

THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION  
CASE NO. 1:10-CV-22236-ASG

HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN,  
as Co-Personal Representatives of  
The Estate of Michael Sclawy-Adelman,  
Plaintiffs,

vs.

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

DEPOSITION OF

RANGER ED CLARK

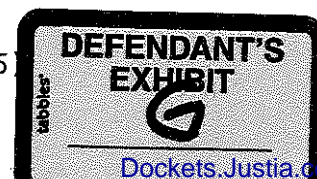
Taken on Behalf of the Defendant

DATE TAKEN: September 27, 2011

TIME: 10:15 a.m. to 1:22 p.m.

PLACE: Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, Florida 34141

DIGITAL REPORTER: TONY WRIGHT



1 Q. So, from the point, if you have anyone outside  
2 of Big Cypress National Preserve, they would have had your  
3 one page report?

4 A. They would have the Level 2 Report; correct.

5 Q. When did you first talk to either Mr. Adelman  
6 or the mother, Ms. Sclawy-Adelman?

7 A. It would have been either the very next day or  
8 the day after that. Shortly after that, because I was  
9 contacted by Mr. Adelman.

10 Q. Okay.

11 A. He had concerns about the - the way the hike  
12 was conducted.

13 Q. Okay, so - so you're saying he called you  
14 either the next day or the following day?

15 A. Right.

16 Q. So that would have been --

17 A. I don't recall which day.

18 Q. That would have either been Sunday or Monday?

19 A. It would have had to have been Monday.

20 Q. Okay.

21 A. Because I wasn't on duty on Sunday.

22 Q. Okay, so tell me when he called on, what you  
23 think was Monday, the 11th, did - were you there to take his  
24 call?

25 A. Yes.

1 Q. Okay, was there anyone, other than you, on your  
2 side of the call?

3 A. Not that I know of.

4 Q. Okay, was there - was there anyone with him  
5 when he was talking to you that you could tell?

6 A. I have no idea.

7 Q. Okay, so tell me about the call where he first  
8 calls you on Monday, May 11th.

9 A. He expressed concerns about the way the hike  
10 had been organized, and he offered to send me an e-mail  
11 that had to do with how the hike was organized --

12 Q. Okay.

13 A. - which he did.

14 Q. And what were his concerns with how - you're  
15 talking about this particular hike?

16 A. Yes.

17 Q. What was his - what were his concerns with that?

18 A. Let me see if I can make reference to that here.

19 Q. Sure.

20 A. I don't think I have the e-mail with me.

21 Q. Where would it be?

22 A. I have one in my office; a copy of it.

23 Q. Okay.

24 A. But his concerns were that he thought that the  
25 - that not a lot of preparation had gone into the hike. He

1 thought that one of the scout leaders was - I'm not sure of  
2 the terminology that he used, but - tended to just wing it.

3 Q. Did --

4 A. And he also had mentioned concerns about the  
5 last-minute pull-out of somebody who was supposed to go on  
6 the hike who was an EMT.

7 Q. Okay. Did he tell you - did he send you the e-  
8 mail that showed all the pre-hikes that they had in  
9 January, February, March, April?

10 A. No.

11 Q. He didn't show you that.

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

13 Q. Did the e-mail he gave you mention the April  
14 14-mile hike at Shark Valley. Did he - did he mention that?

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

16 A. Would it be of use if I get the e-mail and  
17 bring it up here?

18 Q. It - it probably would. Let me ask you this, is  
19 there - are there - is there other correspondence back and  
20 forth with him that - that - that is not part of the main  
21 file?

22 A. No, that was the only e-mail that he ever sent  
23 me.

24 Q. Let's get that; sure.

25 A. Yeah. Let me look in here. It might be in here

1 Q. Okay.

2 A. It was - I - I was somebody he could talk to.

3 Q. When he called you on May 11th, with - and told  
4 you he was critical of the hike, was that your first  
5 indication that a - a legal claim might result from this?

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

7 A. No, not really.

8 Q. Okay, when - when did - when did you get that -  
9 that feeling?

10 A. The night of it.

11 Q. The night of it; okay.

12 A. Yeah.

13 Q. So, immediately?

14 A. Based on my experience.

15 Q. Okay.

16 A. Not on anything that someone said to me.

17 Q. Okay, with what he said to you, Mr. Adelman,  
18 when did you get that - that feeling from - from him?

19 A. No, not until months later.

20 Q. Okay, when was that?

21 A. Well, whenever he filed the suit.

22 Q. Well, that was over a year later.

23 A. Yeah, I don't know when that was, but that's  
24 when he - he mentioned a couple of times that he was  
25 considering it, but he didn't say that he had decided to do

1 Q. Okay, did they leave you with the impression -  
2 did he leave you with the impression that he disapproved of  
3 the way that these two men were running their troop?

4 A. Yes.

5 Q. Did he tell you that he knows of scout troops,  
6 located closer to the - to their home, but they continued  
7 to be willing to drive 30 minutes one-way to go to the  
8 meeting of that troop?

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

10 This is outside the areas of inquiry.

11 A. No.

12 Q. Okay, were you relying on Mr. Adelman to give  
13 you the background on this - on this troop, and the  
14 preparation of these two men that were on the hike?

15 A. No.

16 Q. Isn't that what's written there (indicating),  
17 part of the preparation?

18 A. No, we - we weren't relying on him to do that,  
19 we were merely documenting what he provided.

20 Q. Okay, and you've talked to Mr. Adelman about  
21 how many times?

22 A. I have no idea.

23 Q. Over 30?

24 A. No, I doubt it would be that much.

25 Q. Over 20 then?

1 Outside the field of expert - outside the field of  
2 permitted inquiry.

3 Q. At some point, either you or Ranger Shreffler  
4 arranged to go over and meet with Mr. Adelman and Mrs.  
5 Sclawy-Adelman. Okay, who arranged that?

6 A. Gary did.

7 Q. Okay, and about how many hours did it take to  
8 drive over there and meet with them; about a full day?

9 A. About an hour and a half.

10 Q. To drive over there?

11 A. Yeah.

12 Q. And how long was the meeting?

13 A. My recollection, about an hour and a half.

14 Q. Okay, and then an hour and a half back? So,  
15 better part of a day --

16 A. Right.

17 Q. - was spent doing that? Who led the meeting?

18 A. Gary.

19 Q. Okay, and what was said to them that - that you  
20 think convinced them to file a lawsuit against the two  
21 fathers that were out of there - out in the hike, and the  
22 rest of the defendants?

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

24 Q. What was - what was said to the Adelmans by  
25 Gary that you believe led them to file a lawsuit?

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

2 Also, it's outside the scope of inquiry.

3 A. We summarized the entire investigation.

4 Q. Yes, sir.

5 A. And what prompted him to make his decision, I  
6 wouldn't know. You would have to ask him that.

7 Q. Okay, would it be fair to say that the - the -  
8 since you - since it was a summary of the investigation,  
9 that anything you would have said to them would be  
10 contained in that report that we marked as Exhibit 4?

11 A. Yes.

12 Q. Okay, the Level 2 Report - I'll - I'll - first  
13 of all, I'll represent to you, it seems like the - the  
14 latest date I see on a signed page seems to be the end of  
15 May.

16 A. I would have to look through here --

17 Q. Well --

18 A. - to confirm that.

19 Q. Assuming that, can you --

20 A. Okay.

21 Q. - can you give me an idea of when the report  
22 would have been finalized?

23 A. After we had discussed it with the U.S.  
24 Attorney's Office.

25 Q. Okay, and that would have been about when?



1 on this hike if he knew, with more notice, that the EMT was  
2 not going to be one of the leaders?

3 A. I don't -

4 MR. PELTZ: Object to the form and predicate, I'm  
5 sorry.

6 A. I'm sorry. I don't recall him ever mentioning  
7 that.

8 Q. Okay. Okay. In the one and only e-mail that Mr.  
9 Adelman sent you that we marked as Exhibit number 2, he  
10 essentially just forwarded you an e-mail that he received  
11 in relation to this hike?

12 A. Yes.

13 Q. Okay, did you consider this e-mail to be part  
14 of your - part of the ranger's investigation of what  
15 happened to Michael?

16 A. Yes.

17 Q. Okay, did you consider the substance of what  
18 was in this e-mail, in terms of evaluating whether it  
19 played any role in causing what happened to Michael?

20 A. As I mentioned earlier, our role, especially  
21 initially, is to simply document everything possible that  
22 could relate to the incident at hand.

23 Q. Okay, when you received this e-mail, did you  
24 take issue with any of the recommendations that were set  
25 forth in the e-mail about what scouts needed to bring with

1 death from the medical examiner, and include that in the  
2 report.

3 Q. Okay, and - and whatever you have from the  
4 medical examination, the medical examiner is, in fact, part  
5 of what we're marked as Exhibit 3?

6 A. Correct.

7 Q. Okay, so it's not done by your office, but it's  
8 part of the entirety of the investigation?

9 A. Yes, as - as I mentioned earlier, our role is  
10 to gather the facts.

11 Q. Okay, my question - in the context of  
12 conversations with Mr. Adelman, is - did you ever inform  
13 him that attempt - efforts to determine the cause of death  
14 were part of the investigation?

15 A. I don't recall that coming up specifically.

16 Q. Okay. As part of your conversations with Mr.  
17 Adelman, did you ever ask him to reconsider his decisions  
18 not to go forward with an autopsy?

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

20 A. I don't recall ever discussing that with him.

21 Q. During your conversations with Mr. Adelman, did  
22 you ever inform him that a lack of autopsy could impact the  
23 investigation?

24 A. Yes.

25 Q. Okay, what did you tell him in that regard?

1 A. Just that - that the lack of a - of an autopsy  
2 could have a result on the investigation.

3 Q. And did he have a reaction to that statement?

4 A. Yeah, I think if - if I remember right, he was  
5 fall - he had to fall back on his beliefs.

6 Q. Okay.

7 A. And if I remember correctly, he made mention  
8 that he believed that his wife was more conservative in  
9 those beliefs than he was, that he probably would have  
10 allowed that to happen, but she did not want to and he  
11 honored her wishes.

12 Q. And you respected that.

13 A. Yes.

14 Q. Okay. Since there's been some questions about  
15 the U.S. Attorney, let me just ask you this, when there are  
16 accidents for which there are claims, like slips and falls  
17 and things that happen within the parks, does the U.S.  
18 Attorney's Office also get involved on - on behalf of the  
19 Park Service as civil Counsel?

20 A. No.

21 Q. Okay.

22 A. At least not right away.

23 Q. Okay.

24 A. To clarify that, we go - the process for a tort  
25 claim is that we compile the important information in the