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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 10-CV-22236-ASG

HOWARD ADELMAN and
JUDITH SCLAWY-ADELMAN,
as Co-Personal Representative
of the Estate of MICHAEL
SCLAWY-ADELMAN

COPY

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,
Defendants.

DEPOSITION OF CARTER CONRAD, JR.

VOLUME 1
(PAGES 1 - 161)

August 4, 2011
1:00 p.m. - 7:30 p.m.

444 West Railroad Avenue
West Palm Beach, Florida 33401

Reported By:
Barbara J. Shandell, RPR
Notary Public, State of Florida

1 described, I was trying to remove myself from the
2 details of the case.

3 Q. We'll get into the process, but I know
4 that at some point you were ordered to produce certain
5 ones so then at that point you would have come across
6 the contents.

7 So my question is, at one point in time
8 did you know all or were you exposed to all of the
9 contents of all the 188 text messages?

10 MR. PELTZ: Object to the form.

11 THE WITNESS: Exposure to me, I
12 would be able to answer yes to that. Did
13 I -- was there an interest? I would say
14 bluntly, no.

15 BY MR. LEVIN:

16 Q. Was there a meaningful review?

17 A. No, sir.

18 Q. Was there a review?

19 A. To the extent to make a determination
20 if -- if it was legible to some degree, so I would say
21 on --

22 Q. When you say legible --

23 MR. PELTZ: Let him finish his
24 answer.

25 BY MR. LEVIN:

1 Q. Sorry. Go ahead.

2 A. If it was English characters, sometimes
3 text can be in shorthand and I don't claim to know all
4 the various iterations of texts of young people today,
5 but just in an attempt to sort of review and make sure
6 that it was -- that it appeared to be some sort of --
7 some sort of dialog to whatever degree that was
8 possible for me to do that, the review.

9 Q. Have you had any telephone conversations
10 with Magistrate Judge Jonathan Goodman personally?

11 A. No.

12 Q. Have you had any telephone conversations
13 with any of his law clerks or his bailiff or anybody
14 like that?

15 A. I did.

16 Q. Can you recall any of those as you sit
17 here today?

18 A. My recollection --

19 MR. PELTZ: Just for the record, I
20 mean, I'm not sure it's really appropriate
21 to go into communications which the
22 judge's office had with a court-appointed
23 expert. So to that extent, I'm going to
24 raise an objection.

25 BY MR. LEVIN:

1 When we took a break, you were describing
2 the CSV files that were exported and how those were
3 incorporated into your report.

4 Were those files modified at all as far as
5 the substance of what was in them?

6 A. No.

7 Q. Then the next thing you said was that you
8 had gone through the -- the data was captured on the
9 hard drive and to find the data that was responsive to
10 the court order?

11 A. Yes, sir.

12 Q. Tell me how you did that.

13 A. For those outputs that had a date
14 associated with them, it was very easy to cull down
15 the data to the responsive dates.

16 The challenge came from the text messages
17 and the contacts. There was no -- there was no way
18 for me to identify from the date that -- from the
19 output of what was within the scope and what was out
20 of scope relative to the court order.

21 Q. Why was it that you could not find any
22 dates associated with the text messages?

23 A. You would really need to depose the people
24 from Paraben that could give you an underlying
25 understanding of why the tool worked like it did.

1 Q. So is your answer that it was the tool
2 that didn't pull the dates off the phone, but the
3 dates existed on the phone?

4 MR. PELTZ: Object to the form,
5 predicate.

6 THE WITNESS: I would say that for
7 whatever reason the expectation that the
8 date would be there exists, that there
9 should be an associated date with it.

10 Why in this particular case it
11 failed to pull that data across, I don't
12 have an explanation why it would for some
13 of -- some of the information it would and
14 some it wouldn't.

15 BY MR. LEVIN:

16 Q. Is it your testimony that there should be
17 a date and time associated with each of the text
18 messages?

19 MR. PELTZ: Object to the form and
20 predicate.

21 THE WITNESS: My expectation is
22 that there would be a date and time
23 associated with them.

24 BY MR. LEVIN:

25 Q. What is that expectation based on?

1 A. Experience.

2 Q. With this type of phone?

3 A. Well, I've already testified this is the
4 first time this particular phone was acquired.

5 Q. Right.

6 A. So I don't have any experience with that,
7 but just in general metadata associated with
8 electronic devices tends to populate that information.

9 Q. Did you do anything upon realizing that
10 there had been no date and time information pulled
11 across by the Paraben software to retest or try
12 something else?

13 A. I believe I did attempt to perform a
14 second acquisition, but the results were the same.

15 Q. Have you done anything else that would
16 either confirm or disprove, in your opinion, your
17 expectation that the date and time data for those text
18 messages exists on the phone data?

19 MR. PELTZ: Object to the form,
20 predicate.

21 THE WITNESS: I'm not sure I
22 understand that it exists, but it was not
23 published in the report, maybe just a
24 little clarification about that.

25 BY MR. LEVIN:

1 Q. Yeah. What I'm trying to get at is you
2 testified that you expected that the date and time
3 data existed and that it would have been pulled across
4 during the acquisition by Paraben, but that did not
5 happen; is that accurate?

6 A. Yes, sir.

7 MR. PELTZ: Object to the form,
8 predicate.

9 BY MR. LEVIN:

10 Q. So after -- and you've testified that you
11 tried again to acquire the data to see if the date and
12 time information could be captured and again your --
13 the result was unsuccessful; is that true?

14 A. Correct.

15 Q. So after that, did you do anything else
16 that either confirmed or disproved your -- well, this
17 is a bad question. Let me strike it.

18 Did you do anything else to try to
19 determine if -- strike that.

20 Did you do anything to determine why it
21 was that the date and time data was not captured for
22 the text messages?

23 MR. PELTZ: Object to the form,
24 predicate.

25 THE WITNESS: I don't have any

1 recollection of additional activity, no,
2 sir.

3 BY MR. LEVIN:

4 Q. You didn't call Paraben or a friend or
5 consult any materials or do any research or anything
6 else regarding that matter of not obtaining any date
7 and time information for the 188 text messages?

8 A. Of all of those options, the only
9 potential one would have been to reach out to Paraben
10 tech support. And I don't -- I don't have a
11 recollection that I attempted to do that.

12 Q. And then to answer the question before,
13 you didn't do any of those other things as well?

14 A. That's correct.

15 Q. And I understand that your position may be
16 that it wouldn't have been helpful or futile or
17 whatever, but I'm just trying to get an answer that
18 there was no other course of action taken with regard
19 to that?

20 A. And at the time in order to protect the
21 content of the data that was produced in harmony with
22 the court order, I was being cautious to some degree
23 about having other people involved. So that would --
24 that was my thinking relative to not getting other
25 people involved other than --