

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CIRCUIT CIVIL DIVISION

CASE NO. 10-CV-22236-ASG

HOWARD ADELMAN and JUDITH
SCLAWY-ADELMAN, as Co-Personal
Representatives 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, individually,

Defendants.

/
One Bob Hope Road
Miami, Florida
March 10, 2011
Thursday, 10:40 a.m.

DEPOSITION OF WILLIAM HEARN, Ph.D.

Taken before Teri Naar-Cohen, Registered
Professional Reporter and Notary Public in and for the
State of Florida at Large, pursuant to Notice of Taking
Deposition filed in the above cause.

- - -



1 A That would be the toxicology request form.

2 Q Right. So the only specimens that you got were
3 blood. No urine?

4 A That's correct. The note indicates that he
5 attempted to draw urine, but none was present.

6 Q Do you know where he attempted to draw it from?

7 A It would be from the urinary bladder.

8 Q How long do you keep specimens in the ME's office
9 here from other offices?

10 A Our cases we retain at least the liquid samples,
11 blood and vitreous and urine for five years.

12 As far as the Collier County Medical Examiner I
13 would expect that if there is sample remaining in the
14 tubes that we would still have them at this point, but
15 that's what I wanted to find out.

16 Could we break for just a minute and let me check
17 on that and would you like me to make a copy of
18 everything?

19 Q Yes.

20 A My secretary needs to call and get permission
21 from the Collier County Medical Examiner to release the
22 records.

23 I don't think there will be a problem, but it's
24 just a policy.

25 We have the tubes and there are, I would

1 on it, and, as I said before, that was prior to sending it
2 to us.

3 Q So for whatever reason the ME's office in Collier
4 County determined not to do ocular fluid, not to do urine,
5 not to do gastric contents, liver, bile, brain or other?

6 A Well, not exactly. Let me explain.

7 Since there was no autopsy they couldn't obtain
8 some of these samples. There was an objection to an
9 autopsy.

10 He drew the blood by sticking a needle in through
11 the skin and penetrating the femoral vein.

12 As far as urine he tried to get urine, although
13 the normal procedure would be to expose the urinary
14 bladder and then stick a needle into it and draw urine
15 out, but that would have required an autopsy so he had to
16 again stick a needle through the stomach or the abdomen
17 and into the bladder and try to get some urine.

18 Q That's a blind stick if the patient is not open?

19 A That's correct.

20 Q All right.

21 A Now we have copies of the entire file. They're
22 stapled.

23 Q Whose copy is this?

24 A I don't know. You provided that to me.

25 Q That's my copy, all right.

1 THE WITNESS: I don't recommend autopsies, but in
2 speaking with Dr. Borges he said he really felt that
3 an autopsy was required to thoroughly investigate the
4 death.

5 But, again, you need to confirm that with him.

6 BY MR. SUMMERS:

7 Q Sure.

8 A But they do try to accommodate the religious
9 objections of families.

10 Q Why is an autopsy the preferred way to
11 investigate a death?

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

13 THE WITNESS: It's because you may not be able to
14 see something that would be obvious if you were
15 looking at the actual tissue, the organs and so
16 forth. You may not be able to see it if you don't
17 open up the body and examine those tissues.

18 You can't weigh the organs, for example. You
19 can't detect a hemorrhage in the brain if the person
20 is already dead.

21 In other words, in the hospital they may be able
22 to detect that, but they can't detect it without
23 looking.

24 MR. SUMMERS: Thank you, sir.

25

1 MR. PELTZ: That may be. But you've raised all
2 sorts of new areas so I need to have time to go
3 through them.

4 BY MR. PELTZ:

5 Q You were asked some questions about autopsies and
6 I'd like to follow up on that.

7 If Dr. Borges felt that an autopsy was necessary
8 to perform his official duties, does he have the authority
9 to go ahead and order the autopsy be done?

10 MR. SUMMERS: Objection to form.

11 THE WITNESS: He has the authority if, like, for
12 example, if it were a homicide, then it would be
13 essential.

14 If you would try to do a culturally and
15 religiously acceptable form of an autopsy just to
16 document in situ the types of injuries, but it's not
17 required in cases where there's not going to be any
18 kind of potential criminal litigation or something
19 like that.

20 It would have been better for all of you if he
21 had done an autopsy because he then would have more
22 thoroughly documented what was present, but --

23 BY MR. PELTZ:

24 Q Let me move to strike that as being
25 nonresponsive. My only question was --