

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 1

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

[REDACTED]

Plaintiff,

Case No.

vs.

06-CV-638

ALTON D. GRADY, ET AL.,

Defendants.

_____ /

Pursuant to Notice, the deposition of
[REDACTED] was taken on Monday, June 26th,
2006, commencing at 1:57 p.m., at the offices
of Miller and Zois, 7310 Ritchie Highway, Suite
1001, Glen Burnie, Maryland 21061, before
Kathryn M. Benhoff, Notary Public.

Corbin & Hook Reporting, Inc.

Annapolis, MD 21401-9996

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

RONALD V. MILLER, JR., ESQUIRE

Miller and Zois

7310 Ritchie Highway -- Suite 1001

Glen Burnie, Maryland 21061

410-553-6000

ON BEHALF OF THE DEFENDANTS:

GERARD F. MILES, ESQUIRE

Huesman, Jones and Miles, LLC

Executive Plaza III, Suite 300

11350 McCormick Road

Hunt Valley, Maryland 21031

443-589-0150

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I N D E X

Name of Witness

[REDACTED]

Examination:

By Mr. Miles

Exhibits:

Exhibits 1 through 3 - Photocopies of
Photographs

Exhibit 4 - Police Report

Page

4

22

24

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 4

1 IT IS HEREBY STIPULATED AND AGREED that
2 the reading and signing of this deposition are not
3 waived.

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

7 E X A M I N A T I O N

8 BY MR. MILES:

9 Q. What is your name and address, please?

10 A. It's [REDACTED]
11 [REDACTED]

12 Q. I've seen your name spelled different
13 ways. How is [REDACTED] spelled?

14 A. [REDACTED]

15 Q. Have you ever had your deposition taken
16 before?

17 A. Never. I'm quite nervous, too.

18 Q. Okay. Well, I understand that, and it's
19 typical for persons to be quite nervous,
20 particularly if you've never done it before. I will
21 explain to you what I do, and Mr. Miller may have

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 5

1 had a chance to speak to you, and then before we get
2 into asking questions, if you have anything you want
3 to know about how it works, let me know.

4 A. Okay.

5 Q. I'm going to ask you some questions about
6 your background, about the accident and about your
7 injuries.

8 A. Okay.

9 Q. I'm not here to trick you or confuse you.
10 I'm here to get information, so if I ask you
11 anything that you don't understand, will you ask me
12 to clarify it?

13 A. Definitely.

14 Q. Is it fair for me to assume that if I ask
15 you a question and you answer it that you understood
16 what I asked you?

17 A. Yes, sir.

18 Q. Okay. It's very important we don't both
19 speak at the same time. The court reporter can go
20 fairly quickly, but she cannot take down two people
21 talking at once. She can only record one thread of

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 6

1 a conversation, so please wait until I've finished
2 asking my question until you go ahead to answer it,
3 okay?

4 A. Yes, sir.

5 Q. And that will also ensure that you've
6 heard and understood my question.

7 A. Yes, sir.

8 Q. Okay. And the same way, except for you
9 to, I heard you say what day the accident was, I've
10 never spoken to you before, and so I don't know your
11 pattern of speech. You may be thinking of some more
12 information you want to share to answer a question,
13 but I may think you're completed. I never intend to
14 interrupt you. If I've interrupted you and you have
15 not given me the complete answer, will you ask me to
16 let you finish the answer?

17 A. Yes, sir.

18 Q. I can ask you a lot of questions, and the
19 more I ask, the more detailed I get, and at some
20 point, you'll find I get to the point where I've
21 sort of exhausted what you remember. It's perfectly

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 7

1 appropriate for you to say you don't know or you
2 don't remember. In other words, it's not like
3 taking the SAT. You know, I don't know is not a
4 wrong answer. I only want to ask you what you know
5 and what you remember sitting here today.

6 A. Yes, sir.

7 Q. In other words, I don't want you to guess
8 about things. Do you understand that?

9 A. Yes, I do.

10 Q. Do you have any questions for me before we
11 get started?

12 A. No, sir.

13 Q. And you understand the court reporter has
14 just sworn you under oath and under the penalties of
15 perjury, and you understand what that means?

16 A. Yes, I do, sir.

17 Q. And for certain purposes, I can use your
18 testimony here today in a courtroom even though
19 we're just sitting in your lawyer's offices. Do you
20 understand that?

21 A. Yes, sir.

Deposition of [REDACTED]
Taken on June 26, 2006

Page 8

1 Q. Okay. Your date of birth?

2 A. [REDACTED]

3 Q. And did you graduate from high school?

4 A. Yes, I did.

5 Q. And what high school?

6 A. [REDACTED]

7 Q. And what year?

8 A. 1981.

9 Q. Did you have any education after high
10 school?

11 A. Yes, I did.

12 Q. Okay. Tell me about that.

13 A. [REDACTED]

14 [REDACTED]

15 Q. And did you get an AA degree or whatever?

16 A. No, I never finished. Just credited
17 courses.

18 Q. Okay. Any other education?

19 A. That's it.

20 Q. Okay. Are you married or single?

21 A. I am single.

Deposition of [REDACTED]
Taken on June 26, 2006

Page 9

1 Q. Okay. Any children?

2 A. No.

3 Q. Tell me briefly about your employment
4 history.

5 A. I've been with this company -- I was with
6 a company prior 'til the company closing,
7 [REDACTED] from high school one, and
8 as of 11 years ago, I've been with this company,
9 which is [REDACTED]

10 Q. Is that B-E --

11 A. [REDACTED]

12 [REDACTED]

13 Q. And where are they located?

14 A. [REDACTED]

15 [REDACTED]

16 Q. What's their telephone number there?

17 A. [REDACTED]

18 Q. What do you do for them?

19 A. I am a customer service rep for them.

20 Q. Okay. What kind of products do they sell
21 or what are the services do they provide?

Deposition of [REDACTED]
Taken on June 26, 2006

Page 10

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Q. I see.

6

MR. MILLER: For [REDACTED]?

7

A. We do them all.

8

MR. MILLER: You do.

9

A. We do a lot of things.

10

Q. Okay. Let's talk about the accident.

11

A. Okay.

12

Q. You told me it happened on a Friday?

13

A. It was a Friday morning.

14

(Discussion off the record.)

15

BY MR. MILES:

16

Q. The accident happened on a Friday. Were

17

you on your way to work at the time of the accident?

18

A. Yes, sir.

19

Q. Okay. What route do you take from your

20

home to work?

21

A. Usually, I take 695 to Pulaski Route 40,

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 11

1 but for some reason, the past couple days, they've
2 been doing a lot of construction work, so I decided,
3 you know, I used to take that route along -- a lot,
4 so I figured I'd just go back to the same route
5 again, so I was going down east to North Point Road
6 to I guess it's a cut off after Quad Avenue, and
7 that takes me onto Pulaski.

8 Q. So you're on North Point Road, and if the
9 accident wouldn't have happened, you would have gone
10 past Quad?

11 A. Correct.

12 Q. And you would have turned in what
13 direction?

14 A. I guess it would be going maybe west.

15 Q. I meant right or left.

16 A. Oh, I'm sorry. Right.

17 Q. Right, onto?

18 A. Onto Pulaski Highway.

19 Q. And then from Pulaski Highway, you take
20 that all the way out to --

21 A. Yes, about a half a mile to where it takes

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 12

1 me to 67th Street.

2 Q. Okay. The road you were on where the
3 accident happened is called what?

4 A. That is North Point Road.

5 Q. Okay. How long had you been on North
6 Point Road before the area where the accident
7 occurred, how far?

8 A. From Edgemere, coming out of Edgemere,
9 about 12 1/2 miles.

10 Q. So you'd been on North Point Road for
11 12 1/2 miles?

12 A. Uh-huh. Uh-huh.

13 Q. And as you're approaching the area where
14 the accident happened, describe North Point Road to
15 me, how many lanes and that sort of thing.

16 A. Going down North Point all the way from
17 Edgemere, it's two lanes all the way in. Once you
18 hit Kane, I guess it goes to Kane Street, the
19 intersection there. If you're coming down, it goes
20 down to two until you hit the underpass, and then it
21 goes into three.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 13

1 Q. So it's two lanes in the direction you're
2 heading --

3 A. Uh-huh.

4 Q. -- and it becomes three?

5 A. It becomes three lanes once you go
6 underneath the underpass. It's Kane Street.

7 Q. And how far, the spot where it becomes
8 three lanes, how far is that from the area where the
9 accident happened?

10 A. Maybe 300 feet, 400 feet.

11 Q. Okay. Pretty close to where the accident?

12 A. Yeah, yeah. I would say it's no less than
13 a quarter -- it was less than a quarter mile.

14 Q. Okay. Now, when did you first see the
15 truck that was involved in this accident?

16 A. Coming down North Point Road, coming
17 eastbound when he crossed over the intersection of
18 Kane and coming down.

19 Q. How far were you from the accident scene
20 when you first saw the truck?

21 A. About, probably about a quarter mile.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 14

1 Q. Okay. And when you first saw the truck,
2 where was it?

3 A. He was in the righthand lane, and I was in
4 the left lane coming down North Point.

5 Q. And when you first saw the truck, where
6 was it in relation to you? In other words, I
7 understand it was in the right lane, you were in the
8 left lane?

9 A. Beside me.

10 Q. You were alongside of each other?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes, sir.

14 Q. And then, and then what happened next?

15 A. And then as we came under the underpass,
16 he got into the lane splits out where it comes down
17 the three lanes. I put my blinker on. I went into
18 the right lane. He went into the very center lane,
19 and then we were following each other all the way
20 down about, I guess about a quarter of a mile before
21 we came to the, the impact.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 15

1 Q. When there's only two lanes, the truck is
2 in the right lane and you're in the left lane,
3 right?

4 A. Okay. I'm in the right lane, he's in the
5 left lane.

6 Q. Oh, I misunderstood you.

7 A. I'm sorry. I'm sorry. My right and left.

8 MR. MILLER: I thought he had it right,
9 actually. I could be wrong.

10 A. No, as we were coming down, I was in the
11 righthand lane, he was in the left lane as we were
12 coming down underneath the underpass.

13 Q. Okay.

14 A. And then the lane goes into three lanes.

15 Q. Okay. We'll get there. I was just making
16 sure --

17 A. Okay.

18 Q. -- because I think I've heard it both
19 ways --

20 A. Okay.

21 Q. -- and all that matters to me is that I

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 16

1 get it right. So when it was two lanes, the truck
2 is in the left?

3 A. Correct.

4 Q. And you were to the truck's right?

5 A. In the right.

6 Q. Now, when a third lane is created, does
7 that appear on the righthand side --

8 A. Yes, it does.

9 Q. -- or on the lefthand side? The right?

10 A. The right side, right. That's what I
11 meant coming over.

12 Q. Okay. So when the right lane is created,
13 did I understand that you moved over one lane to the
14 right?

15 A. Yes, I did.

16 Q. And the truck moved over one lane so it's
17 in the second lane from the right?

18 A. Correct.

19 Q. Okay. And as you're driving along North
20 Point, where are you two positioned in relationship
21 to each other? In other words, who was in front of

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 17

1 each other, behind each other, whatever?

2 A. His truck was here, and I was right behind
3 his door --

4 Q. You need to -- let me interrupt you. You
5 need to use words like behind his door. That's
6 good. Here doesn't work because they can only take
7 down what you say.

8 A. I know.

9 Q. So you need to describe it in words.

10 A. We were going eastbound. The tractor
11 trailer was in the left lane, I was in the right
12 lane and I was adjacent to his door.

13 Q. The door?

14 A. The back side of his door, of the tractor
15 trailer, because I remember looking over. We
16 weren't going fast at all. I remember looking over
17 and seeing the numbers that was on the side of the
18 door because I felt -- I never seen a truck that big
19 with -- it hardly had, didn't have a very big load
20 on it.

21 Q. What do you mean, it didn't have a big

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 18

1 load?

2 A. It only had a couple pallets on it, and I
3 thought it was kind of a big truck for being in such
4 a little area, that little area of road.

5 Q. What kind of trailer was attached to the
6 tractor?

7 A. It was a big trailer.

8 Q. Well, in other words, there's the box
9 trailer that has walls and so forth --

10 A. No, it was a open trailer. It was a open
11 trailer, and I just remember looking over and seeing
12 that, you know, because I was right beside him.

13 Q. An open trailer is what people sometimes
14 call a flatbed where it's just a --

15 A. That's what it was, yes.

16 Q. -- a bed and you see the product sitting
17 on there, and you're saying there weren't many of
18 them?

19 A. Didn't look there was many of them. It
20 was a couple pallets, and I didn't know what was in
21 the pallets.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 19

1 Q. Okay. So as you're driving along, before
2 the lane split, before we add the lane to the right,
3 you're in the right lane, the truck's in the left,
4 and your, the front of your -- what are you driving?

5 A green pickup, right?

6 A. I have a very big truck. I have a truck,
7 a Dodge Daytona -- a Dodge Dakota.

8 Q. Okay. And that's lined up, the front of
9 your pickup is, is alongside --

10 A. Yeah, to where the front of his door, yes.

11 Q. The front of --

12 A. Towards --

13 MR. MILLER: I got to caution you both to
14 stop.

15 Q. Go on, [REDACTED]

16 A. My, my front of my truck was in like the
17 middle of his door to the end of his door where you
18 open it up.

19 Q. Okay. And then a lane is added on the
20 right, correct?

21 A. Correct.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 20

1 Q. And then what did you do? Did you move
2 into the right lane?

3 A. Yes. I put my blinker on and I moved into
4 the right lane because that exit, that lane takes me
5 to my exit.

6 Q. Okay. And did the truck put its right
7 turn signal on and move into the lane that you had
8 previously --

9 A. No, he did not.

10 Q. Okay. What did the truck do next?

11 A. He just basically had gotten into that
12 lane when I moved over. He had gotten into that
13 lane, and I moved over into my lane.

14 Q. Okay. Were you and the truck going
15 approximately the same speed, or is one of you going
16 faster than the other?

17 A. Probably exactly the same, because we were
18 staying up at the same pace all the way down.

19 Q. And what speed was that?

20 A. I'd say no more than 15, 20 miles, because
21 it's only a 30 mile, 25 to 30 mile speed zone there.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 21

1 Q. Okay. What happened next?

2 A. Then next, all I know is that we had came
3 up to I guess where he was making a turn, and alls I
4 know is I was just going down. I put my blinker on
5 to make the turn because it's at the next light.
6 Went to put my blinker on to make that turn, and all
7 of a sudden, he was in front of me. His truck just
8 came completely in front of me, and I went
9 underneath the back end of his front tire.

10 Q. And what part of the truck hit what part
11 of your pickup?

12 A. The front of my truck, the side of my
13 truck. The driver's side.

14 Q. And what part of the tractor was hit?

15 A. I mean, the tire to the back frame, I
16 guess. I don't know.

17 Q. Did you see any damage to the truck?

18 A. I really wasn't looking. I was in a lot
19 of pain myself. I really wasn't --

20 Q. What damage was done to your pickup?

21 A. Almost \$5000 worth of damage, and that was

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 22

1 the front end. They had to take the grill -- it
2 messed up part of the transmission or something,
3 coming down to the lefthand side of the truck,
4 passenger side.

5 (Discussion off the record.)

6 (Exhibits 1 through 3 marked.)

7 BY MR. MILES:

8 Q. I'm showing you what's been marked as
9 Deposition Exhibits 1, 2 and 3. Can you identify --

10 A. Boy, it doesn't look like very much
11 damage, does it?

12 Q. Are those pictures of your car -- excuse
13 me, your pickup truck taken after the accident?

14 A. Yes, sir.

15 Q. And do they reflect the damage that was
16 done to your pickup truck in the accident?

17 A. From what I can tell. The pictures are
18 quite dark, but yeah.

19 Q. Obviously, you had a puncture to your left
20 tire?

21 A. Correct.

Deposition of [REDACTED]
Taken on June 26, 2006

Page 23

1 Q. And it looks like you had some scraping on
2 your left front?

3 A. Uh-huh, uh-huh.

4 Q. Is there any other damage you can see in
5 the pictures that you could point out to me?

6 A. No, that's it. There was some damage done
7 to the motor of the car, I think, because I had to
8 take it back to Thompson Dodge because it was doing
9 so much rattling, and they had to do something to
10 the steering.

11 Q. Okay. So the two of you were going
12 alongside of each other on North Point for a period
13 of time at about the same speed, and did you ever
14 see a turn signal on the truck?

15 A. No, sir, I did not.

16 Q. Can you describe to me the angle of the
17 tractor when it hit you? Do you know what I mean?
18 Was it sort of side to side or the tractor turned
19 90 degrees?

20 A. He didn't turn because I figured I
21 probably would have seen if he would have went out

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 24

1 of the lines, because I mean, the road is very small
2 on that side. On the right side, the lane is a real
3 small lane. I mean, that tractor trailer was big.
4 If I would have seen him turn or even be in the
5 middle of any of the lanes, I would have seen that
6 compared to my truck, I would have seen him pull
7 away from my truck. The front of the truck would
8 have pulled away from my truck instead of being so
9 close to my truck.

10 (Exhibit 4 marked.)

11 BY MR. MILES:

12 Q. Let me show you the police report for the
13 accident --

14 A. Sure.

15 Q. -- which we've marked as Exhibit 4. The
16 police officer wasn't there, so he didn't see the
17 accident, but he drew a diagram.

18 A. Uh-huh.

19 Q. Does that diagram to your way of thinking
20 accurately show the angle of the tractor in relation
21 to the angle of your pickup?

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 25

1 A. Yes, it does, because his whole trailer
2 was in his lane, and that lane, it was not over in
3 any of the lanes.

4 Q. Okay. And the front of the tractor had
5 turned close to 90 degrees towards your truck?

6 A. Correct.

7 Q. So in other words, trying to perceive what
8 happened, it wasn't like the truck was sort of
9 sliding over to the right?

10 A. Right.

11 Q. It was like a sharp right turn?

12 A. Yeah.

13 Q. Okay. Describe to me the impact as you
14 experienced it.

15 A. It was a hard impact, very hard. I mean,
16 I, I hurt my hand. I mean, everything just -- my
17 hand just completely just went (indicating).
18 Severe, severe pain. There was a point where as
19 soon as the impact, I was crying because of the
20 severe pain.

21 Q. Okay. And obviously, you broke your

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 26

1 wrist, we understand?

2 A. Yeah.

3 Q. How did that happen; do you know?

4 A. I don't know. I mean, I was holding onto
5 the steering wheel, and I don't know what happened.
6 I mean, it just, the impact, because I mean, he just
7 came in over my, just came in front of me, and it
8 was like boom. There was no stopping. There was
9 nowhere I could just, just slam on the brakes or
10 anything. There was no -- it was there. It just
11 happened.

12 Q. Okay. Did you hurt any part of your body
13 other than your left wrist and hand?

14 A. Just my back when I went backwards, other
15 than my hand.

16 Q. Do you have airbags on your pickup truck?

17 A. Yes, I do, on both sides.

18 Q. Okay. Did they activate?

19 A. No, they did not.

20 Q. Is there any significant -- I'm talking
21 about engine -- damage to your truck that's not

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 27

1 reflected in these pictures?

2 A. Yes, there was some steering problems.

3 Q. I was more, I was more talking about
4 things I could see like damage to the frame.

5 A. Oh, no.

6 Q. Okay. What happened next?

7 A. Then that was basically it. Mr., the
8 Defendant --

9 Q. Mr. Grady?

10 A. Mr. Grady had gotten out of his truck and
11 went around, looked at his truck, and then walked
12 over in front of his truck, got back in his truck,
13 and then a young woman come up behind me and she
14 tapped on the door and wanted to know if I could get
15 out. I couldn't get out. I had my seat belt
16 strapped, and I was in so much pain, I couldn't lift
17 myself out of my truck, and she said she'd called
18 911, and the police, and the police had come --

19 Q. Let me interrupt you just a second. Would
20 it have been possible for you to get out of the
21 truck on the lefthand side if you had been able to

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 28

1 take off your seat belt, or was there any damage to
2 your door that it wouldn't open, or was the truck
3 next to you?

4 A. No, they opened up the door. No, they
5 were able --

6 Q. So you would have been able to get out if
7 you --

8 A. Yeah, yeah.

9 Q. -- had been able to undo your seat belt?

10 A. Correct.

11 Q. Okay. So what happened next?

12 A. After that, the police came, asked me if I
13 was okay. Mr. Alton was over, was a little bit
14 further down from where they were at, the police,
15 talking with them, and the young woman come over and
16 said she called the EMT, and then the EMT came, and
17 they had Mr. Alton move the truck, which he just
18 backed up the truck and then pulled it forward, and
19 then the ambulance took me.

20 Q. Did you ever talk to Mr. Grady about how
21 the accident happened?

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 29

1 A. No, sir.

2 Q. Was there any conversation at all between
3 you and Mr. Grady?

4 A. No, sir.

5 Q. Okay. And the ambulance then took you to
6 the hospital?

7 A. That's correct.

8 Q. Are there any facts you can remember about
9 how the accident happened that you haven't told me
10 already?

11 A. No, not that I can recall.

12 Q. How fast do you think the truck was going
13 when it made that right turn?

14 A. I mean, 15. I mean, I'm not an expert on
15 knowing what --

16 Q. I understand.

17 A. I mean, I don't know.

18 Q. And how fast were you going at the time of
19 impact?

20 A. About 15, 20 miles an hour at least,
21 because like I said, that is a, you know, 25 to 30

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 30

1 mile zone, and I did come over and I was getting
2 ready to make my turn the next red light up.

3 Q. Fifteen seems like a slow speed for a car
4 in a 30 mile zone. I'm just wondering why you were
5 going only 15.

6 A. Because we weren't going that fast beacuse
7 that road's not that -- that lane is not that wide.
8 It's not that wide at all, and tractor trailers, you
9 know, I see so many accidents in that intersection
10 all the time. I'm just, I'm a little cautious about
11 that area.

12 Q. Okay. Okay. You then went by ambulance
13 to the hospital?

14 A. Yes, sir.

15 Q. Johns Hopkins Bayview?

16 A. Correct.

17 Q. And tell me about your visit to Johns
18 Hopkins Bayview.

19 A. They had taken me in there. One of the
20 doctors came around, and by that time, my hand was
21 swollen and this finger was back, and they were

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 31

1 trying to move my hand, which they couldn't. I was
2 in a lot of pain, a lot of severe pain. The one
3 doctor came up and said that, you know, we need to
4 take x-rays. They came in. They got me for x-rays.
5 I was crying. They were trying to calm me down. My
6 blood pressure was high at the time, and they just
7 kept telling me to calm down.

8 Q. What did they tell you was wrong?

9 A. They said that they know that there was a
10 cut, and it looked like there might have been
11 something broken, definitely. They wanted to take
12 me to x-rays to find out. After they brought me out
13 of x-rays, I seen like four or five doctors. They
14 kept coming in and saying about having to go into
15 surgery, that they were trying to get me into
16 surgery right away. They were trying to get
17 somebody in to do the surgery because they said that
18 there was no waiting for the surgery to get -- they
19 couldn't postpone the surgery. It had to be done
20 right away.

21 Q. So when did you have the surgery?

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 32

1 A. I had the surgery that day, within three
2 hours.

3 Q. The day of the accident?

4 A. I was, I was in surgery by one o'clock.

5 Q. And I understand you're not a doctor, but
6 what is your understanding of what was wrong with
7 your -- is this your wrist?

8 A. As far as I know. I broke the bone here.
9 I have no feeling whatsoever --

10 Q. Here, you're indicating --

11 A. On my pinky --

12 Q. -- alongside your pinky?

13 A. -- my small finger, all along here. I
14 broke here. I shattered it in here. I did
15 something --

16 Q. On the left side -- excuse me.

17 A. Correct, the left --

18 Q. The left side of your left hand?

19 A. Correct, underneath of the pinky. I
20 shattered this area here. This bone here, this,
21 this back here was down in here.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 33

1 MR. MILLER: [REDACTED] the reason why he's
2 trying to help you out is she's trying to write
3 it down.

4 A. Oh, I'm sorry.

5 Q. We can't use words like here.

6 MR. MILLER: So here is not working out.
7 Describe it --

8 Q. Describe it --

9 A. Okay. Under my ring finger --

10 MR. MILLER: There we go.

11 A. -- I had broke from this all the way over,
12 the bones that were in -- I'm sorry. Over to my
13 thumb.

14 Q. Okay.

15 MR. MILLER: Take out the word this.

16 A. Over to my thumb. I have no feeling at
17 all in this finger at all.

18 Q. Index?

19 A. In my index finger. I have no feeling at
20 the bottom of my thumb. I have no feeling at the
21 bottom of my pinky down. I broke the bone that

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 34

1 goes, that goes to, from my wrist. I fractured
2 that, and I have no range of motion in my hand at
3 all. I mean, as far as I can bend it is probably
4 about maybe two inches. That's it.

5 Q. So you cannot close your hand completely?

6 A. I cannot close my hand.

7 Q. Can you move your wrist this way?

8 A. It's very, very limited right now, very
9 limited. I can move it down about an inch and about
10 a half inch to an inch that way. I have no -- my
11 range of motion is very, very short. They pinned
12 it --

13 Q. How many bones were broken, or do you
14 know?

15 A. I'm not exactly sure. I just know that it
16 was very many multiple fractures and, and metatarsal
17 2 through 5.

18 Q. And how long were you in the hospital?

19 A. I was in the hospital for a day and a
20 half.

21 Q. Okay. And then who, who was your primary

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 35

1 treating physician?

2 A. [REDACTED] and [REDACTED].

3 Q. And who did you see for follow-up care?

4 A. [REDACTED] and [REDACTED].

5 Q. Okay. And when did you see them? Take me
6 through basically when you saw them and the
7 chronology of your --

8 A. They wanted to start physical therapy
9 right away. I went up -- I had surgery that Friday.
10 I was up in their office on Tuesday making future
11 plans because they said that with this type of
12 injury, they said the injury was very severe, some,
13 worse than what they had, some orthopedic doctors
14 have seen with sports medicine. They said they
15 wanted to start physical therapy right away, which I
16 did that week.

17 Q. Okay. Did physical therapy help?

18 A. No.

19 Q. Okay. After you got out of the hospital,
20 when did you see your doctors next?

21 A. Tuesday.

Deposition of [REDACTED]
Taken on June 26, 2006

Page 36

1 Q. Tuesday after?

2 A. Correct.

3 Q. And is that when they decided to start
4 physical therapy?

5 A. Exactly, and I was in physical therapy
6 that couple days after that.

7 Q. And when did you see the doctors next?

8 A. I was seeing them like twice a week, like
9 once or twice.

10 Q. When was the last time you saw your
11 doctors?

12 A. February 6.

13 Q. Of?

14 A. And that's when I went to [REDACTED]
15 My doctor is no longer -- this [REDACTED] and
16 [REDACTED] is no longer working under Johns Hopkins
17 anymore as of six week ago.

18 (Discussion off the record.)

19 BY MR. MILES:

20 Q. [REDACTED] was at Johns Hopkins Bayview?

21 A. Correct.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 37

1 Q. And he followed your case until when?

2 A. He followed it up until January.

3 Q. Okay. So approximately when was the last
4 time you saw him?

5 A. I'm not exactly sure.

6 Q. Okay. Sometime in January, did you see
7 him?

8 A. Probably, yes.

9 Q. Why did you --

10 A. I'm just estimating, because I had went in
11 for [REDACTED] [REDACTED] had wanted me to see a
12 [REDACTED] who specializes in pain management so
13 they could do some ganglion stellate blockages to
14 stop the nerve endings from the pain that they were
15 causing, and I had that done at Johns Hopkins on
16 December 7th.

17 Q. What did you have done at Johns Hopkins on
18 December 7th?

19 A. It's called a stellate, S-T-E-L-L-A-G-E,
20 ganglion, G-A-L-L-I-O-N, blockage. That's where
21 they go in through the neck and they deaden the

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 38

1 nerves that go in through the arms underneath the
2 chest.

3 Q. And what's the purpose of that?

4 A. It deadens the nerves, because what
5 happens is when you have severe nerve damage, it's
6 like electrical impulses going off. It's like
7 taking a cord and fraying it and all the electrical
8 impulses going all over the place. That's what
9 causes the pain in the tissues, so what they do is
10 they block it off so it doesn't go down that far.
11 It just leaves an even line.

12 Q. Do you have the records of that procedure?

13 MR. MILLER: I do not.

14 Q. Okay. So that was in December at Johns
15 Hopkins?

16 A. Correct.

17 Q. Last time you saw [REDACTED] was in January?

18 A. Yeah.

19 Q. And just looking at your sheet here, Ron,
20 it looks like the last you have would be October 3,
21 assuming the sheet's accurate?

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 39

1 MR. MILLER: Right.

2 Q. And then who did you -- why did you stop
3 seeing [REDACTED]?

4 A. Because I didn't have any more money to --
5 I kept paying for all the medical bills, and I'm a
6 single person. I can't afford to keep putting
7 out -- it was costing me \$30 to see him every time I
8 seen him, and you know, my medical insurance will
9 only cover so much, and then after with physical
10 therapy as well, my deductible, I had to pay my
11 deductible in this, so every time I had to see him
12 thereafter, I couldn't afford it. They cut my hours
13 back at work and everything because I was missing a
14 lot of time.

15 Q. So you stopped seeing [REDACTED] because
16 you couldn't afford to see him?

17 A. I couldn't afford to see him, correct.

18 Q. Well, could you afford to see [REDACTED]?

19 A. No, I could not.

20 Q. So I'm -- that doesn't seem to me to be
21 why you switched from one doctor to another. You

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 40

1 needed to get treatment.

2 A. That's when I had called Ron and told him
3 I couldn't afford to see a doctor because of the
4 fact of how much it was costing me, so he wanted me
5 to see [REDACTED] to see if we could work something
6 out with them, and they work the same way. I would
7 still have to pay the deductible.

8 MR. MILLER: Right, which was sent there
9 because she's not paying a co-pay there in the
10 same way.

11 A. Right.

12 Q. So when did you start seeing [REDACTED]

13 A. February. That was it, and then I started
14 a couple --

15 Q. I'm sorry. Go ahead. Go ahead.

16 A. Okay. And then a couple weeks ago, that's
17 when I started with the pain in here, and that's
18 when I called Johns Hopkins to talk to [REDACTED]
19 about making an appointment and they told me he was
20 no longer there.

21 Q. Okay. Have you seen [REDACTED] since

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 41

1 February 6, 2006?

2 A. No, sir.

3 Q. Okay. Have you seen any doctor since
4 February 6, 2006?

5 A. No, sir.

6 Q. Have you gotten any physical therapy since
7 February 6, 2006?

8 A. No, sir.

9 Q. Do you plan on seeing another doctor?

10 A. I would like to, yes. I had made an
11 appointment. I did talk to the referring rep who
12 did take over [REDACTED] office, which is a
13 [REDACTED], and I did make
14 references in there about seeing her, but then I'd
15 have to start on all over, so they told me to wait
16 until sometime the end of this month, and the
17 receptionist there at Johns Hopkins will get me to
18 find out where [REDACTED] has gone, because I really
19 didn't want to have to start over with doctors
20 again.

21 (Discussion off the record.)

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 42

1 BY MR. MILES:

2 Q. Why have you not seen a doctor since
3 February 6, 2006?

4 A. Because I haven't had the money. I'm a
5 single person. I live by myself. I have nobody to
6 fall back on and nobody to pay the \$30 every time I
7 have to see the doctor and the pharmaceuticals. I
8 have one prescription for Neurontin that's over \$140
9 that I can't, I can't fill.

10 Q. What do you take that for?

11 A. That's supposed to be for the pain, to
12 relieve the pain.

13 Q. How's your wrist doing now?

14 A. In a lot of pain.

15 Q. Okay. Tell me about what problems you
16 have with your wrist now.

17 A. What problems? Other than I can't grab
18 anything. I can't lift anything. I need somebody
19 to help me put my clothes on. I can't even get a
20 pair of nylons on. It's been a total nightmare
21 since this has happened.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 43

1 Q. How do you do that as a single person?

2 A. It's hard. It's hard. My father made me
3 this little rack that's about this long that's got a
4 board on it. It's got a little clip on the end of
5 it so I can pull things up. I can't wear anything
6 that's not zippered, buttoned. I can't wear
7 anything that's got, you know, that's got ties to it
8 because I can't tie anything.

9 Q. Okay. Are you righthanded or lefthanded?

10 A. I'm lefthanded.

11 Q. Lefthanded?

12 A. Which has been pretty much real fun. Yes.

13 Q. Have you been able to work?

14 A. Yeah. I have no choice. I don't have
15 short-term disability. I don't have long-term
16 disability, you know, and I'm a single person, and I
17 can't -- you know, between an apartment and rising
18 cost of living, I can't afford it. Medical
19 insurance? I can't afford, you know, and this is
20 what I told, you know, Ron, who tried to help me
21 with this. I can't afford to put out \$40 for a

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 44

1 physical therapy, you know, twice a week and \$30 to
2 see a doctor every week. That starts to add up, and
3 I can't afford it. I mean, this accident has put me
4 in a hole big time. I almost got evicted because
5 because I had to put out for my own stuff, and I
6 have nobody to fall back on.

7 Q. Okay. Tell me about your hand. How often
8 does it cause you pain?

9 A. A lot. At nighttime, a full night's sleep
10 is impossible. You know, I can't leave it down.
11 It's got to constantly be up over my head when I'm
12 laying flat. Constant pain. It's just, it, you
13 know, I sit there at work. I can't take medication
14 for it. I can't take anything because it'll knock
15 me out. I can't take anything for pain because it
16 knocks me out.

17 Q. Okay. Are there any other things that you
18 can't do because of your injury to your left wrist
19 other than what you've told me about so far?

20 A. Yeah, grocery shopping. Do you know how
21 hard it is to go grocery shopping with one hand?

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 45

1 You know, picking up my nephews. You know, I used
2 to play paintball with them. I can't even do that.
3 I have an RV. I have a ATV, a four wheeler I can't
4 even ride because I have no, I have no control to
5 hold anything. As simple as a bicycle. Same thing.
6 I can't even ride a bicycle. I mean, this, this --
7 I just wish this had never happened.

8 Q. Are you able to pick up anything or hold
9 anything with your left hand?

10 A. Not at all. Not at all. I can't even
11 pick myself up. Simple as laying on a bed and
12 rolling over.

13 MR. MILLER: You all right, [REDACTED] You're
14 doing fine. You're doing fine.

15 Q. What do you do at work?

16 A. I'm on a type -- I'm on a keyboard all day
17 long taking orders for customers.

18 Q. And how do you do that with --

19 A. It's not easy. I don't do it. I have to
20 do this, so everything has to revolve around this
21 hand.

Deposition of [REDACTED]
Taken on June 26, 2006

Page 46

1 Q. Okay. So if I understand right, it's
2 hard, but you have been able to resume working your
3 regular schedule?

4 A. Yeah. I have to. I have no choice.

5 Q. Okay. I understand. And it looks like
6 you lost wages of from August 7th to October 23,
7 114.5 hours?

8 A. Yeah. That was mostly through physical
9 therapy and stuff, because I only took four days off
10 from the accident. I had to be back, I was back at
11 work the following week after the surgery because
12 like I said, I have no long-term disability. I
13 exhausted all my, my time. I've been there 11
14 years, and I get three weeks vacation. I exhausted
15 all my, my two weeks vacation and my five personal
16 days.

17 Q. Okay. So if the accident happened on a
18 Friday, when did you return to work?

19 A. The following Monday.

20 Q. You mean you took off the week after --

21 A. The week after, yes.

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 47

1 Q. So like ten days after the accident would
2 have been when you returned?

3 A. Yep.

4 Q. Okay. And then the other hours are for?

5 A. Physical therapy.

6 Q. Mostly for physical therapy --

7 A. Yep.

8 Q. -- and doctor's appointments?

9 A. Yes, because my doctor would only take me,
10 last visit's one o'clock, so from one o'clock, he
11 would -- I would be there like two or three hours.
12 Our business closes at five, so I lose a half a day
13 of work.

14 Q. Okay. In this packet, do we have a
15 statement from the employer or anything about what
16 days she missed or anything like that?

17 A. There should be, yes, because that's what
18 you got from my -- there was copies on my payroll.

19 (Discussion off the record.)

20 MR. MILES: I think that's all the
21 questions I have for today, and I don't know if

*Deposition of [REDACTED]
Taken on June 26, 2006*

Page 48

1 I anticipate having anymore or not. Once we
2 get all the medicals, I think they'll be
3 relatively self-explanatory, but that'll be all
4 the questions I have for you today.

5 MR. MILLER: Okay. And just for the
6 record, we produced today documents we Bates
7 stamped 1 through 89, which seems to be up
8 through the [REDACTED] visit in February, but as
9 has been noted over the course of the
10 deposition may have omitted some records that
11 we don't have yet.

12 MR. MILES: And you'll give me copy of the
13 lost wage statement faxed to me or something
14 sometime.

15 MR. MILLER: Yes.

16 THE WITNESS: It should be in there
17 because she made --

18 MR. MILLER: I think we can conclude,
19 Gary. We can go off the record, correct?

20 MR. MILES: Sure.

21 (The deposition concluded at 2:40 p.m.)