

EXHIBIT 8

In The Matter Of:

*Adelman v.
Boy Scouts*

*Andrew Schmidt
March 17, 2011*

*Friedman, Lombardi & Olson
19 West Flagler Street, Suite 924
Miami, FL 33130
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1 last page?
2 A. Yes, it is.
3 Q. And you understood that during -- when you
4 were preparing these answers, that this was under
5 oath for the purposes of the court proceeding?
6 A. Say that again one more time.
7 Q. You understood when you prepared these
8 answers and when you signed this document that this
9 was -- constituted sworn testimony and this was for
10 the purposes of the Court proceeding?
11 A. Yes.
12 Q. Okay. And you wouldn't have signed these
13 unless you carefully reviewed them and felt the
14 information was accurate?
15 A. Yes. At the time.
16 Q. Okay. Now, as indicated in your answer to
17 Interrogatory Number 5, when Michael arrived, you
18 felt that he was fully prepared for the hike?
19 A. Number 5?
20 Q. Yes, sir. It's kind of under -- I'm
21 referring to --
22 A. This says, "Are you contending any person
23 other than you may be liable."
24 Q. I'm sorry. My mistake.
25 Interrogatory Number 3, Subsection 3. It's

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1 a rather long answer. The paragraph that starts
2 "During the hike".
3 A. Okay.
4 Q. You indicate "Michael arrived prepared and
5 gave every indication that he was enjoying the hike."
6 You see that?
7 A. Yes, I see that section.
8 Q. So do you agree when Michael arrived, he
9 was prepared for the hike?
10 A. Yes, I do.
11 Q. He had all the equipment and whatever else
12 he needed to safely perform the hike?
13 A. Yes.
14 Q. Okay. And you had said, I think, a little
15 bit earlier that you only recommended that Scouts
16 wear a hat, so the fact that he didn't have a hat did
17 not, in your opinion, indicate he was unprepared for
18 the hike and was -- or was missing necessary
19 equipment?
20 A. That's correct. He typically did not like
21 wearing hats.
22 Q. That's true of a lot of the kids, isn't it?
23 A. It is.
24 Q. That's true with one of my sons, so -- I
25 mean, I'm --

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1 MR. HASTY: Move to strike.
2 A. Mine as well.
3 MR. PELTZ: Do your kids like hats?
4 Q. Okay.
5 And you felt that Michael had enough water?
6 A. Yes. Actually, he would typically
7 over-prepare; or his mother would over-prepare him.
8 Q. Okay. So he brought even more water than
9 you had recommended in your e-mail?
10 A. I don't know that he did, but in his -- he
11 typically would be at least prepared, if not more so.
12 Q. Okay. What's a Class B uniform?
13 A. That would be the Scout shorts or pants,
14 depending on the weather, and the Scout socks and the
15 belt, and then the difference would be -- a Class B
16 T-shirt would be a T-shirt that had something to do
17 with Scouting on it; whether it be our specific troop
18 shirt or from an event.
19 Q. On official Scouting activities, are Scouts
20 required to wear either the Class B uniform or the
21 more formal uniform?
22 MR. SUMMERS: Objection to form.
23 A. Yes.
24 Q. Do you call the more formal uniform a
25 Class A?

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1 A. Yes.
2 Q. And this was an official Scouting -- Boy
3 Scouts of America activity?
4 MR. SUMMERS: Objection to form.
5 A. Yes.
6 Q. And you were there as the merit badge
7 counselor and Mr. Crompton was there as the
8 Scoutmaster?
9 A. Yes.
10 Q. Okay. Did you go in to get the permit, the
11 park service permit, or did Mr. Crompton do that?
12 A. I did that.
13 Q. Okay. And you did that that morning of the
14 hike?
15 A. Yes.
16 Q. And where did you go to get it?
17 A. There's a station that's like a
18 self-service station that you fill out the form; take
19 a copy with you and you leave two copies for them.
20 Q. Was there anyone at the station?
21 A. These two particular park rangers outside
22 were there.
23 Q. Okay. Is the self-service station inside?
24 A. No. It's outside.
25 Q. Okay, and --

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1 A. Well, you know. Yes, it is outside. Yes.
2 It is there.
3 Q. Is it covered in some fashion?
4 A. I don't recall.
5 Q. I mean, wouldn't the forms get wet if it's
6 just --
7 A. No. It definitely would be a box sort of a
8 thing. You know, with a work station. I just don't
9 recall if it had a canopy over it or not.
10 Q. How far was the self-service station where
11 you got the form from where the two park rangers were
12 working?
13 A. 20 feet.
14 THE VIDEOGRAPHER: You have five minutes
15 left on the tape.
16 MR. PELTZ: I'm sorry. How much time?
17 THE VIDEOGRAPHER: Five minutes.
18 Q. Do you remember the names of either of the
19 park rangers?
20 A. I do not.
21 Q. Did you speak to either of these park
22 rangers at the end of the day, after Michael had died
23 and they were investigating what had occurred?
24 A. No. We never went back to that building.
25 Those two park rangers were no longer on

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1 duty, to my knowledge.
2 Q. Okay. So those weren't the park rangers
3 you spoke to later?
4 A. No, they were not.
5 Q. Okay. And so you just -- to get this
6 permit, then, you just go to the self-service --
7 A. Kiosk or whatever they call.
8 Q. Kiosk. Okay. And then you fill it out and
9 then what do you do?
10 A. There's instructions on there. You take a
11 copy to take with you and you leave two copies for
12 them. There's like a drop-box to put it in.
13 Q. So there's no one who approves them or does
14 anything else?
15 MR. HASTY: Objection to the form.
16 A. No.
17 Q. Okay. You just fill them out and you drop
18 it in the drop-box?
19 A. Correct.
20 Q. Do you know if that's always there, that
21 self-service kiosk?
22 A. Yes. It's typical of the way the National
23 Park Service operates.
24 Q. And what are the requirements for when you
25 have to fill out one of these back country entry

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1 permits?
2 A. You need to list where you're going and
3 who's going by name.
4 Q. Well, I guess --
5 A. And what time you're starting.
6 Q. I'm sorry. I didn't mean to interrupt you.
7 Were you done?
8 A. Yes. And then you put the date, of course.
9 Q. When are you required to fill one out, I
10 guess, is my question?
11 A. When you start. They won't -- to my
12 knowledge, they won't let you do it any sooner than
13 when you actually start.
14 Q. Well, if you are going to go on any
15 distance on -- to the great -- if you were going to
16 hike any distance, are you required to fill out one
17 of these forms?
18 A. Yes. Yes. To go on the trail, you need to
19 sign -- you need to fill out the form.
20 Q. Okay. Is this something that if you go
21 to -- for example, if you go to the Everglades --
22 well, say you go to Shark Valley, you don't fill out
23 a form?
24 A. No.
25 Q. Okay. So this would be -- was this form

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1 limited to doing when you're hiking on specific
2 trails?
3 A. What they call the back country permit, so
4 it's -- it's going to be in an area away from the --
5 from their immediate, you know, roads, I guess is
6 what they -- the way they describe it.
7 Q. Okay. Let me show you a document which
8 we'll mark as Exhibit Number 6 and ask you what that
9 is.
10 A. This is the permit.
11 Q. And just so we're clear on this, it's your
12 testimony that you got this permit from the
13 self-service kiosk; you filled it out on the morning
14 of the 9th, May 9th, and you deposited two copies in
15 the slot for depositing these things and you retained
16 the third copy?
17 A. Correct.
18 Q. Where is that copy today, the original?
19 A. That this was made from?
20 Q. Yes, sir.
21 A. In the file.
22 Q. Okay. In the Boy Scout file?
23 A. In the file for this hike, yes.
24 Q. Okay. So if we wanted to get the original
25 permit, you could get that from the --

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1 A. Yes. We still have that.
2 Q. Okay.
3 Now, was it a one-page document?
4 A. Yes.
5 Q. Is there anything written on the back?
6 A. No. I believe it's actually like a hard --
7 like a manila paper; like a heavy-stock paper.
8 There's nothing on the back.
9 Q. This copy is kind of cut off, but this is
10 the way it was provided to me. Is there more down
11 there?
12 A. I'm sorry.
13 That's the size of it. No, there's no more
14 there. That's -- that appears from to be the size.
15 No. This is it. No, that's the full form.
16 THE VIDEOGRAPHER: Time out. Change the
17 tape.
18 MR. PELTZ: Okay.
19 THE VIDEOGRAPHER: We're off the record at
20 12:34.
21 [The document referred to was marked for
22 identification as Plaintiffs' Exhibit No. 6.]
23 [Thereupon, at 12:34 p.m., a recess was taken
24 until 1:05 p.m. of the same day.]
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1 AFTERNOON SESSION
2 THE VIDEOGRAPHER: We're back on the record
3 at 1:34.
4 Q. When you fill out the permit at the
5 self-service kiosk, does anyone stamp it in any way,
6 or do you just fill it out and put it in the slot?
7 A. No. You just -- just record; put your
8 information and put it in the slot.
9 Q. And is there -- is there any fee for this?
10 A. There wasn't for this one.
11 Q. Is there a fee to use the trail at all?
12 A. No. Not this segment, no.
13 Q. Do you need a park service --you know, like
14 a card, or like if you go to Shark Valley or the
15 Everglades, where you pay a fee?
16 A. Not for this -- not for this part that we
17 do.
18 Q. You said you didn't have a cell phone with
19 you. Did you have a BlackBerry or I-Phone or
20 anything like that?
21 A. No.
22 Q. Do you know whether Mr. Crompton did?
23 A. He had his phone.
24 Q. Was it a BlackBerry or I-Phone or just a
25 regular phone?

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1 A. I'm not sure.
2 Q. Did any of you have any radios or other
3 devices that you could use to check on the weather
4 and see what was going on?
5 A. No, we did not.
6 Q. Do you know what type of cell phone
7 Mr. Crompton had other than the fact that it was --
8 he had Verizon service and it was more expensive than
9 yours, so that he could get service?
10 A. I believe his had like, you know, the
11 e-mail capability and all these other features; one
12 of the flat models. I don't know the brands.
13 Q. Okay. Do you have any idea what the
14 temperature or humidity was when you first started
15 the hike?
16 A. No, I don't.
17 Q. Okay. The e-mail which we've marked as
18 Exhibit Number 4, was that the only e-mail that you
19 sent out or that anyone in the troop sent out with
20 regard to this particular hike?
21 A. I believe so.
22 Q. Was there any other written material that
23 went out with regard to this hike other than the
24 e-mail which is marked as Exhibit 4 and the hiking
25 schedule which has been marked as Exhibit 2?

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1 A. No.
2 Q. So that was it as far as written
3 communications from the troop with regard to this
4 particular hike; those two documents, Exhibits 2
5 and 4?
6 A. Yes, I believe so.
7 Q. Okay. Have you brought documents today
8 pursuant to the subpoena or the notice?
9 A. I think we have them here someplace.
10 MR. PELTZ: Are these for me?
11 MR. HASTY: This is what we're producing,
12 yes.
13 MR. PELTZ: Okay.
14 [Thereupon, Richard D. Schevis, Esq., enters the
15 deposition room.]
16 Q. Can you tell me what this document is?
17 A. This is -- the first one is a general --
18 just some general information that if people are
19 interested in the troop, we hand this out.
20 I believe this was used like, for example,
21 at, on Scout Sunday, it might be put in the church
22 bulletin that day.
23 Do you want to know about all of these or
24 just the top one?
25 Q. Just what are they?

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1 Q. And were you walking at the same pace
2 during that five miles that you had walked at leading
3 up to reaching the Ten Mile Camp?
4 A. It seemed so.
5 Q. Okay. So if you had previously been
6 walking somewhere about two-and-a-third to
7 two-and-a-half miles per hour, would this have
8 occurred sometime between two hours and a little bit
9 longer after you had left the Ten Mile Camp?
10 MR. SUMMERS: Objection to form.
11 MR. HASTY: Join in the objection.
12 A. Possibly longer between the other stop --
13 it's hard to say.
14 On some hikes, they want to go at a quicker
15 pace when they know they're on the way back.
16 You know, other times, they want to get
17 lazy on you, so I'd say approximately it's the same
18 pace, so it was probably about that timeframe.
19 Q. Okay. The timeline that's contained in the
20 Park Service report which you said you've read
21 indicates that at 1530, which would be 3:30 p.m.,
22 "Victim begins stumbling at Mile 15 of the hike."
23 Does that time seem to be accurate to you?
24 MR. HASTY: Objection to form, what the
25 Park Service recorded.

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1 A. I don't know. I don't wear a watch. I
2 don't really know what time it was.
3 The next time I knew what time it was, was
4 when I got back to the park at 6:30.
5 Q. Okay. Do you have any reason to doubt the
6 timeline set forth by the park rangers in their
7 report as far as this event occurring at
8 approximately 3:30 p.m.?
9 MR. SUMMERS: Objection to form.
10 MR. HASTY: Objection to form.
11 A. To be honest, I really don't know where
12 they got those times from, since I don't have a watch
13 and I didn't -- I didn't have a phone with the time
14 on it. We weren't logging times on anything.
15 I don't know where they got all those times
16 from.
17 Q. Well, my question is: Do you have any
18 reason to doubt the accuracy of it?
19 MR. SUMMERS: Objection to form.
20 MR. HASTY: Again, he just answered the
21 question.
22 Objection to form. Asked and answered.
23 A. I don't know where they got those times
24 from, so I don't --
25 Q. So you have nothing you can point to that

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1 would indicate that that was inaccurate?
2 MR. HASTY: Objection to form. Don't
3 answer.
4 MR. SUMMERS: Objection to form.
5 MR. HASTY: He's answered it twice.
6 MR. PELTZ: Are you instructing him not to
7 answer?
8 MR. HASTY: Yes.
9 MR. PELTZ: Okay.
10 MR. HASTY: A third time, yes.
11 MR. PELTZ: Okay. We will take that up.
12 Q. Were you talking with Michael consistently
13 from the time that he wandered off until the point
14 where he started talking off subject and expressing
15 random thoughts at about 15 miles into the hike?
16 A. I don't -- continuously? Was that your
17 question?
18 Q. I'm asking you how often were you talking
19 to Michael from the time that he wandered off until
20 the time where he started -- you noticed that he
21 started talking off subject.
22 A. It is was a relatively short distance. We
23 were altogether at that point, so -- yes. I don't
24 know if we had a continuous conversation as far as
25 sentence after sentence, but, yes, it was a regular

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1 conversation along there.
2 Q. Well, what I'm trying to get an idea of is
3 for you to quantify how often and how much you were
4 talking to Michael during this time period.
5 A. I really don't remember.
6 Q. Okay.
7 As you -- after he first continued --
8 strike that.
9 After you first noticed him talking off
10 subject, did he continue to become even more
11 incoherent in his discussions with you afterwards?
12 MR. HASTY: Objection to form.
13 A. No.
14 Q. He just -- did he seem to be coherent, or
15 was it the same level of incoherence?
16 MR. HASTY: Objection to form. Misstates
17 his testimony.
18 A. It was only -- I seem to recall it was only
19 a few things, and then when we got to the clearing,
20 he was talking fine again.
21 Q. Okay. Well, do you remember in your
22 answers to interrogatories saying, "At about 15 miles
23 into the hike, Mike started talking off the subject
24 and was expressing random thoughts. I asked if he
25 was okay. He said yes. I asked if he was drinking

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1 water. He said yes.
2 "We proceeded and I began a more focused
3 conversation with him. He was talking about school
4 and tests at college. He then began expressing
5 random thoughts and started to stumble, (appeared to
6 be dizzy)." Is that what you recall?
7 A. Yes. The stumbling and the dizzy was
8 in -- once we got to the rest area.
9 Q. Well, do you remember him continuing to
10 express random thoughts after the first occasion?
11 A. No.
12 Q. Wasn't that what you wrote?
13 A. Yes. Are you asking me what I wrote?
14 Are you asking about the first time or the
15 second time?
16 Q. Both those. You've indicated that there
17 were multiple times where he was talking --
18 A. Yes. Twice. Not multiple. Twice.
19 Q. Okay. And how far was this clearing from
20 the point where you first noticed him talking
21 incoherently?
22 A. From the first time?
23 Q. Yes, sir.
24 A. I would say a quarter mile.
25 Q. Okay. Did you notice him appearing to

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1 stumble and acting like he was dizzy, or is that
2 something he was telling you?
3 A. No. I observed that.
4 Q. Okay. You reached this clearing and you
5 decided to stop and rest?
6 A. Yes.
7 Q. Okay. Do you know about what time this
8 was?
9 MR. HASTY: Objection. Asked and answered.
10 Q. Was this clearing where you had stopped --
11 well, strike that.
12 Did you ever observe Michael leave this
13 clearing where you stopped at that time?
14 A. No.
15 Q. So if you were to look at Exhibit 10-G --
16 A. Uh-huh.
17 Q. -- does that indicate that you reached the
18 rest stop at 4:24?
19 MR. HASTY: Objection to form.
20 A. That's what this shows.
21 Q. Do you have any reason to doubt that that's
22 accurate?
23 MR. SUMMERS: Objection to form.
24 MR. HASTY: Objection to form.
25 A. Yes.

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1 Q. You don't think that's accurate?
2 A. It's not my machine. I don't know how it
3 works and I don't know how they came up with these
4 time frames on this, and it's a blurry diagram,
5 anyway.
6 Q. Well, is there some other time that you
7 believe it was when you arrived at this clearing?
8 A. Once again, I don't have a watch or a phone
9 with the time on it. I don't know how they arrived
10 at any of these times.
11 I know what time we started. I know what
12 time I returned to the heliport. Everything else, to
13 me, is someone's guesstimate. I did not give out any
14 times, to my memory.
15 Q. Okay.
16 A. You can take 9:00 and 6:30 and play with
17 those numbers all you want.
18 Q. Is there a reason that you don't take a
19 watch on a hike?
20 A. I'm trying to get away from civilization;
21 not take it with me.
22 Q. How would you be able to accurately judge
23 the pace of the hike that you're on with the Scouts
24 if you don't have a watch to know how long it takes
25 to go from Point A to Point B?

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1 A. I'm familiar with my pace. I can tell --
2 look at the sun and tell what approximate time it is.
3 I don't need an alarm clock to get up. Things like
4 that. Just experience.
5 Q. Do you remember looking at the sun and
6 figuring out approximately what time it was when you
7 reached this rest stop?
8 A. No, I don't. We were occupied.
9 Q. How long was it that you remained at this
10 rest stop before you left?
11 A. I don't know. An hour. I don't know.
12 Q. Okay. At that point in time, when you
13 first arrived at that rest stop, did Michael want
14 to -- strike that.
15 After you first arrived at the rest stop,
16 did Michael attempt to get up and continue walking?
17 A. Well, when we first got there, everyone sat
18 down. We were resting. Everyone was instructed to
19 get a drink of water; some more water, and that
20 happened to be a shady area with a bench, so was it a
21 good spot to stay, and then -- we were there -- I
22 don't remember how long we sat there, and then
23 Michael wanted -- said he was fine and he wanted to
24 get going.
25 Typically, the boys, the closer they get to

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1 their stopping point, the more they want to get
2 there.
3 Q. Okay. And what happened when Michael tried
4 to get up and start walking?
5 A. When he got up, then that's when he -- he
6 kind of -- we were all sitting on the bench.
7 He kind of got up and stumbled, so -- like
8 he was dizzy; like he couldn't steady himself, which
9 is, you know, an indication to me that he hadn't
10 rested enough and we weren't ready to go, so I told
11 him to sit back down and we were in no rush to get
12 back; we still had plenty of daylight, so just take
13 it easy for a while.
14 Q. How long had you been resting there when
15 Michael tried to get up and stumbled and appeared to
16 be dizzy to you?
17 A. I don't really remember. I don't know.
18 Q. I mean, can you give me an approximate?
19 A. Maybe ten minutes at that point.
20 Q. Okay. And then how long after Michael had
21 got -- had tried to get up and stumbled and was dizzy
22 was it before Michael tried to get up again?
23 MR. HASTY: Objection to form.
24 A. We got to the rest stop. We all sat down.
25 Everyone drank. He got back up; said he was ready to

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1 go.
2 I'm assuming, in his mind frame, he was,
3 you know, originally the leader, so he -- you know,
4 they all just want to get back at this point, so --
5 that's when we told him to sit back down; there was
6 no rush to leave.
7 I think he did sit down for maybe just only
8 like five minutes. He wanted to get back up and we
9 told him, "No. You need to rest. You know, we can
10 stay here, you know, an indefinite time, you know,
11 for you to cool off," and then that's when we started
12 using water to cool him off.
13 I had a towel I carry with me in my
14 backpack, and I don't know --
15 Q. Okay. So --
16 A. I don't know exact minutes, but it's -- the
17 whole -- that whole series was probably within
18 20 minutes, or less.
19 Q. Okay.
20 A. Maybe 15.
21 Q. Okay. And so within about -- okay. Strike
22 that.
23 So after the first time he got up and
24 started to stumble and appeared to be dizzy, you had
25 him sit down for approximately another five minutes.

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1 He tried to get up again, and stumbled and was dizzy
2 again, and you sat him down a second time. Is that
3 accurate so far?
4 MR. HASTY: Objection to form.
5 A. Yes.
6 Q. And then you began to cool him off with a
7 wet towel at that point?
8 A. Yes.
9 Q. Okay. And how did you -- where did you put
10 the towel and what did you do?
11 A. We put some water -- you know, I like
12 water -- working in the sun, I like water on the back
13 of my neck; back of my head and right at the base of
14 my neck, and so we poured some on there.
15 You know, wet the towel and poured that on
16 his face and asked him, you know, "Is that -- you
17 feel good?"
18 "Yes." You know, had a conversation with
19 him.
20 At that point, you know, we're trying --
21 mainly trying to get him to -- not keep -- to stop
22 trying to get up and just calm down and rest and, you
23 know, take -- cool off.
24 Q. Okay. Was there shade in this area?
25 A. Yes. I recall -- I seem to recall there

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1 being shade.
2 Q. Are you sure or --
3 A. Well, it's not like -- it wasn't like you
4 were in a -- you know, in a forest. It's pine trees,
5 so it's going to be intermittent from the type of
6 trees they are.
7 Q. Okay.
8 A. But I recall it being shade. I don't
9 recall us being in the heat of the -- the direct
10 sunlight.
11 Q. Okay. Let me show you a picture which
12 we'll mark as Exhibit 11 -- okay. Let me show you a
13 picture marked as Exhibit 12, and this comes from the
14 Park Service report and it's -- on their photo log,
15 it's Photo Number 8, which says, "Opening on Florida
16 Trail where patient was located."
17 MR. SUMMERS: And I'll object just because
18 the Park Service failed to produce any reports.
19 MR. PELTZ: I'm sorry?
20 MR. SUMMERS: The Park Service failed to
21 produce anything as part of their report that was a
22 photograph, so I'll object. Okay.
23 MR. HASTY: I'll object because it's not
24 the same day; the same time, as not representative of
25 the scene, but you can take a look at the photograph.

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1 MR. PELTZ: Okay. Well, now that you've
2 been coached again, let me ask the question this way.
3 MR. HASTY: It's a legal objection,
4 Mr. Peltz.
5 MR. PELTZ: No, it's not. It's not, and
6 you know it.
7 MR. HASTY: I do know it's a legal
8 objection.
9 MR. PELTZ: And I don't even know that the
10 photograph wasn't taken then, so we will --
11 MR. HASTY: You're telling me the park
12 ranger people were out there at the scene when they
13 were trying to give first-aid to Michael?
14 MR. PELTZ: You know, it's not my
15 deposition and I'm going to ask my questions and
16 you'll make your objections.
17 MR. HASTY: It's a silly statement.
18 MR. PELTZ: And I'll make my objections to
19 your objections.
20 MR. HASTY: That was a silly statement.
21 They weren't there. You know that they weren't
22 there.
23 Go ahead.
24 [The document referred to was marked for
25 identification as Plaintiffs' Exhibit No. 12.]

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1 Q. Sir, with regard to Plaintiffs'
2 Exhibit 12 --
3 A. Uh-huh.
4 Q. -- does that appear to be the spot where
5 you stopped and -- well, where you stopped?
6 A. I don't know. I don't know that that's the
7 exact spot.
8 Q. Does that appear to represent what the area
9 looked like as far as the amount of shade that was
10 available?
11 MR. HASTY: Objection to form.
12 Predicate. Foundation.
13 A. I can't say this is the exact location.
14 There's lots of downed trees. I mean, I don't know.
15 Could be or couldn't be.
16 I did not take a snapshot of the area in my
17 mind when we were there, and I left there.
18 Q. Okay. Let me show you another photograph
19 which we'll mark as Exhibit 13, which also comes from
20 the Park Service and ask you if that appears to be
21 the area where you were stopping to rest and --
22 during this time period.
23 A. This looks similar. This looks like it
24 could be.
25 [The document referred to was marked for

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1 identification as Plaintiffs' Exhibit No. 13.]
2 Q. Okay. You had mentioned that you poured
3 some water down the back of Michael's neck and you
4 put a towel on his face that was wet. Is there
5 anything else you did for him at that time?
6 MR. SUMMERS: Objection to form.
7 A. We were talking to him at that point;
8 seeing if he was -- you know, we're asking him simple
9 questions. "Are you okay? Do you have a headache?
10 You feel sick?" You know, like vomiting kind of
11 sick; not ill.
12 I was looking at his -- just looking him
13 over to see if he -- you know, like if his skin color
14 had changed or anything of -- anything obvious.
15 I think he was just fatigued, was my
16 assessment; that he was just fatigued, and he was
17 wanting to push on and he was trying to overcome his
18 body telling him that he needed to rest for a while.
19 Q. Okay. Did you do anything else to cool him
20 down other than pour water on the back of his neck
21 and give him a wet towel to put on his face?
22 MR. SUMMERS: Objection to form. Misstates
23 prior testimony.
24 A. Well, he was drinking water. He was still
25 drinking water out of his camelback.

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1 Q. Did you do anything else to cool him down
2 besides observe him drink water out of his camelback;
3 pour some water on the back of his neck and give him
4 a wet towel to put on his face?
5 MR. SUMMERS: Objection to form. Misstates
6 prior testimony.
7 MR. HASTY: Join. I join in the objection.
8 Go ahead.
9 A. Not -- not that I recall.
10 Q. Okay. And you said that -- earlier that
11 you remained at the clearing for about an hour before
12 you started to head off, so would that mean that from
13 the time that, after the second time that Michael had
14 tried to get up unsuccessfully, which you said was
15 about 15 minutes after you got there, that you had
16 remained another 45 minutes after that?
17 A. About that, or maybe a little longer,
18 because the boys at one point decided they wanted to
19 go on.
20 Q. Okay. That would be Khris and Chase?
21 A. Correct.
22 Q. Okay. So what did Khris and Chase say
23 about moving on at that point?
24 A. Well, after they observed that Michael --
25 that we wanted Michael -- they were hearing all this,

1 of course. We were all right there.
2 After they observed that we wanted Michael
3 to rest longer, then they knew they were going to be
4 there a while.
5 I think they waited another 20 minutes and
6 they started getting antsy. They wanted to head on
7 down the trail at their own pace, and then either we
8 would catch up or they would wait at the end of the
9 trail.
10 They were familiar with what -- where the
11 truck was and the ranger station; that sort of thing,
12 so we let them go ahead.
13 Q. So you told them it was okay for them to
14 head back by themselves?
15 A. Yes.
16 THE VIDEOGRAPHER: Five minutes.
17 Q. And Khris was how old at that time?
18 A. 12.
19 Q. And Chase was how old?
20 A. I think he was 14.
21 Q. Okay. And is it your testimony that the
22 sole reason that they went back at that time was
23 because they were getting antsy and just wanted to go
24 ahead?
25 A. Yes.

1 A. Well, Michael had fallen asleep by this
2 point, and I sat there with Howard. We sat on the
3 downed tree, and then now 20 minutes had passed, so I
4 was a little concerned that the boys were going to be
5 down the trail and making further distance from us,
6 and now he had given them -- I still had water, but
7 Howard had given them his water, and now we had
8 poured more water on Michael, so Howard no longer had
9 any water.
10 Q. You said Howard had given who his water --
11 the boys?
12 A. One of the boys. One or both of the boys.
13 Q. Chase or Khris?
14 A. Uh-huh. So I told him I would go check on
15 the boys; overtake them and go get more water.
16 Q. Now, if Howard gave one of the boys his
17 water, that would indicate that at least one of the
18 boys had run out of water. Correct?
19 MR. HASTY: Objection. Form.
20 MR. SUMMERS: Objection to form.
21 A. Yes. Like I said, he had that conversation
22 with them about the water, that I don't know -- I
23 don't know all the details about it, but I know he
24 had given one or both of them water. I don't know
25 how it went.

1 Q. Was there any other reason they went back
2 at that time?
3 A. No, not that they told me.
4 Q. Did they still have water with them?
5 A. Yes.
6 Q. How much?
7 A. I believe Howard had that conversation with
8 them. I know they had water. I don't know the
9 quantity of the water that they left with.
10 I believe it was either one or two bottles
11 apiece, but I don't recall for certain.
12 Q. Did anyone ever instruct them to go back to
13 get more water to bring it back to the group?
14 A. No.
15 Q. So it was not your intent that they would
16 come back --
17 A. No.
18 Q. -- after they had reached the ranger
19 station?
20 A. No.
21 Q. About 20 minutes after they left, then you
22 went?
23 A. Correct. About 20 minutes.
24 Q. And what was the purpose of your leaving at
25 that time?

1 Q. Well, would he have given them water if
2 they hadn't run out?
3 A. Excuse me? Oh, I don't know. I don't know
4 how much water that they said they had left and what
5 he decided they need to go back with.
6 MR. HASTY: Then you clearly didn't
7 understand the last question he asked.
8 THE WITNESS: What was that?
9 MR. HASTY: Read the last two questions and
10 the last two answers back, please.
11 MR. PELTZ: Once again, I object to counsel
12 coaching his witness.
13 MR. HASTY: I'm not coaching.
14 MR. PELTZ: Yes, you are.
15 MR. HASTY: Read the last --
16 MR. PELTZ: You don't like the answers and
17 you don't like the testimony, so you're asking him
18 to --
19 MR. HASTY: No. I'm asking for the
20 questions, Mr. Peltz.
21 MR. PELTZ: I see. You're a mind-reader.
22 I understand that.
23 MR. HASTY: Go back two questions, please,
24 before the soliloquy from Mr. Peltz, and read the
25 questions and answers the witness gave so he can hear

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1 them, please.
2 THE VIDEOGRAPHER: We're going to run out
3 of tape, so I'm going to change the tape at this
4 juncture.
5 MR. HASTY: Okay.
6 MR. PELTZ: Well, let's not do anything
7 without being on tape.
8 THE VIDEOGRAPHER: We're off the record at
9 3:42.
10 MR. SUMMERS: Let's take a break.
11 [Short recess taken.]
12 THE VIDEOGRAPHER: We're back on the record
13 at 4:04.
14 Q. What is potable water?
15 A. Drinkable.
16 Q. Okay. You remember early on in the
17 deposition, you said that you weren't sure where you
18 had gotten the understanding that there was -- you
19 would be able to replenish your water, if you needed
20 it, during the hike, and you weren't sure whether you
21 got that information from your hiking books or
22 whether you got that from the Cypress Park visitor
23 map?
24 A. No. I think I said that it was in my
25 books, and I may have also seen it on the park guide.

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1 Q. Okay. Let me show you the map which you
2 have produced, which has been marked as Exhibit
3 Number 9, and under the section marked "Hiking," what
4 does it say about the existence of potable water on
5 the trail?
6 A. Section 9?
7 Q. No. The part on hiking. Exhibit 9.
8 A. "Campsite -- primitive campsite with no
9 potable water on the trail."
10 Q. So does --
11 A. "Three Snail Hammock Trail" -- okay.
12 Q. So the map which you had picked up sometime
13 in advance of the hike, which you said was part of
14 your research for this hike, expressly states that
15 there is no potable water on the Cypress Trail that
16 you were taking -- or the Florida Trail that's in the
17 Cypress Park?
18 MR. HASTY: Objection to form.
19 Q. Let me rephrase the question.
20 You said -- earlier you testified that you
21 picked up this map to assist you in the planning of
22 the hiking?
23 A. Yes, I did.
24 Q. And the Big Cypress map and explanation
25 expressly states that there is no potable water on

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1 the trail, does it not?
2 A. Yes.
3 Q. Thank you.
4 MR. HASTY: Can I see that?
5 MR. PELTZ: There's something else I want
6 to -- okay.
7 Well, while he's looking at that, I'll move
8 onto something else.
9 Q. At the time that you decided you were going
10 to leave to follow after Khris and Chase, you said
11 that Michael had fallen asleep. Did you hear him
12 snore at all while he was sleeping?
13 A. Yes.
14 Q. And was the reason that you were going --
15 the reason that you were leaving at that point in
16 time was simply to follow after the two other
17 Scouts -- Crompton -- I mean, Chase and Khris?
18 MR. SUMMERS: Objection to form.
19 A. No. I was also leaving to go get more
20 water.
21 Q. More water for Howard?
22 A. Yes.
23 Q. Any other reason?
24 A. I did say I would check at the ranger
25 station and -- because I had to do something with the

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1 Scouts. I wasn't planning on bringing them back, so
2 I had the keys to his truck. I had to situate them.
3 Q. So your intent on checking with the ranger
4 station had to do with making arrangements for Khris
5 and Chase while you went back to Howard?
6 A. Yes. Well, I was going to explain the
7 situation and see if there was -- see what they had
8 to say about it.
9 Q. And at the point that you left, it was your
10 understanding at that time that Michael would recover
11 enough to continue the hike?
12 A. That's right.
13 Q. So at the time you left, you did not feel
14 that Michael was in any type of life-threatening
15 emergency or condition?
16 A. No.
17 Q. So the reason -- strike that.
18 So you weren't going to the ranger station
19 to ask them for help; you were going for -- to get
20 arrangements made for the other two scouts while you
21 went back up the trail?
22 MR. HASTY: Objection to form.
23 MR. SUMMERS: Objection to form.
24 A. Well, as I got down toward the end of
25 the -- you know, as I was getting closer to it, then

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1 I had it running through my mind that maybe they knew
2 of another way out there to help shorten their time
3 to get back, because I didn't know how far in the
4 trail they might -- I didn't know if I was going to
5 meet them back halfway or they were going to still be
6 there when I returned there, so I had in my mind to
7 just let the rangers know what the situation was as I
8 left and what we needed to do with the two Scouts,
9 and that someone -- me or somebody needed to get back
10 there with more water for Howard.
11 Q. Okay. Well, at the time you left the
12 clearing, you didn't feel that there was an emergency
13 situation for the rangers to respond to?
14 A. No, I did not.
15 Q. Were you concerned at all about the fact
16 that Khris and Chase might just wander off down the
17 trail someplace?
18 A. No.
19 Q. Didn't enter your mind?
20 A. No.
21 Q. They had never been on that trail before,
22 other than on your way out?
23 A. Yes. They had been there on the way in.
24 Q. That's what I said. Way out.
25 A. Out and back? Yes.

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1 Q. Uh-huh.
2 Okay. At some point in time, did you catch
3 up to Khris and Chase?
4 A. Yes.
5 Q. About how long did it take you to catch up
6 with them?
7 A. I don't really know. I was walking at a
8 pretty good pace. I don't know for sure. I don't
9 know.
10 Q. Were -- was Mr. Crompton in agreement with
11 you at the time that you left that Michael was not in
12 any type of life-threatening or emergency situation?
13 A. Yes.
14 Q. Okay. Was there any attempt at that point
15 for Mr. Crompton to use his cell phone to see if he
16 could call, or did you just deem it wasn't necessary?
17 A. No. There was no reason to think that
18 there was a reason to call emergency services or
19 anything.
20 Q. Now, at the time you left, Michael was
21 asleep, so I take it that he was not in a position to
22 use his cell phone?
23 MR. HASTY: Objection to form.
24 A. I didn't even know he had a cell phone.
25 Q. If he had a cell phone, he wouldn't have

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1 been in a position to use it at the time you left,
2 would he?
3 A. No. No.
4 Q. I'm sorry. And you said you caught up with
5 Khris and Chase about how much longer?
6 A. I don't know. You know, it was -- it was
7 approximately five miles to get back there.
8 They had been gone at least 20 minutes, so
9 they had a 20-minute head start, but I was -- you
10 know, I don't know if we can do the math or not.
11 They had a 20-minute head start, but I was
12 walking faster, so I don't know. I'm guessing they
13 may have been halfway there -- halfway back, so maybe
14 they were somewhere between -- around the 18-mile
15 mark by the time I caught them.
16 Q. Okay. So you were going at a much higher
17 rate of speed than they were?
18 MR. SUMMERS: Objection to form.
19 A. Yes.
20 Q. I mean, they had had a 20-minute head
21 start, and then you caught them?
22 A. At least 20 minutes, and then, yes, and
23 then eventually I caught them.
24 Q. Okay. And when you met up with them, did
25 they indicate to you that they were out of water?

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1 A. Yes. When I caught them -- actually, I
2 picked up a water bottle on the way.
3 The first thing I asked them was whose
4 empty water bottle this was that you dropped, and
5 then they said that was their last one, and it came
6 out of their pocket; you know, they stuck it in their
7 pocket and it fell out, so they didn't even realize
8 they dropped it, so I still had another bottle of
9 water, so I gave them my bottle -- last bottle of
10 water to split; share.
11 Q. Okay. In your answers to interrogatories,
12 you indicate that you caught up with them at about
13 three miles after they had left?
14 A. That seems reasonable. Uh-huh.
15 Q. Okay. So in that three miles, they had
16 used up the water that Mr. Crompton gave them; they
17 used up whatever water they had brought with them,
18 and they were out of water again.
19 MR. SUMMERS: Objection to form.
20 Q. Is that -- well, let me ask the question
21 this way: When you caught up with them at the --
22 approximately the 18-mile mark of the hike, they were
23 out of water?
24 A. They were out of water.
25 Q. They had previously been given water by

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1 Mr. Crompton at the clearing before they left?
2 A. Yes.
3 Q. Okay. That was his water?
4 A. Yes.
5 Q. Okay. And so by the 18-mile mark, they
6 were out of all the water that they had or which had
7 been given to them?
8 A. That's right.
9 Q. And at that point, you gave them your last
10 bottle of water?
11 A. I did.
12 Q. And did you indicate at that point that you
13 were going to get more water not only for Howard, but
14 Michael as well?
15 A. Yes. I told them I was going to move on
16 ahead of them. They can continue on at the pace they
17 wanted to go at, and I was going to the truck to get
18 more water; to see if there was any ranger around and
19 then I would meet them there. They knew where the
20 truck was parked.
21 Q. Okay. So you all had more water in the
22 truck that you hadn't brought with you?
23 A. Yes, we did.
24 Q. So at the 18-mile mark, Mr. Crompton -- by
25 the time you got there, Mr. Crompton had been out of

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1 water for sometime; the two Scouts were out of water,
2 and you had given them the last of your water?
3 MR. SUMMERS: Objection to form.
4 A. Well, technically, Howard wasn't out of
5 water. Michael still had water in his -- in one of
6 his camelbacks.
7 Q. So the only person who had water at that
8 point was Michael, who had brought two camelbacks?
9 A. Correct.
10 Q. And each camelback held three liters of
11 water?
12 A. That's what I'm told.
13 Q. So -- and that was approximately twice as
14 much as had been recommended that the Scouts bring in
15 the e-mail that you had sent on May 7th advising of
16 the hike?
17 MR. SUMMERS: Objection to form.
18 A. Well, the e-mail said three to four, so it
19 wouldn't necessarily be twice as much.
20 Q. Well, he brought six?
21 A. Yes.
22 Q. So he brought twice as much as the minimum
23 amount you had suggested they bring?
24 A. Well, double would be six to eight,
25 correct?

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1 Q. My question to you is: Michael had brought
2 double the amount of the minimum suggested amount you
3 had recommended?
4 A. Yes, he did.
5 Q. And, at that point in time, at the 18-mile
6 mark, he was the only one who had a water supply
7 left?
8 MR. SUMMERS: Objection to form.
9 A. Yes.
10 Q. You -- after you gave your water to Chase
11 and Khris, you then continued on toward the Oasis
12 station?
13 A. Correct.
14 Q. And you were still traveling at a
15 significantly faster rate of speed than they were?
16 A. Yes.
17 Q. As you reached the ranger station, did you
18 notice that they had their emergency equipment being
19 geared up in some fashion?
20 A. I did.
21 Q. What specifically did you see?
22 A. As I got closer to the northern edge of the
23 fence line, which would be the northern end of that
24 dredge lake, I could hear sirens, but -- you know,
25 nothing was in view yet, but I could hear sirens, so

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1 I knew I was getting close, plus the trail markers,
2 and when I finally got to the open end of the trail,
3 the trail actually borders the property, so it's
4 scrub on one side and you can see the whole ranger
5 area on the other side.
6 Then I noticed that helicopters -- that
7 there was a -- an EMS truck had just gotten there.
8 There were some sheriff's cars and there was a couple
9 of helicopters there, and they were -- they were, you
10 know, the -- they were running, but there was no one
11 getting in them yet, so there were still people
12 scurrying around.
13 Q. Okay. How far was this area from the Oasis
14 Ranger Station?
15 A. The area -- it's all the same area, so the
16 heliport, the fire portion of the -- of that area is
17 north of the ranger building, the visitor center.
18 Q. But how far is it from the building? I
19 mean, is it close by or --
20 A. Oh, like a football field or something, I
21 guess. 100 yards.
22 Q. About 300 feet, more or less?
23 A. Yes, I would say. Somewhere in there.
24 Q. And I think you said earlier you did recall
25 that you got back by 6:30, was it?

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1 map, and then I don't know if he determined that
2 wasn't doable or not -- I have no idea -- but he went
3 on with updating the coordinates to the helicopter
4 somehow.
5 MR. PELTZ: I'm going to show you a part of
6 the ranger's report which we're going to mark as
7 Exhibit 14, and it was prepared by Ranger Wynn
8 Carney.
9 [The document referred to was marked for
10 identification as Plaintiffs' Exhibit No. 14.]
11 MR. HASTY: Just note an objection that I
12 have. This is hearsay. It's not authenticated. We
13 don't stipulate to the admissibility or authenticity
14 of the document, and also it's redacted.
15 MR. PELTZ: Not by me. That was the way we
16 received it from the Park Service.
17 MR. HASTY: Go ahead.
18 Q. Have you seen that before?
19 MR. HASTY: Anything I've shown you or
20 discussed with them, if I've shown it to you. If you
21 see it other than from me, you can talk about it.
22 Q. At this point, I just want to know whether
23 you've seen it.
24 A. Yes, I have seen this.
25 Q. I'd like to direct your attention to the

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1 third paragraph.
2 A. Okay.
3 MR. HASTY: Have you seen it separate from
4 me?
5 THE WITNESS: No.
6 Q. On the third paragraph, do you see where it
7 says, "At 1839 hours, I contacted the hiker
8 identified as Andrew Lytle Schmidt." You see that
9 paragraph?
10 A. Uh-huh. Yes, I do.
11 Q. Okay. So that would be 6:39 p.m.?
12 A. I see that line.
13 Q. Does that appear to be about the time you
14 recall or remember talking to the ranger?
15 A. Yes.
16 Q. Do you see where Ranger Wynn Carney then
17 goes on to state, "I asked Schmidt if he had seen
18 anyone else on the trail. Schmidt said no, but there
19 were other hikers, a group behind him."
20 MR. SUMMERS: Just for my information, is
21 yours blacked out or not, because --
22 MR. PELTZ: Yes.
23 MR. SUMMERS: Mine doesn't have the names
24 written in there. I don't know if yours does. Mine
25 is blacked out.

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1 MR. PELTZ: It has some names, but not
2 others.
3 MR. SUMMERS: For example, I don't see the
4 "Schmidt" name here. Is it?
5 MR. PELTZ: I don't know. I got what I
6 got -- from.
7 MR. SUMMERS: All I'm asking is, when you
8 read "Schmidt," do you see it in there, or are you
9 looking --
10 MR. PELTZ: In that line I just read, yes,
11 but other things are blacked out.
12 MR. SUMMERS: Mine is mostly blacked out.
13 Okay. As a precaution, I'll object to the
14 form. You need to attach yours as an exhibit --
15 MR. PELTZ: It is marked as an exhibit.
16 MR. SUMMERS: Okay.
17 MR. HASTY: And I object to the question,
18 but go ahead.
19 MR. PELTZ: There's no question.
20 MR. SUMMERS: I think I've thrown the
21 pacing off. Please excuse me.
22 MR. PELTZ: Yes, you have.
23 MR. SUMMERS: Please --
24 MR. PELTZ: You've thrown the pacing off.
25 MR. SUMMERS: Please state your question

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1 again. I'll just do a simple objection and we'll
2 move on.
3 Q. Do you see after that, where he states, "I
4 asked Schmidt if he had seen anyone else on the
5 trail. Schmidt said no, but there are other hikers
6 in the group behind him."
7 "I advised Schmidt that the reason I was
8 interviewing him was there was a report of an
9 unresponsive hiker. Schmidt advised me that the
10 unresponsive person was a member of his group named
11 Michael Sclawy-Adelman and was up the trail with the
12 Scoutmaster, Howard Crompton."
13 You see that part?
14 MR. SUMMERS: Objection. The same reason.
15 A. Yes.
16 Q. Is that consistent with your recollection
17 of the initial part of your conversation with the
18 ranger?
19 A. Yes. I believe I just told you all of
20 that.
21 Q. Okay.
22 Then it goes on to state that "Schmidt
23 stated that Sclawy-Adelman was about to be 18 years
24 old; was not breathing well and had overheated."
25 Do you see that sentence?

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1 MR. HASTY: Objection to form.
2 A. I see that.
3 Q. Did you tell that to the ranger?
4 A. No.
5 Q. Okay. So do you deny that you told the
6 ranger that Michael was not breathing well and had
7 been overheated?
8 A. Yes.
9 Q. Do you know why he would have attributed
10 that information to you if you had not told it to
11 him?
12 MR. HASTY: Objection to form.
13 You can answer.
14 A. Why would he put this in there? Is that
15 what you're asking me?
16 Q. Yes. If he did not get it from you.
17 A. Well, he obviously didn't make this report
18 up as we were speaking, because he wasn't writing
19 anything down, so this is a compilation of all his --
20 of his and the other guy's reports, whatever time
21 they made it. This is made two days later.
22 Q. So you deny that you told him that Michael
23 was overheated?
24 A. I do.
25 Q. Okay. And you deny you told him that

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1 Michael is not breathing well?
2 A. Yes.
3 Q. Okay. Michael was overheated when you
4 left, was he not?
5 MR. HASTY: Object to the form.
6 A. Yes, he was overheated.
7 Q. I mean, that's why you were putting water
8 on him?
9 A. Right. Uh-huh.
10 Q. And Michael was snoring when he was
11 sleeping?
12 A. Yes.
13 Q. Ranger Carney goes on to state that
14 "Schmidt advised me that the reason he had separated
15 the party was to get more water because they were
16 out."
17 Is that an accurate statement of what you
18 told him?
19 MR. HASTY: Object to the form.
20 A. No, I didn't tell him everyone was out.
21 Q. Okay. Well, he doesn't say that you said
22 everyone was out.
23 A. But you said "they". I don't know who he
24 means by "they".
25 Q. Okay.

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1 He goes on to state, "I asked Schmidt if
2 there were other hikers in his party and he said yes.
3 Two kids later identified," and the names are
4 redacted out of the children, "who were 20 minutes
5 behind him hiking south toward Oasis on the Florida
6 Trail."
7 Is that an accurate statement of what you
8 told him?
9 A. I might have -- I don't know if I told him
10 minutes or not. I told him they were, you know, not
11 too far behind me. I may or may not have said
12 20 minutes.
13 Q. I mean, you told us 20 minutes earlier.
14 Was that accurate?
15 A. No. I told you that they left 20 minutes
16 ahead of me from the stop point.
17 Q. Okay. And then you passed them at some
18 point?
19 A. Correct.
20 Q. He then goes on to state, "Schmidt appeared
21 to be exhausted, so I gave him some water." Is that
22 a fair description of your condition?
23 A. Yes. I would have to understand the
24 definition of exhausted that he's trying to say.
25 Yes. I had just double-paced five miles.

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1 Q. Okay. Going down to the end of that
2 paragraph, where he states, "I asked Schmidt the
3 condition of Sclawy-Adelman when he departed the
4 incident area and he advised that Sclawy-Adelman was
5 overheated; breathing, but unresponsive."
6 Is that what you told him?
7 MR. HASTY: Objection to form.
8 A. Yes. That -- I don't know that I would
9 have used the word "unresponsive". I would have said
10 that he was breathing and he was sleeping.
11 Q. Okay. Then he goes on to note -- and he's
12 redacted out, or the Park Service has redacted out
13 the names of the Scouts -- "arrived a few moments
14 later. They, too, wanted water and Gatorade. They
15 were out of water and appeared to be very tired."
16 A. Uh-huh.
17 Q. Is that an accurate description of what
18 occurred?
19 A. Yes.
20 Q. Were you present with -- when Ranger Carney
21 spoke to Mr. Crompton later on?
22 A. I don't recall.
23 Q. So you don't recall overhearing any of
24 their conversation?
25 A. No.

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1 Q. By "they," I mean Mr. Crompton and the
2 ranger.
3 A. Yes. No, I don't remember.
4 Q. Okay. If you go to the second page, you
5 see the second paragraph, where it says, "I asked
6 H. Crompton and Schmidt to tell me what happened on
7 the trail when they noticed Sclawy-Adelman showing
8 signs of exhaustion."
9 You see that paragraph?
10 A. Yes.
11 Q. And so do you recall being with
12 Mr. Crompton at that time?
13 A. I know I was with him at times. There were
14 a couple of sheriff deputies there; there was two
15 park rangers there; there was a fire official of some
16 sort there. I can't put all the names and faces and
17 who was asking the questions.
18 Q. He goes on to state, "H. Crompton advised
19 me that approximately 1530 hours and near Mile 15 of
20 the hike, Sclawy-Adelman began stumbling. H.
21 Crompton stated he advised Sclawy-Adelman to sit down
22 and rest, giving him water to drink and a damp towel
23 to cool him off."
24 Is that an accurate statement of what
25 occurred?

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1 A. Well, he didn't give him the -- he didn't
2 give him the water. Michael had the water. He just
3 told him to drink it, and he didn't give him the damp
4 towel. We were using the damp towel to cool him off.
5 Q. Okay. But was the 1530, that would be
6 3:30, an accurate description of time?
7 A. I have no idea.
8 Q. He goes on to state at the end of that
9 paragraph, "H. Crompton and Schmidt advised that just
10 before Sclawy-Adelman was unresponsive,
11 Sclawy-Adelman was snoring and -- as he breathed and
12 was not sweating."
13 Is that an accurate statement?
14 A. Are you reading the last sentence?
15 Q. Yes. In that paragraph, sir.
16 A. Let me just re-read that.
17 He was sweating. No, that's not accurate.
18 Q. What number is that exhibit?
19 A. 14.
20 MR. PELTZ: Okay. Let me show you another
21 portion of the Park Service report. This is a
22 narrative sheet signed by Drew Gilmour which we'll
23 mark as Exhibit 15.
24 MR. HASTY: Same objection. Hearsay,
25 unauthenticated.

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1 [The document referred to was marked for
2 identification as Plaintiffs' Exhibit No. 15.]
3 Q. Have you seen that before?
4 A. Give me a second.
5 Yes, I've seen this.
6 Q. I direct your attention to the second
7 paragraph, where he says that he -- well, the
8 beginning of the second paragraph, he says, "When I
9 arrived at the Oasis airstrip, I saw Ranger Carney's
10 vehicle parked on the west side of the airstrip.
11 Carney was talking to a white male.
12 "I drove over to him and got out and
13 listened to him interview the man who was later
14 identified as Andrew Lytle Schmidt."
15 Do you remember another ranger coming up
16 during the course of the interview?
17 MR. SUMMERS: Objection to form.
18 MR. HASTY: I join in the objection.
19 A. Not really.
20 Q. Okay. Do you remember that not occurring,
21 or you just don't remember one way or another?
22 A. I just don't remember one way or the other.
23 Q. He goes on to state, "Schmidt told Carney
24 that he was part of group of Boy Scouts who were on a
25 hike. Schmidt said that the purpose of the hike was

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1 to complete a requirement for the hiking merit
2 badge."
3 Do you remember that discussion?
4 A. I would not have been talking about a merit
5 badge at that point. Far from it.
6 Q. "As Schmidt talked, two juveniles from
7 Schmidt's group came out of the brush and walked up
8 to the vehicle. We handed them bottles of water and
9 Gatorade."
10 Do you recall that occurring?
11 A. They did -- you know, yes. The boys got
12 bottled water. Actually, they would prefer Gatorade
13 to water if you are going to ask them which one they
14 want.
15 Q. He goes on to state, "I asked Schmidt why
16 the group chose this day to do their hike. Schmidt
17 replied they didn't want to wait until the fall to do
18 it."
19 Do you remember that discussion?
20 A. I don't remember that discussion.
21 Q. Did you ever give a written statement to
22 either the park rangers, the police or any other
23 entities that were investigating this incident?
24 A. I remember talking to somebody. I don't
25 remember if it was the sheriff or the ranger.