

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 10-CV-22236-ASG
Magistrate Judge: Magistrate Judge Chris M. McAuley

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.

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 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 A. It rings a bell, but I don't know if I spoke to
2 him directly or if somebody mentioned that they had to
3 speak to him after they spoke to us.

4 Q. Okay. Do you think you spoke to one of the
5 assistant medical examiners?

6 A. Yeah, I think it was. I don't really know for
7 sure who I spoke to.

8 Q. What was the nature of your conversation with
9 that gentleman?

10 A. They were asking us if we had any objection -- I
11 think they were asking us if we had an objection to doing
12 an autopsy.

13 Q. Okay.

14 A. Or they told us they were going to do an autopsy.
15 I don't remember exactly. I just know that we told them
16 no, my religious grounds, that we cannot do it. My wife
17 told them the same thing.

18 Q. Okay. The records indicate that a rabbi was
19 involved at some point over there.

20 A. Yes.

21 Q. Do you remember that gentleman's name?

22 A. No.

23 Q. Okay. Other than one conversation where you said
24 you were declining or requesting no autopsy, did you have
25 any other conversations with anybody from the Medical

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.

1 Q. You commented on it?

2 A. Possibly yes, because I believe in his statement
3 he said something about looking overheated when they
4 stopped for lunch break.

5 Q. That's your recollection what it says? You have
6 to answer out loud.

7 A. Oh, okay. Yes.

8 Q. Okay. Did they tell you anything about the
9 temperatures that were in the park that day?

10 A. I think they had -- they may have had a
11 temperature chart now that you mention it. I don't recall
12 the temperatures. I think they mentioned something about
13 100 degrees. I don't know if that was the temperature
14 with the heat index or the actual temperature Fahrenheit
15 degrees.

16 Q. Okay. Did you know the other two scouts that
17 were on the scout hike with your son? Did you know Chris
18 and Chase?

19 A. I knew Chris from having gone to camp when he
20 was, you know, on that trip.

21 Chase, I don't recall being around him very much.

22 Q. Okay. Did you ever contact Chris to ask Chris
23 what happened out there on the trail?

24 A. Chris Leon?

25 Q. Yes.

1 A. No.

2 Q. Did anybody ever tell you that they had spoken to
3 Chris and Chris gave information to them about what had
4 happened at the hike?

5 A. No.

6 Q. And I assume you never spoke to Chase or anybody
7 had talked to Chase about what had happened on the trail?

8 A. No.

9 Q. Had Michael hiked in warm temperatures before?

10 A. I don't know what the temperatures were.
11 Definitely there was one hike that I went on with them
12 where it was pretty hot. Collier Seminole.

13 Q. Do you remember what month of the year it was?

14 A. No.

15 Q. Was it the summertime?

16 A. It's hot all the time except for dead of the
17 winter. I don't recall. I really don't.

18 Q. Were there people having trouble with heat on the
19 Collier Seminole hike that you observed or heard about?

20 A. I don't think anybody really had a problem with
21 heat that I noted.

22 Q. When you talked with the rangers -- strike that
23 question. Let's start differently.

24 There was some photographs taken of this hike
25 that were produced to your attorneys. Have you seen the

1 BY MR. HASTY:

2 Q. Were you at the time he called you upset?

3 A. Was I upset?

4 Q. Yes.

5 A. Absolutely. My son died.

6 Q. That's what I would expect. Were you taking any
7 kind of medications at that point in time?

8 A. No. Nothing other than what I normally took for
9 my blood pressure.

10 Q. Okay. So the actual people who were on this
11 20-mile hike were people that you never spoke to about
12 what happened on the 20-mile hike, is that correct?

13 A. Right.

14 Q. So the only thing you know about what happened
15 out there is then what came from the park service
16 employees who gave you their opinions about what they
17 thought had occurred?

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

19 THE WITNESS: I don't think opinions. I think
20 what they showed us was raw data.

21 BY MR. HASTY:

22 Q. Okay. Did they tell you what they did to come up
23 with the GPS coordinates?

24 A. They -- I don't know too much about this. He
25 said that he downloaded it. How they downloaded it, how

1 it works, I have no idea.

2 Q. Did they indicate that they did it themselves?

3 A. I don't recall what they said who did it. They
4 just said that it was downloaded.

5 Q. Did either Shreffler or Clark voice to you any
6 statement as to whether or not they had an opinion that
7 something that Howard had said was or was not true?

8 A. No. They didn't offer any opinion on any
9 statement.

10 Q. Well, I understand from your wife that they said
11 that his death was preventable, is that correct?

12 A. Yes.

13 Q. I would classify that as an opinion, but that's
14 just me.

15 So did Clark or Shreffler say anything about
16 Howard's credibility, his truthfulness or their opinions
17 or thoughts about what he had said in his statement?

18 MR. PELTZ: Object to form and predicate. It's
19 also multiple questions.

20 THE WITNESS: I don't think that he said anything
21 about his credibility because I don't think there was
22 anything about any -- you know, any discussion about,
23 you know, whether or not Howard knew whether or not,
24 you know, why this happened.

25 He just -- you know, there was a statement and

1 the rangers showed me the statement and we asked them
2 questions.

3 BY MR. HASTY:

4 Q. Okay. What did you ask them?

5 A. We asked whether or not had they called for help
6 at the ten-mile mark would something have been done,
7 something to that effect.

8 Q. And what did they say?

9 A. They said that based on the conversation, if it
10 wasn't a life-threatening immediate emergency, they could
11 send out ATVs to come pick them up. If it was something
12 that required immediate attention because it appeared that
13 it was life-threatening, they would send a helicopter.

14 Q. Okay. There is a 911 tape from, I think it was
15 the Collier County Sheriff's Department, of Howard on the
16 phone with them. Have you heard that tape?

17 A. I have not heard the tape.

18 Q. Have you seen a transcript of the tape?

19 A. There's a transcript I believe in the ranger's
20 report, in the park service report.

21 Q. And you read that transcript?

22 A. Not in its entirety. Just a little bit at the
23 beginning of it.

24 Q. Do you have any understanding as to when it was
25 that Michael passed away, time-wise?