

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Howard Adelman and Judith Sclawy,  
as Co-Personal Representatives of  
The Estate of Michael Sclawy-Adelman,

Plaintiffs,

vs.

CASE NO: 1:10-CV-22236-ASG

Judge: ALAN S. GOLD

Boy Scouts of America, et al.

Defendants.

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**AFFIDAVIT OF CHARLES V. WETLI, M.D.**

STATE OF NEW JERSEY

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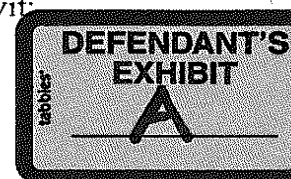
)ss

COUNTY OF BERGEN

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BEFORE ME, the undersigned authority, on this day personally appeared, CHARLES V. WETLI, M.D., who after being first duly sworn, under oath, certifies that the statements set forth in this Affidavit are true to the best of his information and belief and upon personal knowledge and says:

1. My name is CHARLES V. WETLI, M.D., and I am a resident of the State of New Jersey. I am over eighteen years of age, and I am competent to testify in matters contained in this Affidavit.
2. I am a forensic pathologist, former Clinical Professor of Pathology and former Chief Medical Examiner.
3. Defendants, Boy Scouts of America ("BSA") and the South Florida Council ("SFC") retained me as an expert witness in the above-styled case concerning Michael Sclawy-Adelman's cause of death.
4. I have reviewed the following materials pertinent to this case and this Affidavit:
  - a. Amended Complaint

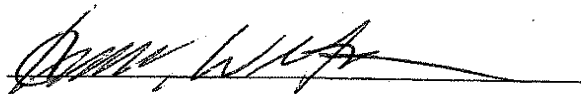


- b. Medical Records of Drs. Bullard, Scheinberg and Taylor
  - c. Medical Clearance and Permission Forms
  - d. BSA materials including Safe Scouting Guide, Merit Badge Books for First Aid and for Hiking
  - e. Hiking Schedule and Preparation Documents
  - f. Information on the Big Cypress Preserve (NPS)
  - g. EMS Records and 911 Call Log
  - h. Collier County Sheriff Department Records
  - i. Naples Community Hospital Records
  - j. Collier County Medical Examiner Records, including Postmortem Photographs
  - k. Toxicology Report
  - l. Depositions of Andrew Schmidt, Howard Crompton, Kris Leon, Chase Crompton, Dr. Manfred Borges, Dr. William Hearn, Dr. Ronald Bullard, Howard Adelman and Judith Sclawy.
5. I am familiar with the facts and issues of this case including the fact that an autopsy was not done on Michael Sclawy-Adelman based on his parents' decision due to religious reasons. I am also familiar with the fact that Michael Sclawy-Adelman was embalmed.
6. Based on the lack of autopsy, it is not possible to determine a cause of death to a reasonable degree of medical probability, much less medical certainty.
7. Moreover, embalming is not a guarantee of good preservation, especially when the burial is in a subtropical climate.
8. At this time, more than two years has passed since Michael's death. It is likely that congenital cardiac anomalies will not be evident.
9. A massive intracranial hemorrhage would probably be detected, but smaller albeit fatal lesions may well be obscured.

10. Chemistry, genetic testing, and additional toxicology would not likely be revealing; and, in the case of chemistry, impossible to do.

11. Michael Sclawy-Adelman's cause of death would have been determined had an autopsy been done near the time of death. However, it is my opinion that it is not possible, today, under any circumstances, to determine a cause of death with a reasonable degree of medical probability, much less medical certainty.

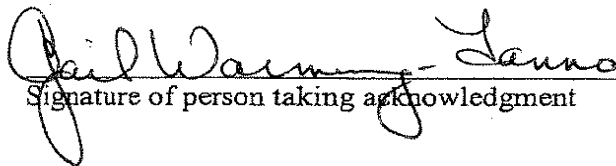
FURTHER AFFIANT SAYETH NAUGHT



CHARLES V. WETLI, M.D.

STATE OF NEW JERSEY     )  
  ) SS.  
COUNTY OF BERGEN     )

The foregoing instrument was acknowledged before me this 28 day of September, 2011, by Charles V. Wetli, who is personally known to me, or who has produced DRIVERS LICENSE as identification, and who did take an oath.

  
Signature of person taking acknowledgment

(Seal)

**GAIL WARMING-TANNO**  
Notary Public of New Jersey  
My Commission Expires March 17, 2014

\_\_\_\_\_  
Name of officer taking acknowledgment

\_\_\_\_\_  
Title or rank

\_\_\_\_\_  
Serial number