

THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION  
CASE NO. 1:10-CV-22236-ASG

HOWARD ADELMAN AND JUDITH SCLAWY-ADELMAN,  
as Co-Personal Representatives of  
The Estate of Michael Sclawy-Adelman,  
Plaintiffs,

vs.

BOY SCOUTS OF AMERICA, A FOREIGN CORPORATION;  
THE SOUTH FLORIDA COUNCIL INC.; BOY SCOUTS OF  
AMERICA; PLANTATION UNITED METHODIST CHURCH;  
HOWARD K. CROMPTON, individually; and ANDREW L.  
SCHMIDT, individually,  
Defendants.

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DEPOSITION OF  
RANGER ED CLARK

Taken on Behalf of the Defendant

DATE TAKEN: September 27, 2011

TIME: 10:15 a.m. to 1:22 p.m.

PLACE: Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, Florida 34141

DIGITAL REPORTER: TONY WRIGHT

REIF KING WELCH LEGAL SERVICES  
www.reifkingwelch.com (877) 291-DEPO (3376)

EXHIBIT "6"

1 Q. Okay.

2 A. It was - I - I was somebody he could talk to.

3 Q. When he called you on May 11th, with - and told  
4 you he was critical of the hike, was that your first  
5 indication that a - a legal claim might result from this?

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

7 A. No, not really.

8 Q. Okay, when - when did - when did you get that -  
9 that feeling?

10 A. The night of it.

11 Q. The night of it; okay.

12 A. Yeah.

13 Q. So, immediately?

14 A. Based on my experience.

15 Q. Okay.

16 A. Not on anything that someone said to me.

17 Q. Okay, with what he said to you, Mr. Adelman,  
18 when did you get that - that feeling from - from him?

19 A. No, not until months later.

20 Q. Okay, when was that?

21 A. Well, whenever he filed the suit.

22 Q. Well, that was over a year later.

23 A. Yeah, I don't know when that was, but that's  
24 when he - he mentioned a couple of times that he was  
25 considering it, but he didn't say that he had decided to do

1 it.

2 Q. Okay, did he tell you that the day he decided  
3 to file the suit was the day that you and Ranger Shreffler  
4 drove out of his driveway?

5 A. I believe he said that.

6 Q. Okay.

7 A. But I'm not positive.

8 Q. When did he first tell you that? That it was  
9 the meeting with you two that made him decide to file the  
10 suit?

11 A. He called me to let me know that he had filed  
12 the suit.

13 Q. Okay.

14 A. And I - I think he might of said that, but I  
15 don't know for sure.

16 Q. Okay. You mentioned that you - that you went to  
17 the service and you've been to their house; correct?

18 A. Been to the house one time.

19 Q. That was roughly August the 13th of '09?

20 A. Right.

21 Q. Did you go to the - to the memorial service or  
22 - or - that was held in May of 2010 by the South Florida  
23 Council; did you go to that?

24 A. No.

25 Q. Did he tell you about that?

1 Q. Did you indicate any objections to any of the  
2 conclusions contained in the search and rescue report?

3 MR. KLEINMAN: Object to the form.

4 A. No.

5 Q. You had indicated that, following the  
6 completion of the investigation, that the Park Service  
7 rangers then met with the Assistant U.S. Attorney's Office  
8 in Naples?

9 A. Not Naples. Fort Myers.

10 Q. Fort Myers, excuse me. Okay, following the  
11 completion of the report, were there a number of meetings  
12 between the park rangers and the Assistant U.S. Attorney's  
13 Office in Fort Myers, concerning the incident and the  
14 investigation that was performed by the Park Service into  
15 it?

16 A. There was meeting. I don't know if there were  
17 meetings.

18 Q. Okay.

19 A. I was not party to that.

20 Q. I thought you have indicated before there was  
21 more than one --

22 A. I said there was possibly more than one.

23 Q. Okay.

24 A. I don't know.

25 Q. Okay. Normally - and - and was the purpose of

1 this meeting to allow the Assistant U.S. Attorney's Office  
2 in Fort Myers to determine whether there had been any  
3 criminal conduct in connection with the death of Michael  
4 Adelman?

5 MR. SUMMERS: Objection. Leading.

6 A. That's correct.

7 Q. Okay. Now every time there is an incident that  
8 occurs on the Big Cypress Preserve and an incident report  
9 is prepared, is there required to be a discussion with the  
10 U.S. Attorney's Office over whether there was possible  
11 criminal conduct?

12 MR. SUMMERS: Objection to the form.

13 A. No.

14 Q. Okay, is it only in certain cases that a  
15 meeting is required between the park rangers or the Park  
16 Service and the U.S. Attorney's Office, concerning  
17 incidents that occur at Big Cypress Preserve to determine  
18 whether or not there was potential criminal conduct  
19 involved?

20 A. That's correct.

21 Q. And what is the standard for - strike that.  
22 When is it that the Park Service conducts meetings with the  
23 U.S. Attorney's Office to determine whether there was  
24 potential criminal conduct involved in an injury or death  
25 that occurs at the Big Cypress Preserve?

1           A.       When the investigating ranger believes that  
2 there - some of the elements of criminality are present.

3           Q.       By virtue of the fact that there were - strike  
4 that. By virtue of the fact that there was at least one and  
5 maybe more meetings between National Park Rangers from the  
6 Big Cypress Preserve and the U.S. Attorney's Office in Fort  
7 Myers, does that indicate that the investigating officer  
8 believed that there were potential elements of criminal  
9 conduct that were involved in the death of Michael Adelman?

10           MR. KLEINMAN: Object to the form.

11           MR. SUMMERS: Objection to form.

12           A.       Yes.

13           Q.       Okay.

14           MR. PELTZ: I think the question was fine, but  
15 let me rephrase the question, just in case.

16           MR. KLEINMAN: It's beyond the scope of what's  
17 permissible today.

18           MR. PELTZ: No, you're wrong about that.

19           Q.       Why, in this particular case, were there - was  
20 there a meeting or meetings between representatives of the  
21 Park Service here at Big Cypress and the Assistant U.S.  
22 Attorney's Office in Fort Myers, concerning the Park  
23 Service's investigation into the death of Michael Adelman?

24           MS. KESSLER: Hold on, before you answer. I mean,  
25 - I've allowed this, because I allowed Mr. Summers to

1 ahead and say that I can't ask questions, then I guess  
2 you can do that, but I do object to long speaking  
3 objections, regardless of who they come from, and -  
4 and I think the magistrate, that he does too. I feel  
5 that I'm entitled to ask this question. I think it's  
6 within fair cross-examination of which you allowed Mr.  
7 Summers, and if you disagree, then instruct him and  
8 we'll move on, but I don't think that we should all be  
9 making speeches in front of the witness. I don't think  
10 that's appropriate.

11 MR. SUMMERS: Yeah. I object to the form of the  
12 question, as asked and answered

13 MS. KESSLER: You can answer.

14 A. Rephrase it, please?

15 Q. Is it possible to read back a question? No,  
16 okay.

17 COURT REPORTER: Not with digital.

18 Q. Okay, what was the reason that rangers from the  
19 Big Cypress Preserve met with the Assistant U.S. Attorney  
20 in Fort Myers, concerning their investigation into the  
21 death of Michael Adelman.

22 MR. SUMMERS: Objection to form and asked and  
23 answered.

24 MS. KESSLER: You can answer.

25 A. We had a concern, particularly about the length

1 had with Howard several days after the incident, was that  
2 report prepared by someone other than you?

3 A. Yes, by Gary Shreffler.

4 Q. Okay, and was Ranger Shreffler involved in the  
5 conversation, or was that report based on your summary of  
6 the conversation afterwards to him?

7 A. I don't recall whether he was present when the  
8 call came in or not.

9 Q. Okay, is it customary, in - in a situation,  
10 where you have a minor who dies on a Federal property, that  
11 you would want to talk to the minor's parents as part of  
12 your investigation?

13 A. Yes.

14 Q. When Howard Adelman had contacted the park  
15 rangers several days after his son's death, was that in  
16 part to provide information that you would use as part of  
17 your normal investigation?

18 A. Well, had he not called us, we would have  
19 reached out to him to obtain background information.

20 Q. Okay, do you know whether someone had, in fact,  
21 called him first and he was returning a call?

22 A. No, I don't know.

23 Q. Okay, is that a possibility?

24 A. It's possible.

25 MR. SUMMERS: Objection to form.



1 Q. But is he had not called, would you have called?

2 MR. SUMMERS: Objection to asked and answered.

3 A. I would have had Gary call.

4 Q. Okay. I'm sorry, by you I meant the generic. If  
5 Howard Adelman had not called the Park Service, would  
6 someone, one of the park rangers, have called him for  
7 information?

8 A. Yes.

9 Q. During this conversation, in addition to  
10 conveying information that was used in your report, was  
11 Howard very emotional and upset during this conversation?

12 A. Oh, yes. Very much so.

13 MR. SUMMERS: Objection to form.

14 Q. During that conversation - during the  
15 conversation of May 11th, you've indicated that Howard  
16 provided you some information that was used for your report  
17 that he was sad. Was there anything else that went on  
18 during that call?

19 A. This call?

20 Q. Yes, sir.

21 A. I don't recall anything else.

22 Q. Now, did - did any of the rangers, in this call  
23 - strike that. I guess it would have been you, so let me -  
24 let me rephrase the question. In this call that - that you  
25 have had with Howard on May 11th, did you provide any