



 **COPY**

Transcript of the Testimony of

[REDACTED]

**Date:** July 28, 2004

**Volume:**

**Case:** [REDACTED] v. [REDACTED]

Printed On: July 29, 2004

Corbin & Hook Reporting, Inc.

Phone: (410) 268-6006

Fax: (410) 956-0422

Email: [corbinandhook@corbinandhook.com](mailto:corbinandhook@corbinandhook.com)

Internet: [www.corbinandhook.com](http://www.corbinandhook.com)

1 IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

2 IN AND FOR THE STATE OF MARYLAND

3 --o0o--

4 [REDACTED]

5 Plaintiff,

Case No.

6 vs.

02-C-04-095273 MT

7 [REDACTED]

8 Defendant.

9 \_\_\_\_\_/

10

11 Pursuant to Notice, the Deposition of

12 [REDACTED] was taken on July 28, 2004,

13 commencing at 10:01 a.m., at the offices of

14 Miller & Zois, 7310 Ritchie Highway, Suite 615,

15 Glen Burnie, MD, before Jeff M. Hook, a CSR, RPR

16 and Notary Public.

17

18

19 Corbin & Hook Reporting, Inc.

20 Serving MD, D.C. & VA

21 Reported By JEFF M. HOOK, CSR, RPR

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

LAURA G. ZOIS, ESQUIRE

Miller & Zois

7310 Ritchie Highway, Suite 615

Glen Burnie, MD 21061

ON BEHALF OF THE DEFENDANT:

JOHN J. SCHNEIDER, ESQUIRE

Allstate Staff Counsel

10 N. Calvert Street, Suite 444

Baltimore, MD 21202

1           IT IS HEREBY STIPULATED AND AGREED that  
2 the reading and signing of this deposition are  
3 waived.    A.

4           [REDACTED],  
5 duly been sworn to tell the truth, the whole truth  
6 and nothing but the truth, testifies as follows:

7                           EXAMINATION BY MR. SCHNEIDER

8 BY MR. SCHNEIDER:

9           Q. Can you say your full name and your current  
10 address.

11          A. [REDACTED]  
12 Maryland 21060.

13          Q. [REDACTED] my name is Jack Schneider, and I'm  
14 representin [REDACTED] who was involved in the  
15 accident with you. I'm going to be asking you a  
16 series of questions to learn a little bit about you,  
17 but more importantly to find out what happened in the  
18 accident and what injuries you suffered as a result  
19 of the accident. If my questions aren't clear at any  
20 time, just let me know and I'll try to restate it or  
21 rephrase it so they're more understandable.

1 Sometimes my questions are going to be very  
2 foreseeable, you'll know what I'm going to be asking,  
3 but I do ask that you wait until I get done. Because  
4 we have a court reporter here, and he's taking down  
5 everything I say, everything you say and it's just a  
6 lot easier if only one of us is talking at a time.

7 A. Okay.

8 Q. And the other thing would be if the answer is  
9 yes or no and you nod, I probably know what you mean,  
10 but he's going to do a transcript of what we say here  
11 today, and it just might not be clear ~~three months~~  
12 from now. So answer out loud yes or a no. And like  
13 I say, if you're not sure about where the question's  
14 going, just tell me and I'll try to restate it. You  
15 gave your address. How long have you been at that  
16 address?

17 A. Two and a half years, three years.

18 Q. Okay. Are you married?

19 A. Separated living with my girlfriend.

20 Q. What's your girlfriend's name?

21 A. [REDACTED]

1 We call her Niki.

2 MS. ZOIS: That makes things easy.

3 BY MR. SCHNEIDER:

4 Q. Absolutely. And how long has she been your  
5 girlfriend?

6 A. We have been together going on eight years.

7 Q. And we were talking before the deposition  
8 about children. Do you have children?

9 A. Yes.

10 Q. What are their ages?

11 A. My stepson's 14 -- I call him my stepson. My  
12 son, he's just turned six, and my daughter's nine  
13 months old.

14 Q. And which of those children live with you?

15 A. All of them.

16 Q. What's your stepson's name?

17 A. [REDACTED]

18 Q. You indicated that you were separated. Have  
19 you had one marriage or more than one marriage?

20 A. Just one.

21 Q. And you've been separated for more than that

1 eight years I take it?

2 A. Yeah.

3 Q. Are you currently employed?

4 A. Yes.

5 Q. Where do you work?

6 A. [REDACTED]

7 Q. What does [REDACTED] re do?

8 A. It's an environmental company.

9 Q. And when you say environmental company, what  
10 do they do?

11 A. Hazardous waste disposal, oil spills.

12 Q. What is your role with the company?

13 A. It's chemical technician.

14 Q. As a chemical technician, what are your  
15 duties?

16 A. Basic clean up of oil spills and disposal.

17 Q. Do you get involved in the other -- you  
18 mentioned hazardous waste disposals. Other than oil  
19 spills --

20 A. No, we deal with all types of chemicals,  
21 acid, whatever comes up.

1 Q. And when you said we, would you -- you have  
2 to do whatever comes up?

3 A. Yeah.

4 Q. What's involved in the basic clean up of,  
5 say, an oil spill? When I say what's involved, I  
6 mean what would your duties be, what do you have to  
7 do?

8 A. My duties would be to contain the oil spill,  
9 just throw down a boom which is --

10 Q. So you're talking about a spill on the water,  
11 right?

12 A. It could be on the water or on land. Like we  
13 had one at a gas station where all we had to do was  
14 throw padding down and pick up the padding and just  
15 pressure wash it down, and that was it, we were done.

16 Q. How about if it's on the water or on a river?

17 A. Well, if it's on the water, we'll go in a  
18 boat -- if it requires a boat, and we'll throw the  
19 sausage boom down.

20 Q. Okay. Then does the sausage boom absorb the  
21 oil or does it just contain it?



1           A. It pulls up the oil, leaves the water behind,  
2 lets the water go through it.

3           Q. And what do you do then with the sausage boom  
4 then?

5           A. The sausage boom gets pulled in.

6           Q. And how's that done?

7           A. With -- they look like broomsticks with hooks  
8 on it.

9           Q. But you have to manually do that or is it  
10 winched in? I'm just wondering what your duties are.

11          A. They'll pull it in. Like our boat has the  
12 winch, and just unhook it as pulls in.

13          Q. Okay. I'm really kind of looking to explore  
14 what the physical nature of your job is. Do you  
15 consider it a physical job or moderate or light duty?

16          A. No, it's light.

17          Q. Light duty?

18          A. It's light.

19          Q. When you say you have to -- sometimes you  
20 have to throw down the padding, how much does the  
21 padding weigh?

1 A. A pad?

2 Q. Yeah.

3 A. Not even a pound, not even 12 ounces. It's  
4 like a quarter-inch thick piece of paper like a paper  
5 towel.

6 Q. So you're just sopping it up?

7 A. Yeah.

8 Q. So you don't -- it's not like big rolls of  
9 this that you're dealing with?

10 A. No, they're just cut out pads probably  
11 16-by-16.

12 Q. When you pick them up, where do you put them?

13 A. In trash bags or in drums.

14 Q. Do you have to carry the trash bags?

15 A. Not me.

16 Q. Not you?

17 A. No, because when I got hired I was told -- I  
18 told them about my limitations, so they work with me  
19 on that.

20 Q. What's the most you have to lift as far as  
21 weight wise?

1 A. Probably 30 pounds, 40 pounds.

2 Q. What's the kind of bulkiest type of item you  
3 have to do, whether it's the 30 pounds or 40 pounds  
4 or something else? Is there some odd shape that you  
5 ever have to deal with?

6 A. No.

7 Q. When were you hired at [REDACTED], when  
8 did you start there?

9 A. Early November, late October of this past  
10 year, 2003.

11 Q. Who's your boss?

12 A. [REDACTED].

13 Q. Does he have a title?

14 A. He runs the --

15 MS. ZOIS: Boss.

16 A. Yeah, he's the boss, he runs the whole place.

17 BY MR. SCHNEIDER:

18 Q. Okay. Did you know him or did you have any  
19 relationship with him before you went to apply for a  
20 job there?

21 A. No. I knew his dispatcher there, and that's

1 how I got in there.

2 Q. Okay. And he's the boss. Is he the owner  
3 did you say?

4 A. No, he's not the owner.

5 Q. He's just --

6 A. He's just the head man in charge.

7 Q. Is he the one who actually hired you?

8 A. Yeah, he did the hiring.

9 Q. And you mentioned that you told him about  
10 your limitations?

11 A. Yeah.

12 Q. When you applied there back in November or  
13 October of 2003, what limitations did you tell him  
14 you had?

15 A. No heavy lifting. What else. I think that  
16 was it. No heavy lifting and nothing that's just  
17 going to hurt my knee.

18 Q. And as far as -- are there any parts of the  
19 job that most chemical technicians can handle that  
20 you do not do?

21 A. The moving of the drums. If they have soil

1 filled drums, I won't touch them unless there's a  
2 drum cart. Sometimes there's no drum carts. With a  
3 drum cart you can just --

4 Q. It's on wheels?

5 A. Yeah, it's on wheels. It has two wheels down  
6 at the bottom and then another two about halfway up,  
7 and you just push it or pull and it's light.

8 Q. When you say push -- you showed me, you kind  
9 of tilted it over?

10 A. You tilt it down and it's laying on the other  
11 back wheels, and you just give it a push.

12 Q. All right.

13 A. But if there's no drum carts I won't touch  
14 it.

15 Q. Okay. How do they typically if there's not a  
16 drum cart move the barrels or the drums?

17 A. Well, they'll grab them with their left or  
18 right hand, whatever, and they'll break it back and  
19 roll it.

20 Q. Okay. I guess they're sealed at this point?

21 A. Yes.

1 Q. Where did you work before working at Clean  
2 Venture?

3 A. Before working at [REDACTED] I had a  
4 barber shop.

5 Q. Was it your shop?

6 A. It was mine and my partner's.

7 Q. What was his or her name?

8 A. His name was [REDACTED]

9 Q. Does he still own the barber shop?

10 A. No, we shut it down. He had a master barber  
11 license but he didn't cut hair.

12 Q. Okay. He liked being the owner?

13 A. Yeah, exactly.

14 Q. You were the laborer?

15 A. I was the worker.

16 Q. I see. When did that shut down?

17 A. Like a month after the accident because I  
18 couldn't go to work. We just let the lease run out,  
19 turned it in.

20 Q. Had he been contemplating that at all before  
21 the accident?

1 A. Who?

2 Q. [REDACTED]. I mean, had you talked about  
3 shutting down the barber shop?

4 A. No. The barber shop was doing well, real  
5 well.

6 Q. How long did you work there?

7 A. I had it for almost two years. I was two  
8 months off of two years.

9 Q. And were you a partner with [REDACTED]

10 A. Uh-huh.

11 Q. He had the master barber's license. Did you  
12 have any training as a barber?

13 A. I went to barber school for about four months  
14 and didn't agree with the teacher's way of teaching,  
15 because I was already cutting hair before.

16 Q. Why don't I just run back through your  
17 employment history, and then you can kind of explain  
18 that to me. Before you were working in the barber  
19 shop -- before I even get there, while you've been  
20 working at [REDACTED] have you been working  
21 anywhere else, any other jobs?

1 A. No, just cutting hair out of my garage.

2 Q. Okay. About how much -- how often do you do  
3 that?

4 A. Probably about six times a week.

5 Q. Okay. And when you do that, is that -- are  
6 you doing it for one customer, several customers a  
7 day?

8 A. No, usually one customer, one or two.

9 Q. But most days you end up cutting someone's  
10 hair?

11 A. If it's feasible with my job schedule.

12 Q. What kind of hours do you work at [REDACTED]  
13 [REDACTED]?

14 A. That's an issue because you're on call.  
15 You're guaranteed to work over eight hours a day.

16 Q. And on an average day -- or an average week?

17 A. Let's just say I'll do anywhere from usual 40  
18 to about 55, 60 hours a week.

19 Q. And then you'll sometimes -- at least as long  
20 as you're not kept at a spill, you come home and cut  
21 someone's hair once or -- six days a week?



1 A. Yeah.

2 Q. All right. Before that you were at the  
3 barber shop. Other than working at the barber shop,  
4 did you have any other employment?

5 A. No. Well, my girlfriend -- I had given her  
6 money, she opened up a grocery store. So I used to  
7 go in and out of the grocery store, help her out. As  
8 a matter of fact, the day of the accident, I was  
9 working the grocery store because barber shops are  
10 closed on Mondays.

11 Q. Okay. Was that a form of employment? Were  
12 you getting paid at all for working there?

13 A. No.

14 Q. Does she still own that grocery store?

15 A. No, we closed it down because after the  
16 accident -- well, we didn't close it down, we sold  
17 it. After the accident, her grandpa came down with  
18 Alzheimer's and she had gotten pregnant, so we had no  
19 way of taking care of the store.

20 Q. Had the grandfather been working there too?

21 A. No, her grandmother had been helping her out

1 with the store. So she had to stay home because of  
2 her grandpa.

3 Q. And then your girlfriend was pregnant so she  
4 needed more time away so you sold the store?

5 A. Yeah.

6 Q. But that wasn't related to this accident,  
7 though, the selling of the store?

8 A. Somewhat.

9 Q. Somewhat?

10 A. Because I couldn't help out as much as I did.

11 Q. Well --

12 A. If there was nobody at the store, I'd run the  
13 barber shop and the store.

14 Q. Were they right next to each other?

15 A. Yeah.

16 Q. And that would work I guess for as long as no  
17 one was in the barber shop?

18 A. Uh-huh.

19 Q. Were these operations run under corporate  
20 names or under your individual names?

21 A. Well, the store was called the [REDACTED]

1 [REDACTED] the grocery store. It was a Latino  
2 specialty store. The barber shop was [REDACTED]  
3 [REDACTED]

4 Q. [REDACTED] does that stand for something?

5 A. It does, but I don't remember what it did.  
6 My partner, he had it named already, he just had  
7 never opened the place up. I came in, put money and  
8 then we opened up.

9 Q. And then you were also doing the bulk or all  
10 of the haircutting?

11 A. Yeah.

12 Q. What kind of hours did you work there?

13 A. Tuesday through Wednesday it was from 12:00  
14 o'clock to 7:00 o'clock. Friday and Saturday --  
15 Friday was from 12:00 o'clock until about 8:00 or  
16 9:00 o'clock. And Saturday was 9:00 to 8:00. I  
17 opened up on Sundays from 10:00 to 1:00.

18 Q. And were you --

19 A. Mondays off.

20 Q. Mondays off?

21 A. Yeah.

1 Q. Did you say Thursdays? Did you work  
2 Thursdays also?

3 A. Yeah. I said --

4 Q. I might have missed it.

5 A. Well, Thursday and Friday was until 8:00  
6 o'clock.

7 Q. Okay. And then when you -- even though you  
8 were working those type of hours, you sometimes would  
9 either keep an eye on the grocery store or work there  
10 on Mondays?

11 A. Yeah.

12 Q. Did you also work there after or before you  
13 got started doing these hours? That was a horrible  
14 question, excuse me. You mentioned that you worked  
15 on Thursdays and Fridays from 12:00 to 8:00. Maybe  
16 before 12:00 did you ever work at the grocery store?

17 A. Yes.

18 Q. And did you ever work back in the grocery  
19 store after this accident occurred?

20 A. After the accident, a couple times, because  
21 it was sit down, cashier.

1 Q. So you could still do it even with the  
2 limitations you had?

3 A. Yeah.

4 Q. How about the barber shop, did you continue  
5 to work there after the accident?

6 A. I tried to. I tried to and it was just too  
7 much. And I even went to the extent of getting a  
8 tall stool where I could sit down and cut, but the  
9 dangling on my leg, I couldn't cut it.

10 Q. How long did you keep up with the work at the  
11 barber shop after the accident before you had to  
12 stop?

13 A. I tried for about probably a week and a half,  
14 two weeks.

15 Q. Okay. Before going into the barber venture,  
16 where were you working?

17 A. I'm trying to remember that one. I don't  
18 remember.

19 Q. Well, how long did you work at the barber  
20 shop did you say?

21 A. It was almost two years.

1 Q. So that would bring us back now to a total of  
2 about four years, so we're going back to about 2000.

3 We can come a different way. Tell me about your  
4 education. How far did you go in school?

5 A. 10th grade, acquired an GED.

6 Q. Went through 10th grade where?

7 A. Chelsea Vocational High School.

8 Q. What year did you get out or did you stop  
9 going?

10 A. I got kicked out of school.

11 Q. When was that?

12 A. In the 10th grade, the middle 10th grade.

13 Q. I'm just saying year wise roughly. It  
14 doesn't have to be exact.

15 A. 10th grade you're probably, what, about 15?

16 Q. Uh-huh.

17 A. I'm 28 now, so 13 years ago.

18 Q. So early '90s?

19 A. Yeah.

20 Q. And then did you go to work after that?

21 A. I worked at a supermarket.

1 Q. For about how long?

2 A. About a year.

3 Q. How about after that?

4 A. Just doing odds and ends. I had a buddy of  
5 mine that was an electrician, and he was trying to  
6 teach me the ropes about electricians. He would  
7 usually take me on his side jobs.

8 Q. Any other jobs like full-time jobs that you  
9 had up until you started to work as a barber?

10 A. Yeah, I had the [REDACTED] which  
11 was here.

12 Q. When you say it was here, Glen Burnie?

13 A. Here in Maryland. I worked at [REDACTED].  
14 [REDACTED], [REDACTED]

15 Q. I understand there may have been some other  
16 jobs?

17 A. Yeah.

18 Q. Did you work for more than a year or two at  
19 any of those jobs, [REDACTED] or [REDACTED]

20 [REDACTED]

21 A. Br [REDACTED] I was there a year.

1 Q. How about Reliable?

2 A. Reliable, I was there a couple months, about  
3 four months.

4 Q. Okay. Were you doing sales at [REDACTED]?

5 A. Yes.

6 Q. And was [REDACTED] about the longest term  
7 job that you had after leaving the supermarket, I  
8 guess work up until you came to the barber shop?

9 A. No, because in New York I worked for  
10 [REDACTED], and I was there  
11 about almost three years. And also in New York, West  
12 Side Federation for Senior Housing.

13 Q. What did you do there?

14 A. I was doing front recep. work, answering the  
15 phones at the front desk and opening the door.

16 Q. And how long were you there at West Side?

17 A. About a year also.

18 Q. How long were you up in New York altogether?  
19 Was that about four years or a little bit more than  
20 that?

21 A. No, I was born and raised in New York. I



1 moved here, it's now about six years ago.

2 Q. Okay. Other than the GED, did you have any  
3 other education? You started to mention about the  
4 barber school?

5 A. Yeah, the barber school.

6 Q. Was that here in Maryland?

7 A. Yeah.

8 Q. And was that sometime -- were you already  
9 working at the barber shop at that time?

10 A. No.

11 Q. Which barber school did you go to?

12 A. Well, now it's called the [REDACTED]  
13 [REDACTED].

14 Q. Is that [REDACTED]?

15 A. Yes. It was called [REDACTED]  
16 when I was there.

17 Q. Let's turn and talk about the accident  
18 itself.

19 A. Okay.

20 Q. Do you remember -- well, you mentioned  
21 earlier actually what you were already doing. You

1 were working at the grocery store that day?

2 A. Yeah.

3 Q. Tell me what the weather conditions were  
4 like?

5 A. The ground was wet. It had snowed previously  
6 about two weeks ago, so there was snow on the sides  
7 of the road. It was a winter night.

8 Q. So it hadn't snowed that day?

9 A. No.

10 Q. There wasn't fresh snow on the ground?

11 A. No.

12 Q. What time -- about what time did this  
13 accident occur?

14 A. I want to say at around 7:05, 7:10.

15 Q. In the evening?

16 A. Yes.

17 Q. And what were you doing?

18 A. I was on my home. I was about two minutes  
19 away from home.

20 Q. You were familiar with the route?

21 A. Yeah.

1 Q. Describe the road right before where the  
2 accident occurred, number of lanes?

3 A. Just one in, one out.

4 Q. Okay. Divided by a double yellow line?

5 A. Yeah.

6 Q. Was that line still visible at --

7 A. Yes.

8 Q. I mean, with the weather conditions at that  
9 time?

10 A. Yes.

11 Q. Tell me what happened.

12 A. Well, I'm coming down into the -- well, it's  
13 like I don't want to say a hill, but it's like a  
14 little slope coming down, and it's a sloped curve and  
15 then it comes back up. And when I'm coming down I  
16 just see the truck coming towards me, and there was  
17 nothing I can do.

18 Q. What road was it?

19 A. It's Point Pleasant in between Sunny Brook  
20 and Genine.

21 Q. Which direction were you traveling, towards

1 Sunny Brook or Genine?

2 A. I had passed Sunny Brook already, I was going  
3 towards Genine.

4 Q. So you've already come down the slope?

5 A. Yeah, I'm still coming down, almost bottom to  
6 come back up.

7 Q. And you indicate when you get to the bottom  
8 that's when it starts to curve back up?

9 A. No, it's going down in a curve.

10 Q. All right. And you saw the truck coming  
11 towards you. What happened?

12 A. Nothing much, I just held on.

13 Q. Okay. How fast were you traveling on that  
14 evening?

15 A. About 15 to 20.

16 Q. What's the speed limit on that road?

17 A. Twenty-five.

18 Q. You were going under the speed limit  
19 obviously. Was that for -- why were you traveling  
20 slower than the speed limit?

21 A. It was for safety purposes because the ground

1 was wet.

2 Q. What was the temperature that evening  
3 roughly?

4 A. February, probably about I had to mid 30s, I  
5 don't know.

6 Q. Had you encountered any ice on the road?

7 A. No, I hadn't.

8 Q. When you come out of the store, was there any  
9 icy conditions on the parking lot or on the sidewalk  
10 there?

11 A. No.

12 Q. So you're traveling 15 or 20 miles per hour.  
13 Could you estimate the speed of the other vehicle  
14 which was approaching you?

15 A. Well, when I saw her, it was a blink of an  
16 eye thing. We just smashed.

17 Q. When you say it was a blink of an eye  
18 thing --

19 A. I saw the lights and we hit. But when I saw  
20 the lights, I grabbed onto the steering wheel as  
21 tight as I could, because if I went to the right I

1 was going to go into trees. If I went to the left  
2 and she avoided hitting me I probably would have hit  
3 another car coming behind her or something.

4 Q. Well, describe what her actions were. You  
5 said you saw her coming towards you. Tell me, were  
6 you still in your lane, was she still in her lane?

7 A. Yeah, I was in my lane and she was coming  
8 over onto my lane.

9 Q. Okay. And then you -- you say there were  
10 trees to your right?

11 A. Yeah.

12 Q. So she ends up -- there's an impact between  
13 the vehicles?

14 A. Uh-huh.

15 Q. But you didn't have a great opportunity to  
16 estimate her speed or see her beforehand?

17 A. No, I just seen the lights coming towards me.

18 Q. You didn't see her -- well, did you see her  
19 and just not pay particular attention or did you just  
20 not see her as she was coming down the other side of  
21 the hill, the slope?

1           A. I didn't see her coming down, I seen her when  
2 she was coming like into me. I was just minding my  
3 business going home.

4           Q. You saw her once she started to cross the  
5 line?

6           A. Yeah.

7           Q. And how far ahead of you was she at that  
8 point?

9           A. Probably about 10, 15 feet.

10          Q. What part of the vehicles hit?

11          A. Front driver's side like halfway.

12          Q. Of both vehicles, front driver's side to  
13 front driver's side?

14          A. Yeah.

15          Q. Do you have any pictures of your car?

16          A. I do, but I don't know if I have them here.

17                MS. ZOIS: You have them here.

18          A. Okay.

19                MR. SCHNEIDER: Off the record.

20                       (Discussion off the record.)

21 BY MR. SCHNEIDER:

1 Q. You indicated the accident occurred head to  
2 head. You've just shown me some of the photographs  
3 of your vehicle?

4 A. Yes.

5 Q. The damage was -- it looks like there was  
6 significant damage to the front end. Was there  
7 damage to any other part of your vehicle other than  
8 the -- that front end?

9 A. Well, all the windows blew out.

10 Q. When you say all the windows, does that  
11 include the rear windows?

12 A. The rear window blew out and I believe the  
13 rear driver's side window blew out. My driver's side  
14 window blew out of course. I think I only had one  
15 window that was good on the car.

16 Q. Now, did you sustain any injuries as a result  
17 of this impact?

18 A. Yeah, on my knee. I had bruising on my chest  
19 from my seat belt.

20 Q. When you say knee, that's your right knee?

21 A. My right knee.



1 Q. Bruising on your?

2 A. On my chest from the seat belt.

3 Q. Okay. Anything else?

4 A. I had a little bit of lower back pain.

5 Q. Now, your attorney has kindly shown me some  
6 photographs. I'll just -- do you want to mark any of  
7 these?

8 MS. ZOIS: Sure, if you want to. I'm not  
9 protective of my pictures. There is a picture of  
10 the knee but not the scar.

11 BY MR. SCHNEIDER:

12 Q. This will be Exhibit 1.

13 (Deposition Exhibit 1 marked.)

14 Q. First I'll show you what I've marked as  
15 Exhibit 1. That's your right knee?

16 A. Yeah.

17 Q. And you indicated you injured your right  
18 knee. What was the injury you were aware of right at  
19 the accident scene?

20 A. Just the scarring and that it hurt.

21 Q. You knew that it hurt. You say scarring,

1 there wasn't necessarily a scar from this accident  
2 yet, you had cuts?

3 A. The cuts, yeah.

4 Q. Had your knee hit the dashboard?

5 A. Yeah.

6 Q. You've indicated you had some other bruising  
7 including the chest bruise. This photograph, I'll  
8 mark it as Exhibit No. 2.

9 (Deposition Exhibit 2 marked.)

10 Q. This shows your left knee. What injuries did  
11 you have to your left knee?

12 A. Just those scratches.

13 Q. Did they give you any continuing problem  
14 after the scratches healed?

15 A. No.

16 Q. Other than the seat belt bruise, did you have  
17 any other chest bruising?

18 A. No.

19 Q. Any other injury to your chest, side?

20 A. Not that I recall, because this was like --  
21 the seat belt -- the bruise was from like hear

1 (indicating) to hear (indicating). I guess from the  
2 bottom of my ribs to --

3 Q. Up above your left breast?

4 A. Yes.

5 Q. I'll mark this as Exhibit 3.

6 (Deposition Exhibit 3 marked.)

7 Q. I'll ask if this helps demonstrate some of  
8 those injuries?

9 A. It was worse. It was up here.

10 Q. Exhibit 3 shows a bruise on the right  
11 ribcage. But you're saying that's not the extent of  
12 the bruising that you had?

13 A. No.

14 Q. Do you remember when these pictures were  
15 taken?

16 A. These pictures were taken at home probably  
17 about two weeks after.

18 Q. Okay. So some of the bruising had healed?

19 A. Yeah.

20 Q. Your attorney has also provided me with  
21 copies of the photographs of the vehicles. I'll just

1 mark one as Exhibit No. 4.

2 (Deposition Exhibit 4 marked.)

3 Q. I'll ask if this accurately shows what your  
4 vehicle looked like after the accident on a front  
5 view?

6 A. Definitely.

7 Q. Okay. Was there -- and you've mentioned  
8 about the windows were damaged also. Any other  
9 damage that you recall?

10 A. Well, the frame had buckled underneath the  
11 rear seat.

12 Q. That's something that the photographs don't  
13 really show?

14 A. You can see it in the picture, if that  
15 picture's even there.

16 Q. Is this the picture you're referring to?

17 A. Yeah.

18 Q. Let me mark it first.

19 (Deposition Exhibit 5 marked.)

20 Q. Exhibit 5, this is a picture of the inside of  
21 your vehicle taken from the back I guess, right?

1 A. See this here is twisted up.

2 Q. And when you're saying this here is twisted  
3 up, you're indicating the area right next to the seat  
4 directly behind the driver's seat?

5 A. Yes. The passenger side seat wouldn't come  
6 back up.

7 Q. The passenger side seat in the rear would not  
8 come back up?

9 A. Because of the buckle.

10 Q. Was that passenger side seat down prior to  
11 the impact?

12 A. No.

13 Q. That was knocked down by the impact?

14 A. Yeah.

15 Q. Let me take a quick look and see what the  
16 others show. I have a photograph which indicates a  
17 bruise on the left arm. Was that related to this  
18 accident?

19 A. Yes.

20 Q. And there's another one that shows kind of an  
21 indentation of the inside of the elbow. Was there a

1 bruise there also?

2 A. Yes.

3 Q. And did those bruises heal?

4 A. Yes.

5 Q. What happened to the vehicles after the  
6 impact occurred?

7 A. Well, after the impact, somebody asked me if  
8 I needed help or anything, if I need to call anybody.  
9 I don't know who it was. But I called my wife and  
10 she came down to -- well, not my wife, you know, my  
11 girlfriend. She came down to the accident. When the  
12 tow trucks showed up, I had her tell the tow truck to  
13 take it to the house.

14 Q. Before we even get there, let's talk about  
15 right after the accident. What happened to you in  
16 the vehicle?

17 A. Oh, I thought you was talking about moving of  
18 the vehicles.

19 Q. Oh, I'm sorry.

20 A. The ambulance showed up, police.

21 Q. The accident happened. Did you hit your

1 head?

2 A. Yeah.

3 Q. You just showed me a photograph, I'll mark  
4 this as Exhibit No. 6.

5 (Deposition Exhibit 6 marked.)

6 Q. That shows a bruise on the left side, left  
7 top portion of your head; is that correct?

8 A. I believe so, yeah. Yes.

9 Q. And that's the port part of your head that  
10 hit some portion of the vehicle?

11 A. Yes.

12 Q. Did you lose consciousness at all?

13 A. I don't know. As far as I know, I don't  
14 think so.

15 Q. Who was the first person who came up to you  
16 afterwards?

17 A. The girl driving the vehicle.

18 Q. What did the two of you say to each other?

19 A. Well, she was scared. She was panicky, "Are  
20 you okay? Are you okay? Oh my God, I'm sorry. I'm  
21 sorry."

1 Q. What did you tell her?

2 A. Just call an ambulance.

3 Q. And what were you feeling as you were sitting  
4 in the car right there? Were you in pain at that  
5 time?

6 A. I was having trouble breathing. I didn't  
7 notice anything to my knee until she saw part of the  
8 dashboard hanging from my knee and she freaked out.

9 Q. What did she do then? Did she help you --  
10 you said a portion of the dashboard?

11 A. She was scared. She was like, "Oh my God, oh  
12 my God," and she ran out of the car.

13 Q. Did she help you remove that portion of the  
14 dashboard?

15 A. No, because when she saw it I saw it and I  
16 took it out.

17 Q. Do you know what that was or what that piece  
18 was?

19 A. Just a piece of plastic from the dashboard.  
20 I don't know exactly what piece it was.

21 Q. Okay. Did anyone else come on the scene?



1 A. Just --

2 Q. Any witnesses come up and say they saw what  
3 happened?

4 A. No.

5 Q. Ultimately did anyone else come?

6 A. Well, yeah. There was a house up right there  
7 on the hill right there. People from the house came  
8 down. There was another driver that he's the one  
9 that asked me if I needed to use the phone or  
10 anything. That's when I got in touch with my  
11 girlfriend, and she came down to the site. The  
12 ambulance got there, the police.

13 Q. And that driver, did he leave his name? Do  
14 you know who that was?

15 A. No.

16 Q. Did he say he saw it or he just came on the  
17 scene afterwards?

18 A. No, he came on afterward. I guess he drives  
19 that road to go home.

20 Q. Okay. So the police were called and an  
21 ambulance is called. Did you leave the scene by

1 ambulance?

2 A. Yes.

3 Q. Now we're getting to the point where what  
4 happened to the actual vehicles. When they hit, were  
5 they still together, did they spin off, were they in  
6 different directions?

7 A. They were still together.

8 Q. Did the driver of the other vehicle appear to  
9 be injured in any way?

10 A. No.

11 Q. You were taken by ambulance to which  
12 hospital?

13 A. I think Maryland University, I don't  
14 remember.

15 Q. University of Maryland?

16 A. I think so, shock trauma.

17 Q. And what did they do for you there?

18 A. They were checking me out, did X-rays. I  
19 think they did a CAT scan, I'm not sure. Morphine,  
20 because my leg started throbbing so they were giving  
21 me morphine through an IV. They stitched me.

1 Q. Stitched up your knee?

2 A. Yeah, stitched up my knee. And around 2:00,  
3 3:00 o'clock in the morning, I don't remember, that's  
4 more or less when they sent me home.

5 Q. Tell me about your -- when you left the  
6 hospital, were you still having pain complaints?

7 A. Oh, yeah.

8 Q. Same parts of the body you told me about?

9 A. Yes.

10 Q. Neck, chest -- I'm sorry, you didn't mention  
11 neck. You said chest, low back, knee?

12 A. Yeah.

13 Q. And then we talked about the other areas that  
14 were bruised?

15 A. Yeah.

16 Q. Any other areas of the body?

17 A. I don't remember.

18 Q. Tell me about how you felt over the course of  
19 the next couple of days?

20 A. Like trash. I was like --

21 Q. Did you go to seek any additional medical

1 treatment?

2 A. I don't recall.

3 Q. Well, at some point you went to another  
4 doctor, right?

5 A. Yeah. After the accident, a couple days  
6 later I called up [REDACTED]

7 Q. I'm sorry, who?

8 A. [REDACTED], [REDACTED]  
9 [REDACTED]

10 Q. Did you have any other doctors who you had  
11 been seeing in the time since you had been down  
12 here -- first, did you have a family doctor, somebody  
13 who treated you?

14 A. No, I don't have a family doctor.

15 Q. I'm talking about at the time of this  
16 accident, did you have a family doctor?

17 A. No.

18 Q. Did you have other doctors who you had  
19 treated with before this accident?

20 A. For?

21 Q. Well, for anything since you had been in

1 Maryland?

2 A. I've seen doctors for prior -- the prior knee  
3 accidents.

4 Q. We haven't talked about that. You indicate  
5 you had a prior injury to your same knee, correct?

6 A. Yeah.

7 Q. How did that injury originally occur, the  
8 original injury to your knee, and when was it?

9 A. It was in '98, another car accident.

10 Q. Was that up in New York?

11 A. Yeah.

12 Q. What happened? What kind of treatment did  
13 you get after the accident?

14 A. I had therapy, then they gave me arthroscopic  
15 surgery.

16 Q. Started with the therapy and then went to  
17 surgery?

18 A. Yeah, and then therapy afterwards.

19 Q. Do you remember what they did, what the  
20 arthroscopic surgery was?

21 A. I think they -- they cleaned up my meniscus

1 or something like that, it had debris in there or  
2 something.

3 Q. And did you ever completely recover or did  
4 you feel that you completely recovered from that knee  
5 injury in 1998?

6 A. I felt okay.

7 Q. You felt okay?

8 A. Yeah.

9 Q. Did you still have some symptoms occasionally  
10 with the knee?

11 A. A little bit. Nothing -- it's like normal  
12 stuff when you're walking around and you walk around  
13 too much, you know, you get a little bit of pain.

14 Q. About how long did the therapy last after  
15 that -- after the surgery?

16 A. I'm not sure. I don't remember.

17 Q. Where was the surgery done?

18 A. Saint Barnabas Hospital. That's in the  
19 Bronx.

20 Q. How about the surgery, do you remember where  
21 that was done -- I'm sorry, not the surgery, the

1 physical therapy?

2 A. I don't remember the name of the place. I  
3 know it was in the Bronx, that's all I remember.

4 Q. How about your doctor who treated you for the  
5 knee after the accident?

6 A. I don't remember also.

7 Q. Did a claim -- injury claim result from that  
8 accident?

9 A. Yeah.

10 Q. Do you remember the name of your attorney? I  
11 ask this because he might know the name of the  
12 doctor.

13 A. I don't know, but I have his business card at  
14 home.

15 Q. If you could get that and give it to your  
16 attorney.

17 A. Okay.

18 MS. ZOIS: The New York attorney, right?

19 A. Yes.

20 BY MR. SCHNEIDER:

21 Q. Did you continue to get treatment for that

1 knee for the remainder of the time that you were in  
2 New York?

3 A. No.

4 Q. At some point in stopped?

5 A. Yes.

6 Q. When you came down to Maryland, did you have  
7 any additional problems with that right knee?

8 A. I had a slip and fall when I was working with  
9 [REDACTED]s.

10 Q. When you had that slip and fall, was that  
11 because of some ongoing problem with the knee? Did  
12 that cause it to give way or give out?

13 A. No.

14 Q. It was just a completely separate slip and  
15 fall?

16 A. Yeah. I was on top of a piece of machinery  
17 changing a light bulb and I fell. Then my knee  
18 buckled and stuff when I fell.

19 Q. When you say you fell, you fell but landed on  
20 your feet?

21 A. I landed like on my side, hit the knee.



1 Q. About how far did you fall?

2 A. About eight to ten feet.

3 Q. Your knee buckled. That was at a jobsite?

4 A. No, that was in one of the warehouses.

5 Q. All right. And then what treatment did you  
6 get for that knee after the slip and fall?

7 A. I had an X-ray, MRI, and the doctor decided  
8 that I was going to need surgery.

9 Q. Okay. Do you remember what surgery -- what  
10 type of surgery they did? First of all, did they do  
11 it open or did they do it arthroscopic?

12 A. Open.

13 Q. And do you remember what the procedure was,  
14 what they were trying to fix?

15 A. They took a piece I think of the front of the  
16 patella tendon, took a piece of that and put it  
17 inside of the anterior cruciate ligament.

18 Q. So kind of an anterior cruciate ligament  
19 reconstruction?

20 A. Yeah.

21 MS. ZOIS: I like to just call it ACL.

1 A. ACL, all right. It's simpler.

2 BY MR. SCHNEIDER:

3 Q. Who did that surgery for you?

4 A. Dr. Brouillet.

5 Q. Had you ever treated with Dr. Brouillet  
6 before that surgery?

7 A. No.

8 Q. Well, before the accident. Did the surgery  
9 improve the condition?

10 A. It helped but it didn't -- it wasn't a full  
11 improvement. He had to go back in and tighten it up  
12 a little bit more arthroscopically.

13 Q. So there was a second surgery?

14 A. Yeah.

15 Q. After the arthroscopic surgery, did the  
16 condition improve?

17 A. Yeah.

18 Q. Did it return to its pre slip and fall  
19 condition?

20 A. Not 100 percent better, but I was able to  
21 return to somewhat normal activities.

1 Q. Did you ever return to work at [REDACTED]e?

2 A. No.

3 Q. Why did you not return to [REDACTED]?

4 A. They let me go.

5 Q. How long were you off work?

6 A. I don't even remember.

7 Q. Okay. What type of -- was it the type of  
8 thing after you had that second arthroscopic -- it's  
9 really your third surgery now, right?

10 A. Yeah.

11 Q. You had one in New York, then you had the  
12 open surgery then you had the second arthroscopic  
13 surgery?

14 A. Yeah.

15 Q. Were you always aware of the knee?

16 A. What do you mean?

17 Q. You just wouldn't do things that you thought  
18 might cause is to buckle or injure?

19 A. Yeah.

20 Q. You would always take it easy on the knee?

21 A. Uh-huh.

1 MS. ZOIS: Yes?

2 A. Yes.

3 BY MR. SCHNEIDER:

4 Q. Did you play any -- I know I have the dates  
5 here and I can dig them out. But do you remember  
6 roughly when that second surgery was, what year?  
7 2000?

8 A. I don't know.

9 Q. Roughly 2000?

10 A. I don't know.

11 Q. Okay. After the second surgery, did you  
12 participate in any sports?

13 A. After I felt I could. Not like right after,  
14 probably about a year afterwards I tried to play  
15 baseball and stuff with my son and I was getting back  
16 to it.

17 Q. That's with your currently 14 year old son?

18 A. Yes.

19 Q. So he would have been about 11 at that time?

20 A. Yeah.

21 Q. And when you say you tried to play baseball,

1 did you catch with him?

2 A. Yeah.

3 Q. Would you hit the ball to him?

4 A. Hit the ball. Not no heavy running around,  
5 but jog a little bit. I wasn't going to overexert  
6 it.

7 Q. Right. You weren't running the bases to try  
8 to leg out an inside the park home run or anything  
9 like that?

10 A. No.

11 Q. Any other sports you participated in as an  
12 adult? I'm not talking with your son, but I mean  
13 played basketball, at the pool or bowling or anything  
14 like that?

15 A. No, I'd just probably swim or whatever.

16 Q. Were you a member of a pool?

17 A. No, I have a pool.

18 Q. Did you swim laps?

19 A. No, just recreational.

20 Q. I understand. And was it during the time of  
21 your rehabilitation from the knee that you went to

1 barber school?

2 A. Yeah.

3 Q. Did you have any other jobs after leaving  
4 [REDACTED] before you went --

5 A. I was out of work for a while. I was doing  
6 odds and ends doing whatever I could do to bring some  
7 money to the house.

8 Q. When you say doing odds and ends, was it  
9 electrical work?

10 A. I do electrical, I do painting, plastering.

11 Q. But that would just be on an as needed or as  
12 found job basis?

13 A. Yeah.

14 Q. Have you continued to do those types of side  
15 jobs since -- did you continue to do those side jobs  
16 once you went into the partnership in the barber  
17 shop?

18 A. No, I had no time.

19 Q. Have you returned to doing them now that  
20 you're not in the barber shop?

21 A. I still have no time. I barely have time to

1 play with the kids.

2 Q. I went through the medical records which you  
3 kindly provided. After that initial surgery with  
4 Dr. Brouillet -- let me change the question. After  
5 the surgery with Dr. Brouillet which was actually  
6 your second surgery, did you also get physical  
7 therapy?

8 A. Yes.

9 Q. And your recovery you indicated was -- it  
10 improved but it was never back to the pre slip and  
11 fall condition, correct?

12 A. How was that?

13 Q. It never got back to the condition it was in  
14 before you had that slip and fall on the job, it was  
15 always still at least some degree worse than it was  
16 before you slipped and fell while working at  
17 [REDACTED]?

18 A. I always had some dull pain once in a while.  
19 I was walking fine, stability, I was good.

20 Q. That's after the surgeries -- the two  
21 surgeries?

1 A. Yeah.

2 Q. It got so you could walk, you felt pain if  
3 you did long walking?

4 A. Yeah, or on it too long.

5 Q. Okay. Was there anything that -- and this is  
6 after the surgeries, your knee just prevented you  
7 from doing? You mentioned that you would keep an eye  
8 on it and kind of take it easy on the knee. But is  
9 there anything that it prevented you from doing  
10 completely?

11 A. Not really.

12 Q. And at the time of that accident at Reliable,  
13 did you have a personal medical doctor at that time?

14 A. No.

15 Q. I saw some records from Concentral, was that  
16 the employer's doctors?

17 A. Yeah.

18 Q. So you would have only seen them -- did you  
19 only see them for on the job?

20 A. During on the job stuff. And Concentral was  
21 through them. I think they had a therapy center



1 which I went to.

2 Q. And so you went to therapy after the surgery?

3 A. Yeah.

4 Q. And they sent you to therapy. Did they tell  
5 you the reason why you were going to therapy back  
6 then after those surgeries?

7 A. It was to strengthen the surgery.

8 Q. Strengthen the surgery site, the muscles  
9 around that?

10 A. Yes.

11 Q. And did you follow their advice with regard  
12 to the physical therapy?

13 A. Yeah.

14 Q. Do you remember if you were on medications  
15 back then also?

16 A. They probably had me on medications, but  
17 unless I have a really, really bad pain I don't take  
18 it. I don't like medications.

19 Q. Dr. Brouillet did that surgery at Kernan  
20 Hospital; is that correct?

21 A. Yes.

1 Q. The records indicated that the open surgery  
2 was on November 24, 1999. Does that sound about  
3 right?

4 A. The what?

5 Q. The open knee surgery was in November of  
6 1999?

7 A. I think so.

8 Q. And then the arthroscopic followed about a  
9 year later. Does that sound right?

10 A. I think so. I don't know exact dates.

11 Q. I understand, and I'm not going to hold you  
12 to an exact date. But it was roughly around a year  
13 apart, you were still having problems a year after  
14 Dr. Brouillet's surgery?

15 A. Yeah.

16 Q. You had a second surgery with him. How long  
17 did you continue to see Dr. Brouillet after that?

18 A. I don't recall.

19 Q. Now, that accident occurred while you were on  
20 the job. Did you make a workers' compensation claim  
21 as a result of that?

1 A. Yeah.

2 Q. Did that claim actually go to a hearing or  
3 was the claim settled?

4 A. It was settled.

5 Q. I have a copy of the record from Dr. Macht  
6 dated June 4, 2001. That one indicated you had a 65  
7 percent permanent partial disability of your right  
8 knee. Did your employer [REDACTED] send you to a  
9 different doctor to get an evaluation?

10 A. I don't recall.

11 Q. Do you remember if there was a percentage  
12 that was agreed to for your disability of your knee?

13 A. I don't remember.

14 Q. Do you remember the amount of the settlement?

15 A. It was --

16 MS. ZOIS: I'm just going to object to the  
17 comp claim questions. But for the record, you  
18 can answer them all, but I'm just going to object  
19 for the record. Go ahead.

20 A. It was 14. Basically if I'm not mistaken, I  
21 think it was like lost wages, pain and suffering. I

1 don't remember.

2 BY MR. SCHNEIDER:

3 Q. Okay. Did they pay that in a lump or did  
4 they pay that over time?

5 A. They paid that over time. They gave me I  
6 think it was like a \$4,000 check or \$5,000 check,  
7 then the rest was --

8 Q. Every two weeks? . . .

9 A. Every two weeks, yeah.

10 Q. All right. From the time that you indicated  
11 you were back to work as a barber and working part  
12 time in the grocery store, if we say you stopped --  
13 tell me, did you stop within a month after the  
14 accident, stop working as a barber?

15 A. Huh?

16 Q. I'm sorry. There was another accident  
17 involving my client, [REDACTED] back in February  
18 of 2003. Did you continue to work as a barber for a  
19 couple weeks after that?

20 A. Well, after the accident I shut down the shop  
21 for about two weeks, then I tried to go back. I

1 could only work about an hour or two, it was too  
2 much. It was too much on me. And I stayed there for  
3 about another two weeks, and I spoke to my landlord,  
4 told him I was going to cut off the lease. I just  
5 had a couple buddies of mine put my stuff in storage.

6 Q. So that's now March or April of 2003. Did  
7 you have no other job between then and when you went  
8 to work for the environmental company in November?

9 A. No.

10 Q. So that was about eight or nine months --  
11 eight months with no employment?

12 A. Yeah.

13 Q. Tell me about -- you discussed your prior  
14 injury. Tell me about the course of treatment you  
15 had for this injury after the accident in February of  
16 2003.

17 A. Okay. After the accident, I spoke to  
18 [REDACTED] He put me in  
19 through Dr. Shepherd. Dr. Shepherd checked me out,  
20 and I started receiving therapy right after.

21 Q. Why did you not go back to Dr. Brouillet?

1           A. Because I had no insurance and he wouldn't  
2 take care of me.

3           Q. Well, did you ask him if that was the case?

4           A. Yeah, I did. I spoke to him.

5           Q. So you went and talked to -- you started  
6 seeing Dr. Shepherd. What did Dr. Shepherd do for  
7 you as far as therapy?

8           A. He put me in the therapy program.

9           Q. Was this for your knee?

10          A. Yeah.

11          Q. Any other parts of your body?

12          A. The first two weeks I was in therapy they put  
13 me like through -- I had a little bit of back pain,  
14 electrical stimulation and heat pads.

15          Q. Did the low back pain resolve within a couple  
16 weeks or a month?

17          A. Yeah.

18          Q. Any other parts of your body other than the  
19 knee that were continuing to give you problems more  
20 than a month after the accident?

21          A. No.

1 Q. But the knee did continue to give you  
2 problems?

3 A. Yeah.

4 Q. Did you continue to get physical therapy to  
5 the knee for some time?

6 A. Yeah, until right about a week before  
7 surgery.

8 Q. I think the surgery was in May of 2003, does  
9 that sound right?

10 A. I think so.

11 Q. The knee, was it improved at all with the  
12 therapy or did the therapy just not help?

13 A. No, it wasn't doing much. Basically what the  
14 doctor said, that they were going to do the therapy  
15 to strengthen the knee for surgery. This way I'd  
16 have supposedly a quicker recovery.

17 Q. Okay. So you got a second opinion about the  
18 surgery from Dr. O'Hearn?

19 A. Dr. O'Hearn and Dr. Shepherd were supposed to  
20 be working together.

21 Q. So it wasn't -- was it --

1 A. Well, it's separate offices. Yeah, he sent  
2 me to Dr. O'Hearn to have him check it out also.

3 Q. Okay. But it was Dr. Shepherd who actually  
4 sent you to Dr. O'Hearn?

5 A. Yeah.

6 Q. You hadn't treated with Dr. O'Hearn for  
7 anything else before this?

8 A. No.

9 Q. Okay. They did the surgery in May of 2003.  
10 Tell me about your recovery after that surgery.

11 A. I went back to the therapy center. They did  
12 therapy, then like a month later after the scarring  
13 healed they put me in aquatic therapy.

14 Q. When you say scarring, you mean the scabs  
15 from the surgery?

16 A. Yeah. After all that healed up, they put me  
17 in aquatic therapy which is the pool.

18 Q. Right.

19 A. And they help you do exercise and stuff  
20 inside the pool.

21 Q. Okay. As you sit here today, do you have any



1 symptoms in your knee?

2 A. No, there's no slippage, nothing like  
3 stability wise. I feel okay. But I just -- I get  
4 pain.

5 Q. About how often do you get pain?

6 A. It depends on activity. I would say probably  
7 about four or five times a week. It depends how long  
8 I'm on it.

9 Q. Okay. What type of activity causes the pain?

10 A. Well, just being on it all day or walking.  
11 Like if I go to the mall or something, a couple hours  
12 of driving a stick shift vehicle.

13 Q. Do you have a stick shift vehicle?

14 A. Not anymore. My wife's -- my girlfriend's  
15 brother, he has a stick shift vehicle. Sometimes he  
16 needs to use mine because mine has more space and  
17 I'll use his to go to work.

18 Q. Well, if you do that, though, you're not  
19 several hours behind the wheel?

20 A. Not several hours, but the clutch and stuff.

21 Q. Are there any other specific activities?

1 You've mentioned being on it and then driving a stick  
2 shift can cause pain. Anything else that you do  
3 specifically that causes pain?

4 A. I can't think of anything right now.

5 Q. Okay. And I think the answers to  
6 interrogatories mentioned part of your job is  
7 shoveling?

8 A. Yes.

9 Q. When you're doing shoveling, does that cause  
10 problems with your knee either while you're working  
11 or later?

12 A. What I do when I'm shoveling now is instead  
13 of using my right leg -- you know, when you shovel  
14 you've got to kick the shovel in to be able to pull  
15 the dirt out.

16 Q. This is when you're digging like contaminated  
17 soil or something like that?

18 A. Yeah. So what I do is kick with my left  
19 instead of kicking with my right.

20 Q. So you rest on the right and you do the work  
21 with the left?

1 A. Yes.

2 Q. How often do you have to do digging as part  
3 of your job?

4 A. Not often. Probably out of a month probably  
5 twice.

6 Q. Okay. Obviously that's only on land spills  
7 or something like that?

8 A. Yeah. We don't have many water spills  
9 either.

10 Q. Right. So you indicated your knee feels okay  
11 stability wise, but you get pain four or five times a  
12 week?

13 A. Yeah.

14 Q. What do you do for the pain?

15 A. Aspercreme or Flexall.

16 Q. And those are both over the counter, right?

17 A. Yeah.

18 Q. Do you do that at night when you get home or  
19 do you do it on the job? How often do you have to  
20 apply that?

21 A. I'll carry a tube of Flexall with me every

1 once in a while. Sometimes in the morning I'll wake  
2 up and I'll have that pain, so I know I have to carry  
3 it with me.

4 Q. Is there anything that your knee condition  
5 prevents you from doing today that you could do back  
6 before February of 2003?

7 A. Well, I was running around riding a bike and  
8 stuff. I'm not doing that anymore. I might jump on  
9 a motorcycle every now and then, but I'm not pedaling  
10 a bike or anything anymore.

11 Q. How often were you riding a bike back in  
12 February of 2003 before this occurred?

13 A. I went out whenever my stepson wanted to go  
14 out probably about once a week.

15 Q. Did you have your own bike?

16 A. Yeah.

17 Q. Do you still have it?

18 A. No.

19 Q. And when would you ride with him?

20 A. Probably on the weekend for about an hour or  
21 whatever.

1 Q. Anything else that you can't do today -- I  
2 don't even remember if I asked that question, but I  
3 will now. Is that something you can't do today that  
4 you could do before?

5 A. Ride a bike?

6 Q. Right.

7 A. No, I can't do it now.

8 Q. Okay. And has a doctor told you not to do  
9 it?

10 A. Not that I can't do it, just I don't want to  
11 do anything that might aggravate my knee. I probably  
12 can, but I don't want to do it because it's just the  
13 fear of getting hurt again I guess.

14 Q. And when did you start riding a bike after  
15 your prior surgery in, say -- which was I guess  
16 November of 2000?

17 A. Probably about a year, year and a half  
18 afterwards.

19 Q. So then for -- you could ride a bike for  
20 about a year and a half?

21 A. After.

1 Q. After that up until this next accident  
2 occurred?

3 A. Yeah.

4 Q. And had you had the bike -- when did you buy  
5 the bike?

6 A. I've always had a bike.

7 Q. So this is a bike you had even before the  
8 other accidents?

9 A. Uh-huh.

10 Q. And the other surgeries, okay. Anything else  
11 that you cannot do today which you could do in  
12 January of 2003 before this accident occurred?

13 A. I feel awkward.

14 MS. ZOIS: Are we in for something good here?

15 A. Well, sexually it's a bother.

16 BY MR. SCHNEIDER:

17 Q. Okay.

18 A. Different positions.

19 MS. ZOIS: That's no laughing matter,

20 [REDACTED]

21 A. It's embarrassing, though.

1 BY MR. SCHNEIDER:

2 Q. To bring you back. Things you can't do at  
3 all today? We can move --

4 A. Well, we're still doing that, but it's just  
5 some things are different. Biking, sports.

6 Q. When you say sports, what sports were you  
7 playing?

8 A. Just like throwing around a baseball,  
9 probably jogging a little bit with the kids.

10 Q. Well, could you throw around a baseball  
11 today?

12 A. Huh?

13 Q. I mean, do you throw around a baseball today?

14 A. No.

15 Q. Not at all?

16 A. No.

17 Q. Does your son play baseball?

18 A. Yes.

19 Q. Does he play on an organized team?

20 A. He played this year for -- what was the team,  
21 I think [REDACTED]

1 Q. Like a rec. counsel team?

2 A. Yeah. Now he's playing for the Rebels for  
3 football.

4 Q. Okay. But you weren't on any teams or doing  
5 anything of your own at that time?

6 A. No, just tossing around with the kids, you  
7 know.

8 Q. How long did you continue to have pain -- and  
9 I understand we're talking about the different kind  
10 of pain that you experience now when you overdo it  
11 after the surgery. How long did you have some pain  
12 symptoms before they would basically resolve?

13 MS. ZOIS: I'm going to object. I'm  
14 confused.

15 BY MR. SCHNEIDER:

16 Q. Yeah, that is confusing. As you're sitting  
17 here today, do you have any pain in your right knee?

18 A. A little bit.

19 Q. Okay. Did you before I started asking you  
20 questions?

21 A. No. I mean -- he's trying to confuse me.



1 [REDACTED]

2 BY MR. SCHNEIDER:

3 Q. No. Did there come a time after your surgery  
4 when you -- you could sit there and say, "Hey, I  
5 don't have pain in my knee"?

6 A. Yeah.

7 Q. How long after surgery did it take for that  
8 to occur?

9 A. You just messed me up.

10 Q. This is the surgery with Dr. Shepherd and  
11 Dr. O'Hearn.

12 A. I still haven't been able to say I can  
13 actually sit down and have no pain.

14 Q. Typically you do have some pain?

15 A. Yeah.

16 Q. There wasn't a time where you just felt like  
17 okay, I'm better?

18 A. No, I'm not completely good yet, no.

19 Q. Has either Dr. Shepherd or Dr. O'Hearn given  
20 you any restrictions on your current activities?

21 A. They told me light duty.

1 Q. Okay. \* The last medical record I have from  
2 either of them was from September of 2003. Have you  
3 seen either of them since then?

4 A. I'm supposed to go see Dr. O'Hearn for a one  
5 year checkup after surgery.

6 Q. And that's currently scheduled?

7 A. No, I have to call up the office and schedule  
8 it.

9 Q. Do you remember seeing anyone else in the  
10 last, say, seven or eight months after September of  
11 2003?

12 A. No, I don't.

13 Q. Other than the Aspercreme or Flexall, have  
14 you taken any medications since -- in the last eight  
15 months for this knee?

16 A. After surgery?

17 Q. No, I'm sorry, because the surgery was back  
18 in May. So I'm just saying it looks like you went to  
19 physical therapy for four or five months. You  
20 were -- if not discharged by Dr. Shepherd, he told  
21 you come back in three months and I'll take another

1 look at it. But you still weren't getting therapy.  
2 Let's talk about the time after you stopped therapy.  
3 Have you had to take any medications for the knee  
4 other than Aspercreme or Flexall?

5 A. If I have a really, really bad pain I might  
6 take like an Aleve, but that's rare. I usually deal  
7 with it.

8 Q. Your answers interrogatories indicated that  
9 your friends and family know how the pain and  
10 suffering has impacted your life. Would that be the  
11 girlfriend that you mentioned?

12 A. Uh-huh.

13 Q. Anyone else in particular?

14 A. My brother, but my stepson knows.

15 Q. What's your brother's name?

16 A. Rolando.

17 Q. Have you seen any other doctors other than  
18 Dr. Shepherd or Dr. O'Hearn since this accident  
19 occurred in 2003?

20 A. Not that I recall.

21 Q. Did you have to get a physical or anything

1 before starting work at your current job?

2 A. Yeah.

3 Q. Who did that?

4 A. I don't remember if it was Quest Diagnostics  
5 or Concentral. It was one of the two, but I'm not  
6 sure.

7 Q. Did you have to actually go to that facility?

8 A. Yeah.

9 Q. Do you remember where you went, because that  
10 might just help me figure it out?

11 A. It was off of Benson Avenue.

12 Q. Is that in Severna Park?

13 A. Baltimore.

14 Q. Who was your attorney in the workers' comp  
15 claim that you made for the prior injury with  
16 Reliable?

17 A. I don't remember.

18 MS. ZOIS: I haven't been able to figure it  
19 out either.

20 BY MR. SCHNEIDER:

21 Q. Okay. Have you ever seen Dr. Robert Smith?

1 A. Doesn't sound familiar.

2 Q. How about a Dr. Joel Fechter?

3 A. Doesn't sound familiar.

4 Q. I'm just looking at the medical record that  
5 your attorney provided to me, it was addressed to  
6 Dr. Thomas Centi, he's with Concentral, C-E-N-T-I.  
7 Have you seen him for anything other than the knee  
8 injury which you sustained with Reliable?

9 A. No. I don't even remember him.

10 Q. Okay. Other than the -- your plan to get in  
11 touch with Dr. O'Hearn for a follow up, do you have  
12 any other further medical plans with regard to the  
13 treatment of your knee?

14 A. No, unless he says otherwise.

15 Q. Other than for the knee injuries which you've  
16 already testified about, you had treatment in New  
17 York and you had treatment here in Baltimore, have  
18 you had any other personal injury injuries where you  
19 required a visit to the hospital?

20 A. Not that I recall.

21 Q. Have you been to any other hospitals other

1 than Kernan down here since you've been down to  
2 Maryland?

3 A. For injuries?

4 Q. Yes, not for the birth of a child or  
5 something like that?

6 A. No, not that I remember.

7 Q. Have you been treated in a hospital?

8 A. Not that I remember.

9 Q. On the day of the accident, do you remember  
10 what the lighting was like? Was it -- you indicated  
11 there were headlights. Was it still light out at  
12 all?

13 A. No, it was nighttime. Well, it was winter,  
14 after 7:00 o'clock it's dark already.

15 Q. Did you take any pictures of the accident  
16 scene at all?

17 A. No.

18 Q. I think I'm about done, but let me just check  
19 one thing. Do you recall roughly within a month or  
20 so about how long you went to physical therapy after  
21 your surgery in May of 2003?

1 A. Not this one?

2 Q. Not this one, the accident that --

3 A. Okay, yeah.

4 Q. The accident happened in February, you had  
5 some therapy then you had the surgery.

6 A. After surgery, probably about three, four  
7 months.

8 Q. Okay. And did you go to therapy -- did you  
9 follow your doctor's instructions with regard to  
10 going to therapy?

11 A. Yeah.

12 Q. You weren't working at that time, correct?

13 A. No. I missed one week of therapy, and that's  
14 because we went to vacation.

15 Q. Where did you go on vacation?

16 A. I went to Florida.

17 Q. Did you drive or fly?

18 A. She drove.

19 Q. Where did you stay in Florida?

20 A. Poinciana, Kissimmee area.

21 Q. Are there any attractions around there?

1 A. It's near Orlando.

2 Q. Did you go to Disneyworld any of the days you  
3 were down there?

4 A. We went to Universal Studios where they show  
5 the makings of the movies and all that stuff and Sea  
6 World.

7 Q. But you didn't actually go into Disneyworld  
8 itself, the rides?

9 A. No.

10 Q. Do you continue to do anything to strengthen  
11 your knee now, any home exercises, things like that?

12 A. No.

13 Q. Was there a period of time when you did home  
14 exercises?

15 A. Yeah, I was.

16 Q. How long did you continue doing them?

17 A. After I got out of therapy, probably about  
18 another month, two months.

19 Q. Did you file tax returns during the time --  
20 individual tax returns during the time that you were  
21 a barber or were they filed as corporate tax return?



1 MS. ZOIS: Objection. You can answer.

2 A. Whatever my partner -- my partner took care  
3 of all that stuff. I never saw any money about that  
4 or paid any that I had to pay or whatever. I don't  
5 know.

6 BY MR. SCHNEIDER:

7 Q. You're not making any kind of a lost wage  
8 claim as a result of this accident?

9 A. No.

10 MR. SCHNEIDER: I don't have anything  
11 further.

12 MS. ZOIS: [REDACTED] you have the right to  
13 read this deposition transcript before it goes  
14 into a final format. The court reporter has been  
15 taking down everything that's being said at the  
16 table or has been said at the table. You can't  
17 go back and change the substance of your  
18 testimony, but you can go back and correct any  
19 spelling errors that the court reporter may have  
20 made. I have dealt with this court reporting  
21 agency for many years, and they are very capable.

1 I would recommend that you waive your right to  
2 read, but it's your right to read the transcript  
3 if you want to to change any spelling errors.  
4 What's your wish? Do you want to waive your  
5 right to read?

6 A. Yeah, I'm fine.

7 MS. ZOIS: Okay, we'll waive.

8 (Deposition concluded at 11:17 a.m.)

9 --o0o-

10

11

12

13

14

15

16

17

18

19

20

21

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

STATE OF MARYLAND

I, Jeff M. Hook, a CSR, RPR, and Notary Public in the State of Maryland, do hereby certify that the within named, ERNESTO HOMS, personally appeared before me at the time and place herein set according to law, and was interrogated by counsel.

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

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

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

AS WITNESS my hand and Notarial Seal this 28th day of July, 2004, at Glen Burnie, Maryland.

\_\_\_\_\_  
Jeff M. Hook, CSR, RPR  
Notary Public

My commission expires February 1, 2008

<p><b>A</b></p> <p>able 50:20          66:14 73:12          76:18          Absolutely 6:4          absorb 8:20          Academy 25:12          accident 4:15          4:18,19 14:17          14:21 17:8,16          17:17 18:6          20:19,20 21:5          21:11 25:17          26:13 27:2          32:1 33:19          34:1 36:4          37:18 38:11          38:15,21 44:5          44:16,19 45:9          45:13 47:5,8          50:8 56:12          58:19 60:14          60:16,20          61:15,17          62:20 70:1,12          75:18 78:9,15          79:2,4 81:8          accidents 45:3          70:8          accurate 83:7          accurately 36:3          acid 7:21          ACL 49:21 50:1          ACMS 19:2,4          acquired 22:5          action 83:11          actions 30:4          activities 50:21          65:21 73:20          activity 65:6,9          actual 42:4          additional          43:21 48:7          address 4:10          5:15,16          addressed 77:5          adult 53:12          advice 57:11          afterward          41:18          agency 81:21          ages 6:10          aggravate</p>	<p>69:11          ago 22:17 25:1          26:6          agree 15:14          agreed 4:1          59:12          ahead 31:7          59:19          Aleve 75:6          Allstate 2:11          altogether          24:18          Alzheimer's          17:18          ambulance          38:20 40:2          41:12,21 42:1          42:11          amount 59:14          ANNE 1:1          answer 5:8,12          59:18 81:1          answering          24:14          answers 66:5          75:8          anterior 49:17          49:18          anybody 38:8          anymore 65:14          68:8,10          apart 58:13          appear 42:8          appeared 83:3          applied 12:12          apply 11:19          67:20          approaching          29:14          April 61:6          aquatic 64:13          64:17          area 37:3 79:20          areas 43:13,16          arm 37:17          arthroscopic          45:14,20          49:11 50:15          51:8,12 58:8          arthroscopica...          50:12          ARUNDEL 1:1          asked 38:7 41:9</p>	<p>69:2          asking 4:15 5:2          72:19          Aspercreme          67:15 74:13          75:4          attention 30:19          attorney 33:5          35:20 47:10          47:16,18          76:14 77:5          attractions          79:21          Avenue 76:11          average 16:16          16:16          avoided 30:2          aware 33:18          51:15          awkward 70:13          a.m 1:13 82:8</p> <p><b>B</b></p> <p>B 1:7 3:10          back 12:12          13:11,18          15:16 20:18          22:1,2 27:15          28:6,8 33:4          36:21 37:6,8          43:11 50:11          52:15 55:10          55:13 57:5,15          60:11,17,21          61:21 62:13          62:15 64:11          68:5,11 71:2          74:17,21          81:17,18          bad 57:17 75:5          bags 10:13,14          ball 53:3,4          Baltimore 2:13          76:13 77:17          barber 14:4,9          14:10 15:3,4          15:12,13,18          17:3,3,9          18:13,17 19:2          19:2 21:4,11          21:15,19 23:9          24:8 25:4,5,9          25:11,15 54:1</p>	<p>54:16,20          60:11,14,18          80:21          barber's 15:11          barely 54:21          Barnabas 46:18          barrels 13:16          Bartnick 44:6,8          61:18          baseball 52:15          52:21 71:8,10          71:13,17          bases 53:7          basic 7:16 8:4          basically 59:20          63:13 72:12          basis 54:12          basketball          53:13          BEHALF 2:3,9          believe 32:12          39:8          belt 32:19 33:2          34:16,21          Benson 76:11          better 50:20          73:17          big 10:8          bike 68:7,10,11          68:15 69:5,14          69:19 70:4,5          70:6,7          Biking 71:5          birth 78:4          bit 4:16 24:19          33:4 46:11,13          50:12 53:5          62:13 71:9          72:18          blew 32:9,12,13          32:14          blink 29:15,17          boat 8:18,18          9:11          body 43:8,16          62:11,18          boom 8:9,19,20          9:3,5          born 24:21          boss 11:11,15          11:16 12:2          bother 70:15          bottom 13:6</p>	<p>28:5,7 35:2          bowling 53:13          break 13:18          breast 35:3          breathing 40:6          bring 22:1 54:6          71:2          Bronx 46:19          47:3          Brook 27:19          28:1,2          broomsticks 9:7          brother 65:15          75:14          brother's 75:15          Brouillet 50:4,5          55:4,5 57:19          58:17 61:21          Brouillet's          58:14          Brown's 23:13          23:14,19,21          24:4,6          bruise 34:7,16          34:21 35:10          37:17 38:1          39:6          bruised 43:14          bruises 38:3          bruising 32:18          33:1 34:6,17          35:12,18          buckle 37:9          51:18          buckled 36:10          48:18 49:3          buddies 61:5          buddy 23:4          bulb 48:17          bulk 19:9          bulkiest 11:2          Burnie 1:15 2:7          4:11 23:12          83:13          business 31:3          47:13          buy 70:4</p> <p><b>C</b></p> <p>C 2:1          call 6:1,11          16:14 38:8          40:2 49:21</p>	<p>74:7          called 18:21          25:12,15 38:9          41:20,21 44:6          Calvert 2:12          capable 81:21          car 30:3 31:15          32:15 40:4,12          45:9          card 47:13          care 17:19 62:2          81:2          carry 10:14          67:21 68:2          cart 13:2,3,16          carts 13:2,13          case 1:5 62:3          cashier 20:21          CAT 42:19          catch 53:1          cause 48:12          51:18 66:2,9          causes 65:9          66:3          center 56:21          64:11          Centi 77:6          certify 83:2,5,8          83:10          change 55:4          81:17 82:3          changing 48:17          charge 12:6          check 60:6,6          64:2 78:18          checked 61:19          checking 42:18          checkup 74:5          Chelsea 22:7          chemical 7:13          7:14 12:19          chemicals 7:20          chest 3:14          32:18 33:2          34:7,17,19          43:10,11          child 78:4          children 6:8,8          6:14          CIRCUIT 1:1          claim 47:7,7          58:20 59:2,3          59:17 76:15</p>
--	--	--	--	--	---

81:8 clean 7:6,7,16 8:4 11:7 14:1 14:3 15:20 16:12 cleaned 45:21 clear 4:19 5:11 client 60:17 close 17:16 closed 17:10,15 clutch 65:20 come 16:20 22:3 28:4,6 29:8 37:5,8 40:21 41:2,5 73:3 74:21 comes 7:21 8:2 27:15 coming 27:12 27:14,15,16 28:5,10 30:3 30:5,7,17,20 31:1,2 commencing 1:13 commission 83:21 comp 59:17 76:14 company 7:8,9 7:12 61:8 compensation 58:20 complaints 43:6 completely 46:3 46:4 48:14 56:10 73:18 computer-ass... 83:6 Concentral 56:15,20 76:5 77:6 concluded 82:8 condition 50:9 50:16,19 55:11,13 68:4 conditions 26:3 27:8 29:9 confuse 72:21 confused 72:14 confusing 72:16 Connection 19:1	consciousness 39:12 consider 9:15 contain 8:8,21 contained 83:8 contaminated 66:16 contemplating 14:20 continue 21:4 47:21 54:15 58:17 60:18 63:1,4 72:8 80:10,16 continued 54:14 continuing 34:13 62:19 Contractors 23:10,14,20 48:9 copies 35:21 copy 59:5 Corbin 1:19 corporate 18:19 80:21 correct 39:7 45:5 55:11 57:20 79:12 81:18 counsel 2:11 72:1 83:4,8 83:10,10 counter 67:16 COUNTY 1:1 couple 20:20 24:2 43:19 44:5 60:19 61:5 62:15 65:11 course 32:14 43:18 61:14 court 1:1 5:4 81:14,19,20 cross 31:4 cruciate 49:17 49:18 CSR 1:15,21 83:2,17 current 4:9 73:20 76:1 currently 7:3 52:17 74:6	curve 27:14 28:8,9 customer 16:6,8 customers 16:6 cut 10:10 14:11 16:20 21:8,9 61:4 cuts 34:2,3 cutting 15:15 16:1,9 C-E-N-T-I 77:6  D D 3:1 damage 32:5,6 32:7 36:9 damaged 36:8 dangling 21:9 dark 78:14 dashboard 34:4 40:8,10,14,19 date 58:12 dated 59:6 dates 52:4 58:10 daughter's 6:12 Dave 11:12 day 16:7,15,16 17:8 26:1,8 65:10 78:9 83:13 days 16:9,21 43:19 44:5 80:2 deal 7:20 11:5 75:6 dealing 10:9 dealt 81:20 debris 46:1 decided 49:7 Defendant 1:8 2:9 Definitely 36:6 degree 55:15 demonstrate 35:7 depends 65:6,7 deposition 1:11 4:2 6:7 33:13 34:9 35:6 36:2,19 39:5 81:13 82:8 describe 27:1	30:4 desk 24:15 Diagnostics 76:4 Diana 1:7 4:14 different 22:3 42:6 59:9 70:18 71:5 72:9 dig 52:5 digging 66:16 67:2 direction 27:21 directions 42:6 directly 37:4 dirt 66:15 disability 59:7 59:12 discharged 74:20 discussed 61:13 Discussion 31:20 Disneyworld 80:2,7 dispatcher 11:21 disposal 7:11 7:16 disposals 7:18 Divided 27:4 doctor 44:4,12 44:14,16 47:4 47:12 49:7 56:13 59:9 63:14 69:8 doctors 44:9,10 44:18 45:2 56:16 75:17 doctor's 79:9 doing 15:4 16:6 19:9 20:13 23:4 24:4,14 25:21 26:17 54:5,6,8,19 56:7,9 63:13 66:9 68:5,8 71:4 72:4 73:1 80:16 door 24:15 double 27:4 Dr 50:4,5 55:4 55:5 57:19	58:14,17 59:5 61:19,19,21 62:6,6 63:18 63:19,19 64:2 64:3,4,6 73:10,11,19 73:19 74:4,20 75:18,18 76:21 77:2,6 77:11 drive 79:17 driver 41:8,13 42:8 driver's 31:11 31:12,13 32:13,13 37:4 drives 41:18 driving 39:17 65:12 66:1 drove 79:18 drum 13:2,2,3 13:13,16 drums 10:13 12:21 13:1,16 dull 55:18 duly 4:5 duties 7:15 8:6 8:8 9:10 duty 9:15,17 73:21 D.C 1:20  E E 2:1,1 3:1,10 earlier 25:21 early 11:9 22:18 easier 5:6 easy 6:2 51:20 56:8 education 22:4 25:3 eight 6:6 7:1 16:15 49:2 61:10,11 74:10,14 either 20:9 66:10 67:9 73:19 74:2,3 76:19 elbow 37:21 electrical 24:10 54:9,10 62:14	electrician 23:5 electricians 23:6 Elvaton 71:21 embarrassing 70:21 employed 7:3 employee 83:10 employer 59:8 employer's 56:16 employment 15:17 17:4,11 61:11 encountered 29:6 ends 23:4 30:12 54:6,8 entered 83:8 environmental 7:8,9 61:8 Ernesto 1:4,12 3:3 4:4,11 70:20 81:12 83:3 errors 81:19 82:3 ESQUIRE 2:4 2:10 estimate 29:13 30:16 evaluation 59:9 evening 26:15 28:14 29:2 exact 22:14 58:10,12 exactly 14:13 40:20 examination 3:6 4:7 83:5 excuse 20:14 exercise 64:19 exercises 80:11 80:14 Exhibit 33:12 33:13,15 34:8 34:9 35:5,6 35:10 36:1,2 36:19,20 39:4 39:5 experience 72:10 expires 83:21
---	--	---	--	---	--

<p><b>explain</b> 15:17  <b>explore</b> 9:13  <b>extent</b> 21:7                      35:11  <b>eye</b> 20:9 29:16                      29:17 56:7</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>facility</b> 76:7  <b>fact</b> 17:8  <b>fall</b> 48:8,10,15                      49:1,6 50:18                      55:11,14  <b>familiar</b> 26:20                      77:1,3  <b>family</b> 44:12,14                      44:16 75:9  <b>far</b> 10:20 12:18                      22:4 31:7                      39:13 49:1                      62:7  <b>fast</b> 28:13  <b>fear</b> 69:13  <b>feasible</b> 16:11  <b>February</b> 29:4                      60:17 61:15                      68:6,12 79:4                      83:21  <b>Fechter</b> 77:2  <b>Federation</b>                      24:12  <b>feel</b> 46:4 65:3                      70:13  <b>feeling</b> 40:3  <b>feels</b> 67:10  <b>feet</b> 31:9 48:20                      49:2  <b>fell</b> 48:17,18,19                      48:19 55:16  <b>felt</b> 43:18 46:6                      46:7 52:13                      56:2 73:16  <b>figure</b> 76:10,18  <b>Fila</b> 25:12  <b>file</b> 80:19  <b>filed</b> 80:21  <b>filled</b> 13:1  <b>final</b> 81:14  <b>find</b> 4:17  <b>fine</b> 55:19 82:6  <b>first</b> 33:14                      36:18 39:15                      44:12 49:10</p>	<p>62:12  <b>five</b> 65:7 67:11                      74:19  <b>fix</b> 49:14  <b>Flexall</b> 67:15,21                      74:13 75:4  <b>Florida</b> 79:16                      79:19  <b>fly</b> 79:17  <b>follow</b> 57:11                      77:11 79:9  <b>followed</b> 58:8  <b>follows</b> 4:6  <b>football</b> 72:3  <b>foreseeable</b> 5:2  <b>form</b> 17:11  <b>format</b> 81:14  <b>found</b> 54:12  <b>four</b> 15:13 22:2                      24:3,19 65:7                      67:11 74:19                      79:6  <b>frame</b> 36:10  <b>freaked</b> 40:8  <b>fresh</b> 26:10  <b>Friday</b> 19:14,15                      20:5  <b>Fridays</b> 20:15  <b>friends</b> 75:9  <b>front</b> 24:14,15                      31:11,12,13                      32:6,8 36:4                      49:15  <b>full</b> 4:9 50:10  <b>full-time</b> 23:8  <b>further</b> 77:12                      81:11 83:5,8                      83:10  <b>F-I-L-A</b> 25:14</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>G</b> 2:4  <b>garage</b> 16:1  <b>gas</b> 8:13  <b>GED</b> 22:5 25:2  <b>Genine</b> 27:20                      28:1,3  <b>getting</b> 17:12                      21:7 42:3                      52:15 69:13                      75:1  <b>girl</b> 39:17  <b>girlfriend</b> 5:19</p>	<p>6:5 17:5 18:3                      38:11 41:11                      75:11  <b>girlfriend's</b>                      5:20 65:14  <b>give</b> 13:11                      34:13 47:15                      48:12,12                      62:19 63:1  <b>given</b> 17:5                      73:19  <b>giving</b> 42:20  <b>Glen</b> 1:15 2:7                      4:11 23:12                      83:13  <b>go</b> 8:17 9:2                      14:18 17:7                      22:4,20 25:11                      30:1 41:19                      43:21 50:11                      51:4 59:2,19                      60:21 61:21                      65:11,17                      68:13 74:4                      76:7 79:8,15                      80:2,7 81:17                      81:18  <b>God</b> 39:20                      40:11,12  <b>goes</b> 81:13  <b>going</b> 4:15 5:1,2                      5:10,14 6:6                      12:17 21:15                      22:2,9 28:2,9                      28:18 30:1                      31:3 49:8                      53:5 57:5                      58:11 59:16                      59:18 61:4                      63:14 72:13                      79:10  <b>good</b> 32:15                      55:19 70:14                      73:18  <b>gotten</b> 17:18  <b>grab</b> 13:17  <b>grabbed</b> 29:20  <b>grade</b> 22:5,6,12                      22:12,15  <b>grandfather</b>                      17:20  <b>grandmother</b>                      17:21</p>	<p><b>grandpa</b> 17:17                      18:2  <b>great</b> 30:15  <b>grocery</b> 17:6,7                      17:9,14 19:1                      20:9,16,18                      26:1 60:12  <b>ground</b> 26:5,10                      28:21  <b>guaranteed</b>                      16:15  <b>guess</b> 13:20                      18:16 24:8                      35:1 36:21                      41:18 69:13                      69:15</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p><b>H</b> 3:10  <b>hair</b> 14:11                      15:15 16:1,10                      16:21  <b>haircutting</b>                      19:10  <b>half</b> 5:17 21:13                      69:17,20  <b>halfway</b> 13:6                      31:11  <b>hand</b> 13:18                      83:12  <b>handle</b> 12:19  <b>hanging</b> 40:8  <b>happened</b> 4:17                      27:11 28:11                      38:5,15,21                      41:3 42:4                      45:12 79:4  <b>hazardous</b> 7:11                      7:18  <b>head</b> 3:17 12:6                      32:1,2 39:1,7                      39:9  <b>headlights</b>                      78:11  <b>heal</b> 38:3  <b>healed</b> 34:14                      35:18 64:13                      64:16  <b>hear</b> 34:21 35:1  <b>hearing</b> 59:2  <b>heat</b> 62:14  <b>heavy</b> 12:15,16                      53:4</p>	<p><b>held</b> 28:12  <b>help</b> 17:7 18:10                      38:8 40:9,13                      63:12 64:19                      76:10  <b>helped</b> 50:10  <b>helping</b> 17:21  <b>helps</b> 35:7  <b>Hey</b> 73:4  <b>High</b> 22:7  <b>Highway</b> 1:14                      2:6  <b>hill</b> 27:13 30:21                      41:7  <b>hired</b> 10:17                      11:7 12:7  <b>hiring</b> 12:8  <b>history</b> 15:17  <b>hit</b> 29:19 30:2                      31:10 34:4                      38:21 39:10                      42:4 48:21                      53:3,4  <b>hitting</b> 30:2  <b>hold</b> 58:11  <b>home</b> 16:20                      18:1 26:18,19                      31:3 35:16                      41:19 43:4                      47:14 53:8                      67:18 80:11                      80:13  <b>Homs</b> 1:4,12                      3:3 4:4,11,13                      83:3  <b>Honda</b> 23:13,14                      23:19,21 24:4                      24:6  <b>Hook</b> 1:15,19                      1:21 83:2,17  <b>hooks</b> 9:7  <b>horrible</b> 20:13  <b>hospital</b> 42:12                      43:6 46:18                      57:20 77:19                      78:7  <b>hospitals</b> 77:21  <b>hour</b> 29:12 61:1                      68:20  <b>hours</b> 16:12,15                      16:18 19:12                      20:8,13 65:11                      65:19,20</p>	<p><b>house</b> 38:13                      41:6,7 54:7  <b>Housing</b> 24:12  <b>how's</b> 9:6  <b>Huh</b> 60:15                      71:12  <b>hurt</b> 12:17                      33:20,21                      69:13</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>ice</b> 29:6  <b>icy</b> 29:9  <b>impact</b> 30:12                      32:17 37:11                      37:13 38:6,7  <b>impacted</b> 75:10  <b>importantly</b>                      4:17  <b>improve</b> 50:9                      50:16  <b>improved</b> 55:10                      63:11  <b>improvement</b>                      50:11  <b>include</b> 32:11  <b>including</b> 34:7  <b>indentation</b>                      37:21  <b>indicate</b> 28:7                      45:4  <b>indicated</b> 6:18                      32:1 33:17                      34:6 55:9                      58:1 59:6                      60:10 67:10                      75:8 78:10  <b>indicates</b> 37:16  <b>indicating</b> 35:1                      35:1 37:3  <b>individual</b>                      18:20 80:20  <b>initial</b> 55:3  <b>injure</b> 51:18  <b>injured</b> 33:17                      42:9  <b>injuries</b> 4:18                      32:16 34:10                      35:8 77:15,18                      78:3  <b>injury</b> 33:18                      34:19 45:5,7                      45:8 46:5</p>
---	---	--	--	--	--

47:7 61:14,15 76:15 77:8,18 inside 3:16 36:20 37:21 49:17 53:8 64:20 instructions 79:9 insurance 62:1 interested 83:11 interrogated 83:4 interrogatories 66:6 75:8 involved 4:14 7:17 8:4,5 involving 60:17 issue 16:14 item 11:2 IV 42:21	78:1 kick 66:14,18 kicked 22:10 kicking 66:19 kids 55:1 71:9 72:6 kind 9:13 11:2 13:8 15:17 16:12 19:12 37:20 45:12 49:18 56:8 72:9 81:7 kindly 33:5 55:3 Kissimmee 79:20 knee 3:12,13 12:17 32:18 32:20,20,21 33:10,15,18 34:4,10,11 40:7,8 43:1,2 43:11 45:2,5 45:8 46:4,10 47:5 48:1,7 48:11,17,21 49:3,6 51:15 51:20 53:21 56:6,8 58:5 59:8,12 62:9 62:19 63:1,5 63:11,15 65:1 66:10 67:10 68:4 69:11 72:17 73:5 74:15 75:3 77:7,13,15 80:11 knew 11:21 33:21 knocked 37:13 know 4:20 5:2,9 11:18 29:5 31:16 38:9,10 39:13,13 40:17,20 41:14 46:13 47:3,11,13 52:4,8,10 58:10 66:13 68:2 72:7 75:9 81:5 knows 75:14	<b>K-U-N-D-I-D</b> 5:21 <hr/> <b>L</b> laborer 14:14 land 8:12 67:6 landed 48:19,21 landlord 61:3 lane 30:6,6,7,8 lanes 27:2 laps 53:18 late 11:9 Latin 18:21 Latino 19:1 laughing 70:19 LAURA 2:4 law 83:4 lawyer 44:8 61:18 laying 13:10 learn 4:16 lease 14:18 61:4 leave 41:13,21 leaves 9:1 leaving 24:7 54:3 left 3:13 13:17 30:1 34:10,11 35:3 37:17 39:6,6 43:5 66:18,21 leg 21:9 42:20 53:8 66:13 let's 16:17 25:17 38:14 75:2 license 14:11 15:11 life 75:10 lift 10:20 lifting 12:15,16 ligament 49:17 49:18 light 9:15,16,17 9:18 13:7 48:17 73:21 78:11 lighting 24:10 78:10 lights 29:19,20 30:17 liked 14:12 limit 28:16,18	28:20 limitations 10:18 12:10 12:13 21:2 line 27:4,6 31:5 little 4:16 24:19 27:14 33:4 46:11,13 50:12 53:5 62:13 71:9 72:18 live 6:14 living 5:19 long 5:15 6:4 15:6 16:19 18:16 21:10 21:19 23:1 24:16,18 46:14 51:5 56:3,4 58:16 65:7 72:8,11 73:7 78:20 80:16 longest 24:6 look 9:7 37:15 75:1 looked 36:4 looking 9:13 77:4 looks 32:5 74:18 lose 39:12 lost 59:21 81:7 lot 5:6 29:9 loud 5:12 low 43:11 62:15 lower 33:4 lump 60:3 <hr/> <b>M</b> M 1:15,21 83:2 83:17 machinery 48:16 Macht 59:5 making 81:7 makings 80:5 mall 65:11 man 12:6 manner 83:7 manually 9:9 March 61:6 mark 33:6 34:8	35:5 36:1,18 39:3 marked 33:13 33:14 34:9 35:6 36:2,19 39:5 marriage 6:19 6:19 married 5:18 Maryland 1:2 4:12 23:13 25:6,15 42:13 42:15 45:1 48:6 78:2 83:1,2,13 master 14:10 15:11 matter 17:8 70:19 83:6 MD 1:15,20 2:7 2:13 mean 5:9 8:6 15:2 27:8 51:16 53:12 64:14 71:13 72:21 means 83:6 medical 43:21 55:2 56:13 74:1 77:4,12 medications 57:14,16,18 74:14 75:3 member 53:16 meniscus 45:21 mention 25:3 43:10 mentioned 7:18 12:9 20:14 25:20 36:7 56:7 66:1,6 75:11 messed 73:9 mid 29:4 middle 22:12 miles 29:12 Miller 1:14 2:5 minding 31:2 mine 14:6 23:5 61:5 65:16,16 minutes 26:18 missed 20:4 79:13	mistaken 59:20 Mitchell 25:13 moderate 9:15 Mondays 17:10 19:19,20 20:10 money 17:6 19:7 54:7 81:3 month 14:17 60:13 62:16 62:20 64:12 67:4 78:19 80:18 months 5:11 6:13 15:8,13 24:2,3 61:10 61:11 74:10 74:15,19,21 79:7 80:18 morning 43:3 68:1 morphine 42:19 42:21 motorcycle 68:9 move 13:16 71:3 moved 25:1 movies 80:5 moving 12:21 38:17 MRI 49:7 MT 1:6 muscles 57:8 <hr/> <b>N</b> N 2:1,12 3:1 name 3:2 4:9,13 5:20,21 6:16 14:7,8 41:13 47:2,10,11 75:15 named 19:6 83:3 names 18:20,20 nature 9:14 near 80:1 necessarily 34:1 neck 43:10,11 need 38:8 49:8 needed 18:4 38:8 41:9
<hr/> <b>J</b> J 2:10 Jack 4:13 January 70:12 Jeff 1:15,21 83:2,17 job 9:14,15 11:20 12:19 16:11 24:7 54:12 55:14 56:19,20 58:20 61:7 66:6 67:3,19 76:1 jobs 15:21 23:7 23:8,8,16,19 54:3,15,15 jobsite 49:3 Joel 77:2 jog 53:5 jogging 71:9 John 2:10 14:8 July 1:12 83:13 jump 68:8 June 59:6	<hr/> <b>K</b> keep 20:9 21:10 56:7 kept 16:20 Kernan 57:19				

54:11 needs 65:16 never 19:7 55:10,13 81:3 New 24:9,11,18 24:21 45:10 47:18 48:2 51:11 77:16 night 26:7 67:18 nighttime 78:13 Niki 6:1 nine 6:12 61:10 Niurka 5:21 nod 5:9 normal 46:11 50:21 Notarial 83:12 Notary 1:16 83:2,18 notes 83:6 notice 1:11 40:7 November 11:9 12:12 58:2,5 61:8 69:16 number 27:2 N-I-U-R-K-A 5:21	oh 38:17,19 39:20 40:11 40:11 43:7 oil 7:11,16,18 8:5,8,21 9:1 okay 5:7,18 8:20 9:13 11:18 12:2 13:15,20 14:12 16:2,5 17:11 20:7 21:15 24:4 25:2,19 27:4 28:13 30:9 31:18 33:3 35:18 36:7 39:20,20 40:21 41:20 46:6,7 47:17 49:9 51:7 52:11 56:5 60:3 61:17 63:17 64:3,9 64:21 65:3,9 66:5 67:6,10 69:8 70:10,17 72:4,19 73:17 74:1 76:21 77:10 79:3,8 82:7 old 6:13 52:17 once 16:21 31:4 54:16 55:18 68:1,14 ongoing 48:11 open 49:11,12 51:12 58:1,5 opened 17:6 19:7,8,17 opening 24:15 operations 18:19 opinion 63:17 opportunity 30:15 organized 71:19 original 45:8 originally 45:7 Orlando 80:1 ounces 10:3 outcome 83:11 overdo 72:10	overexert 53:5 owner 12:2,4 14:12 o'clock 19:14 19:14,15,16 20:6 43:3 78:14 O'Hearn 63:18 63:19 64:2,4 64:6 73:11,19 74:4 75:18 77:11 o0o 1:3 82:9	<hr/> P P 2:1,1 pad 10:1 padding 8:14 8:14 9:20,21 pads 10:10 62:14 Page 3:5,11 paid 17:12 60:5 81:4 pain 33:4 40:4 43:6 46:13 55:18 56:2 57:17 59:21 62:13,15 65:4 65:5,9 66:2,3 67:11,14 68:2 72:8,10,11,17 73:5,13,14 75:5,9 painting 54:10 panicky 39:19 paper 10:4,4 park 53:8 76:12 parking 29:9 part 31:10 32:7 39:9 40:7 60:11 66:6 67:2 partial 59:7 participate 52:12 participated 53:11 particular 30:19 75:13 parties 83:10 83:11 partner 15:9	19:6 81:2,2 partnership 54:16 partner's 14:6 parts 12:18 43:8 62:11,18 passed 28:2 passenger 37:5 37:7,10 patella 49:16 Paul 25:12 pay 30:19 60:3 60:4 81:4 pedaling 68:9 People 41:7 percent 50:20 59:7 percentage 59:11 period 80:13 permanent 59:7 person 39:15 personal 56:13 77:18 personally 83:3 phone 41:9 phones 24:15 photograph 3:12,13,14,15 3:16,17 34:7 37:16 39:3 photographs 32:2 33:6 35:21 36:12 physical 9:14 9:15 47:1 55:6 57:12 63:4 74:19 75:21 78:20 pick 8:14 10:12 picture 33:9 36:14,16,20 pictures 31:15 33:9 35:14,16 78:15 picture's 36:15 piece 10:4 40:17,19,20 48:16 49:15 49:16 place 11:16 19:7 47:2 83:3	Plaintiff 1:5 2:3 plan 77:10 plans 77:12 plastering 54:10 plastic 40:19 play 52:4,14,21 55:1 71:17,19 played 53:13 71:20 playing 71:7 72:2 Pleasant 27:19 Polnciana 79:20 point 13:20 27:19 31:8 42:3 44:3 48:4 police 38:20 41:12,20 pool 53:13,16 53:17 64:17 64:20 port 39:9 portion 39:7,10 40:10,13 positions 70:18 pound 10:3 pounds 11:1,1,3 11:3 pre 50:18 55:10 pregnant 17:18 18:3 presence 83:9 pressure 8:15 prevented 56:6 56:9 prevents 68:5 previously 26:5 printed 83:6 prior 37:10 45:2,2,5 61:13 69:15 76:15 probably 5:9 10:10 11:1 16:4 21:13 22:15 29:4 30:2 31:9 35:16 52:14 53:15 57:16 65:6 67:4,4	68:14,20 69:11,17 71:9 79:6 80:17 problem 34:13 48:11 problems 48:7 58:13 62:19 63:2 66:10 procedure 49:13 program 62:8 protective 33:9 provided 35:20 55:3 77:5 Public 1:16 83:2,18 pull 9:11 13:7 66:14 pulled 9:5 pulls 9:1,12 purpose 73:1 purposes 28:21 Pursuant 1:11 push 13:7,8,11 put 10:12 19:7 49:16 61:5,18 62:8,12 64:13 64:16
<hr/> O Oakdale 4:11 object 59:16,18 72:13 Objection 81:1 obviously 28:19 67:6 occasionally 46:9 occur 26:13 45:7 73:8 occurred 20:19 27:2 32:1 38:6 58:19 68:12 70:2,12 75:19 October 11:9 12:13 odd 11:4 odds 23:4 54:6 54:8 office 74:7 offices 1:13 64:1	<hr/> Q quarter-inch 10:4 Quest 76:4 question 20:14 55:4 69:2 questions 4:16 4:19 5:1 59:17 72:20 question's 5:13 quick 37:15 quicker 63:16	<hr/> R R 2:1 raised 24:21 ran 40:12 rare 75:6 read 81:13 82:2 82:2,5 reading 4:2 real 15:4 really 9:13 36:13 51:9				



56:11 57:17 57:17 75:5,5 rear 32:11,12 32:13 36:11 37:7 reason 57:5 Rebels 72:2 rec 72:1 recall 34:20 36:9 44:2 58:18 59:10 75:20 77:20 78:19 receiving 61:20 recep 24:14 recommend 82:1 reconstruction 49:19 record 31:19,20 59:5,17,19 74:1 77:4 recorded 83:5 records 55:2 56:15 58:1 recover 46:3 recovered 46:4 recovery 55:9 63:16 64:10 recreational 53:19 referring 36:16 regard 57:11 77:12 79:9 rehabilitation 53:21 related 18:6 37:17 83:11 relationship 11:19 Reliable 23:10 23:14,19 24:1 24:2 48:9 51:1,3 54:4 55:17 56:12 59:8 76:16 77:8 remainder 48:1 remember 19:5 21:17,18 25:20 35:14 42:14 43:3,17 45:19 46:16	46:20 47:2,3 47:6,10 49:9 49:13 51:6 52:5 57:14 59:11,13,14 60:1 69:2 74:9 76:4,9 76:17 77:9 78:6,8,9 remove 40:13 rephrase 4:21 Reported 1:21 reporter 5:4 81:14,19 reporting 1:19 81:20 representing 4:14 required 77:19 requires 8:18 resolve 62:15 72:12 rest 60:7 66:20 restate 4:20 5:14 restrictions 73:20 result 4:18 32:16 47:7 58:21 81:8 RETAINED 3:11 return 50:18,21 51:1,3 80:21 returned 54:19 returns 80:19 80:20 ribcage 35:11 ribs 35:2 ride 68:19 69:5 69:19 rides 80:8 riding 68:7,11 69:14 right 3:12 8:11 13:12,18 17:2 18:14 27:1 28:10 29:21 30:10 32:20 32:21 33:15 33:17,18 35:10 36:21 37:3 38:15	40:4 41:6,7 44:4 47:18 48:7 49:5 50:1 51:9 52:13 53:7 58:3,9 59:7 60:10 61:20 63:6,9 64:18 66:4,13,19,20 67:10,16 69:6 72:17 81:12 82:1,2,5 Ritchie 1:14 2:6 river 8:16 road 4:11 26:7 27:1,18 28:16 29:6 41:19 Robert 6:17 76:21 Robinson 14:8 15:2,9 Rolando 75:16 role 7:12 roll 13:19 rolls 10:8 ropes 23:6 Rosler 11:12 roughly 22:13 29:3 52:6,9 58:12 78:19 route 26:20 RPR 1:15,21 83:2,17 run 14:18 15:16 18:12,19 53:8 running 53:4,7 68:7 runs 11:14,16  S S 2:1 3:10 safety 28:21 Saint 46:18 sales 24:4 Salvador 1:7 4:14 60:17 Saturday 19:14 19:16 sausage 8:19,20 9:3,5 saw 28:10 29:15 29:19,19 30:5 31:4 40:7,15	40:15 41:2,16 56:15 81:3 saying 22:13 35:11 37:2 74:18 says 77:14 scabs 64:14 scan 42:19 scar 33:10 34:1 scared 39:19 40:11 scarring 33:20 33:21 64:12 64:14 scene 33:19 40:21 41:17 41:21 78:16 schedule 16:11 74:7 scheduled 74:6 Schneider 2:10 3:6 4:7,8,13 6:3 11:17 31:19,21 33:11 47:20 50:2 52:3 60:2 70:16 71:1 72:15 73:2 76:20 81:6,10 school 15:13 22:4,7,10 25:4,5,11,15 54:1 scratches 34:12 34:14 Sea 80:5 Seal 83:12 sealed 13:20 seat 32:19 33:2 34:16,21 36:11 37:3,4 37:5,7,10 second 50:13 51:8,12 52:6 52:11 55:6 58:16 63:17 see 14:16 27:16 30:16,18,18 30:20 31:1 36:14 37:1,15 44:8 56:19 58:17 74:4	seeing 44:11 62:6 74:9 seek 43:21 seen 30:17 31:1 45:2 56:18 74:3 75:17 76:21 77:7 selling 18:7 send 59:8 Senior 24:12 sent 43:4 44:8 57:4 64:1,4 separate 48:14 64:1 separated 5:19 6:18,21 September 74:2 74:10 series 4:16 Serving 1:20 set 83:3 settled 59:3,4 settlement 59:14 seven 74:10 Severna 76:12 sexually 70:15 shape 11:4 Shepherd 61:19 61:19 62:6,6 63:19 64:3 73:10,19 74:20 75:18 shift 65:12,13 65:15 66:2 shock 42:16 shop 14:4,5,9 15:3,4,19 17:3,3 18:13 18:17 19:2,3 21:4,11,20 24:8 25:9 54:17,20 60:20 shops 17:9 shovel 66:13,14 shoveling 66:7 66:9,12 show 33:14 36:13 37:16 80:4 showed 13:8 38:12,20 39:3	shown 32:2 33:5 shows 34:10 35:10 36:3 37:20 39:6 shut 14:10,16 60:20 shutting 15:3 side 23:7 24:12 24:16 30:20 31:11,12,13 32:13,13 34:19 37:5,7 37:10 39:6 48:21 54:14 54:15 sides 26:6 sidewalk 29:9 significant 32:6 signing 4:2 simpler 50:1 sit 20:21 21:8 64:21 73:4,13 site 41:11 57:8 sitting 40:3 72:16 six 6:12 16:4,21 25:1 slip 48:8,10,14 49:6 50:18 55:10,14 slippage 65:2 slipped 55:16 slope 27:14 28:4 30:21 sloped 27:14 slower 28:20 smashed 29:16 Smith 76:21 snow 26:6,10 snowed 26:5,8 soil 12:21 66:17 sold 17:16 18:4 somebody 38:7 44:12 someone's 16:9 16:21 somewhat 18:8 18:9 50:21 son 6:12 52:15 52:17 53:12 71:17 sopping 10:6
---	--	--	---	---	--

sorry 38:19 39:20,21 43:10 44:7 46:21 60:16 74:17 sound 58:2,9 63:9 77:1,3 space 65:16 specialty 19:2 specific 65:21 specifically 66:3 speed 28:16,18 28:20 29:13 30:16 spelling 81:19 82:3 spill 8:5,8,10 16:20 spills 7:11,16,19 67:6,8 spin 42:5 spoke 61:3,17 62:4 sports 52:12 53:11 71:5,6 71:6 stability 55:19 65:3 67:11 Staff 2:11 stand 19:4 start 11:8 69:14 started 20:13 23:9 25:3 31:4 42:20 45:16 61:20 62:5 72:19 starting 76:1 starts 28:8 State 1:2 83:1,2 station 8:13 stay 18:1 79:19 stayed 61:2 steering 29:20 stenographic 83:6 stenographic... 83:5 stepson 6:11 68:13 75:14 stepson's 6:11 6:16 stick 65:12,13	65:15 66:1 stimulation 62:14 STIPULATED 4:1 stipulations 83:8 stitched 42:21 43:1,2 stool 21:8 stop 21:12 22:8 60:13,14 stopped 48:4 60:12 75:2 storage 61:5 store 17:6,7,9 17:14,19 18:1 18:4,7,12,13 18:21 19:1,2 20:9,16,19 26:1 29:8 60:12 Street 2:12 strengthen 57:7 57:8 63:15 80:10 Studios 80:4 stuff 46:12 48:18 52:15 56:20 61:5 64:19 65:20 68:8 80:5 81:3 substance 81:17 suffered 4:18 suffering 59:21 75:10 Suite 1:14 2:6 2:12 Sundays 19:17 Sunny 27:19 28:1,2 supermarket 22:21 24:7 supposed 63:19 74:4 supposedly 63:16 sure 5:13 33:8 42:19 46:16 76:6 surgeries 55:20 55:21 56:6	57:6 70:10 surgery 45:15 45:17,20 46:15,17,20 46:21 49:8,9 49:10 50:3,6 50:8,13,15 51:9,12,13 52:6,11 55:3 55:5,6 57:2,7 57:8,19 58:1 58:5,14,16 63:7,8,15,18 64:9,10,15 69:15 72:11 73:3,7,10 74:5,16,17 78:21 79:5,6 sustain 32:16 sustained 77:8 swim 53:15,18 sworn 4:5 symptoms 46:9 65:1 72:12	T T 3:10 table 81:16,16 take 7:1 23:7 37:15 38:13 51:20 56:8 57:17 62:2 73:7 74:21 75:3,6 78:15 taken 1:12 35:15,16 36:21 42:11 74:14 talk 25:17 38:14 75:2 talked 15:2 43:13 45:4 62:5 talking 5:6 6:7 8:10 38:17 44:15 53:12 72:9 tall 21:8 tax 80:19,20,21 teach 23:6 teacher's 15:14 teaching 15:14 team 71:19,20	72:1 teams 72:4 technician 7:13 7:14 technicians 12:19 tell 4:5 5:14 12:13 22:3 26:3 27:11 30:5 38:12 40:1 43:5,18 57:4 60:13 61:13,14 64:10 temperature 29:2 ten 49:2 tendon 49:16 term 24:6 testified 77:16 testifies 4:6 testimony 81:18 therapy 45:14 45:16,18 46:14 47:1 55:7 56:21 57:2,4,5,12 61:20 62:7,8 62:12 63:4,12 63:12,14 64:11,12,13 64:17 74:19 75:1,2 78:20 79:5,8,10,13 80:17 thick 10:4 thing 5:8 29:16 29:18 51:8 78:19 things 6:2 51:17 71:2,5 80:11 think 12:15 32:14 39:14 42:13,16,19 45:21 49:15 56:21 58:7,10 59:21 60:6 63:8,10 66:4 66:5 71:21 78:18 third 51:9 Thomas 77:6 thought 38:17	51:17 three 5:11,17 24:11 74:21 79:6 throbbing 42:20 throw 8:9,14,18 9:20 71:10,13 throwing 71:8 Thursday 20:5 Thursdays 20:1 20:2,15 tight 29:21 tighten 50:11 tilt 13:10 tilted 13:9 time 4:20 5:6 18:4 25:9 26:12,12 27:9 40:5 44:11,15 48:1 52:19 53:20 54:18 54:21,21 56:12,13 60:4 60:5,10,12 63:5 72:5 73:3,16 75:2 79:12 80:13 80:19,20 83:3 times 16:4 20:20 65:7 67:11 title 11:13 today 5:11 64:21 68:5 69:1,3 70:11 71:3,11,13 72:17 told 10:17,18 12:9 43:8 61:4 69:8 73:21 74:20 top 39:7 48:16 tossing 72:6 total 22:1 touch 13:1,13 41:10 77:11 tow 38:12,12 towel 10:5 training 15:12 transcribed 83:5 transcript 5:10	81:13 82:2 transcription 83:6 trash 10:13,14 43:20 trauma 42:16 traveling 27:21 28:13,19 29:12 treated 44:13 44:19 47:4 50:5 64:6 78:7 treatment 44:1 45:12 47:21 49:5 61:14 77:13,16,17 trees 30:1,10 tried 21:6,6,13 52:14,21 60:21 trouble 40:6 truck 27:16 28:10 38:12 trucks 38:12 true 83:7 truth 4:5,5,6 try 4:20 5:14 53:7 trying 21:17 23:5 49:14 72:21 tube 67:21 Tuesday 19:13 turn 25:17 turned 6:12 14:19 Twenty-five 28:17 twice 67:5 twisted 37:1,2 two 5:17 13:5,6 15:7,7,8 16:8 21:14,21 23:18 26:6,18 35:17 39:18 55:20 60:8,9 60:21 61:1,3 62:12 76:5 80:18 type 11:2 20:8 49:10 51:7,7 65:9
---	--	---	--	--	---	---

types 7:20 54:14 typically 13:15 73:14	wages 59:21 wait 5:3 waive 82:1,4,7 waived 4:3 wake 68:1 walk 46:12 56:2 walking 46:12 55:19 56:3 65:10 want 26:14 27:13 33:6,8 69:10,12 82:3 82:4 wanted 68:13 warehouses 49:4 wash 8:15 wasn't 18:6 26:10 34:1 50:10 53:5 63:13,21 73:16 waste 7:11,18 water 8:10,12 8:16,17 9:1,2 67:8 way 9:21 15:14 17:19 22:3 42:9 48:12 63:15 83:11 weather 26:3 27:8 Wednesday 19:13 week 16:4,16 16:18,21 21:13 63:6 65:7 67:12 68:14 79:13 weekend 68:20 weeks 21:14 26:6 35:17 60:8,9,19,21 61:3 62:12,16 weight 10:21 went 11:19 15:13 21:7 22:6 29:21 30:1 44:3 45:16 53:21 54:4,16 55:2 57:1,2 61:7 62:5 64:11	68:13 74:18 76:9 78:20 79:14,16 80:4 weren't 53:7 72:4 75:1 79:12 West 24:11,16 wet 26:5 29:1 we'll 8:17,18 82:7 we're 22:2 42:3 71:4 72:9 wheel 29:20 65:19 wheels 13:4,5,5 13:11 Whitestone 24:10 wife 38:9,10 wife's 65:14 winch 9:12 winched 9:10 window 32:12 32:13,14,15 windows 32:9 32:10,11 36:8 winter 26:7 78:13 wise 10:21 22:13 65:3 67:11 wish 82:4 Witness 3:2 83:12 witnesses 41:2 wondering 9:10 work 7:5 10:18 14:1,18 15:6 16:12,15 18:16 19:12 20:1,9,12,16 20:18 21:5,10 21:19 22:20 23:9,18 24:8 24:14 51:1,5 54:5,9 60:11 60:18 61:1,8 65:17 66:20 76:1 worked 20:14 22:21 23:13 24:9 worker 14:15	workers 58:20 76:14 working 14:1,3 15:18,20,20 17:3,9,12,20 20:8 21:16 25:9 26:1 48:8 55:16 60:11,14 63:20 66:10 79:12 World 80:6 worse 35:9 55:15 wouldn't 37:5 51:17 62:1	66:18 67:8,13 67:17 68:16 70:3 72:2,16 73:6,15 76:2 76:8 79:3,11 80:15 82:6 year 11:10 22:8 22:13 23:2,18 23:21 24:17 52:6,14,17 58:9,12,13 69:17,17,20 71:20 74:5 years 5:17,17 6:6 7:1 15:7,8 21:21 22:2,17 24:11,19 25:1 81:21 yellow 27:4 York 24:9,11 24:18,21 45:10 47:18 48:2 51:11 77:17	100 50:20 11 52:19 11:17 82:8 12 10:3 12:00 19:13,15 20:15,16 13 22:17 14 6:11 52:17 59:20 1416 4:11 15 22:15 28:15 29:12 31:9 16-by-16 10:11 1998 46:5 1999 58:2,6
<b>U</b>		<b>X</b>		<b>Z</b>	
Uh-huh 15:10 18:18 22:16 30:14 51:21 70:9 75:12 Ultimately 41:5 underneath 36:10 understand 23:15 53:20 58:11 72:9 understandable 4:21 unhook 9:12 Universal 80:4 University 42:13,15 use 41:9 65:16 65:17 usual 16:17 usually 16:8 23:7 75:6	wasn't 18:6 26:10 34:1 50:10 53:5 63:13,21 73:16 waste 7:11,18 water 8:10,12 8:16,17 9:1,2 67:8 way 9:21 15:14 17:19 22:3 42:9 48:12 63:15 83:11 weather 26:3 27:8 Wednesday 19:13 week 16:4,16 16:18,21 21:13 63:6 65:7 67:12 68:14 79:13 weekend 68:20 weeks 21:14 26:6 35:17 60:8,9,19,21 61:3 62:12,16 weight 10:21 went 11:19 15:13 21:7 22:6 29:21 30:1 44:3 45:16 53:21 54:4,16 55:2 57:1,2 61:7 62:5 64:11	Whitestone 24:10 wife 38:9,10 wife's 65:14 winch 9:12 winched 9:10 window 32:12 32:13,14,15 windows 32:9 32:10,11 36:8 winter 26:7 78:13 wise 10:21 22:13 65:3 67:11 wish 82:4 Witness 3:2 83:12 witnesses 41:2 wondering 9:10 work 7:5 10:18 14:1,18 15:6 16:12,15 18:16 19:12 20:1,9,12,16 20:18 21:5,10 21:19 22:20 23:9,18 24:8 24:14 51:1,5 54:5,9 60:11 60:18 61:1,8 65:17 66:20 76:1 worked 20:14 22:21 23:13 24:9 worker 14:15	X 3:1,10 X-ray 49:7 X-rays 42:18	66:18 67:8,13 67:17 68:16 70:3 72:2,16 73:6,15 76:2 76:8 79:3,11 80:15 82:6 year 11:10 22:8 22:13 23:2,18 23:21 24:17 52:6,14,17 58:9,12,13 69:17,17,20 71:20 74:5 years 5:17,17 6:6 7:1 15:7,8 21:21 22:2,17 24:11,19 25:1 81:21 yellow 27:4 York 24:9,11 24:18,21 45:10 47:18 48:2 51:11 77:17	<b>2</b> 2 3:13 34:8,9 2:00 43:2 20 28:15 29:12 2000 22:2 52:7 52:9 69:16 2001 59:6 2003 11:10 12:13 60:18 61:6,16 63:8 64:9 68:6,12 70:12 74:2,11 75:19 78:21 2004 1:12 83:13 2008 83:21 21060 4:12 21061 2:7 21202 2:13 24 58:2 28 1:12 22:17 28th 83:13
<b>V</b>		<b>Y</b>		<b>\$</b>	
VA 1:20 vacation 79:14 79:15 vehicle 3:15,16 29:13 32:3,7 36:4,21 38:16 39:10,17 42:8 65:12,13,15 vehicles 30:13 31:10,12 35:21 38:5,18 42:4 venture 7:6,7 11:7 14:2,3 15:20 16:13 21:15 view 36:5 visible 27:6 visit 77:19 Vocational 22:7 vs 1:6	wasn't 18:6 26:10 34:1 50:10 53:5 63:13,21 73:16 waste 7:11,18 water 8:10,12 8:16,17 9:1,2 67:8 way 9:21 15:14 17:19 22:3 42:9 48:12 63:15 83:11 weather 26:3 27:8 Wednesday 19:13 week 16:4,16 16:18,21 21:13 63:6 65:7 67:12 68:14 79:13 weekend 68:20 weeks 21:14 26:6 35:17 60:8,9,19,21 61:3 62:12,16 weight 10:21 went 11:19 15:13 21:7 22:6 29:21 30:1 44:3 45:16 53:21 54:4,16 55:2 57:1,2 61:7 62:5 64:11	yeah 7:2 8:3 10:2,7 11:16 12:8,11 13:5 14:13 17:1 18:5,15 19:11 19:21 20:3,11 21:3 22:19 23:10,17 25:5 25:7 26:2,21 27:5 28:5 30:7,11 31:6 31:14 32:18 33:16 34:3,5 35:19 36:17 37:14 39:2,8 41:6 43:2,7 43:12,15 44:5 45:6,11,18 46:8 47:9 48:16 49:20 50:14,17 51:10,14,19 52:20 53:2 54:2,13 56:1 56:4,17 57:3 57:13 58:15 59:1 60:9 61:12 62:4,10 62:17 63:3,6 64:1,5,16	Y Y 3:1,10 Y-ray 49:7 Y-rays 42:18	\$ \$4,000 60:6 \$5,000 60:6	<b>3</b> 3 3:14 35:5,6,10 3:00 43:3 30 11:1,3 30s 29:4 33 3:12 34 3:13 35 3:14 36 3:15,16 39 3:17
<b>W</b>		<b>0</b>		<b>1</b>	
wage 81:7				1 3:12 33:12,13 33:15 83:21 1:00 19:17 10 2:12 31:9 10th 22:5,6,12 22:12,15 10:00 19:17 10:01 1:13	<b>4</b> 4 3:6,15 36:1,2 59:6 40 11:1,3 16:17

444 2:12					
<hr/>					
5					
5 3:16 36:19,20					
55 16:18					
<hr/>					
6					
6 3:17 39:4,5					
60 16:18					
615 1:14 2:6					
65 59:6					
<hr/>					
7					
7:00 19:14					
78:14					
7:05 26:14					
7:10 26:14					
7310 1:14 2:6					
<hr/>					
8					
8:00 19:15,16					
20:5,15					
<hr/>					
9					
9:00 19:16,16					
90s 22:18					
98 45:9					