

THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

HOWARD ADELMAN and JUDITH  
SCLAWY-ADELMAN, as  
Co-Personal Representatives  
Of the ESTATE OF MICHAEL  
SCLAWY-ADELMAN,  
Plaintiffs,

COPY

vs. No. 10-CV-22236-ASG

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.

Wicker Smith, O'Hara,  
McCoy, Graham & Ford,  
2800 Ponce de Leon Boulevard,  
Coral Gables, Florida,  
Monday, 10:26 a.m.,  
March 7, 2011.

VIDEOTAPED DEPOSITION

OF

ANDREW L. SCHMIDT

taken on behalf of the Plaintiffs  
pursuant to a Notice of Taking Deposition

FRIEDMAN, LOMBARDI & OLSON  
C O U R T R E P O R T E R S

1           A.    Yes.  Beyond high school, I have an  
2 Associate of Arts degree in business administration,  
3 Associate of Science degree in public administration,  
4 and then there was some additional course work at  
5 Florida Atlantic University and Florida International  
6 University, but no bachelor attained.

7           Q.    Were your degrees from Florida Atlantic?

8           A.    Excuse me?

9           Q.    Were your degrees from Florida Atlantic  
10 University?

11          A.    No.  Broward Community College.

12          Q.    Have your occupations during your adult  
13 life generally involved pool repairs and pool  
14 service, or have there been other areas that you have  
15 been involved in?

16          A.    I was the public library director for the  
17 city of Sunrise for nine years, and I worked in the  
18 construction management part of the library division  
19 for Broward County for two years.

20          Q.    And other than that, have your -- has your  
21 employment always centered around pool repairs and  
22 pool service?

23          A.    Beyond libraries, yes.

24          Q.    At the time of this hike, did you have  
25 homeowner's insurance?

1           A.    Well, actually, the homeowner's insurance  
2 is in my ex-wife's name.

3           Q.    Was it providing coverage to you on May 9,  
4 2009?

5           A.    Yes.

6           Q.    Has there been any denial or reservation of  
7 rights of that coverage?

8           A.    I don't understand what you mean.

9           Q.    Have you advised the insurance company of  
10 this claim?

11          A.    No, I have not.

12          Q.    Well -- so you have not put them on notice  
13 of this claim?

14          A.    No. No.

15          Q.    Has the insurance company told you that  
16 they are denying coverage for this claim?

17          A.    No.

18          Q.    Has the insurance company told you they're  
19 reserving rights, any type of rights in connection  
20 with this claim?

21          A.    No.

22          Q.    Have you been in any communication with the  
23 insurance company whatsoever?

24          A.    Regarding this?

25          Q.    Yes, sir.

1 A. No.

2 Q. Do you know what the limits of your  
3 coverage were?

4 A. I do not.

5 Q. When did you first become involved in  
6 Scouting activities?

7 A. When my son joined as a Cub Scout. He  
8 started at the very first level, as a Tiger Cub.  
9 That would be 14, 15 years ago.

10 Q. Okay. And tell me what your experience has  
11 been since that time with Scouting.

12 A. Well, I've been -- I was at the leader  
13 level of every level of his advancement.

14 I was a Tiger Cub coach; the Wolf den  
15 leader; the Bear den leader; the Webelos den leader;  
16 Webelos 2 den leader.

17 I was a Cub Master, and then when he  
18 crossed over to Boy Scouts, I was an assistant  
19 Scoutmaster. Then I became a committee chair for a  
20 short time. Then I became a Scoutmaster, and now I'm  
21 back currently as the committee chair.

22 Q. Okay. When did your son cross over to Boy  
23 Scouts? Just a year.

24 A. Yes. It would be like nine years. Let's  
25 see, he's 20, so nine years ago.

1 Q. Okay. And what period of time were you an  
2 assistant scoutmaster?

3 A. For his first year.

4 Q. Okay.

5 A. So one year, and then I guess --

6 Q. And how long were you committee chair?

7 A. One year, and then now, again, I think for  
8 a year; almost two.

9 Q. How long were you Scoutmaster?

10 A. Six years.

11 Q. Okay. Is your son out of Boy Scouts now?

12 A. No. Actually, he's still in the Order of  
13 the Arrow. He can be a Boy Scout until age 21.

14 Q. Okay. What's his name?

15 A. Bradley Schmidt.

16 Q. And what's his age?

17 A. He's 20.

18 Q. Do you have any type of hiking or camping  
19 background or experience outside of Scouting?

20 A. Yes.

21 Q. And what is that?

22 A. I was camping -- I've camped as a teenager  
23 with the neighbors. I continued to camp with friends  
24 and have even during -- while involved in Scouting.

25 I also went on camp-outs with friends or just my

1 family.

2 Q. Okay.

3 A. I've hiked at various parks. You know,  
4 state parks, national parks.

5 Q. What is your experience in camping and  
6 hiking with the Boy Scouts?

7 A. Well, with the Boy Scouts, they camped  
8 approximately ten times a year, plus summer camp. I  
9 think in my six years as Scoutmaster, I only missed  
10 one camp-out.

11 Q. Okay.

12 A. So it's a considerable number of nights of  
13 camping.

14 As far as hiking, I would estimate about  
15 24-plus hikes of various lengths while in Scouting.

16 Q. Is that something you have given some  
17 thought to in an effort to be able to provide that  
18 information?

19 A. Well, I just know that we camp -- we  
20 hike -- we do short hikes on, you know, fairly  
21 regular basis of camp-outs, and then I know we've  
22 offered the merit badge on two occasions, which is a  
23 total of 70 miles.

24 I would have to look up to see how many of  
25 those I went on, but I'm one of the few primary

1 hikers in the troop as an adult.

2 Q. Out of those 24 hikes, can you tell me the  
3 lengths of the hikes?

4 A. They're going the vary from one mile to the  
5 30 miles.

6 A common one was the Old Cutler hike that's  
7 offered every year. I think I went on that at least  
8 five occasions, and that's approximately 14 miles,  
9 and then the ten-mile; a bunch of ten-mile hikes.

10 Q. The Old Cutler hike is a hike for Boy  
11 Scouts and Cub Scouts from all the troops in the  
12 area?

13 A. Yes. That's a Council event.

14 Q. Okay.

15 A. It actually runs from Bayside down to where  
16 the old Parrot Jungle is; that area.

17 Q. Goes through Coconut Grove and --

18 A. Coconut Grove, uh-huh.

19 Q. And is that -- you said that's run and  
20 operated by the Council; locally, the South Florida  
21 Council?

22 A. I think technically one of the districts  
23 operates it, but it's, you know, publicized as a  
24 Council event.

25 Q. How many ten-mile hikes have you been on?

1 A. I would say more than a dozen, maybe. Yes.  
2 Way more than a dozen.

3 Q. How many 20-mile hikes have you been on?

4 A. Three.

5 Q. And how many longer hikes have you been on?

6 A. That's the longest one.

7 Q. Where have the 12 or so ten-mile hikes  
8 taken place?

9 A. A variety of places.

10 There's Shark Valley, which is a part of  
11 the Everglades National Park; Myakka State Park.

12 Q. How do you spell that?

13 A. M-Y-A, I think it's K-K-A.

14 Q. And where is that?

15 A. That's on the west coast of Florida.

16 Q. Okay.

17 A. I would say sort of east of Sarasota; in  
18 that vicinity.

19 Q. Okay. Where else?

20 A. Highlands Hammock. Actually, it's Sebring.  
21 You know, along the road. It was an urban hike.

22 A lot of these ten miles are going to be  
23 doubled. You would go into a hike; spend the night  
-4 and then hike back.



1 was -- I'm not sure I can remember the exact trail.  
2 It's down to Flamingo and goes out to Cabana Beach.

3 Same thing. You hike, I believe it's nine  
4 miles; something like that, and then you camp and  
5 then hike back.

6 Those are actually -- some of those are  
7 actually more backpacking than hiking but, of course,  
8 you're still walking.

9 Jonathan Dickinson is one.

10 Down in -- we went to Pennekamp and we did  
11 an urban camp along the highway; down to Key Largo  
12 and back.

13 There's probably some others. I can't  
14 recall the locations.

15 Q. Does that seem to pretty much cover it?

16 A. I would say that's the majority of  
17 locations. Some of them have been done more than  
18 once, so --

19 Q. Okay. And when --

20 A. Oh, another one is Collier Seminole State  
21 Park. That was -- I think that was only actually,  
22 about eight miles. I'm not sure. I don't remember.  
23 I think it was seven or eight miles.

24 I don't remember if we counted that as a  
25 ten-mile or if it was for the Second Class Scouts

FRIEDMAN, LOMBARDI & OLSON

C O U R T R E P O R T E R S

1 that needed a five-mile hike. I'm not sure which way  
2 it was.

3 Q. Okay. Does that pretty much cover the  
4 ten-mile hikes?

5 A. Yes.

6 Q. What time of year did you do the Shark  
7 Valley?

8 A. The last time we did it was in April.

9 Q. April?

10 A. April, 2009.

11 Q. Okay. And when you do the Shark Valley  
12 hike, do you just do ten miles or do you do the whole  
13 15 miles?

14 A. Well, it's actually 14. Seven down and  
15 back, so a total of 14.

16 Q. It's all on paved asphalt?

17 A. Yes.

18 Q. Okay. There's trams that go by?

19 A. You can hike it, bike it or take the tram.

20 Q. There's a rest stop in the middle?

21 A. Yes. They have towers at the end of the  
22 seven miles, correct, so you can either continue the  
23 loop or we just come straight back.

-4 Q. Okay.

25 A. But --

1 Q. The -- when did you do the Myakka State  
2 Park hike?

3 A. I don't recall the date.

4 Q. Do you remember the time of year?

5 A. No, I don't.

6 Q. Do you have some record of that back home?

7 A. There would be a file on -- well, it would  
8 be at the church. There would be a file on -- on  
9 that state park.

10 Q. Okay. Are there -- what types of files  
11 would there be at the church about the hikes?

12 A. Well, we maintain a file for each camp-out.

13 Q. Okay. Would that also be for each hike,  
14 too?

15 A. Yes. Most of them are -- the majority of  
16 them are going to be a part of the camp-out; would be  
17 the activity of the camp-out, but there would be some  
18 special hikes. Let's say the Old Cutler, there would  
19 be a file for Old Cutler.

20 Q. As I understand it, is there like a closet  
21 at the church where these records are stored?

22 A. Yes. It's a closet as big as this room,  
23 and then we have a portion of the closet. It's  
24 shared by all the groups that use the church.

25 Q. Do you have separate file folders for each

# ADULT APPLICATION

25-501F

This form is read by machine. Please print the numbers and letters as shown:

1 2 3 4 5 6 7 8 9 0 A B C D E F G H I

The information obtained in this form is for the internal use of the BSA only.

UNIT SCOUTERS (fill in the circle)

OR

Council/district position

District name

Position

Year

Year

EXPIRE DATE

1 / 1 / 1999

TERM

MONTHS

NEW LEADER

Former leader

TRANSFER FROM:

COUNCIL NO.

TYPE OF UNIT

UNIT NO.

UNIT NO.

UNIT NO.

Please print one letter in each space—press hard; you are making three copies.

First name (No initials or nicknames)

Middle name

Last name

Suffix

Have you completed? Youth Protection Training

Fast Start Training

Country

Mailing address

City

State

Zip code

Home phone

Business phone

City

State

Zip code

Date of birth (mm/dd/yyyy)

Ethnic background:

Religion

Cell phone

State

Zip code

Gender

Social Security number (required)

Occupation

City

State

Zip code

Country

Business address

City

State

Zip code

Position Code

Standing position (description)

City

State

Zip code

E-mail address

Work

Home

City

State

Zip code

(Select one)

Home

Work

City

State

Zip code

I understand that:

a. The information that I have provided may be verified, if necessary, by contacting persons or organizations named in this application, or by contacting any person or organization that may have information concerning me, or by conducting a criminal background check that provides information I agree to hold harmless from liability any person or organization named in this application. I agree to hold harmless the chartered organization, local council, Boy Scouts of America, and the officers, employees, and volunteers thereof, from any claim, damages, or expenses, including reasonable attorney's fees, arising out of or from the use of the information I have given on this form is true and correct. I will follow the Youth Protection Guidelines.

APPROVALS FOR UNIT SCOUTERS

We are unaware of anything contrary to the information stated in this application. This application has been reviewed according to BSA procedures and this applicant meets the leadership qualifications of the Boy Scouts of America.

Signature of unit committee chairman

Date

Signature of chartered organization head or representative

Date

Signature of Scout executive or designee

Date

Signature of Scout executive or designee

Date

Signature of Scout executive or designee

Date

Signature of Scout executive or designee

Date

Signature of Scout executive or designee

Date

APPROVAL FOR COUNCIL AND DISTRICT SCOUTERS

We are unaware of anything contrary to the information stated in this application. This application has been reviewed according to BSA procedures and this applicant meets the leadership qualifications of the Boy Scouts of America.

Signature of unit committee chairman

Date

Signature of chartered organization head or representative

Date

Signature of Scout executive or designee

Date

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Registration fee \$

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## Disclosure/Authorization Form

### NOTICE TO APPLICANT REGARDING BACKGROUND CHECK

In order to safeguard the youth in our care, the Boy Scouts of America will procure consumer reports on you in connection with your application to serve as a volunteer, and the Boy Scouts of America may procure additional consumer reports at any time during your service as a volunteer in order to evaluate your continued suitability for volunteer service. The Boy Scouts of America has contracted with ChoicePoint, a consumer reporting agency, to provide the consumer reports. ChoicePoint may be contacted by mail at ChoicePoint, 1000 Alderman Drive, Alpharetta, GA 30005 or by telephone at 800-845-6004.

The consumer reports may contain information bearing on your character, general reputation, personal characteristics, and mode of living. The types of information that may be obtained include but are not limited to Social Security number verification, sex offender registry checks, criminal records checks, inmate records searches, and court records checks. The information contained in these consumer reports may be obtained by ChoicePoint from public record sources. The consumer reports will not include credit record checks or motor vehicle record checks.

The nature and scope of the consumer reports are described above. Nonetheless, you are entitled to request a complete and accurate disclosure of the nature and scope of such reports by submitting a written request to ChoicePoint at the address listed above. Additional notices for applicants in California, New York, Minnesota, and Oklahoma are provided.

### APPLICANT'S ACKNOWLEDGMENT AND AUTHORIZATION

I have carefully read this notice and authorization form and I hereby authorize the Boy Scouts of America and ChoicePoint to procure a consumer report, which as described above will include information relating to my criminal history as received from reporting agencies. I understand that this information will be used to determine my eligibility for a volunteer position with the Boy Scouts of America. I also understand that as long as I remain a volunteer, additional consumer reports may be procured at any time. I understand that if the Boy Scouts of America chooses not to accept my application or to revoke my membership based on information contained in a consumer report, I will receive a summary of my rights under the Fair Credit Reporting Act and contact information for the reporting agency, ChoicePoint.

## ADDITIONAL NOTICES TO CALIFORNIA, MINNESOTA, OKLAHOMA, AND NEW YORK APPLICANTS

### California

Under California law, the consumer reports described above that the Boy Scouts of America will procure on you are defined as investigative consumer reports. These reports will be procured in connection with your application to serve as a volunteer, and additional reports may be procured at any time during your service as a volunteer in order to evaluate your continued suitability for volunteer service. The reports may include information on your character, general reputation, personal characteristics, and mode of living.

Under section 1786.22 of the California Civil Code, you may inspect the file maintained on you by ChoicePoint, during normal business hours and with proper identification. You may also obtain a copy of this file, upon submitting proper identification and paying the costs of duplication, by appearing at ChoicePoint's offices in person, during normal business hours and on reasonable notice, or by certified mail upon making a written request. You may also receive a summary of the information contained in this file by telephone. ChoicePoint will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information. This written explanation will be provided whenever a file is provided to you for visual inspection. If you appear in person, you may be accompanied by one other person of your choosing, who must furnish reasonable identification.

### For Applicants in California, Minnesota, and Oklahoma Only

You have the right to request a free copy of any report procured on you. If you wish to receive a free copy of any report procured on you, check the box below.

☐ I request a free copy of any report procured on me.

### New York

As explained above, a consumer report will be requested in connection with your application, and additional consumer reports may be requested during the course of your service with the Boy Scouts of America. You have the right, upon request, to be informed whether or not a consumer report was requested and, if a consumer report was request, of the name and address of the consumer reporting agency that furnished the consumer report.

My signature below indicates that I have read, understand, and accept the accompanying disclosures and acknowledgments.

First name (No initials or nicknames) Please print.

Anthony

Middle name

Last name

Schmidt

Suffix

Signature of applicant

Date



## Person Profile: Schmidt, Andy

[Go Back](#) [Main Menu](#)

Personal Information		BSA Registrations		
Name	Andy Schmidt	Position	Organization	Expire Date
Address	911 E Country Club Cir Plantation, FL, 33317-4506	42	B-Pine Island	12/31/2010
Home Phone		42	B-Pine Island	12/31/2009
Work Phone		Unit Registrations		
E-mail	Eaglesoar111@aol.com	Position - Unit	Expire Date	
Date Of Birth	1954	CC, Troop 0111	12/31/2010	
Grade		SM, Troop 0111	12/31/2009	
Sex	M	SM, Troop 0111	12/30/2008	
Personal Affiliations		SM, Troop 0111	01/31/2006	
Organizational Affiliations		SM, Troop 0111	12/31/2006	
		SM, Troop 0111	12/31/2007	

Honors and Awards	
Award	Effective Date
S41: Boy Scout Leader's Training Aw	12/01/2008

Ranks	
Description	Effective Date

Training	
Course	Completion Date
New Leader Essentials	04/22/2004
Intro to Outdoor Leadership Skills	04/22/2004
Scoutmaster Specific Training	04/22/2004
Cub Scout Leader Basic Tng Complete	01/01/1911
Troop Committee Challenge	03/14/2009

Events		
Event Name	Date	Position