

1 lane was clear.

2 Now, you're also gonna have to determine what
3 to do with Ms. Young. Ms. Young's a party in this case
4 because she was involved in the accident so she's sort of
5 a necessary party. And what you're gonna be asked to
6 determine about Ms. Young is whether -- you know, she in
7 some way failed to exercise due care whether that would
8 have been by going slower or having a chance to see the
9 accident quicker. But you'll have to determine if she
10 did something negligent that caused her car to hit Mr.
11 Ervin's vehicle.

12 And you'll be asked to determine that the
13 driver of the Baltimore Tank Lines vehicle was negligent
14 by failing to make sure that that lane was clear before
15 he got into it.

16 Thanks very much for your attention.

17 THE COURT: Mr. Ford.

18 MR. FORD: Thank you, Your Honor.

19 OPENING STATEMENTS

20 BY MR. FORD:

21 Good morning.

22 THE JURORS: Good morning.

23 I'm Frank Ford. I was previously introduced
24 but I couldn't see you because of the column and you
25 probably didn't see me either.

1 I represent Cindy Young, who's the lady sitting
2 at the -- counsel table.

3 There is a difference from what you just heard
4 -- from Plaintiff's Counsel and what you're hear from me.
5 And that different is this. Ms. Young cannot say
6 anything to you about why Mr. Ervin, the Plaintiff; this
7 gentleman here, suddenly came into her lane. She cannot
8 give you any explanation for that. Mr. Ervin is the
9 gentleman who will have to tell you what happened.

10 All Ms. Young can tell you and its very simple,
11 is that she was driving along approaching Leonardtown
12 Road; she's in the extreme left lane. For those of you
13 who are familiar with this intersection there are two
14 left turn lanes that go up to Leonardtown Road. She's in
15 the extreme left lane when all of a sudden out of the
16 blue Mr. Ervin jumps into her lane; right in front of
17 her.

18 She's going at a speed of about 35 to 40 miles
19 per hour minding her own business when this sudden
20 emergency arises in front of her. Mr. Ervin himself will
21 tell you he did just that. Now, he has an explanation
22 but Ms. Young can't give you that explanation. All she
23 can tell you is that for whatever reason Mr. Ervin jumped
24 into her lane. She hit her brakes but she was unable to
25 avoid hitting him.

1 That's her sole role in this case. This is a
2 motor negligence case. In order for the Plaintiff to
3 prevail against my client, Ms. Young, he must establish
4 to your satisfaction that she did something wrong; that
5 she was negligent.

6 We think you'll be satisfied after you hear
7 from Mr. Ervin, Ms. Young and the driver for Baltimore
8 Tank Lines that Ms. Young did not do anything wrong. She
9 was as much a victim in this accident as anyone when Mr.
10 Ervin jumped into her lane.

11 And let me tell you a little bit about my
12 client. She's married. She has three children. She
13 lives in Charlotte Hall. Her husband is retired
14 military. And she had taken her young daughter, the
15 youngest of their three children, Christa, who was then
16 about age six, up to Andrew's Air Force Base to be
17 checked out. She had an ear infection and they go to
18 Andrew's for their medical needs.

19 They were coming home when this accident
20 occurred. That's why she was on the roadway. She was
21 familiar with this roadway and she will tell you that she
22 had been in that extreme left lane from the time it
23 started up and before that had been in the left lane all
24 the way from 301, down Mattawoman Beantown Road to where
25 this accident happened.

1 She can tell you also that following the
2 accident, Mr. Ervin asked her if she had seen the truck
3 cut him off and she said no, she hadn't. She'll tell you
4 the same thing. She didn't see what happened between Mr.
5 Ervin and the truck. All she can tell you is that she
6 was driving along when suddenly he came into her lane.

7 At the appropriate time I'll have a chance to
8 talk with you again and at that time ask you to find that
9 my client, Ms. Young, was not responsible.

10 Thank you.

11 THE COURT: Mr. Stephenson>

12 MR. STEPHENSON: May I please the Court, Your
13 Honor.

14 OPENING STATEMENTS

15 BY MR. STEPHENSON:

16 Good morning ladies and gentlemen of the jury.
17 My name is Andrew Stephenson. I indicated earlier I
18 represent one of the Defendant's in this lawsuit,
19 Baltimore Tank Lines.

20 And I'd first like to thank you all for being
21 here today and for doing your service; your civic duty as
22 jurors. It's a very important role and my clients
23 certainly appreciate it. I know it's inconvenient in
24 this modern age to have to give up a whole day to be a
25 juror but rest assure we're grateful for it and -- and