

ORIGINAL

IN THE CIRCUIT COURT FOR GARRETT COUNTY, MARYLAND

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, et al :

Plaintiffs :

v. : Case No. ,

Defendant :

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Deposition of , taken on
Friday, March 2, 2012, commencing at approximately
1:00 p.m., at the law office of ,
, Maryland, , before
Christina D. Pratt, Notary Public.

* * * * *

1 APPEARANCES:

2 LAURA G. ZOIS, ESQ.

3 *Miller & Zois, LLC*

4 Empire Towers, Suite 1001

5 7310 Ritchie Highway

6 Glen Burnie, MD 21061

7 on behalf of **Plaintiffs**

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9
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11
12
13 on behalf of **Defendant**

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16
17 ALSO PRESENT:

18 Videographer

1 (*Deposition Exhibits 1-6 were marked for*
2 *identification.*)

3 THE VIDEOGRAPHER: We are now on record in
4 the matter of , et al, versus
5 , civil case in the Circuit Court for
6 Garrett County Maryland, Case No. MT.
7 Today's date is March the 2nd, 2012, and the time is
8 approximately 1:00 p.m.

9 This video deposition of
10 is being taken at the office of Attorney
11 ,
12 , Maryland. My name is . I am
13 the videographer.

14 At this time, would the attorneys please
15 identify themselves and the party they represent,
16 beginning with the noticing -- the party noticing
17 the proceedings.

18 MS. ZOIS: Laura Zois on behalf of the
19 Plaintiff, and .

20 THE VIDEOGRAPHER: Would the court reporter
21 please identify herself and swear in the witness.

22 THE REPORTER: .

1 MR. : And I'm I
2 represent the Defendant.

3 (Witness sworn.)
4

5 being first duly sworn to tell the truth,
6 the whole truth, and nothing but the truth,
7 testified as follows:

8 **EXAMINATION BY LAURA ZOIS**

9 BY MS. ZOIS:

10 Q. Good afternoon, Mr.

11 A. Good afternoon.

12 Q. Have you ever had your deposition taken
13 before?

14 A. No.

15 Q. Okay. I just want to go through some of
16 the ground rules so we're both on the same page.
17 The first one is the court reporter just swore you
18 in.

19 A. Right.

20 Q. So you understand that you're swearing to
21 tell the truth; correct?

22 A. Correct.

1 Q. It's just as if you're testifying in front
2 of a judge or a jury in this case, okay?

3 A. Okay.

4 Q. The next thing I want to point out is that
5 I need for you to answer all of my questions
6 verbally. You actually have to say yes or no; all
7 right? You can't say --

8 A. Oh, okay.

9 Q. Because that won't come out on the record.

10 A. Okay.

11 Q. The court reporter to my left is taking
12 down everything that's being said at the table, and
13 she can't take down non-verbal movements. All
14 right? You are also probably going to be tempted
15 to use your hands to describe how things happened
16 during the accident, and I'm going to ask that you
17 try and resist that temptation. It is being
18 videotaped, but, ultimately, what we're going to
19 have is a transcript of what was said at the table.

20 A. Okay.

21 Q. So it's going to read like a book, and if
22 somebody's looking at your transcript a couple of

1 months from now and doesn't have the benefit of the
2 video, they might not understand what you're trying
3 to tell us if you're using your hands in some way.
4 All right?

5 A. I understand, ma'am.

6 Q. Okay. I'm also going to ask that you try
7 to avoid saying uh-huh or uh-uh, because sometimes
8 that comes out on the record as a yes or a no, and
9 it might not be what you intended. So make sure
10 that you try to actually say yes or no instead of
11 uh-huh or uh-uh. I'll probably break that rule at
12 least once before the end of this deposition, but
13 you try and avoid it. Okay?

14 A. I understand.

15 Q. All right. The other thing is we can't
16 talk at the same time. A lot of times in casual
17 conversation, we talk over one another all the time.
18 You're probably going to anticipate or know where
19 I'm going with a lot of my questions and be tempted
20 to answer my question before I've actually finished
21 the question, but that leads to a really choppy
22 transcript, and you might not know what the end of

1 my question is, so I want to make sure that you're
2 not answering a question until I've finished my
3 question. Okay?

4 A. I understand.

5 Q. Okay, good. I'm also going to be asking
6 you some questions about times and speeds and
7 distances about the crash that we're here about
8 today, and I don't want you to guess at anything.
9 So, if you are guessing, I want you to tell me
10 you're guessing. Guessing doesn't help you. It
11 doesn't help me, and if you are guessing at
12 something, I want you to make sure that you let us
13 know that you're guessing. I am entitled to what's
14 called your best estimate as to something, though,
15 so if you're able to give me an estimate on a time,
16 a speed, or a distance, I'd ask that you give me
17 your best estimate. Okay?

18 A. Okay.

19 Q. If at any time I ask you a question that
20 you do not understand, I want you to stop me and
21 say, Ms. Zois, I do not understand your question;
22 can you rephrase it? Can you tell me what you mean

1 by that term? Can you ask it a different way; I'm
2 just really not sure what you're asking me, and I'm
3 happy to do whatever I can to make sure that you
4 understand the question. Okay?

5 A. Okay.

6 Q. So I don't want you to answer anything that
7 you don't understand. All right?

8 A. I understand, ma'am.

9 Q. Do you have any questions before we start?

10 A. Not really.

11 Q. All right. Can you give me your full name,
12 please?

13 A.

14 Q. And your date of birth and Social Security
15 number.

16 A.

17 Q. Your current address?

18 A.

19 , Maryland.

20 Q. How long have you lived at that address?

21 A. Twenty-four years.

22 Q. And do you have a Maryland driver's

1 license?

2 A. Yes, I do.

3 Q. Do you have it with you today?

4 A. Yes, I do.

5 Q. Do you have your driver's license number
6 memorized?

7 A. No, I don't.

8 Q. Me either. Do you have it with you? Can
9 you get it out and tell us what the driver's license
10 number is? And while you're doing that, do you have
11 any restrictions on your driver's license?

12 A. No, I do not.

13 Q. Has your driver's license ever been
14 suspended or revoked for any reason?

15 A. No, they haven't.

16 Q. Do you carry any other kind of license
17 other than a driver's license, a regular driver's
18 license?

19 A. My, um, just DOT card, I mean for, um, you
20 know, be a truck driver, yeah.

21 Q. Okay. So you have --

22 A. Yeah, I have a -- I have all the

1 endorsements.

2 Q. Okay. Do you have a CDL license?

3 A. Yeah, a CDL license, yes, I do.

4 Q. Okay. And if you want to go ahead and tell
5 us what that driver -- your driver's license number
6 is.

7 A. My driver's license number is

8

9 Q. Thank you. And the class, which class is
10 that?

11 A. I'm seeing if they switched. It's AM,
12 class commercial AM, so I guess --

13 Q. Okay. If I could --

14 A. I mean I have my motorcycle license, too.
15 I guess I'm not sure how they rate that anymore.

16 Q. Okay, if I could just request a copy of the
17 driver's license be produced. Okay, so you have a
18 Maryland driver's license that you also have a CDL
19 license; correct?

20 A. Right, correct.

21 Q. And you also have a motorcycle license?

22 A. Right.

1 Q. And do you drive professionally?

2 A. I did.

3 Q. But you don't drive professionally anymore?

4 A. No. I mean I still work for the

5 , and I still drive once in a while, but

6 I don't any -- I mean I've changed my job.

7 Q. And you're married?

8 A. Yes.

9 Q. And your wife's name is ?

10 A. Tina, right.

11 Q. Tell me a little bit about your educational

12 background.

13 A. Um, I graduated from High School.

14 I went to welding school over at and

15 that's basically it, trade school.

16 Q. And tell me about any vocational training

17 you had, other than the welding school.

18 A. Basically, none.

19 Q. Okay. Any other trade training that you've

20 had?

21 A. No.

22 Q. Have you ever served in the military?

1 A. No, I haven't.

2 Q. Have you in the last ten years had any
3 moving violations while operating a vehicle?

4 A. In ten years? No, I might have got a
5 seatbelt once. That's probably it.

6 Q. Have you ever been arrested?

7 A. No.

8 Q. Tell me a little bit about your employment
9 history.

10 A. Um, I got out of welding school, I worked
11 for a dairy farmer for six years. Then I went to
12 work at a feed store, driving truck for six years.
13 Then I worked for the for
14 County for -- well, it's going on 19 years then.

15 Q. Okay. So you've been with the same --
16 you've had the same employer for the last 19 years?

17 A. Right.

18 Q. At the time of this crash back in --
19 th of -- is that the right date of
20 loss? Is that the right date of the accident? Is
21 that the date that you remember the crash happening
22 on?

1 A. Which date did you say then?

2 Q. th,

3 A. Right, yes, ma'am.

4 Q. Were you working at the time of the crash?

5 A. No. No, ma'am.

6 Q. Where were you coming from, and where were
7 you headed to at the time?

8 A. Um, me and my wife was working on a horse
9 fence, and we left there and was heading home for
10 the evening.

11 Q. Where was the farm where you were working
12 on the fence?

13 A. Road.

14 Q. ?

15 A. Right.

16 Q. So did you take to ?

17 A. Yes, I did.

18 Q. How far away from your home is the
19 intersection of and ?

20 A. Approximately, probably five miles.

21 Q. Do you have a family doctor?

22 A. Yes, I do..

1 Q. And what's your family doctor's name?

2 A. Doctor .

3 Q. How do you spell his last name?

4 A. , --

5 Q. Oh, just like it sounds, ?

6 A. Right.

7 Q. Okay. How often do you see your family
8 doctor?

9 A. I get a physical every six months.

10 Q. Do you get the physical every six months as
11 part of your employment with the ?

12 A. DOT, yeah, one for DOT and one's just
13 after you turn a certain age, he always does that.
14 He just --

15 Q. What age is that? I'm scared to ask.

16 A. Well, I'm trying to think when he started
17 doing that. I think I was around 40 couple years
18 old when he started doing that.

19 Q. Okay. On th, , did you have
20 any medical conditions that would affect or impact
21 your ability to operate a vehicle?

22 A. No, ma'am.

1 Q. Taking you back to the vehicle that you
2 were in on th, , what type of vehicle
3 was it?

4 A. It was a 2001 Chevrolet three-quarter-ton
5 pickup.

6 Q. Does it have any other designation other
7 than 2001 Chevy? Is it a --

8 A. It was a Silverado, I guess.

9 Q. Silverado, okay. And when did you purchase
10 that pickup truck?

11 A. I was thinking it was like in -- I bought
12 it used. It had 7,000 miles on it, and I think like
13 -- I'm not sure. I mean I think it was in November
14 of 2001, but I wouldn't -- I'm not -- I couldn't be
15 sure. I mean it's around there somewhere. I mean
16 it was used, but -- I don't know if it was quite a
17 year old or not when I bought it.

18 Q. Do you know what the width of the truck is,
19 how wide the truck is?

20 A. No, I do not, ma'am.

21 Q. Can you estimate for me how wide it is?

22 A. It's just a standard pickup. I mean I

1 don't know. I couldn't tell you for sure.

2 Q. More than 10 feet? More than 15 feet?

3 Less than 20?

4 A. Wide?

5 Q. Yes, wide.

6 A. Oh, it wouldn't be that. I don't know, but
7 I mean, it shouldn't be more than 8 feet; should it?
8 I wouldn't think it'd be 8 feet.

9 Q. Okay. So 8 feet is -- and I'm, you know,
10 I'm sure that there's probably specs we can find on
11 the truck to figure that out.

12 A. Right. That's what I -- that's what I'm
13 saying, but yeah, I mean, I don't think you're
14 supposed to run anything wider than 8 feet on the
15 road, so it probably isn't quite 8, so that's why --

16 Q. You would know more about that than I
17 would. So you think it's probably an estimate of
18 about 8 feet wide?

19 A. Yeah, I mean, it probably is less than
20 that.

21 Q. Okay, less than 8 feet wide. What about
22 the length of the truck? Do you know about how long

1 the truck is?

2 A. Well, it was a four-door, and then it had
3 a short bed, six-foot bed on it. It'd be whatever
4 a standard, four-door Chevy, short-bed pickup would
5 have been. I don't know. I can't tell you for
6 sure, no.

7 Q. Okay. And you were alone at the time?

8 A. Yes.

9 Q. Did you leave your wife back at the farm?

10 A. No, she followed me out in her pickup.

11 Q. Okay. She was -- so you left the farm
12 first, and she was behind you in her pickup?

13 A. Right.

14 Q. How closely was she following behind you?

15 A. Just pretty -- fairly close. I mean I
16 was on out around on Road when the accident
17 happened, and she was like at the stop sign. I
18 mean she didn't -- when she stopped and parked the
19 pickup, I was over seeing how was doing. I
20 mean it was close right there. She come, she was
21 right on there.

22 Q. Did -- has she ever told you that she saw

1 the impact?

2 A. No, she didn't see the accident herself
3 because we's on around the bend.

4 Q. She would have been the first person to
5 arrive on the scene then?

6 A. Yes, ma'am.

7 Q. But she didn't see where the two of your
8 vehicles collided in the roadway?

9 A. No.

10 Q. By the time -- did she see any part of the
11 aftermath of the impact, meaning, did she see Mr.

12 come off the bike? Did she see the bike
13 travel at all? Did she see any of that?

14 A. No, ma'am, she just seen me go to see how
15 he was, and then she come.

16 Q. So, when she got to the scene, you were out
17 of your vehicle?

18 A. Yes.

19 Q. And she was where he was, and the bike was
20 was wherever it was?

21 A. Right.

22 Q. Okay. The collision or the impact took

1 place near the intersection of Road and
2 Road. Is that right?

3 A. Yeah, it was on Road.

4 Q. And you live what, about five miles from
5 that intersection, I think you said?

6 A. Yes.

7 Q. And the intersection is shaped somewhat
8 like a Y. Is that fair to say?

9 A. Yeah, pretty much.

10 Q. And , as I understand it, runs north
11 and south. Is that correct?

12 A. Yes.

13 Q. And in that area runs east to west. Is
14 that right?

15 A. Yes.

16 Q. Now, there's a stop sign on Road
17 before you get to Road. Is that right?

18 A. That is right.

19 Q. When you're stopped at the stop sign on
20 Road and you're looking to your left, what's
21 your last sight? How far can you see down
22 Road?

1 A. Well, if you're looking to your left from
2 , you'd be looking up the hill.

3 Q. Right. We're going to start with the left
4 and then go to the right.

5 A. Okay. So, yeah, you can see a good ways.

6 Q. How much of Road can you see?

7 A. Of Road from there?

8 Q. Yes, yes.

9 A. Um, I don't know, 500 feet, better or more,
10 I'm sure.

11 Q. And when you're stopped at the stop sign
12 and you look to the right, how far to the right on
13 Road can you see?

14 A. I don't -- I would estimate probably,
15 approximately, I don't know, 40 feet.

16 Q. So your sight -- your line of sight looking
17 left is much further than your line of sight looking
18 to the right. Is that fair to say?

19 A. That is fair to say.

20 Q. The stop sign on Road is somewhat
21 set back off of Road. Is that accurate? I
22 haven't been to the intersection --

1 A. Right.

2 Q. -- but looking at pictures, it looks like
3 the stop sign is somewhat set off of Road. Is
4 that right?

5 A. Right, right.

6 Q. When -- do you always stop at that stop sign?

7 A. Yes, I do.

8 Q. Okay. You don't ever get tempted to just,
9 if you look and you don't see anything coming for 500
10 feet, roll through the stop sign and go to the right?

11 A. No.

12 Q. Do you know what the speed limit is on
13

14 A. On Road? I'm not sure, to be honest
15 with you. I think most unmarked roads in the county
16 that's not marked are 35 mile an hour.

17 Q. And do you know what the speed limit is on
18 Road?

19 A. I'm not sure. I meant to look. If it's
20 unmarked, it's 35 mile an hour, but if it is marked,
21 it's -- could be 40.

22 Q. Are there any lane markings on Road,

1 meaning is there any line separating the right-hand
2 side of the road from the left-hand side of the road
3 or northbound traffic from southbound traffic?

4 A. I mean, they tar and chip, sometimes they
5 do have them; sometimes they don't. I can't
6 remember whether they did or not.

7 Q. Okay. And that's -- and if you don't
8 remember, that's a fine answer to a question, too.

9 A. Yeah, I mean that's -- yeah, on that road
10 I'm sure -- I mean I'm not for sure. At the time
11 they might have tar and chipped and a lot of times
12 they don't get them painted for like a year or so,
13 you know, so I'm not sure on that.

14 Q. On Road as of th of , was
15 Road marked with lines separating the eastbound
16 side of the road from the westbound side of the
17 road?

18 A. Yes, ma'am.

19 Q. And the way it looks to me from the
20 pictures that I have of the scene is it's a double
21 yellow line approaching that intersection.

22 A. Right.

1 Q. And then it starts to go to a double yellow
2 dash through the intersection.

3 A. Right.

4 Q. And then picks up again as a double yellow
5 line on the other side of the intersection. Is that
6 right?

7 A. Yeah, there's like a space there, I guess
8 if you'd want to turn left, you could go up through
9 and turn to the left there, I guess you'd have a
10 spot. I'm not sure when that accident happened if
11 it was like that or not. See, they've repainted the
12 lines and stuff since then.

13 Q. Okay. So, do you remember whether or not
14 there was any markings on Road on th,
15 ?

16 A. Yes, there was.

17 Q. And tell me what you remember about the
18 marking on Road on.

19 A. They was double lines.

20 Q. And do you remember if there was a break
21 in the double lines as you got closer to the
22 intersection?

1 A. I do not remember.

2 Q. But you remember some portion of Road
3 had double yellow lines?

4 A. Oh, yeah, on up around where the accident
5 was, there was double lines.

6 Q. Okay. Did the impact take place at a part
7 of Road where there are double yellow lines?

8 A. Well, the motorcycle come over on my side
9 of the yellow lines and struck my pickup.

10 Q. So my question is were there double yellow
11 lines in the area where the impact took place?

12 A. Yes.

13 Q. What was the weather like on th,
14 , around the time of the crash?

15 A. It was a very nice evening, very sunny and
16 bright.

17 Q. Do you remember whether or not you had your
18 windows up or down?

19 A. I'm not sure, ma'am.

20 Q. Do you remember whether or not you had your
21 radio on or off?

22 A. I don't think I had my radio on.

1 Q. You did have a cell phone at the time of
2 the accident; correct?

3 A. I own one, yes.

4 Q. Did you have the phone with you in the
5 vehicle at the time of the crash?

6 A. Yes, I did.

7 Q. And your counsel was kind enough to
8 provide me with cell phone records from the date
9 of the crash, and your phone number at the time was

10 Does that sound about right?

11 A. You say ?

12 Q. Yes.

13 A. Yes.

14 Q. And, looking at the cell phone records,
15 it appears that your last incoming call that day
16 was at 11:51 a.m., and the next incoming call would
17 have been at 6:46 p.m. Does that sound about right?

18 A. Probably. I would say it was probably
19 calling me back.

20 Q. Do you know what time the crash happened?

21 A. Somewhere between 6:30 and ten till seven,
22 probably, somewhere in there. I mean officers --

1 I mean, I'm not sure exactly but in that range.

2 Q. So, somewhere between 6:30 and 6:50, ten
3 till seven?

4 A. Right.

5 Q. And you said that you think the next
6 incoming call was calling you back. Is that
7 what you think the next cell phone call is?

8 A. Well, I'm not sure. I mean, unless
9 somebody tried calling me while the accident was
10 going on, but, I mean, I called, you know, the
11 ambulance and all that and his wife.

12 Q. How did you --

13 A. But his wife never answered her phone, and
14 she called me back. I'm not sure who called there.

15 Q. How did you call? What phone did you use
16 to call the ambulance?

17 A. I think it was my phone.

18 Q. You think you used your phone to call the
19 ambulance?

20 A. I think.

21 Q. Did you make any other calls other than --
22 I'm assuming it was to 9-1-1?

1 A. Right.

2 Q. All right. Did you make any other calls
3 other than to 9-1-1-?

4 A. To his wife.

5 Q. Do you know, did you call 9-1-1 first or
6 did you call his wife first?

7 A. Nine one one first. I'm pretty sure on
8 that.

9 Q. And how did you get the phone number for
10 his wife?

11 A. Through , but originally, he did not
12 want to call an ambulance or the law.

13 Q. Okay. We'll get to the conversation that
14 the two of you had at the scene in a minute. When --
15 so you're on your way home from the farm, and you
16 get to the intersection of and Road.
17 Tell me what happens as you're coming up
18 Road. Describe what you did with your vehicle.

19 A. I stopped at the stop sign. I turned my
20 turn signal on to the right. I looked to the left.
21 I looked to the right. I looked to the left. Then
22 I turned and proceeded and turned in my lane onto

1 Road and proceeded on Road. And then at
2 that time, a motorcycle come up over the hill around
3 the turn in my lane and struck the left front of my
4 pickup.

5 Q. Let's back up. When you got to the stop
6 sign on , how long were you stopped at the
7 stop sign before you pulled forward?

8 A. Well, probably 30 seconds or, you know,
9 long enough to look the intersection over.

10 Q. When you looked to your left, did you see
11 any traffic coming at all?

12 A. No, I didn't.

13 Q. When you looked to the right, did you see
14 any traffic coming?

15 A. No, I did not.

16 Q. When you looked to your left, did you have
17 any difficulty seeing the 500 foot of road to your
18 left because of the sun?

19 A. No, not -- the sun was more like to the
20 side right here. It was like -- it was like this
21 way, but I could see up the road, I mean, partially
22 up the road up that way.

1 Q. So, when you looked to your left, from
2 sitting at Road, the sun wasn't preventing
3 you from seeing traffic on the road to your left?

4 A. No, but it was really bright right here,
5 like, but I was looking sort of at an angle this
6 way, see?

7 Q. But it didn't impair your ability to see
8 anything coming from your left?

9 A. No.

10 Q. Okay. From the time that you began your
11 right turn -- so, you're at the stop sign, you put
12 your foot on the gas, you begin to accelerate to the
13 right; correct?

14 A. Correct.

15 Q. How much time passed from the time you
16 pulled away from the stop sign before you saw Mr.

17 's motorcycle?

18 A. Um, I mean, I wouldn't know. I mean,
19 probably maybe two, three minutes.

20 Q. When you first saw Mr. 's
21 vehicle, where was his vehicle in relationship to
22 the double yellow line?

1 A. He came up over the hill on my side of the
2 road in my lane.

3 Q. So, the first -- just so I'm clear; I don't
4 want to put words in your mouth, but the first time
5 that you saw his vehicle was when he was coming up
6 over a hill, and he was on your side of the road?

7 A. Right.

8 Q. So he was over the double yellow lines?

9 A. Right, as far as I know.

10 Q. How far away was the front of your vehicle
11 from his vehicle when you first saw him?

12 A. I wouldn't know, ma'am, probably 10, 15
13 feet, approximately 10 or 15.

14 Q. So he was pretty close.

15 A. Yeah. I mean fairly close.

16 Q. When you first -- did you do anything at
17 all when you saw him?

18 A. Basically slowed down or went to stop. I
19 mean it was just a matter --

20 Q. Now, take me through that. Did you take
21 your foot off the accelerator and get to the brake?
22 Did you have time to do any of that?

1 A. I think I hit the brakes. I mean I hit
2 the brakes is what I did. I mean, I don't know if I
3 was completely stopped when he hit or not, but I was
4 close if I didn't -- wasn't stopped.

5 Q. Can you estimate your speed for me when you
6 first saw his vehicle?

7 A. Um, probably like, approximately 10 to 15
8 miles an hour.

9 Q. Okay So, you've come off from your stop
10 sign, you've made your right, you're going about 10
11 to 15 miles an hour, so you're still accelerating,
12 having got up to about 35.

13 A. Right, yeah.

14 Q. And you see his vehicle come over the hill.
15 He's 10 or 15 feet away, and your -- the next thing
16 you did was go from the accelerator to the brake --

17 A. Right.

18 Q. -- to try and stop.

19 A. Right.

20 Q. Did you try to turn your wheel at all to
21 the right?

22 A. I may have turned a little, I mean, but

1 just -- he was on me quick. I mean he was coming.
2 He was coming, and he come quick.

3 Q. Do you remember whether or not you were
4 able to have time to turn your vehicle to the right
5 at all?

6 A. I may have turned a little bit to the right
7 to like get defensive, but I know I hit my brakes.

8 Q. When the impact took place, do you know if
9 your truck was stopped or moving?

10 A. Not for sure. I mean I think I'd pretty
11 well been stopped but I may have been moving just a
12 hair. I mean it would have been --

13 Q. How many -- when you first saw him, how
14 many feet was he away from the double yellow line?

15 A. Now, can you ask me that question again?
16 I don't quite understand.

17 Q. Yes, I can. Your testimony is when he came
18 over the hill, he was on your side of the road.

19 A. Right.

20 Q. Right? So, if he's facing you, and he's on
21 your side of the road, the double yellow line then
22 is going to be to his right; correct?

1 A. Correct.

2 Q. How far to the right of the double yellow
3 line was he? Was he on the double yellow line?
4 Five feet over? Ten feet over? I'm trying to
5 figure out how deep into your lane he was.

6 A. He was.

7 Q. Yeah.

8 A. Um, he was just on this side of the yellow
9 line (*indicating*). I mean he was like to the right
10 of it when he come up over there. He was like
11 just, you know, toward center.

12 Q. So he was close to the yellow line but on
13 your side?

14 A. On my side, right.

15 Q. Can you maybe use your hands and show me
16 how far over the double yellow line he was?

17 A. I don't know, maybe like that (*indicating*).

18 Q. So that's maybe 10 inches, something --

19 A. Like that, yeah.

20 Q. He wasn't five feet over or in the middle
21 of your road -- in the middle of your lane. You're
22 saying he was about 10 inches --

1 A. Probably, something like that.

2 Q. -- over. Okay. Did you see him take any
3 type of evasive maneuver or do anything with the
4 bike to avoid the impact?

5 A. As what I seen was I don't think he seen
6 me right away. I think he didn't see me until he
7 was right on me.

8 Q. Did you see him do anything in response to
9 your vehicle being there? Did you see him swerve
10 like to the right? Did you see him apply the
11 brakes? Did you hear anything?

12 A. Not really. It's just like -- it happened
13 quick. I mean, it was like he popped up over there
14 and bang, hit me on the left.

15 Q. How much time passed from the time you saw
16 him to the point of the impact? How much time did
17 you have to react?

18 A. May have been seconds, ma'am.

19 Q. When the impact took place, were you all
20 the way on Road, totally completed your right-
21 hand turn?

22 A. Yes, I had been proceeding on Road in

1 my lane.

2 Q. How far were you to the left of the double
3 yellow lines?

4 MR. : You mean looking from your
5 client's direction?

6 MS. ZOIS: No, his own.

7 BY MS. ZOIS:

8 Q. So you're on the right-hand side of the
9 road.

10 A. Right, I'm on the right-hand.

11 Q. To your left is the double yellow lines?

12 A. Right.

13 Q. Because you're on your side of the road.

14 A. Right.

15 Q. How far over is your truck from the double
16 yellow lines?

17 A. I don't know. I'd say probably like that
18 *(indicating)*.

19 Q. Okay. And that was --

20 MR. : Three or four inches?

21 MS. ZOIS: Okay.

22 THE WITNESS: Three or four inches,

1 probably. Yeah, I mean, the road's not real wide
2 there, I mean.

3 BY MS. ZOIS:

4 Q. It's somewhat of a narrow road?

5 A. Yeah.

6 Q. What part of his bike or body impacted what
7 part of your truck?

8 A. I feel like what I remember seeing was his
9 handlebar had sort of sucked him over. It's like
10 his leg or a leg, it hit my front bumper and went
11 by and like it pulled him over. I think his hand

12 and whatever here maybe hit the front of my truck,
13 you know what I mean, when he hit the handlebar.
14 Well, then, as his leg went by, it pulled him away
15 from the pickup, and it hit the tire, and then it
16 shot him across.

17 Q. Did you see him apply his brakes before the
18 impact?

19 A. Ma'am, I'm not sure on that.

20 Q. And that's okay. So you don't know one way
21 or another?

22 A. Right.

1 Q. Did you see him turn to his right, or do
2 you know one way or another?

3 A. Like I said, it happened quick. He come
4 up over there pretty quick.

5 Q. So you don't know whether or not he tried
6 to turn to the right, one way or another?

7 A. I'm not sure.

8 Q. Okay. Did you see him, physically, impact
9 with the front of your truck or are you -- are you
10 telling me what you saw with his leg and his arm,
11 or are you telling me what you think happened?

12 A. I'm telling you what I think happened.

13 Q. Okay. So you didn't see any part of his
14 body hit the truck, but your --

15 A. Well, I mean, I seen his motorcycle hit
16 my truck, and that's what I said, and that's what
17 I -- I'm sorry. He told me not to do that to you.

18 Q. That's all right.

19 A. But, yes, I'm not sure.

20 Q. So, you know that something impacted the
21 truck, you're just not sure whether it was the bike
22 or his body, but based on the way it hit the truck,

1 you're guessing that it was his leg and his arm?

2 A. Right.

3 Q. Okay. I just wanted to make sure that I
4 was clear on what you knew and what you were --

5 A. Right.

6 Q. -- thinking happened. How -- what did you
7 do after the impact? Did you pull over onto the
8 right-hand side of the road?

9 A. Um, I stopped my truck, shut it off, ran
10 back to see how he was.

11 Q. Did you stop your truck where the impact
12 took place, or did you pull over to the right-hand
13 side of the road and stop the truck?

14 A. No, I was pretty well stopped, and I shut
15 my truck off right there.

16 Q. In the middle of the road?

17 A. Right.

18 Q. Do you know about how far the truck
19 traveled from the time of the impact until you
20 completely stopped the truck?

21 A. It wouldn't have went a foot. It wouldn't
22 even have went like six inches, because I was

1 stopping and he was kind of --

2 Q. Okay. So, the first time that you saw
3 Mr. , he was already over the double
4 yellow lines. So you don't know where on Road
5 he crossed over. Is that fair to say?

6 A. No, I wouldn't know.

7 Q. How would you describe the speed of his
8 vehicle?

9 A. I'd say he was moving pretty good. He was
10 coming up over that hill.

11 Q. Are you -- so he's going up a hill and then
12 cresting a hill?

13 A. Right.

14 Q. Are you able to estimate what the speed
15 of his vehicle was in the couple seconds you had to
16 see him?

17 A. I wouldn't know. I mean, probably 50 mile
18 an hour.

19 Q. Are you guessing?

20 A. Yes, I'm guessing.

21 Q. Did you honk before the impact?

22 A. NO.

1 Q. When you hit your brakes, did you apply
2 your brakes? Slam on your brakes? Jam on your
3 brakes? Describe the manner in which you applied
4 the brakes.

5 A. I slammed them on.

6 Q. Just before the impact, did you hear
7 anything at all?

8 A. No.

9 Q. After the impact, did you see the bike do
10 anything?

11 A. I -- after impact, the bike went like at
12 a 45, flew like over into the other lane.

13 Q. So, did the bike stay on two wheels and
14 go at a 45-degree angle, or did the back tire come
15 up over the front tire? Did it go sideways? Do you
16 remember?

17 A. I'm not sure on that, no.

18 Q. But you know the bike went --

19 A. Yeah, it's like, when he went by my bumper,
20 it went -- and it hit my tire, and like the tire
21 made it go that way.

22 Q. So, off of the front corner of your

1 vehicle, the bike went at a 45-degree angle over --

2 A. Well, it was like it got into my tire and
3 it like threw it like that way.

4 Q. Okay. Well, not in -- I'm more concerned
5 with the path of the bike than what caused it to go
6 that direction. So, from where you were sitting
7 in your truck, the bike passed you and on an angle
8 went --

9 A. Yeah, I mean, that's where it ended up. I
10 don't know how it got there, but --

11 Q. So, did you actually watch the bike travel
12 from the point of impact to the point where it
13 landed?

14 A. No, I didn't.

15 Q. Where did the bike land?

16 A. It landed right in the center of the --
17 well, it'd have been his lane.

18 Q. And was the bike on the road or on the
19 side of the road in the grass?

20 A. It was on the road at the time.

21 Q. And his bike ended up in his lane?

22 A. Right.

1 Q. And was it in the center of his lane?

2 A. It was probably in the center, yes.

3 Q. Was it still on the part of Road
4 that had double yellow lines, or was it in the
5 intersection?

6 A. Oh, no, it was still on the part of the
7 Road where it was lines.

8 Q. Double yellow?

9 A. Yeah.

10 Q. Okay. From where you were sitting in
11 your driver's seat, were you able to look out your
12 driver's side window and see the double yellow
13 lines, or were you just able to see them out your
14 front windshield ahead of you?

15 A. You mean while I was driving?

16 Q. Yes.

17 A. Oh, I'd say I could see him.

18 Q. So, from where your truck is in
19 relationship to the yellow lines, you could look
20 out your driver's side window and see them?

21 A. Yes.

22 Q. What was the property damage that was done

1 to your truck, if you know?

2 A. I'd have to get my insurance information
3 out. I don't know.

4 Q. Where was the property damage?

5 MR. : Let me just go ahead and
6 interpose --

7 MS. ZOIS: Sure.

8 MR. : -- at the mention of
9 insurance. I'll just make an objection on the
10 record to the mention of it. Go ahead and answer
11 her questions, though.

12 BY MS. ZOIS:

13 Q. Can you just describe what the property
14 damage to your truck looked like?

15 A. It was just a headlight lens.

16 Q. The front?

17 A. The front, right.

18 Q. Left?

19 A. Right, and then there was a plastic grill
20 and a plastic or a chrome piece on that corner, and
21 the bumper was bent a little bit there on the side,
22 and, basically, I had to get the tire -- or the

1 truck realigned after he'd hit the tire.

2 Q. Did you have to fix anything on the tire?

3 A. No.

4 Q. So you didn't have to get the tire
5 replaced?

6 A. No.

7 Q. Did you have to get the rim replaced --

8 A. No.

9 Q. -- or anything like that? Now, we talked
10 about the path of the bike, and you know where it
11 hit the truck and where it ended up, but you didn't
12 really see how it got there. Can -- did you notice
13 the path of Mr. 's body?

14 A. No.

15 Q. Do you -- but you know where he ended up?

16 A. I knew where he ended up, right.

17 Q. And you know where the bike ended up?

18 A. Right.

19 Q. After you stopped your car, you turned it
20 off, the bike has come to a rest, the -- has
21 come to a rest, what happened next?

22 A. I went back to see how he was.

1 Q. And tell me about the conversation that you
2 had with Mr.

3 A. Well, I asked -- I went back, and I was
4 shocked. He's my neighbor.

5 Q. Right.

6 A. And I asked him how he was, and he said,
7 , it's my leg. He said my leg's hurting me.
8 And I said, , would you like me to call an
9 ambulance, and he said, , please don't call an
10 ambulance or the law. And so, I asked him again,
11 I said, , are you sure? He said no, just call
12 my wife. So, that's what the conversation was then.

13 Q. So, he said, please don't call an ambulance
14 or the law. So what did you do next?

15 A. Well, after I'd asked him the second time,
16 my wife had come up, and I said how about pulling my
17 pickup, because if somebody come up over there --
18 pulled my pickup off the road, and then ,
19 he ended up coming down there and come back, and we
20 just pulled the bike to the edge of the road there,
21 so if somebody come up -- because I was afraid for
22 his life and somebody else's life, that if they come

1 up over that hill and don't see that bike or hit
2 that bike, it would have drove it right into him
3 laying there in the ditch.

4 Q. Okay. So, let me get the chronology right.
5 You went over and talked to him and said, how you
6 doing, , and he said it's my leg, but don't
7 call an ambulance, just call my wife.

8 A. I asked him, I said, do you want me to
9 call an ambulance, and he said no, do not call. He
10 said please do not call the ambulance or the law.

11 Q. Please do not call the ambulance or the law
12 but just call my wife.

13 A. Right.

14 Q. And then what -- who did you call next, if
15 anyone?

16 A. After we moved the vehicles, we come back,
17 my wife, she was there with and me, and he
18 wanted me to call, and he was having trouble
19 remembering what her cell phone number was, and I
20 was a dialing it to call her. That's who he wanted
21 me to call. And my wife said, , you have a
22 chunk out of your leg, you're bleeding, you're a

1 diabetic. She said, don't you think you ought to
2 let us call the ambulance? Well, then, he agreed
3 to let us call the ambulance, and that's when we
4 called an ambulance.

5 Q. Did you get a hold of the 9-1-1 ambulance
6 first or his wife first?

7 A. The 9-1-1 ambulance. At that time he
8 agreed, and he was having trouble getting the right
9 number there for some reason for his wife.

10 Q. So, your wife came up to the scene.

11 A. Right.

12 Q. And she moved your truck off to the right-
13 hand side of the road?

14 A. Right.

15 Q. And did -- and then she went over to talk
16 to ?

17 A. Right.

18 Q. Were you there when she was talking to
19 ?

20 A. Yes.

21 Q. Tell me the conversation between her and
22 .

1 A. Right, he's laying --

2 Q. Your wife comes --

3 A. He's laying in the ditch here (*indicating*),
4 and here's the bike here. I'm thinking, if somebody
5 comes up over here and slams that bike, it's going
6 to slam it right into him and kill him or hurt
7 somebody else.

8 Q. And then gets to the scene and pulls
9 your car off to the left.

10 A. I told her to, yes. I said -- because at
11 that time, the lane -- both lanes was blocked, if
12 somebody comes up over the hill.

13 Q. So --

14 A. And isn't -- at that time does not
15 want law or an ambulance.

16 Q. So, your wife moves your car off to the
17 right, and then , who's a neighbor -- is
18 that right?

19 A. Yeah, he -- well, he was up at the
20 neighbor's house, and he come down, too.

21 Q. Is -- so isn't -- he's your --
22 is he your nephew?

1 A. Right.

2 Q. Okay. And he helped you get the bike off
3 onto the side of the road?

4 A. Right.

5 Q. And you took it off onto the -- 's
6 lane side of the road?

7 A. Right.

8 Q. So, at the scene at this point in time
9 is you, , your wife, and ?

10 A. Right.

11 Q. Okay. From where you stopped your truck,
12 was , where he came to rest, closer to you or
13 the bike?

14 A. From where my truck was?

15 Q. From where you were stopped in your truck.

16 A. Uh, the bike.

17 Q. Okay. So the -- let me just make sure I
18 understand what you're saying. You're stopped here.
19 The first thing behind you is the bike?

20 A. Right.

21 Q. And then ?

22 A. Right.

1 Q. Okay. So the bike comes to rest and a stop
2 before does?

3 A. Right.

4 Q. 's beyond the bike?

5 A. Right. He ended up in the ditch.

6 Q. Okay. Who came to the scene next?

7 A. We -- well, we called the ambulance, and
8 then I did get a hold -- well, I called her cell
9 phone, and then she called me back because I didn't
10 get her answer.

11 Q. We're talking about ?

12 A. Right.

13 Q. The wife?

14 A. His wife.

15 Q. His wife, okay. So came to the
16 scene next?

17 A. I'm thinking that -- I think and
18 his mother and brother -- our neighbor,
19 he come.

20 Q. Do you know whether or not he was there
21 before and her car or after?

22 A. Who; ?

1 Q. Yes.

2 A. I'm thinking he was there first.

3 Q. Okay.

4 A. I'm not sure on that, so --

5 Q. And that's okay. I mean it's -- I'm sure
6 everybody kind of showed up at once, but I'm just
7 trying to get your best recollection of when people
8 got there. So, came with her mother and --

9 A. No, 's mother.

10 Q. 's mother and 's brother?

11 A. Right.

12 Q. And at some point, shows up.

13 Anyone else that came to the scene other than
14 emergency personnel?

15 A. Well, there was and , who
16 would have been a neighbor. I think they arrived
17 about the same time the emergency personnel did.

18 Q. And what kind of emergency personnel
19 showed up?

20 A. Firemen and ambulance and police officer.

21 Q. Do you know what order they showed up in?

22 A. I think the officer was there first.

1 Q. Do you know whether or not the ambulance
2 got there first or the fire truck?

3 A. I think they was there about the same time.

4 Q. Did and bring a vehicle
5 to the scene, or are they neighbors that walked up?

6 A. It's not . It's --

7 Q. How'd I get ?

8 A. -- and

9 Q. Where'd I get from?

10 A. I'm not sure.

11 Q. Okay. So, who are the again?

12 A. and

13 Q. And did they bring a vehicle, or did they
14 just walk over?

15 A. I could not tell you that. They could have
16 rode a bicycle.

17 Q. You don't know how they arrived.

18 A. I don't know how they got there.

19 Q. Tell me about every conversation you
20 overheard anyone have with Mr.

21 A. Well, when they -- the wife arrived there,
22 me and my wife was there with him, and the cop come

1 pulling in, and she's like who in the hell called
2 the cops?

3 Q. That was what said?

4 A. said.

5 Q. Uh-huh.

6 A. And then she looked at me, and she said,
7 do you -- did you call the cops? And I started to
8 answer it, and my neighbor, , said well,
9 -- , usually when they call an ambulance, they
10 call -- the law ends up getting a call. I mean, and
11 then she come over to her husband, never even asked
12 how he was, just started hollering at him, you're so
13 screwed. You're so screwed. You're going to lose
14 everything. You're so screwed.

15 Q. Do you know what she meant by that?

16 A. I don't know. I wasn't sure.

17 Q. Okay. So, when got there, she said,
18 who in the hell called the cops, and --

19 A.

20 Q. -- jumped in and said, well, when
21 you call an ambulance, the cops come?

22 A. The cops get alerted.

1 Q. So, offered to pay for the property
2 damage, but you didn't ever respond to him?

3 A. I did, yes, I did.

4 Q. What did you say back to him?

5 A. Oh, then, at that time?

6 Q. Yeah.

7 A. No, I didn't. I didn't have a chance. The
8 officer said, sir are you -- and he got me there.

9 Q. Okay. So, then the officer takes you
10 aside?

11 A. Right.

12 Q. And you tell the police officer how the
13 crash happened.

14 A. Right.

15 Q. After you talked to the officer, who'd you
16 talk to next?

17 A. Well, they loaded him and took him in the
18 ambulance, and the officer did his investigation,
19 and then he gave my license back and told me he
20 found I had no fault.

21 Q. Did you talk to 's mother at all?

22 A. Yes, I did.

1 Q. Okay, tell me about -- when did you talk to
2 's mother? Tell me about that conversation.

3 A. Well, she just asked me if I would call the
4 neighbor there that -- to turn the furnace on in the
5 church in the morning because she was going to be at
6 the hospital.

7 Q. And was that the only conversation you had
8 with 's mother?

9 A. At that time, yes.

10 Q. Did you talk to 's mother about how
11 the crash happened at all?

12 A. Not that I can recall.

13 Q. Did you talk to about how the crash
14 happened at all?

15 A. No.

16 Q. Did you talk to , your wife, about how
17 the crash happened?

18 A. Not at that time, no.

19 Q. Did you talk to about how the crash
20 happened?

21 A. No.

22 Q. Did you talk to about how the

1 crash happened?

2 A. No.

3 Q. But you did tell the police?

4 A. Yes.

5 Q. So, the only person that you talked to
6 about how the crash happened on the day of the
7 crash, at the location, was the police officer?

8 A. Yes. I really never had no chance to talk
9 to nobody else.

10 Q. Did anybody else say anything to you that
11 we haven't already gone over?

12 MR. : At the scene?

13 MS. ZOIS: Yes, at the scene.

14 THE WITNESS: At the scene, I'm trying to
15 think. Not that I can think of.

16 BY MS. ZOIS:

17 Q. Okay. So, we've discussed everything
18 said that you can remember. Is there
19 anything else you can think of that she said?

20 A. I'm trying to think. My wife was there,
21 too, but that's all I can remember. I mean, she
22 just was there, come there furious, and she was

1 Q. Okay. So, said to you and your wife,
2 's in trouble; please don't press charges.
3 If there's anything else you can do to help him
4 out --

5 A. Well, he said he would pay for my pickup,
6 too.

7 Q. Who? Who, he?

8 A.

9 Q. said that Gary would pay for your
10 pickup?

11 A. Right.

12 Q. offered to pay for your pickup?

13 A. Right.

14 Q. Not ?

15 A. No.

16 Q. But said, I'm going to pay for your --

17 A. He said, I'll take care of your pickup if
18 you don't press charges.

19 Q. Okay. And what did you say back to ?

20 A. I didn't say anything really, other than
21 the officer come there and asked me questions
22 and --

1 Q. Okay. So [redacted]'s brother pulled you and
2 your wife aside.

3 A. Yeah, before the cop could talk to me.

4 Q. And is this while the cop was there?

5 A. Yeah, the cop had pulled in; right.

6 Q. Okay. So the brother -- [redacted]'s brother
7 pulls you and your wife aside and says what? And
8 take it slow for me.

9 A. Well, he says, [redacted], is already in
10 so much trouble, he said, would you please not press
11 charges on him.

12 Q. Okay. And then what?

13 A. Then he said he does not have a motorcycle
14 license and he said -- and then, basically, he just
15 acted like he was really in a lot of trouble and if
16 I could help him out -- well, I worked with
17 three or four months at the feed store.

18 Q. And [redacted]'s the brother?

19 A. Right.

20 Q. Did he say anything else to you?

21 A. That was it. The cop got -- or started
22 talking to me then.

1 A. No.

2 Q. Did you hear him say anything to his
3 brother?

4 A. No.

5 Q. Did you hear him say anything to the
6 police?

7 A. No, I'm not sure.

8 Q. Did you hear -- did you hear him say
9 anything to the police?

10 A. I'm not sure if he did or he didn't.

11 Q. But you didn't hear him say anything.

12 A. No, I didn't hear him say anything.

13 Q. Okay. Did you hear him say anything to
14 any of the ambulance personnel?

15 A. No.

16 Q. Did you hear him say anything to the fire
17 department?

18 A. No.

19 Q. And you already told me what he said to
20 your wife.

21 A. Right.

22 Q. Did you hear him say anything to . . . or

1 Q. Okay. And then she started yelling at
2 , you're so screwed, you're going to lose
3 everything, and you're not sure what she meant by
4 that. And what else happened?

5 A. His mother come and was trying to find
6 his glasses. He claimed he couldn't see nothing
7 without his glasses. And then a bunch,
8 and them, they was all looking for the glasses. I
9 don't know if they ever did find them.

10 Q. Okay. Did you hear him say I can't see
11 anything without my glasses?

12 A. No, it was just what his mother said.

13 Q. Okay. Did you hear him say anything to his
14 mother?

15 A. No.

16 Q. Did you hear him say anything to his wife?

17 A. No.

18 Q. Did you hear him say anything to

19 ?

20 A. No.

21 Q. Did you hear him say anything to

22 ?

1 like, who in the hell called the cops? Did you
2 call the cops? My neighbor, , said
3 automatically, when they call an ambulance, there's
4 cops involved, and then she come over and just kept
5 telling him how screwed he was and how much trouble
6 he was in.

7 Q. got to the scene of the crash
8 before the cops, though; right?

9 A. She just got there, and the cops come
10 pulling in.

11 Q. So she said that out loud when she saw the
12 cops pull in?

13 A. Pull in, right.

14 Q. Okay. But she was there before the cops.

15 A. She just got there, too, and then the cops
16 pulled in.

17 Q. All right. Anything else that you can
18 think of that said at the scene?

19 A. Not right off hand.

20 Q. Anything else that you can think of that
21 mother said at the scene?

22 A. No.

1 Q. Anything else you can think of that
2 said at the scene?

3 A. No.

4 Q. How about , did he -- did you
5 hear him have any conversations with or
6 ?

7 A. No, he helped move the motorcycle, then
8 he stuck around a little while, and then the
9 ambulance was coming, and he left.

10 Q. How about ?

11 A. I never really got to talk to .

12 MR. : I'm not sure you asked about
13 the police officer.

14 BY MS. ZOIS:

15 Q. I think you did not hear have a
16 conversation with the police officer; correct?

17 A. Not I hadn't, no.

18 Q. Did anyone else overhear have a
19 conversation with the police officer?

20 A. That I do not know. I mean I was away
21 from --

22 Q. So, no one told you, I heard , tell

1 the police officer X, Y and Z happened?

2 A. No, I mean I don't -- I don't know.

3 Q. After -- have you talked to any of these
4 people since with of ?

5 A. I mean I -- in passing.

6 Q. Have you talked to any of the people that
7 were at the scene of the crash since
8 about anything that has anything to do with the
9 crash or property damage?

10 A. Not really, no. I thought this was all
11 over with. The law found me not guilty. I didn't
12 worry about it.

13 Q. But the police officer wasn't a witness to
14 the crash; right?

15 A. He investigated the crash though.

16 Q. He was not a witness to the crash; correct?

17 A. What, seeing me and him hit? Is that what
18 you mean?

19 Q. Yes.

20 A. No.

21 Q. Have you provided any recorded statements
22 to anyone other than your attorney about how the

1 crash happened?

2 A. Other than my insurance company, you mean?

3 Q. Including your insurance company, and for
4 the record, we're not -- ongoing objection to
5 anything relative to insurance. So you did give
6 your insurance company your recorded statement on
7 how the crash happened?

8 A. Oh, yeah, our investigator investigated
9 it.

10 Q. When you say our investigator, what do you
11 mean?

12 A. My insurance company.

13 Q. Okay. And you gave your insurance company
14 a recorded statement about how the crash happened?

15 A. Right, right.

16 Q. And that was before you were represented by
17 Mr. , though?

18 A. Yes.

19 Q. Have you talked to either or
20 since ?

21 A. No, I haven't.

22 Q. Have you made any observations of or

1 since th, ?

2 A. I do not understand the question, ma'am.

3 Q. Have you seen them since the crash?

4 A. In the car, yeah.

5 Q. Okay.

6 A. I mean him fixing fence there by their
7 place or splitting wood and doing stuff like that.

8 Q. So you've seen him outside engaging in
9 some activity?

10 A. Oh, yeah, riding his thing and deer
11 hunting, I seen him, yeah.

12 Q. Well, that's what I'm looking for. So
13 tell me about the occasions where you've seen
14 Mr. since , , other than
15 passing him in the car.

16 A. Well, that's -- I mean, that's all I've
17 seen him. I pass him when I come through there. I
18 mean, I've seen him building fence. I've seen him
19 splitting wood. I've -- I mean when I go down by.
20 I don't stop at their house or anything.

21 Q. Right, but you've seen him splitting wood.
22 You've seen him fixing a fence. What else?

1 A. Well, hauling round bales, driving
2 tractor, hauling manure.

3 Q. I'm sorry?

4 A. Hauling manure. I've seen him on the
5 tractor, I mean, doing that.

6 Q. Anything else that you see him doing?

7 A. I mean, I've seen him when he's riding
8 his -- he has one of them new Polaris Rangers or
9 whatever, deer hunting and stuff, I mean, I seen
10 that.

11 Q. You have to say that one more time.

12 A. He has one of them new Polaris Rangers.

13 Q. What's that?

14 A. It's like a four-wheel, two-seater buggy.

15 Q. Okay.

16 A. He rides that around. I seen him with his
17 gun deer hunting and stuff like that.

18 Q. Is that some sort of like ATV --

19 A. Right.

20 Q. -- type thing?

21 A. Right.

22 Q. Anything else?

1 A. Basically, no. I mean I don't know what
2 else.

3 Q. Backtracking just a little bit, back to the
4 scene of the crash, did you notice any part of your
5 vehicle in the roadway? Did you notice any debris
6 in the roadway?

7 A. I mean, yeah, there was, from my headlight,
8 I mean in my lane there laying, I mean glass.

9 Q. Okay. Anything else?

10 A. A piece of mud off my bumper was laying
11 there on my side of the yellow line.

12 Q. Okay. So you thought that there was a
13 piece of your bumper and some glass?

14 A. No, no, no, not a piece of my bumper.

15 Q. Okay.

16 A. I said mud off of my bumper.

17 Q. And some glass.

18 A. Right, from my headlight.

19 Q. Did you notice any skid marks on the
20 roadway?

21 A. Yeah, there was a skid mark.

22 Q. And who left the skid mark, your vehicle or

1 his vehicle?

2 A. His vehicle.

3 Q. So his vehicle left a skid mark in the
4 roadway where the impact took place?

5 A. Right.

6 Q. I want to show you a couple of
7 photographs marked as deposition Exhibit No. 1,
8 and these are just Google Earth images of the
9 intersection where --

10 A. Oh, okay..

11 Q. -- the crash happened.

12 MR. : I'm going to object to the
13 question. The accident didn't happen at the
14 intersection.

15 THE WITNESS: Right, it didn't happen at
16 the intersection. That's right.

17 BY MS. ZOIS:

18 Q. Okay. Does this picture, which is 1-C,
19 depict the area in which the crash took place? Can
20 you see where the impact took place on this
21 photograph?

22 A. I cannot tell for sure.

1 Q. Okay.

2 A. I mean it's right up in here somewhere.

3 Q. Right. So, is it fair to say that --

4 MR. : Do you want him to mark where
5 he was pointing?

6 MS. ZOIS: That would be great. Yeah, why
7 don't you go ahead and put an X in the area.

8 THE WITNESS: Like that.

9 BY MS. ZOIS:

10 Q. Okay. So, you have indicated right now
11 an X in the area where you believe the impact took
12 place in the roadway on Road; correct?

13 A. Correct.

14 Q. Can you --

15 A. It may have been up a little bit further
16 than that. I'm not sure.

17 Q. Okay. Why don't you --

18 A. It would have been --

19 Q. -- put another X where you think it might
20 have been a little bit further and then we'll know
21 it's somewhere in that range.

22 A. I can't tell because I think them's round

1 bales there. There was round bales there.

2 Q. And you're pointing to the bales of hay --

3 A. Yeah, it was like --

4 Q. -- on the side of the road?

5 A. It was like somewhere right in there, I'd
6 say, probably more likely.

7 Q. Somewhere in between those points?

8 A. Yeah, I mean I can't tell you for sure.

9 There's no yellow line. There's no nothing there.

10 Q. I can see a faint depiction, a faint line
11 through the center there, but if you can't see it,
12 I'm not going to -- and I have my old lady glasses
13 on while I'm doing this, so --

14 A. Can you see it, ?

15 MR. : I don't have my old lady
16 glasses on. I've got my old man glasses on. I
17 can't tell, just -- it could be a line; could be a
18 contour. I just can't tell.

19 THE WITNESS: Right.

20 MS. ZOIS: Okay.

21 BY MS. ZOIS:

22 Q. Can you indicate for me, also, on this

1 picture where ended up and where his bike
2 ended up and maybe put a K for and a B for
3 bike, if you can?

4 A. I mean this is just roughly. I can't tell
5 you for sure. I mean --

6 Q. Right.

7 A. I mean it was like, probably, my vehicle
8 was here. Probably, the bike was like, maybe like
9 this, and he was like here in the ditch, something
10 like that.

11 MS. ZOIS: Okay.

12 MR. : Did he put the K in?

13 THE WITNESS: Oh, I didn't do that.

14 MS. ZOIS: It's okay.

15 MR. : Go ahead and do that.

16 MS. ZOIS: Yeah, that's okay.

17 MR. : Later it will be hard to tell
18 what we're doing.

19 MS. ZOIS: I think I can figure out
20 what -- why don't you put the B for bike and the K
21 for . There you go, okay. And what was that?

22 THE WITNESS: That was just an S for me.

1 MS. ZOIS: Gotcha.

2 BY MS. ZOIS:

3 Q. Now, I'm going to show you what's been
4 marked as deposition Exhibit No. 2, and I just want
5 you to go through these and tell me if those fairly
6 and accurately show the roadway and the curves and
7 the layout of the land. I mean I appreciate that
8 it wasn't taken on the day of the crash and the
9 lighting may be different.

10 A. And another thing I want you to realize,
11 that the County Roads come in there -- well, when
12 was the accident, the 10th, and this is eight,
13 whenever -- well, this ain't the same pictures. I
14 thought it's the ones that his brother took. He
15 took, and they come in there and swept the whole
16 scene and cleaned all the anti-skid and cinders and
17 everything up before he ever took them pictures, I
18 guess. I don't know.

19 Q. Well, the question right now though is, can
20 you just briefly go through these photographs and
21 tell me if you agree that these are all pictures of
22 the area where the crash took place?

1 A. Oh, okay, sure.

2 Q. That's all.

3 A. Here's where you come to the stop sign at
4 . All right, this here would be up over the
5 hump and around the turn right here. This is the
6 big intersection. This is up the road. This was
7 took in when, 2011?

8 Q. Yes.

9 A. Yes, that's the accident scene.

10 Q. Do all those photographs fairly and accurately
11 depict the area where the crash took place?

12 A. Yes.

13 Q. Okay.

14 A. Ma'am.

15 Q. And these are photographs, I believe,
16 that you took that were produced through your
17 counsel, and I just want to go through these with
18 you. This would be a picture looking in the
19 direction was heading. Is that correct?

20 A. No, this is the way he was going, right.
21 He'd been going up over here like this.

22 Q. Okay, okay, I'm glad that you told me that.

1 A. He come right up around like this.

2 Q. All right. So this is picture facing
3 westbound on Road before you get to the
4 intersection.

5 A. Exactly.

6 Q. So this would have been his path.

7 A. Right.

8 Q. Okay. And these are the bales that are
9 over here.

10 A. Right.

11 Q. Okay, gotcha. That was picture A.

12 Picture B is the same path but a little bit closer
13 to the bales?

14 A. Right.

15 Q. And then picture C is more of the --

16 A. Still coming up over the hill and around.

17 Q. Okay. Same thing in D; right?

18 A. Right, the van's going that way.

19 Q. And then in E, it's facing the other
20 direction.

21 A. Faced down over the hill, right.

22 Q. So this is facing eastbound?

1 A. Right.

2 Q. So, in this picture, would have been
3 coming from the left-hand side?

4 A. Up this way.

5 Q. And then photograph E-1 -- apparently I
6 missed one. This shows the -- on the right-hand
7 side is the westbound lane and on the left-hand side
8 is the eastbound lane.

9 A. Eastbound lane; right.

10 Q. And we can see Road off to the left
11 and that farmhouse.

12 A. Right.

13 Q. Okay. Can you -- in this photograph, was
14 the impact within this photograph, where the impact
15 took place? Can we see the area of the impact in
16 this photograph?

17 A. It'd been up in here somewhere.

18 Q. Okay. So this photograph does show the
19 area where the impact took place?

20 A. Right, it probably would have been in here
21 somewhere.

22 Q. Okay. And why don't you put pen to

1 paper -- and you can draw a circle. It doesn't have
2 to be precise or exact. I'm not holding your feet
3 to the fire on how exact it is.

4 A. Well, I'm just -- I mean at the angle and
5 that right there, I'm not sure, you know.

6 Q. All right. Let's find another one that
7 maybe you feel more comfortable with. On F, is this
8 you in the picture or somebody else?

9 A. That's me.

10 Q. And are you standing in the roadway to show
11 where the impact took place?

12 A. Yeah, I was thinking it was right in here
13 somewhere.

14 Q. All right. Why don't you -- so it's not
15 where you're standing, it's a little bit further
16 ahead of you in the photograph?

17 A. I'd say it's probably right in here
18 somewhere.

19 Q. All right. Why don't you -- why don't you
20 put an X.

21 A. All right.

22 Q. So it'll show up better on the -- okay.

1 And then in photograph -- did I do it again -- F-1,
2 this is showing, I guess, looking up to the left
3 from ?

4 A. Yeah, that would be left on around the turn
5 there, yeah.

6 Q. Okay. And then this photograph would be
7 also more looking to the left in G; correct?

8 A. Yeah, this is down here. This
9 here is the sun over here to the west. This would
10 be going up the road.

11 Q. So this is looking down Road?

12 A. , right, uh-huh.

13 Q. Got it. And this is just a closer shot of
14 the intersection on H. Then I is the wide part of
15 the intersection.

16 A. Right.

17 Q. J, also the wide part of the intersection.

18 A. The intersection.

19 Q. -- the intersection, H, I, J, K, L, okay.

20 Is this photograph also intended to show you
21 standing in the area or someone standing in the area
22 where the impact took place?

1 A. Yeah, I'd say that's what we was doing
2 there.

3 Q. On L, okay. Do you know when these
4 photographs were taken?

5 A. Yes, uh --

6 MR. : Take your hand off your mouth.

7 THE WITNESS: Oh, I'm sorry.

8 MR. : The reporter has trouble.

9 THE WITNESS: I'm sorry.

10 MR. : That's fine.

11 THE WITNESS: Yes, I did -- me and
12 took them.

13 BY MS. ZOIS:

14 Q. How long ago?

15 A. It was in December.

16 Q. Of 2011?

17 A. Yes.

18 Q. Okay. And then the same thing here. This
19 is intended to show in the roadway where the impact
20 took place?

21 A. Yes.

22 Q. On M, and then N is the same view but

1 you're not in the picture on this one. O, is this
2 person standing somewhere intending to show anything
3 in the picture or --

4 A. No.

5 Q. No? And are these folks here in picture
6 number P intending to represent anything by where
7 they're standing?

8 A. No.

9 Q. And this is the stop sign at ?

10 A. Uh-huh.

11 Q. Stop sign at on R. Is this
12 individual in S standing in a position intending
13 to show anything?

14 A. No.

15 Q. Is the truck located in this picture
16 intending to show anything?

17 A. Just parked off the road.

18 Q. And U, just another view of the scene?

19 A. Yeah, and the sun.

20 Q. V, just another view of the area of the
21 intersection?

22 A. Right.

1 MR. : Do you want to ask him about
2 the angle of the sunlight?

3 MS. ZOIS: Do I?

4 MR. : I don't know. I'm just saying
5 you had asked him before about that.

6 MS. ZOIS: Yeah.

7 THE WITNESS: Yeah, I mean --

8 BY MS. ZOIS:

9 Q. If this is in December of 2011, were these
10 photographs taken at -- were these photographs
11 intended to show how the sun sets in this area?

12 A. Well, yes.

13 Q. Okay.

14 A. And --

15 MR. : Hand away, please.

16 THE WITNESS: Oh, I'm sorry. Yes,
17 that's -- they was intended to show how the sun was
18 and how the sun every evening like that, if it's
19 nice out, it'll glare up this road here.

20 BY MS. ZOIS:

21 Q. And do you know what time these photographs
22 were taken in December of 2011?

1 A. It would probably have been similar time
2 to when the accident happened, you know, when it
3 happened before.

4 Q. Somewhere between 6:30 and --

5 A. Yeah, for an hour of Daylight Savings
6 Time, but it'd probably be basically about the same
7 time.

8 Q. Do you know what day the photographs were
9 taken; before or after the holidays; do you
10 remember?

11 A. Before.

12 Q. Before? Remember exactly what day they
13 were taken?

14 A. I know it was in December.

15 Q. Do you remember what time they were taken?

16 A. Um, I'm not for sure.

17 Q. Sometime after 5:00? Before 5:00?

18 A. Yeah, it'd been after five, probably like
19 5:30.

20 Q. Okay. Same thing here, this would have
21 been the path --

22 A. Right.

1 Q. -- that Mr. was taking. Same
2 thing with this picture as well?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes.

6 Q. First time you did that. I think I've done
7 it a couple times already. And then the same thing
8 for this picture; right?

9 A. Right.

10 Q. Okay. The next series of photographs that
11 I want to show you are Exhibit Nos. 3-A, and these
12 are the photographs that were taken by, I believe,
13 the police department at the scene, and A -- we're
14 going to call this 1, 2, 3, and 4. A-1, is that the
15 property damage that was done to your vehicle as a
16 result of the crash?

17 A. Yes.

18 Q. Was that there before the crash?

19 A. No.

20 Q. A-2, is your vehicle off to the right-hand
21 side here?

22 A. Yes.

1 Q. Is that your vehicle?

2 A. Yes.

3 Q. I'm going to put an S on your vehicle.

4 A. All right.

5 Q. Do you know whose vehicle the first vehicle
6 is on the left-hand side? I see a star on the side.
7 I'm guessing that's the police.

8 A. I mean that was the deputy; right.

9 Q. Okay. So, the vehicle on the left with the
10 star on it is the deputy?

11 A. Right.

12 Q. So I'm going to put a D there so we know
13 which one we're talking about. How about the next
14 vehicle behind the deputy. Do you know whose
15 vehicle that is?

16 A. No, I don't. I just know it's a Dodge
17 pickup. That's all I can make out.

18 Q. That's pretty good. And then we have a
19 fire truck behind that?

20 A. Yes.

21 Q. And then do you know whose vehicle is
22 behind the fire truck?

1 A. No, not for sure.

2 Q. And what about the vehicle behind the
3 vehicle behind the fire truck -- two vehicles behind
4 the fire truck?

5 A. No, ma'am.

6 Q. Me either. All right. And then in
7 picture number 3, that's the front of your
8 vehicle; correct?

9 A. Right.

10 Q. I'm going to put an S on there for
11 so we know it's you. And then in 4, that's also
12 your vehicle. Is that right?

13 A. Right.

14 Q. Now, is this the position that your vehicle
15 was in after you brought it to a complete stop or
16 after you asked your wife to move it over to the
17 side of the road?

18 A. After I asked her to move it to the side of
19 the road.

20 Q. Okay. And then on page B, same thing, 1,
21 2, 3, and 4. Your vehicle is the one with the ATV
22 in the back; right?

1 A. Right.

2 Q. Okay, I'm just going to write an S on the
3 license plate. And then we know the vehicle to the
4 left is the police officer.

5 A. Right.

6 Q. In picture 2, is that also your vehicle?

7 A. No.

8 Q. I didn't think so. Do you know whose
9 vehicle that is?

10 A. Yes, that's my wife's.

11 Q. Okay. So, I'm going to put .

12 A. Right.

13 Q. And then do you know whose vehicle is
14 behind her vehicle?

15 A. I would think it was , but I'm not
16 sure.

17 Q. I think you're right, so we're going to
18 put with a question mark, but I think you're
19 right about that.

20 And then, in photograph number 3, where
21 this group of people are standing, is that where
22 Mr. was laying?

1 A. I would guess. I'm not sure on that.

2 Q. Okay. And then in photograph number 4, do
3 you know what this picture is supposed to show us?

4 A. No, I don't.

5 Q. Me either. And then in photograph, page
6 C, photographs 1, 2, 3, and 4, I think we can see
7 Mr. 's bike in this photograph. Is that
8 correct, at the bottom of the photograph?

9 A. I think so.

10 Q. Is that where the bike landed, or is this
11 where bike was moved to?

12 A. By them pictures, I can't tell you, ma'am,
13 because his brother and and them, they
14 loaded it and moved it, so I don't know either, for
15 sure.

16 Q. But this definitely isn't where the bike
17 came to a rest after the impact; right?

18 A. Right.

19 Q. Because the bike came to rest --

20 A. Right.

21 Q. -- in the road.

22 A. Right.

1 Q. This gentleman holding the broom, do you
2 know who he is?

3 A. Somebody cut their head off. I'm not sure.

4 Q. Do you know if that's the police officer
5 that arrived at the scene?

6 A. No.

7 Q. It's not the police officer?

8 A. Uh-uh, no.

9 Q. Okay. So, I'm just going to put not
10 police. This debris that's in the roadway here,
11 do you know what that's from?

12 A. I would say it's probably off his
13 headlight or something off his motorcycle.

14 Q. Do you know if his headlight was broken
15 off his motorcycle?

16 A. No, I do not.

17 Q. Okay. So, do you know what this debris is
18 from, for sure?

19 A. No.

20 Q. And then the other two photographs just
21 show the bike.

22 A. Right.

1 Q. Correct? And then, lastly, is photograph
2 D, and can you tell me what side of the road this is
3 that we're looking at? Is this traffic going
4 westbound or traffic going eastbound? Do you know?

5 A. Well, I would say it would be traffic going
6 westbound.

7 Q. Okay.

8 A. Because you got your line there. It's
9 going around the turn.

10 Q. Okay. And these are just, on page E, 1
11 and 2, are just two more photographs of your
12 vehicle; right?

13 A. Right.

14 Q. Then, lastly, are generally just more
15 photographs of the area where the crash took place
16 and they're A, B, C, D, and E and F; correct?

17 A. Correct.

18 Q. And are these about what the brightness of
19 the yellow lines looked like on the day of the
20 crash? Do you remember? Because this is 4/23/2009.

21 A. Yeah, I don't know. I mean the County
22 Roads come up and swept the whole site that Monday

1 morning. This here would have been after that, so
2 I can't tell you for sure how it was. It's all --
3 I mean they'd swept the whole accident scene and all
4 the cinders and everything off the road.

5 Q. Okay. So, the Monday after the crash, the
6 County came and swept the road?

7 A. They swept all the intersections and the
8 whole road, yeah.

9 Q. All right. And when you say they swept
10 the cinders, what's a -- what do you mean by swept
11 the cinders?

12 A. Well, there was a lot of cinders on the
13 road from wintertime yet.

14 Q. What's a cinder?

15 A. That's what they use, ash to ash the roads
16 for snow removal and slick roads.

17 Q. Okay. What does cinder look like? Is it
18 loose?

19 A. It's loose and granular-like and black.

20 Q. Okay. And they swept all that stuff. How
21 do you know that the County came out and swept the
22 Monday after the crash?

1 A. Because I was through there, and I seen
2 that they did it.

3 Q. All right. Now, just for comparison
4 purposes, using photograph 4-A, which is one of the
5 pictures you all took back in December, and using
6 photograph 5-F, I'm guessing that at some point
7 after the crash these lines were painted again at
8 some point. Would you agree with that?

9 A. Yeah, I would say.

10 Q. And, also, in comparison, in looking at
11 the photographs that were taken in August of 2011
12 using, for example, Exhibit No. 2, page M, those
13 are clearly brighter than in contrast to Exhibit 5,
14 page F as well. Would you agree with that?

15 A. I would guess. I don't know whether
16 they -- like I said, they swept and had cinders and
17 stuff over them, you know? I mean I can't tell
18 you.

19 Q. Well, in other words, the photographs
20 shown here in April of 2009 has yellow lines that
21 aren't as bright as they're shown in August 11 --
22 August 4th, 2011 photograph set. Would you agree

1 with that, generally?

2 A. Yeah, generally.

3 Q. Do you know how often the County comes out
4 and repaints these lanes or these lines?

5 A. I can't speak for their garage up there.
6 Our garage, we do it every other year.

7 Q. Every other year the lanes are painted?

8 A. They try to.

9 Q. Okay. Did anyone at the scene of the
10 crash say anything to you to give you the
11 impression that said anything about having
12 trouble seeing because of the bright sunshine?

13 A. Had anybody said that to me?

14 Q. Yes.

15 A. Just, I mean all the fire fighters and
16 everything went on and on about how bad the sun was
17 to the west looking at it.

18 Q. But did anybody tell you that said
19 he was having trouble seeing because of the
20 sunlight?

21 A. No.

22 Q. Okay. Did you hear say anything

1 about having trouble with the sunlight?

2 A. No.

3 MS. ZOIS: Bear with me for just a couple
4 minutes. I want to just go through my notes and
5 make sure I didn't forget to ask you, you know, the
6 most important question.

7 MR. : Let me look at the exhibits
8 while you're doing that.

9 MS. ZOIS: Sure.

10 THE VIDEOGRAPHER: Do you want to go off
11 record?

12 MS. ZOIS: Sure.

13 THE VIDEOGRAPHER: Going off record at
14 2:29 p.m.

15 *(Discussion off the record.)*

16 THE VIDEOGRAPHER: Going back on record at
17 2:30 p.m.

18 BY MS. ZOIS:

19 Q. You mentioned that you did see a skid mark
20 at the scene of the crash; correct?

21 A. Yes.

22 Q. And that the skid mark was left by the

1 motorcycle; correct?

2 A. Yes.

3 Q. Can you estimate for me the length of the
4 skid mark?

5 A. I would have to approximate, and it was
6 probably just a little bit (*indicating*). It was
7 like, just a little one.

8 Q. And that -- could you hold your hands up
9 again, and maybe your counsel and I can agree on
10 how long that is.

11 A. I don't know, it was -- if memory serves
12 me, it was like this.

13 MR. : Twenty-four inches?

14 MS. ZOIS: Two feet, I was going to say.

15 THE WITNESS: Yeah, it was just a short
16 one.

17 BY MS. ZOIS:

18 Q. And can you tell me how far away from the
19 yellow line this skid mark was?

20 A. It was like right on the yellow line,
21 right along the yellow line, on the yellow line
22 there.

1 Q. So, can you estimate for me how far away
2 from the yellow line the skid mark was?

3 A. It wasn't really -- it was right, if I
4 remember right, it was right against it.

5 Q. So, the skid mark was right on the yellow
6 line?

7 A. Right.

8 Q. So there's, just so we're clear, there's
9 two yellow lines; right?

10 A. Right.

11 Q. So, you're in your truck. The yellow line
12 is to your left, and the skid mark that you saw in
13 the area where the impact took place, was it on the
14 yellow line closest to your truck or on the other
15 yellow line? There's two yellow lines.

16 A. Right.

17 Q. Yellow line one, closest to your truck;
18 yellow line number two, the line further from your
19 truck?

20 A. Right.

21 Q. Was the skid mark on yellow line number one
22 or yellow line number two?

1 A. Which is number two?

2 Q. Number two's the one that's farther away
3 from your truck.

4 A. Number two.

5 Q. Okay. And the debris that you said you
6 saw in the roadway from the mud on your fender and
7 the headlight?

8 A. Glass out of the, yeah, lenses.

9 Q. Where did that land in the roadway?

10 A. It landed on my side of the yellow line.

11 Q. Was all of the debris on your side?

12 A. Yes, it was mainly all on my side. There
13 was like one or two little pieces that maybe like
14 the handlebar drug out because the rest of it was
15 all on that side, and the mud was all off my bumper
16 was on my side.

17 Q. And how much debris are we talking about?

18 A. I don't know. I'm surprised they don't
19 have that -- the cop don't have that on the pictures
20 here. I don't know. It was a good bit, I mean, and
21 glass.

22 Q. So the things that fell out, off of your

1 car, was the headlight?

2 A. Right.

3 Q. And the mud from your bumper?

4 A. Right.

5 Q. Was there anything else other than the
6 glass from the headlight and the mud from your
7 bumper?

8 A. No.

9 Q. Okay. Is there anything else you wanted
10 to tell me that I haven't asked you then?

11 A. Well, other than that the officer had found
12 me at no fault whatsoever.

13 Q. Okay.

14 A. That's it.

15 MS. ZOIS: Okay. I don't have anything
16 further.

17 MR. : Let me ask just a couple
18 questions in follow-up.

19 THE WITNESS: Sure.

20 EXAMINATION BY

21 BY MR. :

22 Q. Looking at the police officer's

1 photographs, which are Exhibit No. 3, if we look
2 at, on the first page of photographs, you'll see a
3 photograph that's marked number 3; correct?

4 A. Right.

5 Q. Okay. The brightness of the sun that we
6 see in that picture, is that the way the sun was
7 at the time of the accident?

8 A. Yes, it was -- it was that or brighter.

9 Q. Okay. Let me show you photograph number 3
10 on the next page and ask you that same question.
11 Does that depict the brightness of the sun at the
12 time of the accident?

13 A. Yes, it does.

14 Q. And on D of Exhibit 3, looking at the
15 pictures that show a stop sign, the first picture
16 where the sun is on Road, I guess.

17 A. Right.

18 Q. Does that show the brightness of the
19 sunshine?

20 A. Yes, it does.

21 Q. And the photograph underneath that
22 photograph, does it show the brightness of the sun?

1 A Yes, it does.

2 Q Does the photograph at the top of the next
3 column show the brightness?

4 A Yes, it does.

5 Q Mr. is your neighbor. Is that
6 correct?

7 A Yes, he is.

8 Q Okay. And you knew him before this
9 accident?

10 A Yes, I did.

11 Q Do you know whether or not he was sight
12 impaired in either eye prior to the accident?

13 A I was told he was.

14 Q What were you told?

15 A I was told that he was, supposedly,
16 legally blind in his left eye.

17 MR. : That's all I have. Thank you
18 very much.

19 MS. ZOIS: Just one follow-up question.

20 **FURTHER EXAMINATION BY LAURA ZOIS**

21 BY MS. ZOIS:

22 Q. Who told you that?

1 A. My mother, which his mother would have
2 told him.

3 Q. So, you think your mother talked to his
4 mother, and his mother told your mother that it was
5 his left eye, and your mother told you it was his
6 left eye?

7 A. Right.

8 MR. : You have to answer verbally.

9 THE WITNESS: Yes.

10 MS. ZOIS: Okay. Nothing based on that,
11 nothing further.

12 MR. : Nothing further.

13 THE VIDEOGRAPHER: Okay, going off at 2:36
14 p.m.

15 *(At 2:36 p.m., taking of the deposition was*
16 *concluded, the deponent having waived reading*
17 *and signing.)*

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