

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO.: 10-CV-22236-ASG

Magistrate Judge: Magistrate Judge Chris M. McAliley

HOWARD ADELMAN and JUDITH  
SCLAWY-ADELMAN, as Co-Personal  
Representative 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.

*Vol I of III*

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VIDEOTAPED DEPOSITION OF HOWARD ADELMAN

Tuesday, February 8, 2011  
2:05 p.m. - 5:03 p.m.  
2350 South Dixie Highway  
Miami, Florida 33133

{Stenographically} Reported By:  
DONNA GUNION, FPR  
FLORIDA PROFESSIONAL REPORTER

1 A. Zero at aol.com.  
 2 **Q. And the other?**  
 3 A. The Gmail?  
 4 **Q. Yes.**  
 5 A. **ATMOSFEAR@GMAIL.**  
 6 **Q. A-T-M-O-S --**  
 7 A. **FEAR@GMAIL.COM.** I believe that's the e-mail  
 8 address.  
 9 **Q. All right. Since May 9, 2009, have you ever gone**  
 10 **back to see what was on those accounts?**  
 11 A. I can't.  
 12 **Q. Okay.**  
 13 A. I can't access them.  
 14 **Q. All right. Before coming here today what have**  
 15 **you reviewed? What have you read, looked at, studied**  
 16 **to give your deposition?**  
 17 MR. PELTZ: Well, I object to that because he  
 18 would have met with his attorney.  
 19 MR. HASTY: I'm not asking anything ---  
 20 MR. PELTZ: Excuse me, if I could just finish,  
 21 please. And obviously, if we would have reviewed  
 22 various documents or I would have gone over various  
 23 things, you're not entitled to go into that. That  
 24 would be purely work product and attorney-client  
 25 privilege.

1 BY MR. HASTY:  
 2 **Q. I'm not asking any conversations with any lawyers**  
 3 **that represent you, no matter who they are. I just want**  
 4 **to know if you have reviewed documents, Boy Scout**  
 5 **publications, information that was exchanged in this case**  
 6 **by the parties before giving your deposition today.**  
 7 **That's what I want to know.**  
 8 A. In preparation for it, no. Nothing.  
 9 **Q. Okay. Have you done any research since your**  
 10 **son's death about any topics related to the Scouts, to the**  
 11 **Big Cypress, to the Florida Trail, anything like that?**  
 12 MR. PELTZ: I would object to that question to  
 13 the extent that it relates to any research that was  
 14 discussed with his attorneys or any research that was  
 15 done in anticipation of litigation, whether it was  
 16 discussed with the attorneys or not.  
 17 So subject to -- on the grounds of work product.  
 18 So subject to that, you can answer it, but I don't  
 19 want you to go into the areas I'm objecting to.  
 20 THE WITNESS: Well, I mean, everything is, you  
 21 know, except for a couple of things that I found out  
 22 early on about scout deaths. When I was looking up  
 23 articles about Mike, shortly after he passed away, I  
 24 saw a couple of things pop up when I was searching  
 25 about other scout deaths because I was -- I had

1 Googled scout death or hiking death or something to  
 2 that effect, anything beyond that, it basically became  
 3 something that I was researching towards a possible,  
 4 or actually researching towards a lawsuit.  
 5 BY MR. HASTY:  
 6 **Q. Okay. Before you retained any lawyers, when did**  
 7 **you and/or your wife determine that you were going to**  
 8 **proceed with the lawsuit? Just when in time was that?**  
 9 A. Probably about the time the rangers drove out of  
 10 our parking in front of the house.  
 11 **Q. You're talking about Clark and Shreffler?**  
 12 A. Shreffler and Clark, yes.  
 13 **Q. Has any scout leader or scoutmaster, past or**  
 14 **present, ever told you in his opinion, Howard Crompton or**  
 15 **Andy Schmidt were negligent in their planning or execution**  
 16 **of this hike involved with Michael's death?**  
 17 MR. PELTZ: I would object to that. Same  
 18 objection as to anything that occurred through  
 19 discussions with your counsel or anything that  
 20 occurred in anticipation of litigation. But other  
 21 than that, you can answer the question and that would  
 22 be on the ground of work product.  
 23 THE WITNESS: The answer is no.  
 24 MR. HASTY: I think that's over broad. I mean,  
 25 if he talked to the scoutmaster before you were

1 retained or the firm was retained and gotten opinions,  
 2 then I don't think that's attorney-client or work  
 3 product.  
 4 MR. PELTZ: I think you know very well that the  
 5 work product privilege applies before or may apply  
 6 before a lawsuit is even filed. I mean, your clients  
 7 as defendants I'm sure always go out and investigate  
 8 slip and falls or other incidences when they occur and  
 9 you take position that's work product and that's what  
 10 the law is.  
 11 BY MR. HASTY:  
 12 **Q. Have you had any conversations with Howard**  
 13 **Crompton since your son's death?**  
 14 A. He called my house. I spoke to him for a few  
 15 seconds. He was so upset that he was barely coherent.  
 16 **Q. When was that, please?**  
 17 A. I believe it was the next day.  
 18 **Q. On Sunday?**  
 19 A. The 10th, yes.  
 20 **Q. Do you remember anything he did say?**  
 21 A. Specifically, no.  
 22 **Q. Did you have any other conversation with Howard**  
 23 **Crompton after that Sunday?**  
 24 A. I may have seen him at -- when we were sitting  
 25 Shiva. I don't even recall. And if I did, I don't think

1 we've just talked about in Naples Community Hospital?  
 2 A. None.  
 3 Q. That's it?  
 4 A. Right.  
 5 Q. Okay. Then we're going to move to the park  
 6 service next.  
 7 MR. PELTZ: Do you want to take a break?  
 8 MR. HASTY: All right. We'll take a break.  
 9 THE VIDEOGRAPHER: Standby, please. We're going  
 10 off the video record. The time is 3:11 p.m.  
 11 (A brief recess was taken from 3:11 p.m. to  
 12 3:25 p.m.)  
 13 THE VIDEOGRAPHER: Back on the video record at  
 14 3:26 p.m.  
 15 BY MR. HASTY:  
 16 Q. Let's talk about your contact with the park  
 17 service if we might, please, sir.  
 18 The time when Mr. Clark and Mr. Sbreffler came to  
 19 your house is what month of what year?  
 20 A. I think it was around August of '09.  
 21 Q. And tell us how it was that that meeting came  
 22 about.  
 23 A. I believe I called and asked if they had his  
 24 backpack, Mikey's backpack and ---  
 25 Q. You called the park service?

1 A. Yeah. Yeah.  
 2 Q. Go ahead.  
 3 A. And they said we could either pick it up or they  
 4 would be more than happy to bring it.  
 5 Q. They would be happy to bring it to you?  
 6 A. Yes.  
 7 Q. They are how many miles away from your house?  
 8 A. I have no idea.  
 9 Q. It's a long way, isn't it? 30, 40 miles,  
 10 something like that?  
 11 A. Yeah, I guess. I drive to St. Mary's, that's  
 12 like 40 miles so ---  
 13 Q. Yeah. So they volunteered to bring his backpack  
 14 to you?  
 15 A. Correct.  
 16 Q. Now, did they tell you they had done some type of  
 17 report or preliminary report into Michael's accident and  
 18 death?  
 19 A. You know, I truly don't remember if during that  
 20 conversation they told me they had a report or not.  
 21 Q. Okay. But your state of mind was they were going  
 22 to return property that belonged to your son to you,  
 23 that's why they were coming?  
 24 A. At the very least, yes.  
 25 Q. Okay. Well, did they tell you they had done an

1 investigation, we're going to give you the results of the  
 2 investigation as well as bring you back his backpack?  
 3 A. I don't recall if that was in the conversation.  
 4 They may have, but I don't recall for sure 100 percent  
 5 that they said, when we come with that, we're going to  
 6 bring along a report. I don't remember.  
 7 Q. Okay. Well, the person who set this thing up  
 8 with the rangers at the parks, was it your wife or you?  
 9 A. I spoke to them. I did all the contact with  
 10 them.  
 11 Q. You were the communicating person between the two  
 12 of you?  
 13 A. Yeah.  
 14 Q. With the park service?  
 15 A. Correct.  
 16 Q. Okay. So they came to the house and they gave  
 17 you back his backpack and then what happened?  
 18 A. They told us they had a preliminary report.  
 19 Q. Okay. Why was it preliminary? Did they explain  
 20 that to you?  
 21 A. I think they had hadn't -- they hadn't gone  
 22 through the whole process of redacting and putting  
 23 together all the pieces from all the different, you know,  
 24 like from the EMS and everybody else that was involved in  
 25 it. I think it was just their piece of it that they had

1 with them.  
 2 Q. Okay. Did they give you a copy of this report?  
 3 A. No.  
 4 Q. Did they read something to you or did they just  
 5 tell you what they had?  
 6 A. They showed me what they had.  
 7 Q. And what did they show you?  
 8 A. They had aerial photographs marked off with  
 9 various GPS locations, I guess, you know, showed the  
 10 times. They had some statements that had been taken, I  
 11 think that night of the occurrence.  
 12 Q. Anything else?  
 13 A. Not that I recall. I mean, I remember looking at  
 14 those things, those are the things that, you know, I  
 15 recall.  
 16 Q. That stands out in your mind?  
 17 A. Yes. Exactly.  
 18 Q. Okay. And did you see a statement by Howard  
 19 Crompton there?  
 20 A. Yes, there was. Yes.  
 21 Q. Okay. Did you talk about Howard's statement with  
 22 the park rangers?  
 23 A. I don't think we really discussed it. They  
 24 showed it to me, I looked at it. I might have commented  
 25 on it.