



- a. Depositions of Andrew Schmidt, Howard Crompton, Kris Leon, Chase Crompton, Dr. William Hearn, and Dr. Ronald Bullard.
  - b. Photographs from the Medical Examiner
  - c. Report of Collier County Sheriff's Department
  - d. Report of Collier County Emergency Medical Services
  - e. Records from Ochopee Fire Control District
  - f. Medical Examiner's Report (Collier County)
  - g. District Twenty Medical Examiner's records
  - h. Medical records from Ronald Bullard, M.D.
  - i. Boy Scouts of America Materials
  - j. Andrew Schmidt's answers to initial interrogatories
  - k. Amended Complaint
  - l. Incident Report of the National Park Service
  - m. NMS Laboratory determination of blood Amphetamine Panel
5. I am familiar with the facts and issues of this case.
6. Based on my review of the above materials, Michael was obese, tachycardia and in poor physical condition when his pediatrician authorized him to participate in all outdoor scouting activities. His body habitus and physical conditioning may have been indicative of diminished cardiac capacity and reserve. Additionally, an elevated systolic blood pressure was documented in his pediatrician's medical records.
7. In the records from Michael's last encounter with his Pediatrician, on March 27, 2009, the notation concerning Michael's cardiovascular risk is recorded in that medical record as "negative." This "negative" cardiovascular risk notation is in spite of a body weight of 221 and a height of 66 inches, which results in a Body Mass Index of 35.7, which is consistent with the definition of clinical obesity. The records also noted elevated blood cholesterol (as measured in 2004 and 2005) and elevated systolic blood pressure. Given these facts, a "negative" cardiovascular risk was not warranted and Dr. Fliegenspan

(Michael's pediatrician) should not have signed the form attached as **Exhibit A**, hereto, without first addressing these findings. By signing the form without addressing the findings, Dr. Fliegenspan breached the standard of care.

8. There is no documentation of any attempted intervention in regard to medically addressing these findings. Some diagnostic modalities that a treating physician might consider would be: nutritional counseling, lipid profile studies, cardiovascular evaluation either by referral to a Cardiologist or by having a chest X-ray (for cardiac size and lung pathology), an EKG and echocardiogram performed. Based on these assessments, appropriate therapeutic interventions could have then been instituted which may have minimized cardiovascular risk.
9. It is my opinion within a reasonable degree of medical probability that Michael Sclawy-Adelman did not succumb to heat exhaustion and/or heatstroke. Instead, he more likely died from pulmonary edema and congestive heart failure secondary to a possible, pre-existing and/or concurrent cardiac condition, which may have been exacerbated by dosing of pseudoephedrine in excess of recommended therapeutic amounts in conjunction with his diminished physical condition. However, without an autopsy a more conclusive cause of death cannot be rendered.
10. Based on the foregoing, it is my opinion that Michael Sclawy-Adelman should not have been medically cleared by Dr. Fliegenspan to participate in all outdoor scouting activities as indicated on the form attached as Exhibit A.

FURTHER AFFIANT SAYETH NAUGHT

*James V. Hillman*

JAMES V. HILLMAN, M.D.

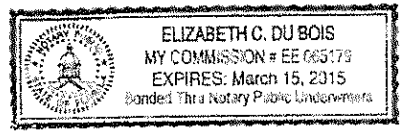
STATE OF FLORIDA )  
 ) SS.  
COUNTY OF HILLSBOROUGH )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of October, 2011, by JAMES HILLMAN, who is personally known to me, or who has produced FL DL as identification, and who did take an oath.

*Elizabeth C. Du Bois*

Signature of person taking acknowledgment

(Seal)



*Elizabeth C. Du Bois*

Name of officer taking acknowledgment

*SERVICE MANAGER*

Title or rank

Serial number

