in 2011, can I look back in 2005  
 25 and say did it work? No, it didn't. We had 1,600

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1 incidents. That's unacceptable. Okay. Were the  
 2 procedures in place in 2005 which would have  
 3 prevented them? Yes, they were. Were they executed  
 4 properly? For a number of reasons, no. Were they  
 5 executed properly with the heat index of whatever the  
 6 CDC quotes? No.  
 7 MR. LEVIN: Form.  
 8 Q. (By Mr. Peltz) So is it the Boy Scout  
 9 position to blame the Secret Service for the fact  
 10 that there were 1,600 scouts who had heat stroke and  
 11 heat exhaustion?  
 12 MR. SUMMERS: Objection to form.  
 13 A. No.  
 14 Q. (By Mr. Peltz) Did the Boy Scouts -- the  
 15 Boy Scouts invited President Bush to attend the 2005  
 16 jamboree, did they not?  
 17 MR. SUMMERS: Objection to form.  
 18 A. That is my understanding.  
 19 Q. (By Mr. Peltz) I mean, he didn't just show  
 20 up unannounced. He was invited?  
 21 A. That's my understanding.  
 22 Q. And the Boy Scouts were aware of the fact  
 23 that it was necessary for them to coordinate with the  
 24 Secret Service and possibly other governmental  
 25 agencies if the President of the United States was

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1 going to attend the jamboree?  
 2 MR. SUMMERS: Objection to form.  
 3 A. Based on my knowledge of the situation,  
 4 that would have been a coordination that occurred  
 5 with the commanding general in charge of the joint  
 6 task force and the Secret Service, yes. The  
 7 Boy Scouts were involved with the discussion with the  
 8 commanding general of the task force.  
 9 Q. (By Mr. Peltz) What is the Boy Scouts  
 10 motto?  
 11 A. Be prepared.  
 12 Q. I'm sorry. What is it?  
 13 A. Be prepared, I believe.  
 14 Q. And what does be prepared mean in the  
 15 context of the Boy Scout motto?  
 16 MR. LEVIN: Form.  
 17 A. It's pretty much self-explanatory. Be  
 18 prepared. Be prepared for what life may throw at  
 19 you. Be prepared for a deposition. Be prepared for  
 20 walking out on the street and bringing your umbrella  
 21 so you don't get wet on a day like today even though  
 22 the sun is still shining now.  
 23 Q. (By Mr. Peltz) Being prepared for  
 24 conducting a jamboree in the middle of the summer  
 25 with excessive heat temperatures?

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1 A. It's out of our leaders update, yes. It  
 2 would have been the team that I -- safety service is  
 3 the one that executed on this.  
 4 Q. And you were involved in the preparation of  
 5 this?  
 6 A. I was -- I had oversight on the team that  
 7 contributed to this article.  
 8 Q. And the team that contributed to this  
 9 article set forth specific standards as to  
 10 specifically how much scouts should drink depending  
 11 upon the activities and the environmental conditions  
 12 existing at the time?  
 13 MR. LEVIN: Form.  
 14 A. Activities -- this team would have, in  
 15 conjunction with our joint task force partners, in  
 16 conjunction with the -- the term was "jambo general,"  
 17 in conjunction with the medical professionals that  
 18 were provided by an Air Force EMEDS unit calculated  
 19 the wet bulb globe temperature, which was used in  
 20 this. And therefore the guidance on how much water  
 21 was to be drinking for those particular climatic  
 22 activities was given.  
 23 Q. (By Mr. Peltz) Going back to my question,  
 24 in 2005, the standard or the guideline was, as we  
 25 read a minute ago from the Troop Leaders Guide, to

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1 drink a large amount of water, and in 2010 the  
 2 standard was to drink specific amounts of water  
 3 depending upon the conditions existing at the time?  
 4 A. Could I --  
 5 MR. SUMMERS: Objection to form.  
 6 A. Could I take a look at the Health and  
 7 Safety Operations Guide? Because there's some, I  
 8 believe -- I may be incorrect, but if I look at it,  
 9 there may be some other guidance in there that I'd  
 10 like to point to to answer your question.  
 11 Q. (By Mr. Peltz) This?  
 12 A. That one (indicating).  
 13 I can't find what I was looking for.  
 14 Q. So my question is --  
 15 A. Remind me again, please.  
 16 Q. -- in the 2005 Troop Leader Guide, the  
 17 information that was provided to troop leaders was  
 18 that scouts and adults must drink a large amount of  
 19 water during the jamboree because of heat, humidity  
 20 and physical exertion, and in 2010 you had adopted a  
 21 program in which the scouts were directed  
 22 specifically as to how much water they should drink  
 23 depending upon the heat index at the time to be  
 24 determined by a flag system?  
 25 A. That's correct. There was also a section

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1 in Exhibit 30 on Page 28 which talked about the  
 2 weather in Virginia as hot and humid for visitors.  
 3 And we also talked about how canteen style water  
 4 containers were highly recommended for battling heat  
 5 and long walks.  
 6 I guess the other -- the other thing  
 7 which just comes to mind, since you reminded me of  
 8 this, is that those numbers from the CDC also include  
 9 visitors to the jamboree. In 2005, those numbers  
 10 don't take into account if that was a visitor that  
 11 went down or if it was a scout or a leader.  
 12 MR. PELTZ: Just for the record, I  
 13 move to strike all of the nonresponsive portions of  
 14 that response.  
 15 Q. (By Mr. Peltz) The -- you said that this  
 16 flag system was developed through your joint task  
 17 force partners?  
 18 A. Yes.  
 19 Q. Who were the joint task force partners?  
 20 A. It was a standing joint task force out of  
 21 Colorado Springs. General Woody Nolen was the  
 22 general in charge for 2010, just as General Yingling  
 23 was the general in charge of the joint task force for  
 24 2005. So the military, since we were conducting this  
 25 on Fort A.P. Hill -- it was basically -- we were

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1 holding the jamboree on their property. And so the  
 2 joint task forces, were the partners that we had to  
 3 make that happen.  
 4 Q. Other than General Nolen, who were the  
 5 joint task force partners? I don't understand.  
 6 A. I mean, there was over -- I want to say  
 7 there was over 2,000 military personnel who  
 8 participated in the jamboree at one point or  
 9 another. I mean, his staff.  
 10 Q. Look, here's my question: I'm trying to  
 11 find out how the flag system was developed.  
 12 A. Okay.  
 13 Q. So how was the flag system developed?  
 14 A. The flag system, using a series of white  
 15 through black, is based on military standards. There  
 16 is basically an Army medical series of booklets.  
 17 These flags are used by the military, have been  
 18 studied by the military, Surgeon General. And  
 19 they've developed guidelines based upon military  
 20 personnel and conditions that they -- how they  
 21 operate work/rest cycles under certain conditions,  
 22 and how they -- you know, water intake would be  
 23 another. But it's medically-developed guidelines, I  
 24 guess, that the military has developed and utilized  
 25 for several years.

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1 are Tom Haltom and Don Robinson. Both of those were  
 2 engaged in the 2010 jamboree development.  
 3 Q. The first one was Tom?  
 4 A. Haltom.  
 5 Q. H-o-l-t-o-m?  
 6 A. H-a-l-t-o-m, I believe. He's an emergency  
 7 room physician by trade. And Dr. Don Robinson, who  
 8 is a general practitioner by trade. I do not know  
 9 where they're from.  
 10 Q. Have you seen any record of their  
 11 discussions or -- any record of their discussions?  
 12 A. Our prior general counsel shared with me  
 13 their presentations that they did for him.  
 14 Q. So there was actually a written  
 15 presentation that they did?  
 16 A. For our general counsel, yes.  
 17 Q. And was this shared with you to assist you  
 18 in the development of the 2010 jamboree program?  
 19 A. As I've stated, yes, our general counsel  
 20 shared that with me.  
 21 Q. Was the purpose of the presentation to  
 22 assist the Boy Scouts of America in developing the  
 23 appropriate safeguards for children attending the  
 24 2010 jamboree to avoid exposing them to an  
 25 unreasonable risk of exposure to heat, stroke or heat

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1 exhaustion?  
 2 A. One part of that would have -- yes, it  
 3 would have included -- it did include heat-related,  
 4 potential controlling measures.  
 5 Q. The -- as I understood your prior  
 6 testimony, there was only one claim that was listed  
 7 on Exhibit Number 27 arising from the 2005 jamboree.  
 8 MR. SUMMERS: Objection to form.  
 9 Q. (By Mr. Peltz) Is that accurate?  
 10 A. The one that's attributed to the National  
 11 Scout Jamboree in 2005 is dehydration and heat  
 12 exhaustion by Michael Hannan on 7-25-05 -- 7-25-05.  
 13 I'm sorry.  
 14 Q. Is that the only claim or lawsuit that  
 15 you're aware of that arose out of the jamboree in  
 16 reference to heat exhaustion and heat stroke?  
 17 A. Yes, that's the only one that we have  
 18 record of.  
 19 Q. And was the report that was -- well, strike  
 20 that. Never mind.  
 21 As we sit here today, are you able to  
 22 tell us when it was decided that the specific  
 23 standards set forth -- strike that. I know you don't  
 24 like the word "standards," so I'll find another word  
 25 for you.

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1 Can you tell me on what date the  
 2 specific flag program that's contained in Exhibit 13  
 3 was decided upon by the Boy Scouts as being the flag  
 4 system that the Boy Scouts of America -- that they  
 5 were going to use for the 2010 jamboree?  
 6 MR. SUMMERS: Objection; asked and  
 7 answered.  
 8 A. I don't have a specific date that I can  
 9 point to. It was executed on the first day of the  
 10 jamboree when staff arrived on site, which would have  
 11 been July 17th. The first day of staff  
 12 participation.  
 13 Q. (By Mr. Peltz) And this would have been  
 14 under consideration since sometime in December of  
 15 2007?  
 16 A. As early as late 2007.  
 17 Q. Was the report of Dr. Haltom and  
 18 Dr. Robinson part of the catalyst for going to this  
 19 flag system?  
 20 A. I wouldn't point to it as a catalyst. I  
 21 would point to it as one of many discussions,  
 22 exhibits, opinions that have been expressed on how to  
 23 do things differently.  
 24 Q. The flag system that's referred to in this  
 25 document, Exhibit 13, relies upon the fact that

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1 someone is going to post a different colored flag  
 2 depending upon the environmental conditions, correct?  
 3 A. That's one method of communicating the flag  
 4 color, yes. There were others as well besides just  
 5 posting a flag.  
 6 Q. Okay. And are there criteria that the  
 7 people posting the flags would look to to determine  
 8 whether a white flag should be displayed, a green  
 9 flag, a yellow flag, a red flag or a black flag?  
 10 A. Yes.  
 11 Q. And where are those criteria found?  
 12 A. Those criteria would have been provided to  
 13 the locations where flags were located through a  
 14 number of methods, a number of redundant methods, if  
 15 you will. There would have been voice announcements  
 16 through a -- I don't know how to describe it.  
 17 Q. I'm sorry. You misunderstood my question.  
 18 I don't mean to interrupt you.  
 19 MR. SUMMERS: Let him -- let him  
 20 finish his answer.  
 21 A. But there were voice announcements that  
 22 were made by an area-wide public address system.  
 23 There were text alerts that went out whenever the  
 24 flag colors changed and went up. There were -- and  
 25 down. There were postings like this (indicating)

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1 that were done in leaders updates. There were also  
 2 postings that would be given in materials that the  
 3 boys would have carried with them or got every  
 4 morning at breakfast. There was a system of chat  
 5 that was integrated into many of the program areas,  
 6 and there was a radio network and there were cell  
 7 phone networks that were in place to communicate flag  
 8 colors, if you will, based on conditions that were  
 9 calculated by medical professionals on site.  
 10 Q. (By Mr. Peltz) That wasn't my question.  
 11 My question is, where are the criteria printed or  
 12 documented that determine whether or not the  
 13 conditions are a white flag condition, green flag,  
 14 yellow, red or black?  
 15 A. Second page of Exhibit 13, the wet bulb  
 16 globe temperature ranges associated with the flag  
 17 condition are clearly illustrated in your handbook.  
 18 Q. So if the wet bulb temperature is between  
 19 78 and 82, that would be a white flag?  
 20 A. Wet bulb globe temperature, not wet bulb  
 21 temperature. Wet bulb is one part of the wet bulb  
 22 globe temperature.  
 23 Q. So this card that's on the --  
 24 A. Second page.  
 25 Q. -- second page, this is something that was

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1 printed out for each member of the jamboree?  
 2 A. Yes.  
 3 Q. And is the -- what is -- is the -- well,  
 4 strike that.  
 5 Is the wet bulb globe temperature a  
 6 combination of heat and humidity?  
 7 A. It's a wet bulb, a dry bulb in a globe, and  
 8 a -- there's three different parts of the  
 9 calculation. It's based -- globe temperature is a  
 10 radiant black bulb, so it absorbs the radiation from  
 11 the sun. And that's one of the calculations, a wet  
 12 bulb temperature and then a dry temperature of a  
 13 bulb. So there's three different thermometers  
 14 basically that are used to calculate it. And there's  
 15 a ratio, 70 percent, 30 percent, 10 percent that go  
 16 into there.  
 17 Q. This card that was depicted on Page 2 of  
 18 Exhibit 13, is it a little plastic card --  
 19 A. Yes.  
 20 Q. -- that was printed out and given to each  
 21 of the participants in the jamboree?  
 22 A. It was given out to -- it would have  
 23 been -- participants would have gotten from one of  
 24 two ways. As a staff member, I would have got it  
 25 when I checked in in a staff package. If I was a

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1 youth going to the jamboree, my scoutmaster from my  
 2 contingent troop would have gotten it, and he would  
 3 have distributed it to me.  
 4 MR. LEVIN: Form.  
 5 Q. (By Mr. Peltz) So according to the  
 6 second -- the card on Exhibit 2, if the wet bulb  
 7 globe temperature is between 78 and 82, it would be a  
 8 white flag day?  
 9 A. Yes.  
 10 Q. And if the temperature -- the wet bulb  
 11 globe temperature was between 82 and 85, it would  
 12 then become a green flag day?  
 13 A. Yes.  
 14 Q. If the wet bulb globe temperature was  
 15 between 85 and 88, it would then become a green flag  
 16 day -- I'm sorry -- yellow flag day?  
 17 A. Yellow.  
 18 Q. I'm sorry. Yellow?  
 19 A. Yellow.  
 20 Q. Okay. And if the wet globe -- globe  
 21 temperature was between 89 and -- is that 92?  
 22 A. It's 90 degrees.  
 23 Q. Okay. It would be a red flag day?  
 24 A. (Witness nods head.)  
 25 Q. And a black flag day would be anything over

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1 90?  
 2 A. That's correct, wet bulb globe temperature.  
 3 Q. And if it's -- if it was a black flag day,  
 4 the scouts would be instructed to limit their  
 5 activity, increase their fluids to one quart per hour  
 6 with frequent rest periods and to stay in the shade?  
 7 A. That's what's outlined here. And depending  
 8 upon the program area and the strenuous nature of the  
 9 program, that's how it was executed.  
 10 MR. LEVIN: Form.  
 11 Q. (By Mr. Peltz) Was this flag system  
 12 communicated to the troops at the local level at all  
 13 prior to the jamboree?  
 14 A. Communicated at the local level?  
 15 Q. Was it communicated to the troops at the  
 16 local level?  
 17 A. There would have been public -- there's a  
 18 Web site available for youth and adult participants  
 19 that would have had different information about the  
 20 flag system that could have been out there. It would  
 21 have gone out in pre-jamboree 2010 -- the jamboree  
 22 department sent out many newsletters and things of  
 23 that nature. So it would have at some point gone out  
 24 pre-jamboree.  
 25 Q. Do you know when it first would have gone

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1 out?

2 A. I do not.

3 Q. Have the -- has this flag system been

4 incorporated into any of the other Boy Scout of

5 America policies, procedures, standards or guidelines

6 for the performance or any other activity?

7 A. This particular flag system?

8 Q. Yes, sir.

9 A. No. However, modified versions of it are

10 currently being looked at.

11 Q. And who's looking at modified versions?

12 A. The health and safety support committee is

13 actually looking at how to potentially incorporate

14 this across the organization. And at least one

15 council is doing a risk management project where

16 they're looking at doing something very similar as

17 well for their camping operations.

18 Q. So as of present, this flag system has not

19 been incorporated into any other -- has not been

20 incorporated as a standard guideline, policy or

21 procedures for the performance of any other activity

22 falling within the Boy Scout of America program?

23 A. There could be operations which incorporate

24 flag systems as council camp warning systems that I'm

25 unaware of. I know there's a couple of camps that

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1 fly flags of different colors for different reasons.

2 But as an overall BSA policy, guideline or procedure,

3 there is not one in place other than this one that

4 was executed at the 2010 jamboree.

5 Q. And was the impetus for developing this

6 flag system, the one that's set forth in Exhibit

7 Number 13, the events that occurred during the 2005

8 jamboree?

9 A. I don't think I'd answer that in the

10 affirmative. I'd say that that may have been part of

11 it. I'd say that the reason we went with this

12 particular flag system is we were on a military

13 base. We utilized a modified military system. Our

14 joint task force partners had the capabilities to

15 provide us with wet bulb globe temperature, which is

16 what they would typically do, to -- and use with

17 their troops. And therefore we were able to use

18 their subject matter expertise and their equipment to

19 give that wet bulb globe temperature reading which

20 correlates directly with their flag system from white

21 through black.

22 Q. Has any other flag system been used --

23 strike that.

24 Have the Boy Scouts of America used

25 any modification of this particular system as set

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1 forth in -- the flag system set forth in Exhibit 13

2 subsequent to the 2005 jamboree as part of its

3 policies, procedures, standards or guidelines for the

4 performance of Boy Scout activity -- Boy Scout of

5 America activities?

6 MR. SUMMERS: Objection to form.

7 A. I think I answered this question earlier.

8 But there are flag systems in camps. Whether they

9 are specifically tied to this particular system of

10 measurement or management, I'm unaware.

11 Q. (By Mr. Peltz) I'm referring to noncamp

12 activities such as hiking, camping, things of that

13 nature.

14 A. To my knowledge there's no Boy Scout of

15 America guidance, documents that relate to a flag

16 system for hiking or camping --

17 Q. Is there any Boy Scout --

18 A. -- outside of -- outside of this that you

19 have in front of me in Exhibit 13 which was executed

20 at the 2010 jamboree.

21 Q. Are there any Boy Scout guidance, documents

22 that exist that would utilize the information set

23 forth in this flag system without the flags --

24 MR. SUMMERS: Objection to form.

25 MR. PELTZ: Can I finish?

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1 MR. SUMMERS: I can't tell. When you

2 stop to breathe, I object. So --

3 MR. PELTZ: You object to me

4 breathing?

5 MR. SUMMERS: Once in a while, yes.

6 Q. (By Mr. Peltz) Are there any rules,

7 regulations, standards or policies utilized by the

8 Boy Scouts of America which would take the

9 information that is included in the heat index card,

10 which is attached as Exhibit 2 -- or is attached as

11 the second page to Exhibit 13, for use in noncamp

12 activities?

13 A. Not at this time. I did mention that it is

14 being looked at and it's in a developmental stage

15 using this card, the supporting plans that are, if

16 you will, much like Exhibit 13, what everything meant

17 and what your reaction to those particular flag

18 colors would be.

19 Q. Is there any type of document, whether it

20 be a report or anything of a written nature, that

21 would describe the investigation process utilized by

22 the Boy Scouts of America to arrive at this heat

23 index flag system?

24 A. This flag system?

25 Q. Yes, sir.



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1 works in progress.  
 2 Q. Okay. Are you aware of the number of  
 3 scouts who were treated for heat exhaustion or heat  
 4 stroke in the 2010 jamboree?  
 5 A. Heat exhaustion or heat stroke, scouts? I  
 6 could not produce that number for you today.  
 7 Heat-related incident treatments were  
 8 approximately -- there were probably several hundred  
 9 that were -- that were treated for heat-related  
 10 issues or potential dehydration.  
 11 Q. Okay. So the number of scouts who were  
 12 treated for heat-related issues in the 2010 jamboree  
 13 was significantly less than the number that were  
 14 treated in the 2005 jamboree?  
 15 A. Yes.  
 16 Q. And in the 2010 jamboree, you utilized the  
 17 flag system which has been marked as Exhibit 13 in  
 18 these depositions?  
 19 A. Yes.  
 20 Q. And in the 2010 jamboree, if you had only  
 21 several hundred scouts who had heat-related ailments,  
 22 that would be compared to 3,486 scouts who were  
 23 reported to have heat-related ailments in the 2005  
 24 jamboree?  
 25 A. So you've gone from 1,600 to 3,000? You're

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1 quoting a different section this time?  
 2 Q. Well, you told --  
 3 A. Okay. That's right. I see where you're  
 4 quoting, 3,486.  
 5 Q. Right. And the reason I use that number  
 6 was because you had said before that you didn't have  
 7 a breakdown between all of the heat-related  
 8 conditions, and so I was trying to compare apples to  
 9 apples.  
 10 A. Okay. Well --  
 11 Q. Let me rephrase the question now that  
 12 we've -- just to make sure the question is clear.  
 13 A. Okay.  
 14 Q. According to the CDC report in the 2005  
 15 jamboree, there were a total of 3,486 heat-related  
 16 conditions that they were able to document?  
 17 A. That included heat from skin or sunburn or  
 18 heat from exhaustion or stroke, that's correct.  
 19 Q. Correct. And according to the CDC report,  
 20 there were at least 1,624 persons treated  
 21 specifically for heat-related exhaustion or stroke?  
 22 A. That's correct. Those were not necessarily  
 23 all scouts. Again, I mentioned to you earlier that  
 24 included anybody, including visitors which would have  
 25 been treated at the jamboree.

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1 Q. Okay. And in the 2010 jamboree in which  
 2 you followed the flag system, which is set forth in  
 3 Exhibit Number 13, you've indicated that there were a  
 4 total of only several hundred individuals who were  
 5 treated for heat-related conditions which would  
 6 include skin, sunburn and more significant exhaustion  
 7 or stroke?  
 8 A. Different recording system. But  
 9 heat-related issues would have been several hundred  
 10 scouts that would have been treated for some  
 11 heat-related issue at the 2010 jamboree. Again, the  
 12 documentation on that, the studies are not complete  
 13 at this time.  
 14 Q. I understand that. But so it was  
 15 approximately 10 percent of the -- strike that.  
 16 In the 2010 jamboree, you had  
 17 approximately 10 percent or less of the people that  
 18 were treated for heat-related conditions that you had  
 19 at the 2005 jamboree?  
 20 MR. LEVIN: Form; predicate,  
 21 foundation.  
 22 A. Probably a -- I wouldn't -- I wouldn't  
 23 generalize it that low. I'd probably say we had  
 24 25 percent of the total.  
 25 Q. (By Mr. Peltz) Significantly less --

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1 MR. LEVIN: Form.  
 2 Q. (By Mr. Peltz) -- in 2010?  
 3 A. About 25 percent of the total would be my  
 4 rough guess based on the information I have available  
 5 to me at this point.  
 6 Q. Okay.  
 7 A. But you realize your assumption on the  
 8 questions, though, is that this is the only -- this  
 9 exhibit is the only thing that was done to mitigate  
 10 heat-related illnesses, so that's not the only thing  
 11 that was done to mitigate heat-related illnesses at  
 12 the 2010 jamboree.  
 13 MR. PELTZ: I move to strike that as  
 14 not being responsive to my question.  
 15 Q. (By Mr. Peltz) But let me ask you, were  
 16 other safety procedures adopted or implemented in the  
 17 2010 jamboree that were not utilized in the 2005  
 18 jamboree?  
 19 A. Yes.  
 20 Q. And what were the additional safety  
 21 procedures that were adopted in the 2010 jamboree  
 22 that were not used in 2005?  
 23 A. A couple of examples would include instead  
 24 of a health and safety service, our operation as it  
 25 was in 2005, there was a separate medical service

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1 focused on preparing youth for the jamboree and  
 2 participants for the jamboree pre-jamboree, screening  
 3 out comorbidities prior to the jamboree.  
 4 There was also medical personnel, for  
 5 instance, who accompanied the scouts on their hikes  
 6 to the arena show where the majority of these 2005  
 7 incidents occurred. Water was prevalent. There was  
 8 no Secret Service to make the youth or the adults  
 9 that who had gotten to the arena dump out their  
 10 water. As a matter of fact, in 2010 we were able to  
 11 staff water at the jamboree arena location. That was  
 12 the same thing that was done for the second show  
 13 after Secret Service had made everybody dump out.  
 14 The second show in 2005, water was also stored  
 15 there. We left a lot of water at Fort A.P. Hill  
 16 after the 2010 jamboree because there was lots of  
 17 cases of bottled water everywhere should anybody want  
 18 to grab one.  
 19 So increased water availability, no  
 20 dumping out of water after your hike from your  
 21 subcamp to the arena shows, water at all program  
 22 locations. The safety service that you talked about  
 23 identified locations. We even put water at bus stops  
 24 where we recognized there were backups. So those  
 25 types of activities were part of the overall strategy

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1 to reduce heat-related incidents in 2010.  
 2 Q. So there was a lot more water that was  
 3 available to the scouts in 2010?  
 4 MR. LEVIN: Form.  
 5 Q. (By Mr. Peltz) Was that an important part  
 6 of your strategy?  
 7 A. The jamboree food service operation  
 8 purchased huge quantities of bottled water to  
 9 supplement the water that was available from  
 10 Fort A.P. Hill at site. Different bubbler stations,  
 11 if you will, were designed as part of the development  
 12 so that scouts could have ready access to fill their  
 13 canteens, their camelbacks, their Nalgene bottles.  
 14 Q. Okay. So is water an important element in  
 15 combatting heat stroke and heat exhaustion? Well,  
 16 let me rephrase the question.  
 17 Is sufficient water to maintain a  
 18 scout's hydration levels during the performance of  
 19 activities in conditions of heat an important  
 20 component of preventing heat exhaustion and heat  
 21 stroke?  
 22 MR. LEVIN: Form.  
 23 A. Heat exhaustion and heat stroke are leveled  
 24 body temperatures. One of the causes of elevated --  
 25 one of the causes of elevated body temperatures could

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1 be dehydration or other pre-existing medical  
 2 conditions. The only way to combat dehydration is to  
 3 have water absorbed into the body through drinking of  
 4 water, is the primary route, as you've seen in the  
 5 literature that we've reviewed already today. Eating  
 6 and drinking water are the ways to hydration, and  
 7 they are also ways to combat heat stress and heat  
 8 stroke. But there are other factors that could come  
 9 in. A comorbidity could come in to a youth or adult  
 10 that made them more susceptible to heat than somebody  
 11 else. I don't know how much medical you wanted in  
 12 that, so --  
 13 Q. (By Mr. Peltz) I'm sorry?  
 14 A. That's okay. I'm thinking out loud.  
 15 Q. Exhibit 13, the flag system --  
 16 A. Yes, sir.  
 17 Q. -- under the flag system that was adopted  
 18 for the 2010 jamboree, if there was a black flag day  
 19 as defined by the flag system, what were -- what was  
 20 the amount of water or other fluids that scouts were  
 21 directed to take per hour on those days?  
 22 A. Okay. First off, the black flag would have  
 23 been raised or would have been initiated by a wet  
 24 bulb globe temperature in excess of 90 degrees. That  
 25 would have been the triggering factor. I believe, if

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1 I'm correct here, this is a quart an hour, is what is  
 2 shown for the 90 degrees. This isn't a really clean  
 3 copy that you have.  
 4 Q. I think the quart per hour referred to on  
 5 the first page is probably a little more legible.  
 6 A. One quart per hour with frequent rest  
 7 periods and stay in the shade.  
 8 Q. So if someone was performing a hiking  
 9 activity during black flag conditions and the hike  
 10 was scheduled to last nine hours, under the flag  
 11 system that was developed for the 2010 jamboree,  
 12 would that require the individuals to drink at least  
 13 nine quarts of water during that time period?  
 14 MR. LEVIN: Form.  
 15 A. Hiking, I don't believe, was considered a  
 16 strenuous activity at the jamboree, nor would it  
 17 necessarily be considered a strenuous activity in  
 18 normal program. So each of the activities at the  
 19 jamboree -- walking around the jamboree would have  
 20 been the same similar condition. So while you're  
 21 participating in a program, okay, BMX bicycle riding  
 22 is an example, when the black flag was displayed, you  
 23 would have had a work/rest period which is probably  
 24 about 10 minutes of work for 15 minutes of rest.  
 25 That rest period would have been conducted while they

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1 were waiting in line in the shade, sitting out, you  
 2 know. They actually moved lines so that kids could  
 3 sit in the tree line in the shade during that program  
 4 activity.  
 5 But the program activity would be a  
 6 work/rest cycle. The black flag would indicate how  
 7 much they needed to be drinking during that  
 8 particular activity. Hiking would not have been a  
 9 strenuous activity. It would have been either a  
 10 light or a moderate activity on the heat index  
 11 plan -- or the heat plan that was used at the  
 12 jamboree.  
 13 Q. (By Mr. Peltz) Does this heat index plan  
 14 anywhere define or refer to strenuous activities?  
 15 A. For the program areas? For the specific  
 16 program areas of the jamboree? This, again, is a  
 17 leader's update (indicating), so this was an  
 18 interview given to a newspaper type publication or a  
 19 newsletter publication by the health and safety -- or  
 20 by the safety team at the jamboree. Behind this --  
 21 again, there's more to it than just a card. For each  
 22 of the program areas, each of those program areas  
 23 evaluated their particular program activity. For  
 24 instance, shooting sports -- swimming is probably  
 25 better. Swimming during a black flag, knock yourself

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1 out. We open the pools to cool kids off. So while  
 2 swimming is an activity, it's not affected by the  
 3 black flag.  
 4 Q. Sir, my question is, is there anything in  
 5 Exhibit 13 or the badges and materials which were  
 6 given to the children that limited the responses to  
 7 the particular flags to heavy exertional activities?  
 8 MR. LEVIN: Form.  
 9 A. Those -- that information would have been  
 10 in the possession of those running the particular  
 11 programs at the jamboree. So those would have been  
 12 in an adult or youth leader's for those particular  
 13 program areas.  
 14 Q. (By Mr. Peltz) So two follow-up questions  
 15 on that. It's your testimony that the requirements  
 16 for a black flag day, as set forth in Exhibit 13,  
 17 would not apply to a hike through the Everglades or  
 18 some other national forest?  
 19 MR. SUMMERS: Objection to form.  
 20 Q. (By Mr. Peltz) Is that what you're saying?  
 21 A. I'm saying that -- well, I'm saying that  
 22 this card applied only to the national -- 2010  
 23 National Scout Jamboree, as I mentioned earlier. And  
 24 it has not been executed anywhere outside of the  
 25 national scout jamboree because, quite honestly, it

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1 would almost be impossible to execute this on a hike  
 2 in the Everglades for a unit.  
 3 Q. Is there hiking at the national jamboree?  
 4 A. You walk five to 10 miles a day with a  
 5 backpack on your back as a youth or adult  
 6 participant, so hiking is integral in how you move  
 7 around the jamboree.  
 8 Q. Does the flag index, as described in  
 9 Exhibit 13, apply to individuals who are hiking  
 10 during the course of the jamboree?  
 11 A. Yes.  
 12 Q. So if it is a black flag day and  
 13 individuals are hiking during the jamboree, are they  
 14 directed to drink at least one quart of water or  
 15 other fluids per hour?  
 16 A. The black flag indicates -- the card  
 17 indicates that that's the case. The best example I  
 18 can give you of hiking at the jamboree is that units,  
 19 subcamps all converge on the arena to hopefully  
 20 arrive in one of four areas at the same time. It's a  
 21 hike of three to four hours, in some cases, from some  
 22 of those in the southern region.  
 23 If black flag conditions would have  
 24 been identified during that hike, the pace at which  
 25 they would have done the hike would have not been

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1 controlled. Since black flag conditions weren't,  
 2 they went at a pace controlled by the personnel  
 3 leading that hike. So to answer your question,  
 4 hiking at the jamboree under black flag conditions  
 5 would be kids walking to -- from their camp to the  
 6 program area on the other side at their own pace with  
 7 their camelback or their water bottle, stopping when  
 8 they felt like they needed rest periods and drinking  
 9 when they needed to drink.  
 10 Q. Well, my question to you is very simple.  
 11 It's a yes or no question. And that is --  
 12 A. Few of your questions are.  
 13 Q. Well, I tend to disagree, but the record  
 14 will show that, and I guess a judge and jury will  
 15 decide that.  
 16 My question to you is, is the flag  
 17 system that's contained in Exhibit Number 13, would  
 18 that apply to hiking that took place at the 2010  
 19 jamboree?  
 20 MR. LEVIN: Form; move to strike  
 21 counsel's statement.  
 22 A. It would -- there was no hiking that was  
 23 done outside of normal walking around the jamboree to  
 24 get from one point to the other. Hiking, if you  
 25 will, was the main form of transportation used by all

81 (Pages 318 to 321)