

EXHIBIT 12

In The Matter Of:

*Adelman v.
Boy Scouts*

*Kristopher Leon
March 14, 2011*

*Friedman, Lombardi & Olson
19 West Flagler Street, Suite 924
Miami, FL 33130
(305) 371-6677*

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION
4 CASE NO. 10-CV-22236-ASG
5 HOWARD ADELMAN AND JUDITH
6 SCLAWY-ADELMAN, AS CO-PERSONAL
7 REPRESENTATIVES OF THE ESTATE
8 OF MICHAEL SCLAWY-ADELMAN,
9 Plaintiffs,
10 vs.
11 BOY SCOUTS OF AMERICA; THE SOUTH
12 FLORIDA COUNCIL, INC., BOY SCOUTS
13 OF AMERICA; PLANTATION UNITED
14 METHODIST CHURCH; HOWARD K. CROMPTON,
15 INDIVIDUALLY, AND ANDREW L. SCHMIDT,
16 INDIVIDUALLY,
17 Defendants.
18 /
19 One East Broward Blvd.
20 Suite 700
21 Ft. Lauderdale, Florida
22 Monday, 10:30 a.m.
23 March 14, 2011
24
25 V I D E O T A P E D
D E P O S I T I O N
of
KRISTOPHER LEON
taken on behalf of the plaintiffs
pursuant to a notice of taking deposition

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1 APPEARANCES:
2 LEESFIELD AND PARTNERS, by
3 ROBERT PELTZ, of counsel
4 Attorneys for Plaintiffs.
5 LANE, REESE, SUMMERS, ENNIS & PERDOMO, by
6 WILLIAM SUMMERS, of counsel
7 Attorneys for Boy Scouts of America and
8 the Defendant South Florida Council, Inc.,
9 Boys Scouts of America
10 GABBE, MULLEN ANTONELLI & DiMATTEO, by
11 JOSEPH M. WINSBY, of counsel
12 Attorneys for Plantation United
13 Methodist Church
14 WICKER, SMITH, O'HARA, MCCOY,
15 GRAHAM & FORD, by
16 FREDERICK E. HASTY, III, of counsel
17 Attorneys for Howard K. Crompton and
18 Andrew L. Schmidt
19 ALSO PRESENT:
20 OLIVER LEE, videographer
21 ANDREW SCHMIDT
22 BLANCA LEON
23 I N D E X
24 WITNESS DIRECT CROSS REDIRECT RECROSS
25 KRISTOPHER LEON
(By Mr. Peltz) 4 142, 164
(By Mr. Hasty) 122 --
(By Mr. Summers) 140 163
EXHIBITS
PLAINTIFF'S FOR IDENTIFICATION
1 16
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DEFENDANT'S
1 129
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1 THE VIDEOGRAPHER: In the case styled
2 Howard Adelman and Judith Sclawy-Adelman as
3 co-personal representatives of the estate of Michael
4 Sclawy-Adelman versus Boy Scouts of America, et al.,
5 case number 10-CV-22236-ASG, this is the videotaped
6 deposition of Kristopher Leon.
7 This deposition is taking place at One East
8 Broward Boulevard, Fort Lauderdale, Florida,
9 March 14, 2011. The time is now 10:30 a.m.
10 Would counsel please state their appearances
11 for the record.
12 MR. PELTZ: Good morning. My name is Bob
13 Peltz. I'm the attorney for Michael and his family.
14 MR. SUMMERS: Good morning. My name is
15 Bill Summers. I represent the Boy Scouts of America
16 and I represent the South Florida Council, Inc., Boy
17 Scouts of America.
18 MR. WINSBY: My name is Joe Winsby and I
19 represent the Plantation United Methodist Church.
20 MR. HASTY: Rick Hasty, and I represent
21 Howard Crompton and Andy Schmidt.
22
23
24
25

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1 Thereupon:
2 KRISTOPHER LEON
3 was called as a witness and, having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. PELTZ:
7 Q. Kris, would you state your name and home
8 address, please.
9 A. My name is Kristopher Leon. My address is
10 1680 Southwest --
11 Q. We can move on to the next question.
12 A. I'm nervous.
13 Q. As I'm sure Mr. Hasty has advised you,
14 we're here to ask you some questions.
15 If any question that any of us ask you --
16 if it doesn't make sense or you don't understand it,
17 please let us know and we'll be happy to rephrase the
18 question.
19 And as the court reporter had indicated a
20 minute ago, your testimony here is under oath.
21 You understand that?
22 A. Yes.
23 Q. And if you need a break at any time, just
24 let us know and we're happy to go take a break.
25 A. Okay.

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1 A. No.
2 Q. Did you observe anyone else eat and drink?
3 A. No.
4 Q. I mean, were people just not eating?
5 MR. HASTY: Objection to form. Asked and
6 answered.
7 A. We ate snacks.
8 Q. Do you remember how many power bars you ate
9 at 10-mile camp?
10 A. No.
11 Q. Is there anything else you recall about
12 Michael while you were at 10-mile camp other than
13 what we've discussed so far?
14 A. No.
15 MR. PELTZ: How are we doing time-wise on
16 this?
17 THE VIDEOGRAPHER: We have 16 minutes left
18 on this tape.
19 MR. PELTZ: Do you mind if we take a quick
20 break since I'm at a parking meter -- I don't know if
21 you guys are at a parking meter -- to give us time to
22 reload.
23 THE VIDEOGRAPHER: We're off the record at
24 12:28.
25 MR. PELTZ: Just for the record, I would

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1 object to anyone talking to the witness about
2 anything to do with his testimony or deposition until
3 the total deposition is completed.
4 (Short break)
5 THE VIDEOGRAPHER: We're back on the record
6 at 12:39.
7 Q. As you left the 10-mile camp what order
8 were you in?
9 A. Michael was in the front, Chase was second,
10 and the adults were with me at the end.
11 Q. And was there a reason why Michael was out
12 front?
13 A. No. I don't know.
14 Q. So you didn't overhear any discussion as to
15 how it was decided that Michael would go first?
16 A. I don't know -- what?
17 Q. Did you overhear any discussion between
18 anyone as to how it was decided that Michael would go
19 first?
20 A. No.
21 MR. SUMMERS: Objection to form.
22 Q. When was the first time that you stopped
23 for a rest after the 10-mile camp?
24 A. After -- well, I didn't -- I don't know. I
25 don't remember.

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1 Q. Do you remember stopping for a rest
2 someplace after you left 10-mile camp?
3 A. No.
4 Q. As you left 10-mile camp and were walking
5 for awhile, how far were the members of the group
6 from one another?
7 A. Michael was far -- far away ahead and all
8 four of us was together.
9 Q. And how long did that last, where he was
10 way far ahead of everyone?
11 A. When -- when he was lost. When he got
12 lost.
13 Q. Right. But how long did it take to get to
14 that point where Michael all of a sudden was way far
15 ahead of everyone?
16 A. I don't know.
17 Q. And then so at one point he wandered off
18 and got lost?
19 A. Yes.
20 MR. HASTY: Object to form.
21 Q. And how did you first realize that Michael
22 had wandered off and got lost?
23 MR. HASTY: Objection to form.
24 A. He was yelling.
25 Q. Could you see him as you were -- after you

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1 left the 10-mile camp and had been hiking a little
2 bit -- say, half an hour or so -- could you see him
3 in front?
4 A. Yes.
5 Q. And while you were walking were you talking
6 to Chase during that time period?
7 A. Yes.
8 Q. And then did there come a time when all of
9 a sudden you just couldn't see Michael anymore?
10 A. Yes.
11 Q. And do you know about how long that
12 occurred after you had left 10-mile camp?
13 A. No.
14 Q. And when was the first time or what drew
15 your attention to the fact that you couldn't see
16 Michael anymore?
17 A. I don't know. He walked a little bit
18 faster, I think.
19 Q. What I'm asking is: At some point did you
20 just look up and he was gone?
21 A. Yes.
22 Q. And did anyone say anything before that
23 point like, "Where's Michael," or --
24 A. No.
25 Q. So the first thing that drew your attention

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1 to the fact that he had wandered off was when you
2 looked up and all of a sudden you didn't see him
3 anymore?
4 MR. HASTY: Objection to form.
5 MR. SUMMERS: Objection.
6 MR. HASTY: He never said he wandered off.
7 Q. Go ahead.
8 A. What?
9 Q. Was the first time that you noticed that
10 he -- let me ask you: Was the trail well marked in
11 this area?
12 A. Yes.
13 Q. I mean, did you have any problem figuring
14 out where you were supposed to hike?
15 A. Some areas.
16 Q. In this particular area?
17 A. What do you mean?
18 Q. Well, you were walking -- you walked on the
19 same trail to get to 10-mile camp that you were
20 walking to go back to the Oasis station?
21 A. Yes.
22 Q. So you were covering the same trail you had
23 been on?
24 A. Yes.
25 Q. And as you left the 10-mile camp, did you

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1 have any difficulty determining where the trail was
2 that you were walking back on?
3 A. Yes.
4 Q. And at what point did that occur?
5 A. Somewhere when we were in the 15 point
6 like. There was a tree in the middle of two
7 pathways -- one goes straight and one goes a loop
8 going more right.
9 Q. That was at about the 15-mile mark?
10 A. Yes.
11 Q. As you were leaving the 10-mile camp,
12 though, in the first two or three miles did you have
13 any difficulty determining where the trail was that
14 you were supposed to be walking on?
15 A. No.
16 Q. And this was the same trail you just walked
17 on a little while earlier?
18 A. Yes.
19 Q. Okay. So at some point you looked up and
20 noticed Michael was not there?
21 A. Yes.
22 Q. Did you say anything at that point?
23 A. No.
24 Q. What's the first thing you recall someone
25 saying?

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1 A. I don't remember.
2 Q. Do you remember anyone saying anything
3 before you heard Michael yelling?
4 A. Yes. Saying -- we heard him yell and we
5 turned -- there's -- Michael went straight and -- we
6 were supposed to go right, so we went right, and the
7 adults went to look for him. They found him and --
8 we started -- I started walking a little bit more and
9 Chase and me started walking a little bit more.
10 Q. My question, though, was: Before you heard
11 Michael yell, did you hear anyone else say anything
12 like, "Where is Michael," or anything?
13 A. No.
14 Q. So do you remember about how long after you
15 first noticed Michael was missing when you heard him
16 yell?
17 MR. HASTY: Objection to the form.
18 A. Can you say it again?
19 Q. Yes. Do you know about how much time went
20 by between the time you first looked up and noticed
21 Michael missing and the time you heard him yell?
22 MR. SUMMERS: Objection to form.
23 A. I don't know.
24 Q. Can you tell me approximately?
25 A. No. I don't know.

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1 Q. Was it like real quick or was it -- there
2 was some time that went by?
3 A. I don't know.
4 Q. When you looked up and saw Michael was
5 missing, were the adults behind you and Chase?
6 A. No.
7 Q. They were in front of you and Chase?
8 A. No.
9 Q. They were next to you and Chase?
10 A. Yes.
11 Q. So at that point the trail was wide enough
12 for the four of you to be walking together as a
13 group?
14 A. Yes.
15 Q. So what did Michael say when he yelled?
16 A. He said, "Guys, I'm here."
17 Q. Did he say anything else?
18 A. That's all.
19 Q. And what did Mr. Crompton and Mr. Schmidt
20 say?
21 A. They -- they -- they started walking
22 towards -- towards him.
23 Q. Did -- during -- up to this point in time
24 was the trail that you were walking on -- the walking
25 part -- fairly clear?

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1 A. Yes.
2 Q. I mean, did you have like bushes and vines
3 and things you had to push out of the way or were you
4 just able to walk?
5 A. No. It was safe to walk.
6 Q. Did you get scratched up at all during the
7 course of the hike?
8 A. No.
9 Q. So you didn't have any problem with trees
10 and bushes and vines and things like that --
11 A. No.
12 Q. -- scratching you as you were walking on
13 the trail?
14 A. No.
15 Q. So did Mr. Crompton and Mr. Schmidt say
16 anything to Michael as they were trying to find him?
17 A. I don't know.
18 Q. So they took off to go get Michael and you
19 and Chase continued on the trail?
20 A. We first waited and then we keep going.
21 Q. How long did you wait?
22 A. For a minute.
23 Q. Did they tell you to wait or did they tell
24 you to go or did they not tell you anything at all?
25 A. They told us nothing. We just started

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1 walking.
2 Q. So the two of them went after Michael and
3 didn't say anything to you and Chase.
4 You and Chase waited for about a minute and
5 then you started walking?
6 A. Yes.
7 Q. I'm sorry. That was "yes"?
8 A. Yes.
9 THE VIDEOGRAPHER: Five minutes left on the
10 tape.
11 Q. About how long did it take for Mr. Crompton
12 and Mr. Schmidt to find Michael and bring him to
13 where you were?
14 A. I don't know.
15 Q. Do you think at least -- can you tell
16 whether it was at least five minutes or ten minutes?
17 A. I don't know.
18 Q. You can't give an approximation?
19 A. No.
20 Q. What did you and Chase do after you started
21 up walking?
22 A. We walked.
23 Q. You just kept on the trail?
24 A. Yeah. I was ahead of him.
25 Q. And did you have any difficulty staying on

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1 the trail -- you and Chase?
2 A. No.
3 Q. And did -- about how far did you walk
4 before you met up with -- strike that.
5 About how far did you walk before
6 Mr. Crompton and Mr. Schmidt brought Michael and
7 joined up with you again?
8 A. What do you mean?
9 Q. At some point you joined up with
10 Mr. Crompton Mr. Schmidt and Michael. Right?
11 A. No. That was when Michael was lost. The
12 two adults -- he started -- the adults started asking
13 him questions and he had been saying the questions
14 wrong -- like not right.
15 Q. Okay. Let's back up for a second.
16 You said that Mr. Crompton and Mr. Schmidt
17 went after Michael?
18 A. Right.
19 Q. You and Chase waited for about a minute and
20 then you started walking?
21 A. Yes.
22 Q. At some point in time did Mr. Crompton and
23 Mr. Schmidt join back up with you with Michael?
24 A. No.
25 Q. You never saw them again on the hike?

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1 A. No.
2 Q. You said at some point the adults started
3 asking Michael questions and he was not answering
4 properly?
5 A. Yes.
6 Q. Were you present when that happened?
7 A. No.
8 Q. That's something that you were told?
9 A. Yes.
10 Q. So from the time that Michael got lost and
11 Mr. Schmidt and Mr. Crompton went after him did the
12 two of you just continue walking until you got back
13 to the beginning of the trail?
14 A. Yes.
15 Q. Did you stop at all?
16 A. We stopped for a little break.
17 Q. About how far down the road?
18 A. Somewhere in the 17.
19 Q. Was that -- how did you know it was 17?
20 A. No. I'm just giving a guess. Somewhere
21 around 17 or 18. We started walking a little bit
22 more and Mr. Schmidt came out somewhere in the 18th,
23 and we asked him if -- Chase and me were out of water
24 and we asked him, "Do you have water," and he told
25 us, "No."

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<p>1 Then we started walking -- Mr. Schmidt was 2 going farther and Chase and me was still walking 3 together. 4 Q. Now, at the time that Mr. Crompton and 5 Mr. Schmidt took off to go get Michael without 6 telling you what to do or anything, you said you 7 continued walking all the way to about 17 miles into 8 the hike when you stopped for a rest? 9 A. Yes. 10 Q. And did you still have water with you at 11 that time? 12 A. No. 13 Q. When did you run out of your water? 14 A. I don't know. 15 Q. Did Chase have water? 16 A. No. 17 Q. So at some point you both ran out of water? 18 A. Yes. 19 Q. And then after you took this little break 20 then you saw -- Mr. Schmidt came -- caught up with 21 you? 22 A. Yes. 23 Q. And you told him you didn't have water and 24 he gave you his water? 25 A. No. He didn't have no water.</p>	<p>1 A. Yes. 2 Q. What did he say? 3 A. He said that Michael went down. 4 Q. Did he tell you what he meant by Michael 5 "went down"? 6 A. No. 7 Q. What did you understand him to mean? 8 A. That he just maybe lied down or relaxed or 9 something. 10 Q. But as far as what he specifically -- 11 strike that. 12 As far as what he specifically told you, 13 the words he used were Michael "went down"? 14 A. Yes. 15 Q. And did he tell you anything else at all 16 about Michael? 17 A. No. 18 Q. And the last time you saw Michael was when 19 he was leading the group before he got lost and you 20 looked up, he was gone, you heard him yell, "I'm 21 here," and you never saw him again? 22 A. Yes. 23 Q. I mean alive. Is that correct? 24 A. Yes. 25 Q. And when you and Chase decided to continue</p>
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<p>1 Q. He didn't have water, either. Okay. 2 So at that point you all were out of water? 3 A. Yeah. 4 Q. So when Mr. Schmidt caught up with you he 5 had no water, you had no water, and Chase had no 6 water? 7 A. Uh-huh. 8 Q. Is that correct? 9 A. Yes. 10 THE VIDEOGRAPHER: Time out to change the 11 tape. We're off the record at 12:55. 12 (Short Break) 13 THE VIDEOGRAPHER: We're back on the record 14 at 12:57. 15 Q. Did you and Chase run out of your water 16 before you got to the rest stop at the -- at about 17 17 miles into the hike? 18 A. Yes. 19 Q. Other than Mr. Schmidt telling you he 20 didn't have any water when he caught up with you a 21 short time afterwards, did he have any other 22 discussion with you at that time? 23 A. No. 24 Q. Did he tell you what was going on with 25 Michael?</p>	<p>1 walking, when that occurred, that was your decision 2 that you had made, that was not something the adults 3 had told you to do. Is that correct? 4 A. Yes. 5 Q. After Mr. Schmidt told you that Michael 6 went down, did he give you any other instructions or 7 tell you what he was going to do or what you should 8 do? 9 A. No. 10 Q. He just -- was he moving at a faster pace 11 than you all? 12 A. Yes. 13 Q. And then were you walking when he caught up 14 with you? 15 A. Yes. 16 Q. So this would have been some time after you 17 had had this rest stop? 18 A. Yes. 19 Q. And then he just kept going past you? 20 A. Yes. 21 Q. Was he going at a fast rate of speed? 22 A. Yes. 23 Q. Was he running? 24 A. No. 25 Q. Was he walking very fast?</p>