

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION  
Case No. 10-CV-22236-ASG  
Division: Circuit Civil

HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN,  
as co-personal representatives of the  
Estate of Michael Sclawy-Adelman,

Plaintiffs,

vs.

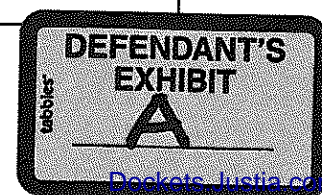
BOY SCOUTS OF AMERICA, THE SOUTH FLORIDA  
COUNCIL, INC., BOY SCOUTS OF AMERICA;  
PLANTATION UNITED METHODIST CHURCH;  
HOWARD K. CROMPTON, individually; and  
ANDREW L. SCHMIDT, individually.

Defendants.

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DEPOSITION OF MANFRED C. BORGES, M.D.  
Volume I of I  
Pages 1 through 117  
4th day of April, 2011  
3:00 p.m. to 6:10 p.m.  
District Twenty Medical Examiner's Office  
Collier County  
3838 Domestic Avenue  
Naples, Florida

Stenographically Reported By:  
Betty G. Althoff, FPR, RPR  
Registered Professional Reporter



1           A.    I have all the paperwork here. Looks like the  
2           actual arrival of the body at our office. Sorry, I have  
3           to go through a lot of information.

4           **Q.    Take your time.**

5           A.    Well, I may have to refer to an external document  
6           that is in our log, if you would allow me that.

7           **Q.    Sure.**

8           A.    Let me do that. I am checking the log entry that  
9           was made when the body comes into the receiving area.

10          **Q.    Okay. And how did you know the photos were taken**  
11          **at 11:20?**

12          A.    Oh, I didn't say 11:20. I am saying prior to  
13          11:20.

14          **Q.    Oh.**

15          A.    Because I examined the body, and the way that we  
16          do things is the technician prepares the body for the  
17          Medical Examiner, prior to the Medical Examiner looking at  
18          the body, by taking the photographs. It is called working  
19          up the body.

20          **Q.    Okay. And when was the technician taking the**  
21          **pictures of the body then, that morning?**

22          A.    Yeah, I would imagine, it is prior to me doing  
23          the autopsy, so yes.

24          **Q.    Okay. Did you know on the 10th that you were not**  
25          **going to do an autopsy?**

1           A.   Well, by the time that I did this, I knew that I  
2           was not going to do an autopsy, because --

3           Q.    "This" meaning?

4           A.    "This" external examination, I am sorry.

5           Q.    Okay.

6           A.    Because we had spoken to the parents, and we very  
7           much wanted to do an autopsy, and that was our  
8           recommendation to the parents that an autopsy should be  
9           done, but the parents were adamantly opposed to an  
10          autopsy. And we had extensive communication, both with  
11          the parents, as well as with the sheriff's office, and as  
12          well as internally between myself and Doctor Mark Coburn,  
13          who you see on the wall there. That is the Chief Medical  
14          Examiner.

15                   And eventually, the parents were very adamant,  
16                   and we advised them that if they had any inkling towards  
17                   litigation that an autopsy would be recommended. And they  
18                   were adamantly opposed, and at that time said that they  
19                   were -- could you let that person in.

20                   THE SECRETARY: Time was 12:49 a.m.

21           A.    That would have been on 5-10, 2009, thanks. So  
22           that is how we proceeded. And by the time, if you have  
23           this --

24           Q.    You said if there was an inkling towards  
25           litigation, there was a knock on the door?

1 to the form and predicate of the last three questions.

2 BY MR. HASTY:

3 Q. Because there was no autopsy, there was no  
4 opportunity to determine, from a pathophysiologic basis,  
5 if there was an abnormal heart in Michael's case; correct?

6 A. Correct.

7 Q. And you mentioned heart rate. What was it about  
8 heart rate that caught your attention?

9 A. Well, I noticed his heart rate was elevated.

10 Q. And what do you call "elevated"?

11 A. He was tachycardic. I don't recall offhand. I  
12 would have to go into the record, but I noticed it was  
13 elevated. From what I took that to mean, he might be  
14 somewhat deconditioned, he wasn't in the best of shape.

15 Q. Okay. The last office visit to his pediatrician  
16 his heart rate was 114 beats a minute, and is that what  
17 you are referring to as tachycardic?

18 A. Yes.

19 MR. PELTZ: Object to the form.

20 A. It is not as elevated as mine, but it is  
21 elevated.

22 Q. How many 18-year-olds or 17 years and 50 week  
23 autopsies have you done?

24 A. How many 18-year-old autopsies?

25 Q. Yeah.

1           **Q. Was he hypertensive, based upon your review of**  
2 **the records?**

3           MR. PELTZ: Object to form and predicate.

4           A. I would have to go back and look at the record if  
5 you --

6           **Q. If you have it, that is fine.**

7           A. Sure.

8           **Q. That might be it.**

9           A. This one here.

10          **Q. What is the date?**

11          A. This is from, yeah, 3-27, 2009.

12          **Q. Okay.**

13          A. Oh, shoot, this is very, very poor. Heart rate  
14 is 114, blood pressure 133 over 84. So he was somewhat  
15 elevated blood pressure.

16          MR. PELTZ: Just for the record, I object to the  
17 form and predicate of that question, particularly  
18 based on Doctor Bullard's testimony, but go ahead.

19 BY MR. HASTY:

20          **Q. Okay. And the visit before March of 2009?**

21          A. 137 over 88, this is from 5-13, 2008.

22          MR. PELTZ: Same objection, please.

23 BY MR. HASTY:

24          **Q. What was his heart rate?**

25          A. His heart rate is 114.

1 MR. PELTZ: Same objection.

2 BY MR. HASTY:

3 Q. So the last two times he went to the pediatrician  
4 eight or nine months apart, his heart rate was 114 beats  
5 per minute?

6 MR. PELTZ: Object to the form and predicate.

7 A. Yes.

8 Q. That is abnormal; is it not?

9 A. Yes, it is.

10 Q. In the discussions that you had with the parents  
11 about your recommendation to have an autopsy performed,  
12 was one of the reasons why you wanted an autopsy done,  
13 because if there was a congenital problem in Michael, it  
14 would be something that would be of value to know by the  
15 parents, and/or for their other daughter going forward?

16 A. Absolutely.

17 MR. PELTZ: Object to the form and predicate.

18 BY MR. HASTY:

19 Q. So not only was it important to know what the  
20 cause of Michael's death was, it was important, if there  
21 was an abnormality, congenital abnormalities, for the  
22 parents to have that information from the postmortem  
23 examination?

24 MR. PELTZ: Object to the form and predicate.

25 A. Yes.

1 "S-C-L-A-W-Y, -Adelman Michael, one of three,  
2 Sunday 5-11, 2009, at approximately 11:00 a.m., case  
3 number 2009-200, Howard and Judith Adelman. These  
4 were the people that I was speaking to, and the phone  
5 numbers are there. I don't think I need to read those  
6 phone numbers. I spoke with Judith Adelman during my  
7 conference. I told her, and she was informing her  
8 husband, Howard Adelman of our conversation, I could  
9 hear his voice in the background."

10 "She had advised that her son had no medical  
11 problems, and in fact, had recently seen a doctor.  
12 She pleaded with me not to do an autopsy. I could  
13 hear her husband in the background stating that he did  
14 not want an autopsy."

15 "Judith Adelman advised that her son had no  
16 symptoms or infections. I advised I had spoken with  
17 Doctor Coburn, that is our Chief Medical Examiner, and  
18 in the next of he did not want an autopsy. I  
19 basically informed her that they didn't want an  
20 autopsy. If they didn't want an autopsy, we would not  
21 do one. I advised that without an autopsy, I would  
22 not have a definitive cause of death. At best, I  
23 could be able to say probable on the death  
24 certificate. Without an autopsy, I could not find  
25 congenital or hereditary problems."

1           "Judith, (and her husband in the background),  
2           advised they did not care about those things. I  
3           advised if they intended litigation, I advised an  
4           autopsy should be done. They advised they did not  
5           intend on any litigation."

6           "I asked if they had any problems -- if their son  
7           had any problems with drugs. Judith advised her son  
8           was more academic than active. He did not have a  
9           problem with drugs."

10          "I asked to speak with Howard Adelman directly.  
11          Mrs. Adelman advised that, "He is in worse shape than  
12          her." Open quotation marks. "I am the one holding it  
13          more together." She advised, "Please do not do an  
14          autopsy." Period closed quotation marks. "I advised  
15          that I wouldn't do one." And subsequently, I  
16          requested that they contact the funeral home and sign  
17          a release."

18          BY MR. HASTY:

19           **Q.    Okay. And so the death certificate that was**  
20           **prepared, has the term "probable heat stroke" on it?**

21           A.    Yes, it does.

22           **Q.    Okay. Do you have a copy of the death**  
23           **certificate here in the file copy?**

24           A.    Yes, I do. Now, mine -- your death certificate  
25           is a certified copy, mine is not certified. This is prior