

# EXHIBIT 9

**In The Matter Of:**

*Adelman v.  
Boy Scouts*

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*Howard Crompton  
March 8, 2011*

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1 might considered an emergency response the same or  
2 different for the hike that Michael died on as  
3 compared to the hike at Shark Valley?  
4 MR. HASTY: Objection to the form.  
5 A. We consider the weather for both hikes.  
6 We consider where we are. We consider how we can  
7 get help, so I guess some of the things are the same.  
8 Q. Did you consider all of those factors that  
9 you mentioned to be the same for both hikes?  
10 MR. HASTY: Objection to form.  
11 A. Did I consider --  
12 Q. You've given us various factors you've said  
13 you considered.  
14 My question is: Did you consider those  
15 factors or those risks to be the same for both of the  
16 hikes?  
17 MR. HASTY: Objection to form.  
18 A. Which factors would you like me to  
19 consider?  
20 Q. Let's talk about weather.  
21 A. Okay.  
22 Q. Start with that.  
23 Did you consider the potential -- the  
24 weather and the impact that might have on the scouts  
25 to be the same at both hikes?

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1 A. We always consider the weather. I mean,  
2 we check to see how hot. We check to see if there  
3 are thundershowers in the area or could be cropping  
4 up for later. You know, obviously any storms that  
5 are coming we would adjust for that.  
6 Q. Did you consider the accessibility for  
7 emergency help to be the same at both locations?  
8 MR. HASTY: Objection to form.  
9 A. I guess for help it wouldn't be the same  
10 since Shark Valley has a paved road. I mean, you can  
11 drive cars out there, trucks. If you're on the  
12 Florida Trail you couldn't drive a truck down there.  
13 However, there's -- I mean, we're hiking  
14 right next to a ranger station, a fully staffed one.  
15 There was plenty of people there, as we saw, and as  
16 we're hiking we pass a heliport. There's a  
17 helicopter right there. We only hiked ten miles  
18 down this trail.  
19 I mean, it would be reasonable to assume  
20 that if we needed help in a hurry that -- in that  
21 federal park we could have got it.  
22 Q. The heliport and the ranger station was at  
23 the beginning of the hike?  
24 A. Correct.  
25 Q. And you hiked ten miles away from that

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1 point?  
2 A. Yes, only ten miles, and at the time of  
3 the incident we were only five miles away from that  
4 point.  
5 Q. So it was your belief that help was  
6 immediately accessible if you needed it in connection  
7 with responding to any emergency that might arise?  
8 A. Well, I don't know about "immediate," like  
9 in a minute, but certainly less than the time it  
10 actually took to respond.  
11 Q. Are you critical of the response in any  
12 way?  
13 A. Yes. I'm very critical of the response.  
14 Q. In what manner are you critical of the  
15 response?  
16 A. The time it took for emergency personnel to  
17 respond.  
18 Q. And what time -- how long did it take for  
19 emergency personnel to respond?  
20 A. I would say at least an hour.  
21 Q. That was from your first phone call?  
22 A. I don't know what time I made my first  
23 phone call, but I would say "yes." Definitely it was  
24 at least an hour from the time I made my first phone  
25 call.

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1 Q. And do you feel that if -- what do you feel  
2 the emergency response should have been?  
3 A. Faster.  
4 Q. Well, how much faster?  
5 A. I'm not an emergency response person. I  
6 don't know, but wouldn't it be reasonable to assume I  
7 could get an emergency response faster?  
8 I mean, how long does it take to get a  
9 helicopter up to a scene when you're five miles away?  
10 So ten minutes?  
11 I would have expected I could get the  
12 connection -- I could get somebody out therein ten  
13 minutes.  
14 Is that the kind of answer you're looking  
15 for?  
16 Q. I'm just looking for your answer, so --  
17 A. That's just my opinion, but --  
18 Q. So your opinion is you expected that the  
19 emergency rescue should have been this in about ten  
20 minutes from the time you called?  
21 A. I would think. That would not be  
22 unreasonable to assume given how close these folks  
23 were.  
24 Q. Did -- in your opinion was the delay in the  
25 emergency response responsible for Michael's death?

1 MR. HASTY: Objection to form. Predicate.  
2 Foundation. Expertise.

3 A. Are you saying that if they had gotten  
4 there in ten minutes would he still be alive?

5 Q. I'm not saying anything.

6 I'm asking you to explain your testimony.

7 You said you were critical of the response  
8 and I'm trying to find out what you mean by that.

9 So my question to you is: Is it your  
10 contention that if they had arrived earlier that  
11 Michael would have been saved?

12 MR. HASTY: Objection to the form.

13 Predicate. Foundation. Expertise.

14 Go ahead.

15 A. I think Michael would have had a better  
16 chance.

17 Q. And at what point do you believe that  
18 Michael lost that better chance by what you've  
19 interpreted as this delay in response?

20 A. Well, with the delay in response -- any  
21 time you delay I guess is one more minute away  
22 from -- from that.

23 Q. Well, are you saying that if they had  
24 arrived within half an hour, say, that you feel that  
25 Michael would have been saved?

1 Q. Okay. So you made -- you were able to get  
2 someone the first time you called. You lost the  
3 call, and then either you called them back or they  
4 called you back?

5 MR. HASTY: Objection to form. Misstates  
6 his testimony. Object to the form.

7 A. I made the call.

8 Q. Right.

9 A. I got them on the phone, started explaining  
10 the situation --

11 Q. Right.

12 A. The call dropped and I -- I don't -- I  
13 don't know if I called them back. I probably tried  
14 to call them back and they probably tried to call me  
15 back, so --

16 Q. Since there's been an objection let me  
17 rephrase the question.

18 The first time you called did you get  
19 someone on the line?

20 MR. HASTY: Objection to the form.

21 MR. SUMMERS: Object to form.

22 A. Yes.

23 Q. What number did you call?

24 A. 911.

25 Q. And do you know who or what department or

1 MR. HASTY: Objection to the form.  
2 Predicate. Foundation. Expertise.

3 A. I don't know.

4 Q. Do you think that if help had arrived --  
5 had arrived within half an hour -- that Michael would  
6 have had a significantly better chance of survival?

7 MR. HASTY: Same objection. Same  
8 foundation. Qualification.

9 A. I don't know.

10 Q. You said you don't recall exactly when you  
11 first called. I mean the time -- strike that.

12 That was a bad question. Let me rephrase  
13 the question.

14 THE VIDEOGRAPHER: We have five minutes  
15 left on the tape.

16 Q. Do you have any recollection as to the time  
17 it was that you first called for assistance?

18 A. No. I don't remember the time I called for  
19 assistance.

20 Q. Did you call more than once for assistance  
21 before you were able to get someone on the line?

22 A. I called, I got somebody on the line, and I  
23 believe that first call after I got somebody on the  
24 line was -- I lost the call and had to call back, and  
25 they called me back, or something along those lines.

1 what entity you contacted when you called 911?

2 A. I have no idea.

3 Q. Did you talk to whoever answered the 911  
4 call for some period of time before the call was  
5 lost?

6 MR. HASTY: Objection to form.

7 A. Well, of course. Some period of time.

8 Q. How long was that period of time?

9 A. Until the call dropped. I don't know.

10 Q. How much were you able to explain to them  
11 before you lost contact?

12 A. I believe I told them about the situation.

13 Q. Did you tell them where you were at the  
14 time?

15 A. I believe I was trying to communicate that,  
16 yes.

17 Q. Had you communicated fully your position  
18 where you were at the time?

19 A. I don't believe -- at one time when I got  
20 them on the phone I gave them the exact GPS  
21 coordinates, but that was not the first call.

22 Q. I'm on the first call now.

23 What did you tell them during the first  
24 call as to where you were?

25 MR. HASTY: Objection to form.

1 A. I do not.  
 2 Q. Do you have a recollection of what you  
 3 specifically said?  
 4 A. The only thing that I would have a  
 5 recollection of is -- the document they had me fill  
 6 out -- so I remember they handed me that and they  
 7 said, "Write down what happened."  
 8 You know, at no time was -- was any of the  
 9 rangers or officers interviewing me and taking notes  
 10 and that type of thing. They just basically handed  
 11 me that piece of paper and they said write down what  
 12 happened, so I wrote down what happened and I believe  
 13 I signed that.  
 14 Q. Do you have any recollection of any of the  
 15 specific questions they asked you or what your  
 16 answers were?  
 17 MR. HASTY: Objection. Compound.  
 18 A. No, I don't.  
 19 Q. Do you see on the second page of  
 20 Exhibit 26 where it says in the second full  
 21 paragraph: "While waiting for the helicopter to  
 22 return Crompton and I returned to where the patient  
 23 was first located to gather up any remaining gear. I  
 24 instructed Crompton to drink some water and asked  
 25 when he had last had anything to eat.

1 MR. HASTY: Objection. Mischaracterizes  
 2 his --  
 3 MR. PELTZ: I'm going to finish the  
 4 question. Then you can object to my question.  
 5 MR. HASTY: Your mischaracterized his  
 6 testimony.  
 7 Q. My question to you is: Do you now remember  
 8 the conversation you had with the ranger?  
 9 MR. HASTY: Objection to the form.  
 10 Mischaracterizes his testimony.  
 11 A. I can't remember whether I had this  
 12 conversation while we were waiting for the helicopter  
 13 to come back or after I got back.  
 14 Q. Well, my -- I'm sorry. Go ahead.  
 15 A. You know, but -- if they asked me something  
 16 about that, you know, I could have talked about --  
 17 MR. HASTY: That's not what he's asking  
 18 you.  
 19 Q. My question to you was initially when I  
 20 asked you what discussion you had with the ranger  
 21 while you were waiting for the helicopter you said  
 22 you didn't remember anything that was said.  
 23 Now I asked you whether you even remembered  
 24 the subject matter and you said you didn't remember.  
 25 Do you remember those questions and

1 Crompton replied that they had stopped for  
 2 lunch around 10-mile camp, but everyone was really  
 3 hot and didn't want to eat anything. He stated that  
 4 he ate a little then."  
 5 Do you recall that discussion with the  
 6 ranger?  
 7 MR. HASTY: Objection to the form.  
 8 A. I recall something along those lines.  
 9 Q. And do you remember telling him that  
 10 everyone was really hot and didn't want to eat  
 11 anything?  
 12 MR. HASTY: Objection to the form.  
 13 A. I didn't believe I worded it that way.  
 14 Q. What way do you believe you worded it?  
 15 A. I believe I told him that that we were all  
 16 a little more thirsty than hungry and they mostly  
 17 were drinking water at lunch, but they also ate  
 18 lunch.  
 19 Q. So now you do have a recollection of that  
 20 conversation?  
 21 MR. HASTY: Objection to the form.  
 22 A. When you read it to me, you know --  
 23 Q. When I asked you a minute ago what  
 24 conversation you had with the ranger while you were  
 25 waiting you said you didn't remember anything.

1 answers?  
 2 MR. HASTY: Objection to the form.  
 3 Misstates his testimony.  
 4 A. I didn't say I didn't remember anything. I  
 5 did tell you I remembered that they told me I did all  
 6 I could do and did a good job, and he was telling me,  
 7 "You did a good job with the CPR."  
 8 I didn't tell you that, but I added that in  
 9 now because I remember that now.  
 10 Then you showed me this document that  
 11 mentions about lunch and, you know, I've read this --  
 12 I've seen this before.  
 13 Q. You had seen this document before the  
 14 deposition?  
 15 A. I think I have, yes.  
 16 Q. So my question is: When I asked you before  
 17 what you had discussed with the ranger while you were  
 18 waiting for the helicopter to return you said you  
 19 didn't remember.  
 20 Is your testimony now that you do remember  
 21 this specific conversation about lunch?  
 22 MR. SUMMERS: Objection.  
 23 A. I don't remember the specific conversation.  
 24 I mean, it's not --  
 25 Q. Okay.

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1 MR. HASTY: Finish your answer, please.  
2 A. Well, I just don't remember that specific  
3 conversation, him asking me that question, me  
4 answering, and I don't remember my words like that  
5 like he wrote them down. You know, I mean, I see he  
6 didn't write them down that day. You know, so --  
7 Q. Well, are you denying you said that, or are  
8 you saying you don't remember one way or another?  
9 MR. HASTY: Denying he said what? It's not  
10 clear. Objection to the form.  
11 Q. Are you denying that you said what he wrote  
12 there -- that everyone was really hot and you didn't  
13 want to eat anything -- or are you saying you just  
14 don't remember one way or another?  
15 A. These are not my words.  
16 Q. Do you deny that you told him that -- the  
17 substance of that statement regardless of whether it  
18 was these specific words or not?  
19 MR. HASTY: Objection to the form.  
20 Ambiguous.  
21 A. I don't like the way the statement is  
22 worded. I don't think I said it that way.  
23 Q. My question to you is: Did you tell him  
24 the substance of the statement that says "everyone  
25 was really hot and didn't want to eat anything" or do

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1 you have a recollection one way or another?  
2 A. Well, I wouldn't have told him that because  
3 people did eat at lunch, so I wouldn't have told him  
4 that they didn't eat. He changed this around. I  
5 don't know -- he changed whatever -- he changed my  
6 words around and wrote down this statement.  
7 You know, so --  
8 Q. So now you have a specific recollection of  
9 this conversation?  
10 MR. SUMMERS: Objection to form.  
11 A. I don't remember being out there on the  
12 trail and having this conversation, but I do know  
13 that I would not have said that nobody ate anything  
14 or that they didn't eat.  
15 Q. The statement doesn't say that, does it?  
16 The statement says they didn't want to eat.  
17 It didn't say they didn't eat.  
18 A. It was -- you know, what it was was they  
19 were at lunch and it was a little hot and basically  
20 you don't want to be -- to eat a big meal when  
21 you're -- you know, when you're hot. You want to  
22 drink more than you want to eat, so they or the  
23 scouts, myself, Andy, didn't sit there and load up on  
24 a big lunch. We more had more liquids.  
25 In fact, the boys sat over there on the

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1 side -- Kris had brought Gatorade. They all mixed  
2 that up and they were drinking that.  
3 Q. My question --  
4 A. Michael was drinking Gatorade. So was  
5 Chase. So more so than they sat down and ate a big  
6 lunch. I mean, Michael had a number of power bars  
7 and all that and he didn't sit there and eat five or  
8 ten of them or whatever. He just -- I think he had a  
9 couple -- one, maybe two -- and that was about it.  
10 So it was more the conversation was it was  
11 warm, they didn't want a lot to eat, they wanted to  
12 drink a little bit more than they wanted to eat, and  
13 I think his statement, you know, would lead somebody  
14 to believe that they were too hot to eat, and that  
15 wasn't the case.  
16 Q. Are you done with your answer?  
17 A. Would you like more?  
18 Q. No. I just don't want to --  
19 MR. HASTY: If you have more, you can tell  
20 him.  
21 A. I think I'm done.  
22 Q. My question is: Do you have a recollection  
23 of your conversation -- of the substance of your  
24 conversation with the ranger while you were waiting  
25 for the helicopter to return?

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1 MR. SUMMERS: Objection to form.  
2 A. Like I say, while we were there I don't  
3 remember what we talked about.  
4 Q. When the ranger arrived, did he give you  
5 water to drink?  
6 A. This is the helicopter?  
7 Q. Yes, sir.  
8 A. I believe at the time I was drinking out of  
9 Michael's -- the water he had left. He had roughly  
10 half of the bladder full of his camelback, so I was  
11 drinking that, I believe.  
12 If the rescue guy from the helicopter had  
13 water and handed me that also, I don't remember.  
14 Q. Did you give the last of your water to your  
15 son and Kris when they headed off on their own?  
16 A. Yes, I did.  
17 Q. Now, when Kris and your son had left to go  
18 on ahead, how much water did each of them have before  
19 you gave them your water?  
20 A. Whatever they drank for the day.  
21 Q. No. My question is: When Kris and your  
22 son left the clearing to go back ahead, before you  
23 handed them your water, did they have any water left  
24 from what they had brought earlier?  
25 A. I don't think -- I think they were out of

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1 Do you remember telling the rangers or one  
2 of the rangers that you had reached -- strike that?  
3 Do you remember telling one of the rangers  
4 that you had noticed that Michael was showing signs  
5 of exhaustion and that at approximately 3:30 p.m.  
6 near mile 15 of the hike he began stumbling?  
7 MR. HASTY: Objection to the form.  
8 MR. SUMMERS: Object to the form.  
9 A. I don't remember what I told the ranger.  
10 Q. Is that an accurate statement?  
11 MR. HASTY: Objection to the form.  
12 A. I don't remember what I told the ranger.  
13 Q. Well, my question is: At approximately  
14 3:30 p.m. near mile 15 of the hike did you -- did  
15 Michael show signs of exhaustion and did you observe  
16 him begin stumbling at that time?  
17 MR. HASTY: Objection. It's a compound  
18 question -- three questions at once.  
19 A. I felt we already went over what we saw. I  
20 don't know. I don't know what the ranger -- what I  
21 told the ranger. I don't know what the ranger wrote  
22 down.  
23 Q. That wasn't my question, sir. My question  
24 was at approximately 5 -- strike that.  
25 At approximately 3:30 p.m. near mile 15 of

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1 the hike did you observe Michael begin stumbling?  
2 A. That's not accurate, I don't believe.  
3 Q. At approximately 3:30 p.m. near mile 15 of  
4 the hike did you see Michael showing signs of  
5 exhaustion?  
6 MR. HASTY: Objection to the form.  
7 A. I don't know.  
8 Q. At the time that you were in the clearing  
9 did you feel that Michael had exhibited signs of  
10 exhaustion?  
11 A. I felt Michael was showing signs of  
12 fatigue and exhaus -- I don't know exhaustion. He  
13 was definitely -- you know, he had a problem with the  
14 questions and answers, and I felt he needed rest.  
15 Q. Did you feel at that time that he was  
16 showing signs of exhaustion?  
17 MR. SUMMERS: Objection to the form. Asked  
18 and answered.  
19 MR. HASTY: Repetitious. I join in the  
20 objection.  
21 A. Exhaustion? Which -- I mean, are we  
22 talking heat exhaustion or just exhausted or --  
23 Q. Let's talk about exhaustion first.  
24 As you reached the clearing did you feel  
25 that Michael was showing signs of exhaustion?

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1 A. I think Michael needed to rest at that  
2 point.  
3 Q. Did you feel that Michael was showing signs  
4 of exhaustion?  
5 MR. HASTY: It's been asked and answered.  
6 A. No.  
7 Q. So your answer is "no"?  
8 A. I don't think he showed signs of  
9 exhaustion.  
10 Q. And if -- and you don't remember -- strike  
11 that.  
12 Do you remember telling one of the rangers  
13 that Michael showed signs of exhaustion at that time?  
14 A. No. I don't remember telling the rangers  
15 that.  
16 MR. HASTY: Can we take a break, please?  
17 MR. PELTZ: How much time do we have left?  
18 THE VIDEOGRAPHER: Nine minutes.  
19 MR. PELTZ: Can we wait nine minutes to  
20 finish the tape?  
21 MR. HASTY: Not really.  
22 MR. PELTZ: Okay. I guess we're taking a  
23 break:  
24 THE VIDEOGRAPHER: We're off the record at  
25 4:23.

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1 (Short Break)  
2 THE VIDEOGRAPHER: We're back on the record  
3 at 4:41.  
4 Q. Do you have any other recollection of  
5 anything that occurred from the time that Michael  
6 stopped breathing up until the time that you left the  
7 park other than what we talked about so far?  
8 MR. HASTY: Objection do the form.  
9 A. No.  
10 Q. Let me show you some pictures that were  
11 marked as Exhibits 12 and 13 and ask you if this  
12 appears to be the area in the vicinity of the  
13 clearing where these events took place that you've  
14 been describing?  
15 MR. SUMMERS: Objection to form.  
16 A. This one kind of looks like -- it could be  
17 the branch that we sat down on.  
18 Q. Which number are you referring to?  
19 A. Number 13.  
20 Q. Okay.  
21 Do the pictures that you took plus those  
22 pictures, do they generally depict what the trail is  
23 like as you were hiking?  
24 A. Well, these 12 and 13 -- I'm not sure I  
25 recognize 12, but if 13 is actually the area where