

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 10-CV-22236-ASG
Division: Circuit Civil

HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN,
as co-personal representatives 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.

DEPOSITION OF MANFRED C. BORGES, M.D.

Volume I of I

Pages 1 through 117

4th day of April, 2011

3:00 p.m. to 6:10 p.m.

District Twenty Medical Examiner's Office

Collier County

3838 Domestic Avenue

Naples, Florida

Stenographically Reported By:
Betty G. Althoff, FPR, RPR
Registered Professional Reporter

1 possible, but there was nothing indicating another cause
2 of death."

3 Number seven, "He advised that the temperature
4 was a hundred degrees." And this is a note I made down
5 here for myself, after the fact. "I do not believe the
6 decedent was in any physical condition to hike 20-miles in
7 hundred degree temperatures. I have done several 26-mile
8 marathons at an earlier age, subsequent to intense
9 conditioning, and still they were hard." It is tough to
10 do that kind of distance.

11 In the next page, page two, I was advised that
12 the toxicology was qualitative. I was told that Doctor
13 Hern has blood sample that can be tested. And then there
14 is, in quotation marks, "There was only a few months later
15 that they, when they met with the park services," I think
16 that -- and I left that open ended?

17 "There was no call for help for an hour and a
18 half," but that doesn't factor into my cause and manner of
19 death. "Until learning that they did not think of the
20 litigation, they declined the autopsy. Three to four
21 quarts, a liter, the boys were advised to bring. All the
22 boys ran out of water except for Michael. He had some
23 left."

24 The other page, "He was disoriented, he wandered
25 off, he became incoherent." These are in quotation marks.

1 part of the park service report?

2 A. If that is what you tell me.

3 MR. PELTZ: Okay. Thank you very much.

4 CROSS-EXAMINATION

5 BY MR. SUMMERS:

6 Q. My name is Bill Summers, I represent Boy Scouts
7 of America and the South Florida Council. I have a number
8 of questions in follow-up to what you have been asked and
9 actually a few questions of my own.

10 A. Sure.

11 Q. Okay. You said that Michael was not in condition
12 for this hike. Explain what you meant by that.

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

14 A. Okay. Again, I am not a Boy Scout Master or a
15 physical trainer or anything like that, but just in a
16 sense of common knowledge, common sense, which I think is
17 something I can apply: He was overweight, he weighed, he
18 was 5 foot, I measured him at 5 foot 6 and he weighed 225
19 pounds. He was a heavy kid.

20 And as we saw, he had a high heart rate, and he
21 had high cholesterol for his age. Now I don't believe
22 that -- at this age, I don't believe the cholesterol would
23 have caused coronary artery disease or cerebral vascular
24 disease. That is something you see in later age groups,
25 but it does indicate that he was in poor physical

1 condition.

2 And to participate in a 20-mile hike without
3 acclimation, and acclimation takes some time to hot
4 weather. You need exposure. You need to be out there in
5 the hot weather for a period of time to acclimate. With
6 all of that exercise, and with that heat, I think it was
7 certainly dangerous circumstances.

8 Q. You were given copies of some of the medical
9 records. Were you given a copy of the physical
10 examination, where the pediatrician cleared Mike for all
11 activities?

12 A. Yes.

13 Q. Did you see any limitations on the activities the
14 doctor allowed him to take part in?

15 A. I don't believe I did.

16 Q. Okay.

17 A. If there were, you can point them out to me, but
18 I don't believe that I did.

19 Q. When you met with the plaintiff's attorney, and
20 maybe I got this wrong, but he told you there was a blood
21 sample that still could be tested?

22 A. Yes.

23 Q. Okay.

24 A. I was told that the testing that was done by
25 Doctor Hern was qualitative rather than quantitative.

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