

Deposition of

Date: August 7, 2006
Volume:

Case: [REDACTED] v. [REDACTED]

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Deposition of [REDACTED]
Taken on August 7, 2006

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1 IN THE CIRCUIT COURT OF HOWARD COUNTY
2 IN AND FOR THE STATE OF MARYLAND
3 [REDACTED]
4 Plaintiff, Case No.
5 vs. 13-C-05-063121
6 [REDACTED]
7 Defendant.
8 _____ /
9
10 Pursuant to Notice, the deposition of
11 [REDACTED] was taken on Monday, August
12 7th, 2006, commencing at 10:25 a.m., at the
13 offices of Miller and Zois, 7310 Ritchie
14 Highway, Suite 1001, Glen Burnie, Maryland
15 21061, before Kathryn M. Benhoff, Notary
16 Public.
17
18
19
20 Corbin & Hook Reporting, Inc.
21 Annapolis, MD 21401-9996

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3 [REDACTED]
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1 APPEARANCES
2 ON BEHALF OF THE PLAINTIFF:
3 LAURA G. ZOIS, ESQUIRE
4 Miller and Zois
5 7310 Ritchie Highway -- Suite 1001
6 Glen Burnie, Maryland 21061
7 410-553-6000
8 ON BEHALF OF THE DEFENDANT:
9 PATRICK A. FERRIS, ESQUIRE
10 1 West Pennsylvania Avenue -- Suite 500
11 Towson, Maryland 21204-5025
12 410-832-8003
13
14
15
16
17
18
19
20
21

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1 IT IS HEREBY STIPULATED AND AGREED that
2 the reading and signing of this deposition are
3 waived.
4 [REDACTED]
5 duly been sworn to tell the truth, the whole truth,
6 and nothing but the truth, testifies as follows:
7 EXAMINATION
8 BY MS. ZOIS:
9 Q. Miss [REDACTED] -- is that how you
10 pronounce your name?
11 A. Yes.
12 Q. Okay. Good. No?
13 MR. FERRIS: No, I was just --
14 Q. Oh. My name is Laura Zois, and I
15 represent the Plaintiff, Miss [REDACTED] in this case,
16 and before we get started, I just want to make sure
17 that you understand the deposition process. Okay?
18 A. Okay.
19 Q. Do you understand that the testimony that
20 you're giving today is under oath?
21 A. Yes.

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1 Q. Do you understand that the testimony
2 you're giving today has the same force and effect
3 just as if you were testifying in front of a judge
4 or jury?
5 A. Yes.
6 Q. At any time during your deposition, if I
7 ask you a question that you do not understand, I
8 want you to let me know, okay?
9 A. Okay. **What if I don't remember?**
10 Q. That's a fine answer.
11 A. Okay.
12 Q. Don't be afraid to say you don't remember.
13 A. Okay.
14 Q. If you don't remember, you don't remember.
15 A. Okay.
16 Q. I don't want you to guess at anything.
17 A. Okay.
18 Q. If you are guessing, I want you to let me
19 know. Okay?
20 A. Okay.
21 Q. I'm going to be asking you questions about

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1 time, speed, distance and that sort of thing, and
2 again, I don't want you to guess at anything, but I
3 may try and help you give me what's called your best
4 estimate.
5 A. Okay.
6 Q. Okay? But again, I don't want you to
7 guess at anything.
8 A. Okay.
9 Q. If you're guessing, I want you to let me
10 know, and I don't know is a fine answer. Don't be
11 afraid to say I don't know.
12 A. Okay.
13 Q. Okay? Because whatever answer you give on
14 your deposition transcript is going to be the answer
15 that you're stuck with, and we don't want it to be a
16 guess. Okay?
17 A. I'll try to remember.
18 Q. And again, if I ask you a question that
19 you don't understand, just let me know. I'm not
20 here to trick you. I'm not here to, you know, ask
21 you questions that they're incomprehensible. I try

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1 to be as articulate as I can, but again, if you
2 don't understand a question, just let me know and
3 I'll try and rephrase the question or explain to you
4 what I mean by a question.
5 A. Okay.
6 Q. All right. The court reporter to my left
7 is taking down everything that's being said at the
8 table, and she can't take us both down at the same
9 time, so just be mindful of that and wait until I'm
10 finished asking my question before you begin the
11 answer to the question. Okay?
12 A. Okay.
13 Q. And also, in the same vein, she can't take
14 down nods of the head yes, no, or shoulder shrugs,
15 so you actually have to articulate yes or no or I
16 don't know or whatever it is you're trying to say.
17 A. Okay.
18 Q. Also, if you're using hand gestures, she
19 can't take those down, either. At some point, maybe
20 if it's helpful to you, we could draw a diagram if
21 your attorney is comfortable with that.

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1 MR. FERRIS: Objection.
2 Q. Okay. We'll get to that, but you can't
3 use hand gestures to describe how the accident
4 happened or how far away you were and things of that
5 nature because the court reporter can't take those
6 down. Okay?
7 A. Okay.
8 Q. Now, I understand that you've had some
9 medical concerns which have prevented you from
10 traveling to Maryland?
11 A. Yes.
12 Q. Are you on any type of medication today?
13 A. **I'm on cholesterol and Synthroid, and I go**
14 **back to the doctor's in a couple weeks and they're**
15 **going to do some more testing.**
16 Q. Okay. Do the medications that you're on
17 today have any effect on your ability to recall
18 anything or your ability to, to think clearly?
19 A. **No. The only thing is I'm very nervous**
20 **because I've been through three hurricanes and it's**
21 **hurricane season now.**

2 (Pages 5 to 8)

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1 Q. Okay. Well, hopefully, we'll --
2 A. **I have had my house practically destroyed**
3 **in Florida.**
4 Q. Oh, geez. Wow.
5 A. **My mom's two doors up, too.**
6 Q. Well, hopefully, we'll get you back down
7 to Florida before any adverse weather strikes.
8 A. **But they're still working on the health**
9 **issues. I've been to Dr. Gallant, and I got the**
10 **stockings I'm supposed to be wearing for my feet, my**
11 **legs.**
12 Q. But none of the medications you're on
13 today have any effect on your ability to testify?
14 A. **No, except my nerves. I feel very**
15 **nervous.**
16 Q. Okay. Well, if I can do anything to
17 help --
18 A. **Gracious.**
19 Q. -- alleviate your nerves, let me know.
20 Like I said, I'm not here to --
21 MR. FERRIS: You could stop being so

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1 intimidating.
2 Q. I know. I'm so intimidating. I'm a scary
3 person. Okay. Taking you back to the date of this
4 accident, do you recall the date of this accident?
5 A. **I think it was October the 1st, 2002.**
6 Q. Of course, on my police report, that's
7 right where my hole punch is. Is that --
8 MR. FERRIS: You were right even though
9 the Plaintiff's attorney didn't know.
10 Q. Is it March 10th, 2003 -- no, that's
11 wrong. That's another date. I'm sorry.
12 MR. FERRIS: It is October 1st, 2002.
13 Q. Okay. So taking you back to October 1st,
14 2002, where were you living at the time of that
15 accident?
16 A. **At the time of the accident, I was living**
17 **at 3331-B as in boy North Chatham Road, Ellicott**
18 **City, 21042.**
19 Q. And how long did you live at that address?
20 A. **I lived there approximately -- there since**
21 **1997.**

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1 Q. And between 1997 and 2002, the date of
2 this accident, how many times had you had the
3 opportunity to drive over to the Circuit Court of
4 Howard County or in that general area?
5 A. **Between those dates, how many times?**
6 Q. Yes, ma'am.
7 A. **A lot of times because I lived in Howard**
8 **County for like 30 years, Ellicott City.**
9 Q. Okay. Can you estimate --
10 A. **I can't.**
11 Q. -- for me how many times you had been to
12 the circuit house during the course of the time that
13 you lived in Maryland?
14 A. **My divorce lawyer was in that building**
15 **right when you go down Courthouse Drive, Cecilia**
16 **Pays (phonetic).**
17 Q. More than 10, less than 10?
18 A. **Maybe approximately, I want to say at**
19 **least -- I can't really remember. A lot of times.**
20 Q. Okay. So you think it was more than 10?
21 A. **You know, you're up and down that road so**

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1 **much, I couldn't tell you.**
2 Q. Twenty? Less than 100, more than 100?
3 I'm trying to pin --
4 A. **Less than 100.**
5 Q. Less than 100?
6 A. **Less than 100, less than 100.**
7 Q. More than 50, less than 50?
8 MR. FERRIS: Don't guess if you don't
9 know.
10 A. **I can't -- I mean, I lived there so many**
11 **years.**
12 Q. More than 1?
13 A. **Oh, yeah. Yes, definitely, I mean.**
14 Q. So we're between 1 and 100?
15 A. **Yeah, because --**
16 Q. Now, I'm going to try and close you in.
17 A. **I mean --**
18 Q. More than --
19 A. **-- I raised my children in Mt. Hebron, so**
20 **you're constantly all over the area.**
21 Q. More than 5?

3 (Pages 9 to 12)

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1 A. Yes. Oh, yes.
2 Q. More than 10?
3 A. Yes.
4 Q. More than 20?
5 A. Probably. I don't want to guess.
6 Q. Okay. So somewhere between 20 and 100, is
7 that the best we can do?
8 A. Now, are you referring to going all the
9 way down or just going as far as the Howard County
10 government building or --
11 Q. Well --
12 A. I mean, I know --
13 Q. That's a good question. Let's say in the
14 area where the accident happened, because you have
15 to pass this area --
16 A. Okay, okay, okay.
17 Q. -- to get to and from the courthouse,
18 right?
19 A. Uh-huh, because -- I cannot really
20 remember how many times. It's impossible to
21 remember.

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1 Q. And I'm not asking you to remember exactly
2 how many.
3 A. I can't remember how many times. A lot of
4 times.
5 Q. But right now, where we are is more than
6 20, less than 100?
7 A. Yes.
8 Q. And that's the closest you can come to an
9 estimate?
10 A. Yes.
11 Q. Okay. If that's the best you can do.
12 Now, on the date of this accident, did you have
13 anybody with you in the vehicle?
14 A. No, I did not.
15 Q. What type of vehicle were you driving?
16 A. A '94 Toyota Camry.
17 Q. And you were familiar with the operation
18 of that vehicle?
19 A. Yes.
20 Q. That was the vehicle you drove on a
21 day-to-day basis?

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1 A. Yes.
2 Q. And at the time of the accident, were you
3 heading to the courthouse or coming back?
4 A. I was heading to park on the courthouse
5 parking lot to be fingerprinted to go back to work
6 for the Board of Education.
7 Q. So you were on your way to the courthouse?
8 A. Yes, to the parking lot.
9 Q. And did you have any expected time?
10 A. It was around lunchtime. It was between
11 12 and 1. It was maybe approximately 12:30.
12 Q. Where were you earlier that day?
13 A. At home.
14 Q. Were you working at the time of the
15 accident?
16 A. No, I was not.
17 Q. You were retired?
18 A. From the State of Maryland, State Lottery
19 Agency.
20 Q. And you were interested in going back to
21 work, which is why you were being fingerprinted --

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1 A. Yes.
2 Q. -- for that?
3 A. Yes.
4 Q. You got to wait 'til I finish my question,
5 okay?
6 A. Uh-huh.
7 Q. You were retired from the State of
8 Maryland and you were interested in going back to
9 work, and that's why you needed to get fingerprinted
10 at the courthouse?
11 A. Correct.
12 Q. Was there a certain time that you had to,
13 had to be at the courthouse to be fingerprinted?
14 A. No, it wasn't at the courthouse. It was a
15 building near the parking lot of the courthouse. It
16 was up the street.
17 Q. Okay. So your intention wasn't to go into
18 the courthouse. It was at a building that was along
19 courthouse row --
20 A. Right.
21 Q. -- if you will?

4 (Pages 13 to 16)

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1 **A. Right. Board of Education has their own**
2 **contractor who does the fingerprinting.**
3 Q. And that was near the courthouse?
4 **A. Yes.**
5 Q. Did you have an appointment there?
6 **A. I cannot remember.**
7 Q. Is it a walk in service?
8 **A. If my memory serves me right, and I don't**
9 **like to rely on my memory, it's like be there**
10 **between 12 and 3. That, I may be incorrect. I'm**
11 **not sure. It's a long time ago.**
12 Q. Where were you planning on going after you
13 had the fingerprinting done?
14 **A. I was figuring on going back home and**
15 **calling -- it was to work for a psychologist. He**
16 **was going to be the supervisor of the position that**
17 **I was applying for, and I was going to work with a**
18 **special ed child who had a brain tumor.**
19 Q. I guess my question wasn't very clear.
20 After you were done with the fingerprinting, where
21 were you planning on going after that?

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1 **A. Back home.**
2 Q. Back home?
3 MR. FERRIS: She said that.
4 Q. She said she needed to call.
5 **A. When I got home.**
6 MR. FERRIS: When she got home.
7 Q. So you --
8 **A. To let them know that I had been**
9 **fingerprinted.**
10 Q. Okay. So your plan was after getting
11 fingerprinted to go home and make a phone call?
12 **A. Uh-huh.**
13 Q. Is that a yes?
14 **A. Yes.**
15 Q. Okay. Do you know what road the accident
16 happened on, what the name of the road was?
17 **A. Courthouse Road.**
18 Q. And on Courthouse Drive in the area where
19 the accident happened, how many lanes are there?
20 **A. Two.**
21 Q. And do you know if they travel north-south

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1 or east-west?
2 **A. North and south.**
3 Q. And which direction were you traveling?
4 **A. South.**
5 Q. And in the area where the accident
6 happened, do you know what the speed limit is?
7 **A. I can't remember.**
8 Q. But you were --
9 **A. You have to realize, I'm --**
10 Q. But you were heading southbound on
11 Courthouse Drive when the accident happened?
12 **A. Yes.**
13 Q. What road did you take to get onto
14 Courthouse Drive?
15 **A. I, I came from Route 40. I made the right**
16 **onto Rogers Avenue and came straight on down past**
17 **the Howard County offices and went straight.**
18 Q. And how did you get from Rogers Avenue to
19 Courthouse Drive?
20 **A. It leads right into Court -- Rogers Avenue**
21 **goes right into Courthouse Drive when you go**

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1 **straight.**
2 Q. So Rogers Avenue --
3 **A. You make that bend, you know.**
4 Q. Rogers Avenue actually turns into
5 Courthouse Drive?
6 **A. Yes.**
7 Q. And when you take the right onto Rogers
8 Avenue from 40, is that also one lane?
9 MR. FERRIS: Is what one lane?
10 Q. Rogers Avenue?
11 **A. No. You talking about when I come off of**
12 **Route 40?**
13 Q. When you take your righthand turn off of
14 Route 40 onto Rogers Avenue, how many lanes does
15 Rogers Avenue have?
16 **A. I think it's two. You know, two going**
17 **south and then you have a righthand turn when you**
18 **come back.**
19 Q. Okay. So Rogers --
20 **A. So that --**
21 Q. Sorry. Go ahead.

5 (Pages 17 to 20)

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1 A. Okay. I think it's two going south and
2 three going north because one's a turn lane.
3 Q. And by the time you get to Courthouse
4 Drive, it's one lane in each direction?
5 A. Yes, it's north and south.
6 Q. How long were you on Courthouse Drive
7 before the accident happened?
8 A. Seemed like a few minutes.
9 Q. And when was the first time, the very
10 first time that you noticed, you noticed the vehicle
11 that you were involved in the accident with?
12 A. I can't remember whether I saw her in my
13 rear-view window. I just remember someone coming
14 this way on the passenger side --
15 Q. And when you say this way, you're
16 motioning with your right hand?
17 A. Okay. Someone came by my car on the
18 righthand side, and it was, it was like bam. You
19 know, it was like I couldn't -- I saw this van, and
20 I sit low and the van was up high, and that's what I
21 remember. That's what I remember.

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1 Q. Let me break that down a little bit. So
2 you don't know whether or not you saw her in your
3 rear-view mirror before you saw her pass you on the
4 right?
5 A. I think I did. I'm not sure.
6 Q. Okay. But you do remember seeing her or a
7 van pass you on the right?
8 A. Yes.
9 Q. And at the point where you observed the
10 van passing you on the right, do you remember what
11 the speed of your vehicle was?
12 A. No, I don't.
13 Q. Do you remember in the area where the van
14 passed you on the right, was there a shoulder on the
15 right?
16 A. It, it's like grass, you know, was grass
17 and weeds and trees. It's like I think most people
18 with apartment complexes or driveways to go into
19 sometimes. You just -- it's probably a habit for a
20 lot of people because living at Chatham Garden
21 Apartments, I had never lived in an apartment before

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1 until I moved there. I notice people do things,
2 will come over, cut you off to get into the parking
3 lot. It was right near the driveway, right near the
4 driveway.
5 Q. And when you say the driveway, is that --
6 A. Of the apartment complex.
7 Q. Okay. The driveway is the entrance to the
8 apartment complex?
9 A. Yes.
10 Q. And is that also known as Ellicott Mills
11 Drive?
12 A. Yes.
13 Q. And how far --
14 A. As far as I can remember.
15 Q. How far away was your vehicle from the
16 entrance to Chatham Apartments when you saw the
17 vehicle come up and pass you on the right?
18 A. You don't mean Chatham. You mean --
19 Q. The righthand -- the apartments that were
20 on the righthand side where the accident happened,
21 what are they called?

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1 A. Ellicott Mills, I believe. I'm not sure
2 on that name.
3 Q. And I'll ask the question again just so
4 it's clear. How far away was your vehicle from that
5 righthand turn into the apartments when you observed
6 her pass you on the right?
7 A. Must have been -- see, I'm not very good
8 at judging feet. It was practically almost --
9 seemed like she was right there before I could even
10 remember how many -- I don't remember how many feet.
11 Q. Was it more than 5, less than 5?
12 A. I couldn't tell you. I don't know. I
13 can't remember that.
14 Q. Okay. Were you closer than a football
15 field away from the righthand turn or less than a
16 football field away?
17 A. Less than a football field.
18 Q. Less than a football field, okay. Were
19 you closer to the righthand turn than 100 feet or
20 less than 100 feet?
21 A. Less than 100 feet.

6 (Pages 21 to 24)

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1 Q. Okay. Were you closer than 50 feet to the
2 righthand turn or less than 50 feet?
3 A. **I guess less.**
4 Q. Less than 50 feet? Okay.
5 A. **Yeah.**
6 Q. Okay. Were you closer than 10 feet away
7 or less than 10 feet away?
8 A. **Have to figure out how far 10 feet is.**
9 **Wait a minute. I'm not, I'm not very good on**
10 **footage.**
11 Q. No?
12 MR. FERRIS: If you can't answer, don't
13 answer.
14 A. **I don't, I don't know how many feet. I**
15 **don't know how many feet.**
16 Q. This table is between 10 and 12 feet.
17 A. **I don't, I don't remember. You've got to**
18 **realize that was back in 2002.**
19 Q. Were you right at the turn?
20 A. **No. I was, I was right before the turn**
21 **when I saw the van. I was close to the turn, to the**

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1 **driveway to pass to get to continue my path on down.**
2 Q. So we're somewhere between zero and
3 50 feet?
4 A. **Yeah. I don't remember how many feet.**
5 Q. Was it greater than the length of this
6 room or less than the length of this room?
7 A. **I think less.**
8 Q. Each block is 2 feet, so less than --
9 would you say it was less than 20 feet?
10 A. **As far as I can remember.**
11 Q. Okay. So you -- I'm not -- I understand
12 that you're having difficulty with remembering
13 exactly how far away you were, but your best
14 estimate is you think you were less than 20 feet
15 away from the turn?
16 A. **Yes. It just happened so fast. I mean,**
17 **it was like bam, bam.**
18 Q. Now, when you --
19 MR. FERRIS: Don't tie yourself into
20 something that's not accurate. If you don't
21 know the footage --

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1 A. **No, I don't know.**
2 MR. FERRIS: -- don't tell her the
3 footage.
4 A. **I don't know.**
5 MR. FERRIS: If you know a landmark --
6 A. **I don't remember. I don't remember.**
7 MR. FERRIS: If you know a landmark, give
8 her a landmark, but if you don't know the
9 footage, don't let her play these lawyer games
10 with you.
11 Q. I'm going to object to the
12 characterization by counsel. Let's go off the
13 record for a second.
14 (Discussion off the record.)
15 MS. ZOIS: Okay. Off the record, I've
16 asked counsel to note his objection and refrain
17 from leading his witness into the answer that
18 he wants the witness to give, so for the
19 remainder of the deposition, I would ask that
20 counsel state the basis for his objection. If
21 he would like to go into a speaking objection,

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1 that his client leave the room.
2 MR. FERRIS: And off the record, I have
3 told counsel that I've counseled my client to
4 be honest and accurate in answering the
5 questions, and when it's obvious that she can't
6 answer the lawyer trick questions that this
7 lawyer is asking her not to answer the
8 questions because if you don't know the answer,
9 don't give her something just because you think
10 you want to.
11 THE WITNESS: I don't know. No, I don't.
12 MR. FERRIS: Okay.
13 MS. ZOIS: And I'm entitled to the
14 client's best estimate and recollection, which
15 is what I am asking and it's something that I'm
16 entitled to, and we are trying to pare down
17 exactly what she remembers, and that's how it's
18 done. Now, when --
19 MR. FERRIS: That's how it's done by this
20 lawyer.
21 MS. ZOIS: Objection to the

7 (Pages 25 to 28)

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1 characterization again. This is how
2 depositions are taken appropriately.
3 MR. FERRIS: Well, if you want to tell my
4 client how depositions are taken appropriately,
5 I will tell her how they're not taken
6 appropriately, and they're not taken
7 appropriately if they ask you to say things
8 that you don't know.
9 MS. ZOIS: Which in the beginning I very
10 clearly explained if she doesn't understand a
11 question, she should state that on the record,
12 and I think we've been doing a fine job.
13 MR. FERRIS: I don't.
14 BY MS. ZOIS:
15 Q. All right. Okay. Going back to the
16 original question, which is how far away were you
17 from the entrance to the apartment complex when you
18 first noticed my client's vehicle come along the
19 righthand side of your vehicle, and where we ended
20 up after breaking it down based on your memory is
21 you believe that it was about 20 feet. Does that

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1 sound about right?
2 A. **I cannot judge feet, inches or anything**
3 **when I -- I'm not -- I don't remember how many feet.**
4 Q. Okay. But we know it's --
5 A. **I cannot judge feet.**
6 Q. But we know it's less than a football
7 field, right?
8 A. **That's the only thing I can say.**
9 Q. Okay. And then we got to 50 feet. Do you
10 believe it was less than 50 feet? Are you
11 comfortable with that estimate?
12 A. **I really can't remember. I can't**
13 **remember.**
14 Q. Okay. So the best, your best -- and all
15 I'm looking for is your best estimate. I mean, if
16 your best estimate is all you can say is it's less
17 than a football field, then that's fine and we can
18 move on, but what I'm trying to do --
19 A. **I just can't remember.**
20 Q. Okay. So where we are is your best
21 estimate is that -- and you're looking at some -- is

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1 there paperwork that would help you remember?
2 A. **Maybe I wrote it down. I don't know.**
3 **Like I said, between 2002, I've been through three**
4 **hurricanes, so my -- I'm not very good at this. I**
5 **don't have any notes on it, I know that. I don't**
6 **know how many feet. I'm looking to see if there's**
7 **anything written. I cannot remember. I don't want**
8 **to give you the wrong answer because I don't**
9 **remember. I don't know. Can I ask my attorney if**
10 **he's on here?**
11 Q. No, ma'am.
12 A. **I can't remember.**
13 Q. Okay. So where we are is the best to your
14 ability is you were closer than a football field
15 away, closer than 300 feet away?
16 A. **Trying to think about 300 feet because I**
17 **realize I am not very good at estimating.**
18 Q. Okay. So you don't even know if you were
19 within 300 feet of this intersection?
20 A. **When you're saying intersection, what are**
21 **you referring to, the driveway --**

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1 Q. Yes, ma'am.
2 A. **-- of that apartment complex?**
3 Q. Yes, ma'am.
4 A. **I don't know exactly how many feet, but I**
5 **don't believe it was 300 feet. I'm sure, I don't**
6 **believe. I can't, I can't remember.**
7 Q. But you think you were closer than
8 300 feet?
9 A. **I think. I'm not sure.**
10 Q. Okay. And that's the best you can --
11 A. **I can't, I mean, I can't remember.**
12 Q. Okay.
13 A. **It was 2002.**
14 Q. You can't remember whether it was -- but
15 you think it was closer than 300 feet?
16 A. **All I know is I just remember this van**
17 **coming out in front of me, and, you know, it was**
18 **like crash.**
19 Q. Okay. So you don't remember whether or
20 not it was 300 feet away, more or less than 300 feet
21 away?

Deposition of [REDACTED]
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1 A. I'm going to say less because I can't
2 remember.
3 Q. Okay. So you think it was --
4 A. That's what you want to hear. I mean, I
5 don't know what you want to hear.
6 Q. I'm just trying to figure out what the
7 best, what your memory of is of the incident, and
8 I'm trying to understand where you were when you
9 first saw my client's vehicle.
10 A. I don't know how many feet.
11 Q. But you -- I understand --
12 A. I cannot judge how many feet like from the
13 driveway of the apartment complex to where I first
14 was. It just happened so fast. It's, it's -- I
15 don't know how many feet.
16 Q. Okay. I understand, and I don't --
17 A. Just I'm going to say I don't know how
18 many feet because I don't know.
19 Q. Okay. I understand you weren't out there
20 with a tape measure --
21 A. No, I wasn't.

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1 Q. -- and you don't know exactly how far away
2 you were from the corner. I understand that. I'm
3 trying to understand what your estimate is as to how
4 close to the corner you were when you first saw her
5 car, and I think where we've ended up is you think
6 it's less than 300 feet. Is that accurate?
7 A. I think so. Not sure.
8 Q. All right. And can you do any better than
9 we think it's less than 300 feet? Can you give me
10 an estimate any closer?
11 A. I cannot judge footage.
12 Q. Okay. And that's fine --
13 A. I'm sorry. I cannot judge footage. I'm
14 not very good.
15 Q. Okay.
16 A. I'm not a contractor. I don't --
17 MR. FERRIS: That's fine.
18 Q. That's fine.
19 A. I'm sorry. I can never judge.
20 MR. FERRIS: If she wants you to drive out
21 and measure it, we'll let you drive out and

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1 measure it. If not, just do the best you can.
2 Q. So the best that we can do today is that
3 you think it's less than 300 feet?
4 A. I think.
5 Q. Okay. Do you have any plans on going out
6 to the scene and measuring it before you have to
7 testify at the trial?
8 MR. FERRIS: If I ask her to.
9 Q. So she's going to change her deposition
10 testimony at trial?
11 MR. FERRIS: She measures it and it's
12 different, yes.
13 Q. Okay. I would ask counsel that if that
14 happens, I would like to be informed of that and
15 I'll take her deposition again. All right.
16 A. Let me ask you this.
17 MR. FERRIS: No, don't ask her any
18 questions.
19 Q. No, that's not the way it works.
20 MR. FERRIS: Just answer her questions.
21 A. Okay.

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1 Q. That's not the way it works. All right.
2 You're less than 300 feet away from where you take
3 the righthand turn to get into the apartment
4 complex?
5 A. I wasn't going to the apartment complex.
6 Q. I'm not suggesting that you were. For
7 people that are taking a righthand turn to the
8 apartment complex -- would you prefer that I phrase
9 the question that way?
10 A. Yes.
11 Q. We know what we're talking about, though,
12 right?
13 A. Right.
14 Q. When you observed my client passing you on
15 the right of your vehicle, what was the speed of
16 your vehicle?
17 A. I know I had to be going to normal speed
18 of whatever it was on that road. I cannot remember,
19 but it -- I never expected a vehicle to be in the
20 front of me, and I remember just slamming on the
21 brake.

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1 Q. Okay. My question was, do you remember
2 what the speed was of your vehicle --
3 A. **No, I do not know.**
4 Q. You have to wait 'til I finish the
5 question, okay?
6 A. **Go ahead.**
7 Q. My question was, do you remember the speed
8 of your vehicle when you observed my client's
9 vehicle passing on the right?
10 A. **No, I cannot remember back then. I can't**
11 **remember what the miles on that road was because**
12 **I've been living in Florida, back and forth.**
13 Q. Can you estimate for me how much faster
14 the van was traveling than your vehicle?
15 A. **No, I cannot answer that. I don't know.**
16 Q. Can you tell me how much time passed from
17 the time you saw the vehicle passing you on the
18 right until the vehicle ended up in front of your
19 vehicle?
20 A. **How much time?**
21 Q. Yes, ma'am.

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1 A. **How much time. I don't know. It just**
2 **happened so fast. I couldn't tell you what time,**
3 **how it just happened.**
4 Q. Okay. Was she driving parallel to your
5 vehicle for some period of time?
6 A. **No. I remember coming up the road and,**
7 **you know, at the right I saw this and it was like**
8 **bam. It was like her rear, I rear ended her on her**
9 **side, and she only had a dent in her van and broke**
10 **my light in my car.**
11 Q. My question was, was she traveling
12 parallel along to your vehicle for some period of
13 time?
14 A. **I can't remember that. I just remember --**
15 **and you got to realize you're going back to 2002.**
16 **It's like --**
17 Q. Okay. So you can't remember whether or
18 not she was traveling parallel to your vehicle for
19 some period of time?
20 A. **I just remember her all of a sudden ending**
21 **up in front of me.**

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1 Q. Okay. When you first noticed her
2 vehicle --
3 A. **Making a -- huh?**
4 Q. When you first noticed her vehicle to the
5 right of you, was she behind you, besides you --
6 A. **I didn't see --**
7 Q. You have to wait until I finish my
8 question, okay? When you first noticed her vehicle
9 to the right of you, was she behind you, beside you
10 or in front of you?
11 A. **In front of me.**
12 Q. So the first time that you noticed her,
13 her vehicle was in front of you?
14 A. **Yes.**
15 Q. And when you first noticed her and she was
16 in front of you, do you know how far away the front
17 of your car was to her rear bumper?
18 A. **Can I draw it out?**
19 MR. FERRIS: I doubt you can accurately
20 draw. Why don't you just tell her?
21 A. **Okay. I'm heading south, all right, and**

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1 it was like I saw out of my right eye something
2 coming up, okay, and all of a sudden, it was, there
3 was a van, a big van. You have to realize I sit
4 low. There was this big van and came right up in
5 front of me and started to make a turn, a righthand
6 turn.
7 Q. Okay. In the area where the accident
8 happened, is the road wide enough for two vehicles?
9 A. **No. No, unless you go up on the grass,**
10 **which you can do.**
11 Q. And when --
12 A. **If you don't go near the trees.**
13 Q. My original question was, how far away was
14 Miss [REDACTED] vehicle from your vehicle when you
15 first saw her vehicle in front of you? Can you
16 estimate for me how far ahead of you her vehicle was
17 from your vehicle when you saw her?
18 A. **Here we go with the footage again. I**
19 **can't remember. I cannot remember footage.**
20 Q. Do you think it's more than 10 feet or
21 less than 10 feet?

10 (Pages 37 to 40)

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1 A. You told me not to guess. You told me to
2 tell you if I don't know. I don't know the footage.
3 Q. You think it's more than a football field?
4 A. No, I know a football field. I'm used to
5 sports.
6 Q. So it's less than a football field away?
7 A. Yeah.
8 Q. Less than 100 feet away?
9 A. That's half a football field, right?
10 MR. FERRIS: That's a third of a football
11 field.
12 A. See, I don't even know.
13 MR. FERRIS: Don't guess. Just tell her
14 you don't know.
15 A. I don't know. I'm not guessing. I'm not
16 playing guessing games. I don't know. I'm very
17 ignorant when it comes to footage.
18 Q. How far did your vehicle -- do you know
19 how far your car traveled after you saw her?
20 A. Well, it couldn't have been far if we were
21 both on the same, you know, Courthouse Drive.

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1 Courthouse Drive is not that, not that far from the
2 apartment from when I go on to.
3 Q. When you observed her vehicle in front of
4 you, was she stopped or moving?
5 A. You know, I don't remember.
6 Q. When you saw her vehicle in front of you,
7 did she have brake lights on?
8 A. Do you know, I do not remember that at
9 all.
10 Q. When you saw her vehicle in front of you,
11 did she have her right turn signal on?
12 A. I don't recall. Tell the truth, I don't
13 recall. I just remember slamming on my brakes as
14 fast as I could.
15 Q. Do you remember about how far away you
16 were from her car when you slammed on your brakes?
17 A. It was already too late when I slammed on
18 my brakes. I mean, I was just shocked. I mean, I
19 literally went into shock.
20 Q. Do you, do you remember whether or not
21 when you saw her vehicle, do you remember thinking

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1 she's taking a righthand turn, she must be going to
2 the right? Did you have any --
3 A. I figured she was going into the apartment
4 complex, but it was too late for me to know that at
5 that time, but you know, now, that afterwards, but
6 at that time, I didn't think that she was going to,
7 you know, come up alongside of me and go into the
8 apartments. Of course not.
9 Q. When you realized someone was coming up
10 alongside of you --
11 A. It was, like I said, it was too late. It
12 was like she was, you know, it's like you're driving
13 and she was like almost in front of me.
14 Q. When you first realized that somebody's
15 coming up alongside of you, did you change your
16 speed at all?
17 A. Knowing me, I wasn't going fast.
18 Q. Okay. Do you remember whether or not you
19 changed your speed at all when you saw --
20 A. I don't remember. I'm sure I slowed, you
21 know, slowed down.

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1 Q. When you realized someone was coming up
2 alongside of you, did you scoot your car over to the
3 left at all?
4 A. You couldn't, you couldn't because I would
5 have been over the yellow line.
6 Q. Okay. So you were all the way over to the
7 left, if you will, in the lane when she was coming
8 up along --
9 A. No, I was, I was in the righthand. I was
10 heading towards the courthouse.
11 Q. Right. So you're heading towards the
12 courthouse in your lane?
13 A. Yes.
14 Q. And your testimony before was there isn't
15 enough space where she passed you for two vehicles
16 to go in the same lane?
17 A. Correct.
18 Q. Okay. And the reason you didn't move over
19 to the left --
20 A. Because then I would have been in the
21 opposite lane, going north.

Deposition of [REDACTED]
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1 Q. Okay. Do you remember whether or not
2 there was any vehicles coming from the opposite
3 direction just before the accident?
4 A. **No, I don't.**
5 Q. When you observed her vehicle in front of
6 your vehicle, tell me what happened.
7 A. **All I can remember is throwing on my
8 brakes and going into total shock. I called an
9 ambulance. I called the police. I approximately
10 went out of it. I wouldn't go -- I went into the
11 ambulance. I would not go to the hospital because
12 I've had reconstruction on my sinuses, and I don't
13 want no one touching me because I have been through
14 a lot with surgery and I was in bed for a year, and
15 so I went right to Dr. Sutton's office to have him
16 look at it.**
17 Q. Okay. How was the other driver's vehicle
18 positioned when the accident happened?
19 A. **Sort of like in a turn position.**
20 Q. And what part of your vehicle contacted
21 what part of the other driver's vehicle?

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1 A. **My passenger, like passenger side hit her
2 driver's side on the edge.**
3 Q. And where did the accident, where did the
4 impact occur in the roadway?
5 A. **Right near the driveway.**
6 Q. When you say right near the driveway, were
7 the vehicles before the entrance --
8 A. **I can't remember.**
9 Q. -- to the apartment?
10 A. **I can't remember.**
11 Q. Was any portion of her vehicle --
12 A. **It's right here.**
13 Q. You got to wait 'til I finish my question.
14 A. **They drew it. I can't remember.**
15 Q. Okay. Do you agree with the diagram on
16 the police report?
17 A. **You want me to get my glasses and make
18 sure? This is a long time ago.**
19 Q. You've said that, and we all know that.
20 A. **Yes, I agree with that.**
21 Q. Okay. And when you say you agree with

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1 that, it appears in the diagram that the other
2 driver's vehicle was actually turned into the
3 entrance for the apartment complex. Is that fair to
4 say?
5 A. **It looks like that. Do you want to look
6 at this?**
7 Q. I have it in front of me.
8 A. **Okay.**
9 Q. Does that help refresh your memory about
10 where the impact took place?
11 A. **Yes.**
12 Q. Okay. Before the actual impact took
13 place, do you have any memory of the other driver's
14 vehicle coming to a sudden stop or decreasing speed
15 or increasing speed? Do you have any memory at all
16 of the other driver's vehicle's movement?
17 A. **No, I don't.**
18 Q. Okay. You have a lot of documents in
19 front of you.
20 A. **Yes.**
21 Q. Are all the documents that you have in

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1 front of you related to this accident in some way?
2 A. **Yes.**
3 Q. Did you review all of those documents
4 before preparing for your deposition today?
5 A. **I read most of it. I tried to comprehend
6 what I was reading.**
7 Q. Okay. And after reviewing all those
8 documents today, your deposition testimony is the
9 best that you can remember, correct?
10 A. **Yes, because you told me to tell you what
11 I actually remembered.**
12 Q. Okay. And the documents that you
13 reviewed, did any of them help refresh your memory
14 of the accident?
15 A. **Yes.**
16 Q. Which ones?
17 A. **Well, I was looking -- well, I did not
18 look at this. I didn't have this. I didn't have
19 everything with me when I was reviewing --**
20 MR. FERRIS: This being the police report?
21 A. **This being the police report. I did not**

12 (Pages 45 to 48)

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1 have that with me. A lot of things I didn't have
2 with me. Don't forget, I don't live here, and then
3 I forgot about the witnesses that, that came over to
4 me right away until I grabbed, found the other part
5 of the case.
6 Q. Did you review statements from the
7 witnesses?
8 A. No, I don't have that. I had phone calls
9 that I had begged someone to -- I had begged State
10 Farm I believe to listen to them, and I left them on
11 my recorder for a very long time.
12 Q. Okay. I guess back to the original
13 question, what, if anything, in your pile that you
14 reviewed in preparing for your deposition today
15 helped you remember facts about the accident?
16 A. Well, the things that I read were things
17 about her, that her van was towed. Her van was not
18 towed, that, you know -- well, this is what I read.
19 Her van was not towed because she only had a scratch
20 on it. I went over to the, to her to ask her if she
21 was all right, and she wouldn't look at me. It was

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1 just -- I suffer from post-trauma stress. I, I
2 tried to handle it as well as I could. She -- I had
3 called my friend who is sitting out there right
4 away. She had called her husband.
5 MR. FERRIS: Miss [REDACTED] she's just
6 asked you what documents in here did you review
7 to help you remember, not what you remembered
8 after reviewing the documents.
9 A. Yeah, there was this particular, this big
10 thick document, what I read.
11 MR. FERRIS: You're talking about the
12 complaint?
13 A. Yes, that's what I read, and her hospital
14 reports.
15 Q. Okay. Do you have your own statement in
16 there --
17 A. No.
18 Q. -- in the documents that you read? That
19 right on top isn't your statement?
20 A. Oh, I don't -- this is what -- I know I
21 did not read this. No, this I did not have with me.

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1 Q. Okay.
2 MR. FERRIS: But if you want her to read
3 it and you want a copy of it, you're welcome.
4 Q. Okay. Why don't -- let me give her a
5 couple minutes to read it just so -- all right.
6 Take a couple minutes, Miss [REDACTED], to read your
7 statement if you want to, and after reviewing your
8 statement --
9 A. If I can find the first page. Is this
10 all? Is this all mine?
11 MR. FERRIS: Here, let me put it in order
12 for you. We've given you the statement of your
13 client, right?
14 Q. Yeah.
15 A. Now, this is her statement.
16 MR. FERRIS: Oh, no, that is her
17 statement. I'm sorry. Here, let me get your
18 statement out.
19 A. No, there's part of mine.
20 MR. FERRIS: Here, here's your statement.
21 A. And here's part of mine. Okay. I've got

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1 it. Thank you.
2 Q. Neither one of us have witness statements.
3 MR. FERRIS: I don't have typed witness
4 statements, and I don't have a reflection in
5 the file that anything is recorded.
6 Q. Okay.
7 (Discussion off the record.)
8 BY MS. ZOIS:
9 Q. Who are you aware of that witnessed the
10 accident? Do you know the names?
11 A. I have that written down. It's right on
12 here, too. Jennifer -- I got the times that they
13 called. Jennifer Branham, she lived in the
14 apartment complex, and Mary Collins. Jennifer was
15 the young teenager that was pregnant, and Mary
16 Collins was the older woman.
17 Q. Okay. And did you speak to those two
18 ladies about what they saw?
19 A. They spoke to the officer first, and then
20 they talked to, you know, they were seeing if I was
21 all right.

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1 Q. And what's your understanding of where
2 they were when the accident happened?
3 A. They were right there. They were right
4 there, and then the officer even went over to see
5 exactly where they were sitting and standing.
6 Q. And do you understand where they were
7 sitting or standing?
8 A. Right now? No, I don't.
9 Q. Okay. And other than those two ladies,
10 are you aware of any other witnesses to the
11 accident?
12 A. I didn't know that until we went to
13 traffic court. Then all of a sudden, she came in
14 with an attorney where the officer told me not -- I
15 didn't need an attorney. She came in with a witness
16 and that no one else saw, and then she had to have
17 an interpreter, and different people were saying she
18 spoke English.
19 Q. Are you aware --
20 A. They -- I'm sorry.
21 Q. Are you aware of any other witnesses other

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1 than Jennifer Branham and Mary Collins and the other
2 witness you identified that testified in traffic
3 court?
4 A. No, they -- no, these are the only two
5 people that I, that I know of. At the traffic
6 hearing there, they had they said was a witness that
7 was walking down Courthouse Drive. I never saw him
8 before in my life.
9 Q. Okay. The two ladies, Jennifer and Mary,
10 did you speak to them about what they observed?
11 A. They told me what they observed, yes.
12 Q. Can you tell me what they told you?
13 A. There was so much conversation going on
14 and I was in shock. They just said they knew the
15 people. They lived there. I don't remember them
16 saying how long they lived in the apartment complex
17 and how well they knew them, but there were, there
18 were things on the phone that were said where they
19 had called me and like the teenager, and what really
20 scared me with the teenager, she was pregnant and I
21 was so afraid she was going to lose the baby. She

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1 said he threatened to kill her sister, and I'm like
2 oh, my gosh, what --
3 Q. He, Mr. [REDACTED]?
4 A. I guess that -- no, his name is not the
5 same as hers.
6 Q. Okay. How do you know what his name is?
7 A. Because I read through the other, through
8 the hospital reports.
9 Q. So just tell me what Jennifer told you
10 about what she saw and what communication, if any,
11 that she had with the other individuals in the
12 accident.
13 A. They were -- it was just so much talk, and
14 I was like oh, my gosh. You know, she just said --
15 they come running over to me and says are you all
16 right, are you all right, and then, of course, I
17 called the police right away. She just said she,
18 they saw her, you know, because I mean I, when
19 you're in shock like that, you don't know what
20 happens.
21 Q. Let me just make the question clearer.

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1 A. Okay.
2 Q. What did Jennifer tell you she saw?
3 A. Jennifer just said that she saw, you know,
4 her come around me and then me push, you know, go on
5 the brake, you know.
6 Q. Okay.
7 A. Mary said the same thing. I can't
8 remember their names, but I've got the phone calls.
9 I wrote down how many times they called.
10 Q. Okay. They called you after the accident?
11 A. To make sure I was all right, and then
12 they called a couple times and they said that her
13 husband -- and it was on my recorder and I begged
14 someone to make a copy of it -- that he did not --
15 he, he wanted them not to come because he didn't
16 want to have to pay all these fines or something. I
17 mean, you have to talk to them. I have not talked
18 to them since.
19 Q. Okay. The last addresses we have, Pat,
20 for Jennifer and Mary are in your Answers to
21 Interrogatories. Do you have new current phone

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1 numbers for either one of them?
2 MR. FERRIS: Phone numbers?
3 Q. Phone numbers.
4 A. **The ones that I wrote down -- see, this**
5 **was when I was going on. I have 461-5031.**
6 MR. FERRIS: That's for Mary Collins.
7 Q. Okay.
8 A. **And then I have a 418-8375.**
9 MR. FERRIS: And that's for Miss Branham,
10 and that's what's on the police report.
11 Q. You don't have any update from there or
12 any updated addresses?
13 MR. FERRIS: No.
14 Q. Okay. And at the scene of the accident,
15 the Plaintiff's husband did appear, and your Answers
16 to Interrogatories indicate that he took a roll of
17 film at the scene of the accident?
18 A. Yes.
19 Q. And you started to get into you thought he
20 was actually taking picture of you?
21 A. **He was, and that's what scared me, and the**

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1 officer saw that, also, and it must have brought
2 back something because I like -- she threw me in the
3 police car so fast, and she says, she says, this is
4 just a fender bender. I said but why is he doing
5 this, why does he keep taking pictures of me, and
6 she says it's going to stop right now, and she went
7 over to him. She said I don't know what he's doing,
8 and it was like I remember going to Dr. Cohen and it
9 was something about that man that must have brought
10 back something or the way he was going, you know, he
11 was --
12 Q. You haven't talked to him since the scene,
13 though?
14 A. **I have never talked to that man. I have**
15 **never spoken to the man. I don't know that man.**
16 Q. Okay. I think that might be all I have.
17 Just give me a minute to review your Answers. And
18 you had the property damage to your vehicle
19 repaired, correct?
20 A. Yes, I did.
21 Q. Okay.

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1 A. **I know where the man works.**
2 MR. FERRIS: Not anymore.
3 A. Oh.
4 MR. FERRIS: They've -- he doesn't work
5 there anymore.
6 Q. And you weren't -- you didn't receive a
7 citation for this accident, correct?
8 A. **No, I did not.**
9 Q. But you appeared in court and testified in
10 the citation hearing for Miss [REDACTED] right?
11 A. **Yes, we all went to traffic court, but I**
12 **didn't know I was supposed to have an attorney.**
13 Q. I'll let him comment on that later.
14 MR. FERRIS: I'll talk when we're off the
15 record.
16 A. **I mean, who would have thought --**
17 MR. FERRIS: Okay. There's no question,
18 there's no question pending. Just hold off.
19 Q. Okay. Just before we break, I don't have
20 any more questions for you, but if at some point you
21 do go back to the scene of the accident and that

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1 refreshes your recollection which is either closer
2 to the estimates than it was today, we can probably
3 work something out where either perhaps your
4 attorney and I can participate by phone to do a
5 deposition by phone, but if at any time before the
6 trial --
7 A. **Do you want me to go back and measure it?**
8 Q. I'm not asking you to do that, no, but if
9 at some point -- your attorney might ask you to do
10 that, but if at any point between now and the date
11 of the trial your testimony would change from your
12 deposition testimony because you've refreshed your
13 recollection, I would just ask that you let your
14 attorney know. Okay?
15 MR. FERRIS: Waive reading and signing.
16 (The deposition concluded at 11:40 a.m.)
17
18
19
20
21

*Deposition of [REDACTED]
Taken on August 7, 2006*

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1 STATE OF MARYLAND
2 I, Kathryn M. Benhoff, a Notary Public in
3 and for the State of Maryland, do hereby
4 certify that the within named, [REDACTED]
5 personally appeared before me at the time and
6 place herein set according to law, was
7 interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and then
10 transcribed from my stenographic notes to the
11 within printed matter by means of
12 computer-assisted transcription in a true and
13 accurate manner.

14 I further certify that the stipulations
15 contained herein were entered into by counsel
16 in my presence.

17 I further certify that I am not of counsel
18 to any of the parties, not an employee of
19 counsel, nor related to any of the parties, nor
20 in any way interested in the outcome of this
21 action.

 AS WITNESS my hand and Notorial Seal this
 14th day of August, 2006, at Easton, Maryland

Kathryn M. Benhoff
Notary Public

My commission expires October 1, 2007

*Deposition of [REDACTED]
Taken on August 7, 2006*

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