

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 10-CV-22236-ASG

HOWARD ADELMAN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	VOLUME II
	)	
BOY SCOUTS OF AMERICA, et al.,	)	
	)	
Defendants.	)	
	)	

2350 South Dixie Highway  
Miami, Florida  
February 7, 2011  
11:25 a.m. to 5:45 p.m.

Videotaped Deposition of JUDITH SCLAWY

Taken before Victor Selvaggi, Jr., Certified  
Shorthand Reporter and Notary Public in and for the State of  
Florida at Large, pursuant to Notice of Taking Deposition  
filed in the above cause.

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1 BY MR. HASTY:

2 Q. Okay. So looking at Exhibit 1 from Michael's  
3 chart and remembering that Elisabeth went when she was an  
4 adolescent, let me repeat the question. Did Michael go  
5 with Elisabeth or with your wife to Weight Watchers about  
6 that time?

7 A. I don't know. I don't know if he ever went.

8 Q. Okay. If he did, who would have paid for him to  
9 go? Would that be you or would that be your wife?

10 A. If my wife went with him, it would have been her.

11 Q. Okay. Now, whether Michael did in fact go in  
12 March of 2005 or not, did you or your wife plot his weight  
13 gain as he grew older on any kind of record or graph  
14 anywhere?

15 A. I don't recall ever doing that.

16 Q. Did Michael ever play any sports at school  
17 outside of required physical education? And by that I  
18 mean either a club sport where it wasn't a varsity kind of  
19 thing, but you could play, whether at any kind of sport or  
20 activity, in either junior high school or high school?

21 A. As a school thing or as an outside?

22 Q. Either one.

23 A. Yeah, he did.

24 Q. What did he do?

25 A. He played baseball, soccer, basketball.

1           who asked, but they came over and that's the first that I  
2           heard of what had happened.

3           **Q     Did they come together?**

4           A     Yes.

5           **Q     And what information did they either give you or**  
6           **show you, if anything? Did they give you anything?**

7           A     They had -- no, they didn't give us. They had a  
8           preliminary report with them and they explained some of  
9           the things that they had in there and that they had found  
10          out.

11          **Q     Okay. And what did they tell you?**

12          A     That the -- they told me that the -- Mike was  
13          showing signs of heat at lunchtime, at roughly one  
14          o'clock, at the 10-mile mark, and that they could have  
15          come with an ATV and taken him out and all this would  
16          have been preventable.

17          **Q     Who said that?**

18          A     The two park rangers who came. That they had --  
19          they had the means, they could have taken him out by an  
20          ATV.

21          **Q     And what did they say was the basis for believing**  
22          **at 10 miles, Michael was in trouble?**

23          A     They said that he was showing signs of heat  
24          distress, that they didn't eat lunch, they were -- they  
25          weren't thirsty anymore.

1                   And then how old was he when he was doing his  
2 karate?

3           A.    I think middle school and then later on he  
4 practiced Tai Chi with us maybe in high school, early high  
5 school. I'm not sure of the dates.

6           Q.    Did he ever have a regular exercise program of  
7 either running, jogging, being on a treadmill, doing  
8 elliptical, joining a gym, anything like that?

9           A.    No.

10          Q.    We deposed Doctor Bullard last week. We learned  
11 that Michael's cholesterol was always above reference  
12 range from the time of 2002 to the last time it was  
13 checked, which was around 2007.

14                   Did the pediatricians ever tell you that Michael  
15 suffered from high cholesterol or cholesteremia,  
16 hypercholesteremia? Did they ever tell that you?

17           MR. PELTZ: Object to form. Predicate. That's  
18 not an accurate statement.

19           MR. HASTY: What's inaccurate about it? You were  
20 there. You heard it.

21           MR. PELTZ: That's not what the records show.  
22 That's not what they said.

23           MR. HASTY: You saw a normal cholesterol in this  
24 chart? Show it to me.

25           MR. PELTZ: I just -- I made my objection. Your

1 Q What else did they tell you their investigation  
2 had shown?

3 A They said they had the GPS and the coordinates, so  
4 they could match up where they were and at what time they  
5 were at each thing, and they said there was an hour and a  
6 half delay in making an emergency phone call.

7 Q And did they tell you how they concluded that?

8 A It's in the report.

9 Q I understand it's in the report, but did they tell  
10 you how they came to that conclusion?

11 A Because the GPS shows how much time they were at  
12 that one spot where he collapsed.

13 Q Did they give you any documents to keep?

14 A Not at that time.

15 Q Did they ever --

16 A It was a preliminary report.

17 Q Okay. Did they ever give you any documents for  
18 you to keep?

19 A We got, I believe -- I haven't read it, but I  
20 believe we got the final report.

21 Q From them directly.

22 A Well, somehow we got it. I don't remember if it  
23 was from them directly. It was available under the  
24 Freedom of Information Act.

25 Q So you could have gotten it off the computer. Did

1 (Defendants' Exhibit No. 4, 7/28/05 Cholesterol  
2 Reading, was marked for identification.)

3 MR. HASTY: Mark this one as Five, please.

4 (Defendants' Exhibit No. 5, 8/13/04 Cholesterol  
5 Reading, was marked for identification.)

6 BY MR. HASTY:

7 Q. So if we look at what we marked as Four for  
8 identification, his cholesterol was 211 on that date of  
9 7/28/05. Correct?

10 MR. PELTZ: Object to the form. Predicate.

11 THE WITNESS: That's what it says, yes.

12 BY MR. HASTY:

13 Q. Okay. And the reference range is, the highest  
14 number is 190 for the highest normal limit, do you see  
15 that?

16 MR. PELTZ: Object to form and predicate.

17 THE WITNESS: Right.

18 BY MR. HASTY:

19 Q. On Exhibit No. 5, his labs were checked on  
20 8/13/04. Do you see that date?

21 A. Right. So this is a year earlier?

22 Q. Yeah. This is in 2004.

23 A. Okay.

24 Q. And what was his cholesterol reported then?

25 MR. PELTZ: Object to the form.

1 heart beats faster than normal, it's called tachycardia,  
2 you know that?

3 A. Right.

4 Q. And when you went through your pharmacy training  
5 and you were learning about interactions with drugs and  
6 how they interact with the body, is it your testimony you  
7 never heard or knew anything about a normal pulse rate for  
8 a human being?

9 MR. PELTZ: Object to form and predicate. Calls  
10 for an expert conclusion.

11 THE WITNESS: We would have studied the effects  
12 of the drugs.

13 BY MR. HASTY:

14 Q. Okay. Did Doctor Bullard tell you on March 27,  
15 2009, Michael's pulse rate was 114 beats per minute? Did  
16 you know that?

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

18 THE WITNESS: I don't recall him telling me what  
19 his heart rate was or his pulse, or however you want  
20 to put it.

21 BY MR. HASTY:

22 Q. Okay. Do you know what your normal pulse rate is  
23 when going to the doctor?

24 A. Actually, no.

25 Q. When you go to the doctor they tell you what your

1           Q     This is not someone that you and your husband knew  
2           from this side of the state. Is that correct?

3           A     No.

4           Q     Okay.

5           A     There were several rabbis that helped, because he  
6           was over there and --

7           Q     And you were here.

8           A     We were here and between different people, family  
9           calling and rabbis calling each other.

10          Q     Okay. Did you ever have any conversations with  
11          anybody in the medical examiner's office about whether an  
12          autopsy should or should not be done?

13          A     Yes.

14          Q     Who did you speak to?

15          A     The medical examiner.

16          Q     That would be Marta Coburn?

17          A     Whatever his name was.

18          Q     A man.

19          A     It was a man.

20          Q     Okay.

21          A     I don't know the name, but it was a medical  
22          examiner.

23          Q     There is a Borges. B-o-r-g-e-s.

24          A     That sounds kind of familiar.

25          Q     Okay. I think I know the answer to the question,



1 but why is it that you refused to have an autopsy  
2 performed?

3 A It's for religious reasons.

4 Q Okay.

5 A One doesn't do it in my religion as a matter of  
6 respect.

7 Q Have you done any kind of research about heat  
8 exhaustion or heat stroke since your son's death?

9 A My husband has done that, kind of looking on the  
10 internet.

11 Q Okay.

12 A Whatever what's been involved in finding out about  
13 it, I just haven't done anything of the sort.

14 Q Okay. Whatever he has obtained, have you read it?

15 A No. He would occasionally tell me when he felt I  
16 needed to know something, but for the most part, he's  
17 tried to shield me from dealing with a lot of it.

18 Q Okay. Other than the two gentlemen from the Park  
19 Service, did you ever talk to anybody else in the way of  
20 paramedics or EMT's who responded to the Everglades to  
21 try to assist Michael?

22 A If there were any conversations, it would have  
23 been my husband handling those things.

24 Q Okay. When there was a discussion about an  
25 autopsy being a possibility, were you told that one of

1 the things they could look for was to see whether or not  
2 there was any congenital abnormality in Michael's body?  
3 Were you told that?

4 A I don't remember that specifically, but the  
5 medical examiner said that without it, he would not be  
6 able to have conclusive results or something like that,  
7 or something about testifying or something, that it was  
8 advisable, and I just couldn't do it.

9 Q Okay. I'm just asking a specific question, and  
10 that question was, did they tell you that without doing  
11 the autopsy, they couldn't be certain about the cause of  
12 Michael's death?

13 A Yes.

14 Q And did they explain to you that one thing they  
15 could find is whether or not there was something that he  
16 was born with that was abnormal, that would be discovered  
17 on autopsy if it were present? Did they explain that to  
18 you?

19 A He explained that it was my decision about the  
20 autopsy and that if he didn't do it, it would not be  
21 known if there was something, but I just couldn't let him  
22 be hurt anymore.

23 Q Okay. What was Michael's attendance in --

24 MR. PELTZ: Do you want to take a break?

25 THE WITNESS: I'm okay. Thanks.