

**In The Matter Of:**

**[REDACTED]** v.

**[REDACTED]**

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**[REDACTED]**  
*November 7, 2007*

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*For The Record, Inc.*  
*Court Reporting and Litigation Support*  
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**Word Index included with this Min-U-Script®**

[1] IN THE CIRCUIT COURT FOR CHARLES  
 [2] COUNTY, MARYLAND  
 [3]  
 [4]  
 [5] ██████████ )  
 [6] Plaintiff, ) Case No.  
 [7] v. ) 08-C-07-001783  
 [8] ██████████ )  
 [9] and )  
 [10] BALTIMORE TANK LINES, INC. )  
 [11] and )  
 [12] USAA INSURANCE COMPANY, )  
 [13] Defendants. )  
 [14]  
 [15]  
 [16]  
 [17] The deposition of ██████████ was  
 [18] taken on Wednesday, November 7, 2007, commencing  
 [19] at 12:12 p.m., at the offices of For The Record,  
 [20] Inc., 10760 Demarr Road, White Plains, Maryland,  
 [21] before Melissa G. Fleming, Notary Public.  
 [22]

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 [17]  
 [18] ALSO PRESENT:  
 [19] Cindy Young  
 [20]  
 [21]  
 [22] (Index appears following the transcript.)

[1] APPEARANCES  
 [2]  
 [3] ON BEHALF OF THE PLAINTIFF:  
 [4] LAURA G. ZOIS, ESQUIRE  
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 [21] ANDREW T. STEPHENSON, ESQUIRE  
 [22] Franklin & Prokopik

[1] PROCEEDINGS  
 [2]  
 [3] ██████████ Exhibit Numbers 1 and 2 were  
 [4] marked for identification.)  
 [5] Whereupon —  
 [6] ██████████  
 [7] a witness, called for examination, having been  
 [8] first duly sworn, was examined and testified as  
 [9] follows:  
 [10] EXAMINATION  
 [11] BY MS. ZOIS:  
 [12] Q: Good afternoon, ██████████. My name is  
 [13] Laura Zois and I'm an attorney for ██████████  
 [14] ██████████ regarding a car accident, which took place  
 [15] back on March 13th of 2006. Before we get  
 [16] started, I just want to go through some of the  
 [17] ground rules of a deposition process. Okay?  
 [18] If I ask you a question and you do not  
 [19] understand the question, I want you to let me  
 [20] know. Okay?  
 [21] A: Okay.  
 [22] Q: Otherwise, I'm going to assume you

[1] heard the question and understood the question  
 [2] and you're answering my question. All right?  
 [3] **A:** Okay.  
 [4] **Q:** I'm also going to ask that you answer  
 [5] all of my questions verbally. The court  
 [6] reporter to my right is taking down everything  
 [7] that's being said at the table and she can't  
 [8] take down shrugs of the shoulder and nods of the  
 [9] head yes or no, so you actually have to say yes  
 [10] or no. Okay?  
 [11] I'm also going to ask that you avoid  
 [12] saying uh-huh or uh-uh, because it comes out the  
 [13] same way on the record, so I'm going to ask that  
 [14] you try and actually say yes or no. Okay? And  
 [15] every time you break that rule, you have to put  
 [16] a quarter on the table.  
 [17] **A:** I don't have any quarters.  
 [18] **MR. FORD:** She'll take dollar bills.  
 [19] **BY MS. ZOIS:**  
 [20] **Q:** Also during your deposition, I'm going  
 [21] to maybe ask you about time, speed and distances  
 [22] and about how, you know, maybe the movement of

[1] the tractor-trailer might go and I'm going to  
 [2] ask that you avoid to kind of using hand  
 [3] gestures and actually try and articulate and  
 [4] describe with words a movement. Okay?  
 [5] **A:** Okay.  
 [6] **Q:** All right. [REDACTED], your name is  
 [7] [REDACTED], correct?  
 [8] **A:** That's correct.  
 [9] **Q:** Is that your full name?  
 [10] **A:** Yeah.  
 [11] **Q:** Any middle name?  
 [12] **A:** Initial G, Gordon.  
 [13] **Q:** Okay. [REDACTED].  
 [14] **A:** Right.  
 [15] **Q:** And what is your current address?  
 [16] **A:** It's Grampton Road, Clements, Maryland.  
 [17] **Q:** Is that in Charles County?  
 [18] **A:** No, St. Mary's.  
 [19] **Q:** And how long have you lived at that  
 [20] address?  
 [21] **A:** Four and a half years.  
 [22] **Q:** So you would have been living at that

[1] address back on the date of this accident of  
 [2] March 13th, 2006?  
 [3] **A:** Yes.  
 [4] **Q:** Can you give me your date of birth,  
 [5] please?  
 [6] **A:** 8/6/61.  
 [7] **Q:** And your Social Security number?  
 [8] **A:** 218-88-7073.  
 [9] **Q:** And do you have a CDL driver's license?  
 [10] **A:** Yes, I do.  
 [11] **Q:** Is it a special class of CDL?  
 [12] **A:** Hazmat.  
 [13] **Q:** And is that so you can haul fuel?  
 [14] **A:** That's correct.  
 [15] **Q:** And how long have you held a hazmat CDL  
 [16] driver's license?  
 [17] **A:** Eight years.  
 [18] **Q:** So you acquired that back in 1999?  
 [19] **A:** That's correct.  
 [20] **Q:** My math isn't very good. That's why I  
 [21] have to double-check.  
 [22] **A:** You know, I've had a CDL for a while,

[1] but I had to have hazmat when I started pulling  
 [2] fuel.  
 [3] **Q:** And did you start hauling fuel back in  
 [4] 1999?  
 [5] **A:** No. It was five years ago.  
 [6] **Q:** So you started hauling fuel five years  
 [7] ago?  
 [8] **A:** Right.  
 [9] **Q:** And who did you start hauling fuel for  
 [10] five years ago?  
 [11] **A:** Well, I started with a — I worked with  
 [12] another company before Baltimore Tank Lines.  
 [13] **Q:** What was the name of the company that  
 [14] you worked —  
 [15] **A:** Mid States Oil.  
 [16] **Q:** Mid States Oil.  
 [17] **A:** In Baltimore.  
 [18] **Q:** And they're based out of Baltimore?  
 [19] **A:** That's correct.  
 [20] **Q:** Also during your deposition, I know you  
 [21] know where I'm headed with a lot of my  
 [22] questions. You have to wait until I get the

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[1] whole question out before you begin your answer,  
 [2] otherwise we're going to drive her crazy. All  
 [3] right? When did you haul fuel for Mid States  
 [4] Oil, for what years?  
 [5] **A:** It had to be around '95, the year of  
 [6] '95, something like that.  
 [7] **Q:** So only during 1995?  
 [8] **A:** Yeah. I didn't stay with them that  
 [9] long.  
 [10] **Q:** And when did you start hauling fuel for  
 [11] Baltimore Tank Lines?  
 [12] **A:** 2003.  
 [13] **Q:** Who were you driving for from 1995 to  
 [14] 2003?  
 [15] **A:** For myself, hauling logs.  
 [16] **Q:** So you're an owner/operator?  
 [17] **A:** That's correct.  
 [18] **Q:** And in 2003 you started hauling fuel  
 [19] for Baltimore Tank Lines?  
 [20] **A:** That's correct.  
 [21] **Q:** Is that what you still are currently  
 [22] doing?

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[1] **A:** That's correct.  
 [2] **Q:** Since 2003 as an owner/operator, do you  
 [3] only haul for Baltimore Tank Lines?  
 [4] **A:** That's correct.  
 [5] **Q:** Do you still do anything on the side  
 [6] for yourself?  
 [7] **A:** No.  
 [8] **Q:** So the only thing you've done from 2003  
 [9] through 2007 is haul fuel for Baltimore Tank  
 [10] Lines?  
 [11] **A:** That's correct.  
 [12] **Q:** Back in March of 2006, what kind of  
 [13] tractor did you have?  
 [14] **A:** A blue Peterbilt.  
 [15] **Q:** And what year was it?  
 [16] **A:** '92.  
 [17] **Q:** And is that still the vehicle that you  
 [18] have now?  
 [19] **A:** No, it's not.  
 [20] **Q:** When did you — did you acquire a new  
 [21] vehicle?  
 [22] **A:** Yes, I did.

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[1] **Q:** What year?  
 [2] **A:** A 2004 Freightliner.  
 [3] **Q:** What year did you acquire the 2004  
 [4] vehicle?  
 [5] **A:** 2007.  
 [6] **Q:** So in 2007 you bought the 2004 vehicle?  
 [7] **A:** That's correct.  
 [8] **Q:** And back in March of 2006, you had the  
 [9] 1992 vehicle.  
 [10] **A:** That is correct.  
 [11] **Q:** Got it. Taking you back to the date of  
 [12] March 13th of 2006, do you know what, if  
 [13] anything, you were hauling back on that date?  
 [14] **A:** Number two oil.  
 [15] **Q:** Back on March 13th of 2006, you were  
 [16] hauling number two oil, correct?  
 [17] **A:** That is correct.  
 [18] **Q:** And were you hauling number two oil for  
 [19] Baltimore Tank Lines?  
 [20] **A:** That's correct.  
 [21] **Q:** How was it that you received the  
 [22] dispatch assignment to call this particular tank

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[1] of number two oil from Baltimore Tank Lines?  
 [2] **A:** How did I receive —  
 [3] **Q:** The job.  
 [4] **A:** From the dispatcher.  
 [5] **Q:** Do you know when you were contacted by  
 [6] the dispatcher?  
 [7] **A:** The day before, that evening on the  
 [8] 5th.  
 [9] **Q:** On what date, I'm sorry?  
 [10] **A:** Well, you're saying the accident  
 [11] happened on the 6th, so the 5th — is that what  
 [12] you asked me, the oil —  
 [13] **Q:** Let me just be clear. The date of the  
 [14] accident we're talking about today is March 13th  
 [15] of 2006. Okay?  
 [16] **A:** Okay. Well, the day before I get  
 [17] dispatched, the night before I get dispatched.  
 [18] **Q:** On the evening of March 12th of 2006,  
 [19] the dispatcher from Baltimore Tank Lines called  
 [20] you and told you what your assignment —  
 [21] **A:** No, I called them.  
 [22] **Q:** You've got to wait till I finish my

[1] question.

[2] **A:** I'm sorry.

[3] **Q:** That's okay. We'll get through it.

[4] Don't worry. As a habit or the way you would  
[5] receive an assignment, and correct me if I'm  
[6] wrong, because I don't know, you would call the  
[7] dispatch the day before and say, what am I doing  
[8] tomorrow?

[9] **A:** That's correct.

[10] **Q:** So on March 12th, like any other day,  
[11] you called the dispatcher at Baltimore Tank  
[12] Lines and say, what am I hauling tomorrow; is  
[13] that right?

[14] **A:** That's correct.

[15] **Q:** So the evening before on March 12th of  
[16] 2006, what was your understanding of what you  
[17] were hauling the next day?

[18] **A:** Number two oil going to Dickerson,  
[19] Maryland, two loads.

[20] **Q:** So you were taking —

[21] **A:** From Baltimore to Dickerson, Maryland.

[22] **Q:** And you were — I'm assuming you spent

[1] the night in your home with your tractor at your  
[2] home on March 12th of 2006?

[3] **A:** That's correct.

[4] **Q:** So you were coming from St. Mary's  
[5] County heading to the Baltimore Tank Lines —  
[6] I'm going to call it warehouse, what do you call  
[7] it, yard?

[8] **A:** Yard.

[9] **Q:** To pick up your first tank of number  
[10] two fuel.

[11] **A:** No. I've got to get my paperwork. I  
[12] have my tanker behind me. I'm already hooked to  
[13] my tanker.

[14] **Q:** Okay. See, these are things I don't  
[15] know.

[16] **A:** I get my paperwork, then I went to load  
[17] it out of Baltimore and then went to Dickerson,  
[18] Maryland.

[19] **Q:** So on the evening of March 12th of  
[20] 2006, you have your tractor.

[21] **A:** That's correct.

[22] **Q:** And it's hooked up to the trailer.

[1] **A:** That's correct.

[2] **Q:** Tanker. Tanker, is that what you want  
[3] to call it?

[4] **A:** That's correct.

[5] **Q:** Tanker. Okay. So your tractor is  
[6] hooked up to your tanker at your house —

[7] **A:** That's correct.

[8] **Q:** — on the evening of March 12, 2006.

[9] **A:** That's correct.

[10] **Q:** When you leave your house on the  
[11] morning of March 13th, 2006, you have your  
[12] tractor, you have your tanker and you said you  
[13] needed to go pick up your paperwork.

[14] **A:** That's correct.

[15] **Q:** Where do you pick up your paperwork?

[16] **A:** At Baltimore Tank Lines.

[17] **Q:** And Baltimore Tank Lines is located  
[18] where?

[19] **A:** In Glen Burnie, Maryland.

[20] **Q:** What time, if you remember, did you  
[21] leave your home on the morning of March 13,  
[22] 2006?

[1] **A:** I'm going to say 4 o'clock.

[2] **Q:** When you say 4 o'clock, you mean 4:00  
[3] a.m.?

[4] **A:** Yeah, 4:00 a.m.

[5] **Q:** And how long does it typically take you  
[6] to get from your home in St. Mary's County to  
[7] Glen Burnie to Baltimore Tank Lines to get your  
[8] paperwork?

[9] **A:** About an hour and 20 minutes, an hour  
[10] and 25 minutes.

[11] **Q:** And when you arrived at Baltimore Tank  
[12] Lines in Glen Burnie, Maryland, do you remember  
[13] about what time that was?

[14] **A:** It had to be between about 20 minutes  
[15] after 5:00, a quarter after 5:00.

[16] **Q:** And when you arrived to get your  
[17] paperwork in Glen Burnie, did you pick up your  
[18] paperwork?

[19] **A:** Yes, I did.

[20] **Q:** What paperwork is it that you pick up  
[21] in Glen Burnie?

[22] **A:** It's called a DR. It's a load form to

[1] tell you where to load a product, load the two  
[2] oil.

[3] **Q:** I'm going to show you what's been  
[4] marked as Deposition Exhibit Numbers 1 and 2 and  
[5] can you tell me if either one of these pieces of  
[6] paper are your DR?

[7] **A:** Yeah, that's what these are. Well,  
[8] this is not a DR. Yes, it is. It's a DR.

[9] **Q:** So when you go to Glen Burnie in the  
[10] morning to pick up your paperwork, this is the  
[11] type of paperwork that you're talking about?

[12] **A:** No. This is not it. This is the  
[13] stuff, the product I load, the gallons and stuff  
[14] I put on the trailer.

[15] **Q:** So this is not your DR.

[16] **A:** No, that's not a DR.

[17] **Q:** Is this more like a purchase order or a  
[18] bill of lading?

[19] **A:** Yes. This is like a — it says, sold  
[20] to Mirant. They come out of Center Oil, so in  
[21] other words, this is their paperwork where I  
[22] load the product out of.

[1] **Q:** Okay. So the two pieces of paper that  
[2] are in front of us, Deposition Exhibit Number 1  
[3] and Deposition Exhibit Number 2, are not your DR  
[4] paperwork. This is paperwork that was supplied  
[5] to you where you load it —

[6] **A:** Pick or load it up, where I pick or  
[7] load it up, the Center Oil right here. This is  
[8] the shipper and this is where it goes.

[9] **MR. FORD:** All right. I'm losing you.  
[10] You're pointing to stuff.

[11] **MS. ZOIS:** I'm going to back up.

[12] **BY MS. ZOIS:**

[13] **Q:** The paperwork that you have in front of  
[14] you, Number 1 and Number 2, is paperwork that  
[15] you pick up from the place where you load the  
[16] fuel into your tanker; is that correct?

[17] **A:** That's correct.

[18] **Q:** And on this paperwork, it indicates a  
[19] sold to box that says Mirant Corp., George E.  
[20] Warren?

[21] **A:** That's correct.

[22] **Q:** Is that where you picked up the fuel?

[1] **A:** No. I picked it up at Center Oil —

[2] **MR. FORD:** Are you saying center?

[3] **THE WITNESS:** Center Oil, all the way  
[4] to the right of the paper.

[5] **BY MS. ZOIS:**

[6] **Q:** So where it says co-signer, it says  
[7] Center Point Term?

[8] **A:** Right here. (Indicating.)

[9] **Q:** And that says Center Point Term right  
[10] there.

[11] **A:** Right. I say Center Oil. That's  
[12] always called Center Oil Point, that's correct.

[13] **Q:** And so that is the location where you  
[14] actually filled your tanker up with fuel; is  
[15] that correct?

[16] **A:** That's correct.

[17] **Q:** And this is their paperwork, correct?

[18] **A:** Correct, that's correct. It wouldn't  
[19] have on — which it doesn't. It's got Mirant.

[20] I did go to Mirant, but see they ship different

[21] Mirant — they've got different places,

[22] Alexandria, Dickerson, Maryland, Chalk Point,

[1] Maryland. I went to Dickerson, Maryland, which  
[2] that would have been on the DR.

[3] **Q:** And the DR is what we don't have?

[4] **A:** That is correct.

[5] **Q:** So on Deposition Exhibit Number 2, I  
[6] just want to come back to this for a second, it  
[7] says that on March 13th of 2006 — and this  
[8] looks like 4:40?

[9] **A:** 4:40.

[10] **Q:** In the morning, correct?

[11] **A:** Yes. You know, I'm just trying to give  
[12] you a time frame. I might not be perfect on  
[13] this. This has been a while back.

[14] **Q:** Sure. I understand.

[15] **A:** It's got to be correct if that's the  
[16] time on it that I loaded it.

[17] **Q:** And you loaded it — as far as

[18] Deposition Exhibit Number 2, you loaded up your  
[19] tanker with fuel at Center Point.

[20] **A:** That's correct.

[21] **Q:** And according to this document, you

[22] were going to deliver the fuel to — is it this

[1] entity, Mirant Corp., Maryland?

[2] **A:** Mirant. That's the buyer, Mirant. I  
[3] went to Dickerson, Maryland with it. It's  
[4] Mirant. It's called Mirant. The address is  
[5] Dickerson, Maryland.

[6] **Q:** And this says shipped to 700003. Do  
[7] you know what that means?

[8] **A:** I have no idea.

[9] **Q:** Okay. How do you know that —

[10] **A:** It's on my DR, the DR that I get from  
[11] Baltimore Tank Lines.

[12] **Q:** You know where I'm going with my  
[13] questions. You've got to wait till I ask them.  
[14] Based on this piece of documentation alone, we  
[15] know you went to Center Point Terminal in  
[16] Baltimore and you had to deliver a tank of fuel  
[17] to Mirant Corp. in Maryland, right?

[18] **A:** That's correct.

[19] **Q:** How do you know it was Dickerson?

[20] **A:** It's on my DR.

[21] **Q:** And where is your DR?

[22] **A:** Where is it now?

[1] **Q:** Yes. Do you know?

[2] **A:** I don't have the slightest idea.  
[3] Baltimore Tank Lines has got it.

[4] **Q:** Does this help us at all, the second  
[5] sheet of this?

[6] **A:** It tells you right there where I went  
[7] with it.

[8] **Q:** Okay.

[9] **A:** If that's what you're looking for,  
[10] right here Mirant Corporation. PEPCO. Dickerson.  
[11] Maryland. That's where I shipped it to.

[12] **Q:** Okay. So according to this document,  
[13] even though it's not your DR, you went to  
[14] Baltimore, you filled up your tanker and you  
[15] went to Dickerson, Maryland?

[16] **A:** That's correct.

[17] **Q:** All right. And do you know what route  
[18] you took from Baltimore to Dickerson?

[19] **A:** 495 — 95 to 495. 495 runs together  
[20] with 95. 270 to 29. That's it. 29 takes you  
[21] right up to Dickerson.

[22] **Q:** Do you know what time you arrived in

[1] Dickerson?

[2] **A:** 5:30, quarter to 6:00, around 5:30.

[3] **Q:** Does anything on this document help us  
[4] determine what time you arrived in Dickerson?

[5] **A:** No. It wouldn't anyway, because they  
[6] wouldn't I'm the one that's got to mark it on  
[7] my log what time I got there. It wouldn't be on  
[8] here. They wouldn't know.

[9] **Q:** And when you got to Dickerson, you  
[10] dumped your fuel there, right?

[11] **A:** That's correct.

[12] **Q:** How long does that take?

[13] **A:** Sometimes a half hour, 45 minutes. It  
[14] depends.

[15] **Q:** Do you remember approximately what time  
[16] you left Dickerson?

[17] **A:** I don't have the slightest idea.

[18] **Q:** When you left Dickerson, where did you  
[19] go to next?

[20] **A:** Back to Baltimore.

[21] **Q:** And when you went back to Baltimore,  
[22] did you go back to Baltimore Tank Lines in Glen

[1] Burnie to pick up additional paperwork?

[2] **A:** No. I went back to Center Oil.

[3] **Q:** So you already had the paperwork you  
[4] needed for that.

[5] **A:** That's correct.

[6] **Q:** So you didn't have to go back to Glen  
[7] Burnie.

[8] **A:** That's correct.

[9] **Q:** So when you left Dickerson, you went to  
[10] Center Oil in Baltimore.

[11] **A:** That's correct.

[12] **Q:** And you refueled there.

[13] **A:** That's correct.

[14] **Q:** How long does that process take?

[15] **A:** 20 minutes to a half hour.

[16] **Q:** And after you refueled your tank in  
[17] Baltimore, where did you go next?

[18] **A:** Back to Dickerson, Maryland.

[19] **Q:** Back to Dickerson, Maryland.

[20] **A:** Which that took me a little longer to  
[21] get back because of the traffic on 495.

[22] **Q:** Okay. When you went back to Baltimore

[1] before you went to Dickerson again, would this  
 [2] paperwork indicate approximately what time —  
 [3] you've got to wait till I finish my question.  
 [4] I'm going to start making you pay a quarter for  
 [5] that. All right. So when you went back to  
 [6] Baltimore to fill up your second tanker on  
 [7] Deposition Exhibit Number 1, it indicates it was  
 [8] about 8:47. Does that look about right?

[9] **A:** That's correct.

[10] **Q:** So that would have been the time you  
 [11] started to begin the fueling?

[12] **A:** That's correct.

[13] **MS. ZOIS:** Okay. Let's go off the  
 [14] record for one second.

[15] (A discussion was held off the record.)

[16] **BY MS. ZOIS:**

[17] **Q:** So according to Deposition Exhibit  
 [18] Number 1, you arrived back in Baltimore  
 [19] approximately 8:47 to get your second tank of  
 [20] fuel, correct?

[21] **A:** That's correct.

[22] **Q:** And you were going to haul your second

[1] Tank of fuel to Dickerson?

[2] **A:** That's correct.

[3] **Q:** And did you take the same route to  
 [4] Dickerson from Baltimore that you told me about  
 [5] before?

[6] **A:** That's correct, I always do.

[7] **Q:** And after you unloaded your second tank  
 [8] of fuel in Dickerson, were you going to head  
 [9] home from there?

[10] **A:** That's correct.

[11] **Q:** Do you know what time you left  
 [12] Dickerson to head home?

[13] **A:** I'm going to say around 12:00, quarter  
 [14] to 12:00.

[15] **Q:** How sure are you about the time?

[16] **A:** Because the time that it took me to get  
 [17] up there and the time I unload, that's the time  
 [18] I normally leave there when I run two loads to  
 [19] Dickerson. Between 11:30 and 12:00 is the time  
 [20] I normally leave Dickerson, Maryland.

[21] **Q:** And you're basing that on having done  
 [22] this run before?

[1] **A:** Yeah. I do it all the time.

[2] **Q:** Do you have any independent memory of  
 [3] this particular day, March 13 of 2006, how long  
 [4] it took you to run these two loads?

[5] **A:** Like it normally does, usually 11:30,  
 [6] 12 o'clock when I'm finishing up in Dickerson,  
 [7] Maryland.

[8] **Q:** Okay. But I'm asking you, can you in  
 [9] your head rewind your tape to March 13th —

[10] **A:** Oh, no, I can't do that. I'm not a  
 [11] genius.

[12] **Q:** I didn't think so. I just wanted to  
 [13] check. But we do know that you left Dickerson  
 [14] with your second load at 8:47 a.m.

[15] **A:** I left Baltimore.

[16] **Q:** I'm sorry, you're right, Baltimore when  
 [17] you refueled your second load.

[18] **A:** That's correct.

[19] **Q:** And when you unload in Dickerson and  
 [20] head back home to St. Mary's County, right —

[21] **A:** Right.

[22] **Q:** — what route do you take?

[1] **A:** 29, 270, 495 to 95 on the east side to  
 [2] Route 5/Exit 7 to Mattawoman Beantown Road  
 [3] south.

[4] **Q:** So you take 495 to Route 5, correct?

[5] **A:** Right. 495 and 95 runs together. 95  
 [6] comes by itself at the split.

[7] **Q:** And then from where you get off on 495,  
 [8] you take Route 5 to Mattawoman Beantown Road,  
 [9] correct?

[10] **A:** That's correct, Exit 7.

[11] **Q:** And that's how long, how many miles is  
 [12] that from 495 down to Mattawoman Beantown Road?

[13] **A:** 30 miles.

[14] **Q:** And when you get to Mattawoman Beantown  
 [15] Road — I have to cheat and look at my map now  
 [16] — do you come off of 301?

[17] **A:** Well, 301 and 5 runs together. There's  
 [18] a left-hand —

[19] **MS. ZOIS:** We should probably mark your  
 [20] assisting us. Let's go ahead and mark this.

[21] It's Frank Ford's artwork. He deserves credit.

[22] **THE WITNESS:** I was going to show you



[1] that —

[2] **MS. ZOIS:** Can we draw on your artwork,  
[3] Frank?

[4] **MR. FORD:** Sure.

[5] **THE WITNESS:** Why do you got 5 over  
[6] here and 301, what's the deal here?

[7] **MS. ZOIS:** Here's 495, Route 5 coming  
[8] down, 301. This is all —

[9] **THE WITNESS:** Okay I come down here.  
[10] It's three turning lanes right here. I make a  
[11] left here on Mattawoman Beantown Road.

[12] (Indicating.)

[13] **BY MS. ZOIS:**

[14] **Q:** So there's three left-hand turn lanes  
[15] to take the left onto Mattawoman Beantown Road.

[16] **A:** That's correct.

[17] **Q:** Do you remember whether or not you got  
[18] stopped at that traffic signal or not?

[19] **A:** That I can't remember.

[20] **Q:** Is there a lane that you favor when  
[21] you're in those three left-hand turn lanes?

[22] **A:** I've got to be on the outside lane.

[1] All trucks have got to be on the outside lane,  
[2] because you've got two cars on the inside. You  
[3] can't get it inside if you make the turn.

[4] You've got to have a car.

[5] **Q:** So when you say on the outside lane —

[6] **A:** Outside come all the way around.

[7] **Q:** — you mean the far right-hand lane of  
[8] those three turning lanes?

[9] **A:** That's right. You have three. This  
[10] would be the left, right two left.

[11] (Indicating.)

[12] **Q:** Okay. So when you're in the left-hand  
[13] turn lanes to take your left onto Mattawoman  
[14] Beantown Road, there's two lanes of traffic to  
[15] you to your left.

[16] **A:** That's correct.

[17] **Q:** Got it. And on this particular day you  
[18] don't remember whether you stopped at that  
[19] light, right?

[20] **A:** No.

[21] **Q:** When you take your left onto Mattawoman  
[22] Beantown Road, is it fair to say that the three

[1] lanes go down to two lanes?

[2] **A:** Yes, and I would say a good quarter  
[3] mile in it goes — bears over.

[4] **Q:** And when you —

[5] **A:** I stop at all railroad tracks, so I had  
[6] to stop at the railroad tracks. Then when you  
[7] take back off, there's another traffic light  
[8] here and another one here and then you've got to  
[9] merge over to the left to get over.

[10] (Indicating.)

[11] **Q:** And on your regular route home from  
[12] Dickerson, you take a left onto Mattawoman  
[13] Beantown Road and then where do you go from  
[14] there?

[15] **A:** Back out to 5 — no, Mattawoman  
[16] Beantown Road comes back out to 5.

[17] **Q:** Then what do you do at the intersection  
[18] of Mattawoman Beantown Road and Route 5?

[19] **A:** Are you talking at the end of it?

[20] **Q:** Yes, sir.

[21] **A:** I make a left. I head south.

[22] **Q:** And Mattawoman Beantown Road has two

[1] lanes for a while and then it opens up to two  
[2] left-hand turn lanes and two lanes, correct?

[3] **A:** At the end of it.

[4] **Q:** Right.

[5] **A:** There's two that goes over and two  
[6] stays to the right that goes into St. Charles  
[7] and there's two turn lanes that go south towards  
[8] Leonardtown Road.

[9] **Q:** And that's the direction you would have  
[10] been heading?

[11] **A:** That's correct.

[12] **Q:** And you've already told us that you  
[13] prefer to take the outside lane, if you will, to  
[14] take that left-hand turn; is that right?

[15] **A:** That's correct, I always do. We're not  
[16] supposed to be in the middle or the lane all the  
[17] way over.

[18] **Q:** So when you take your left from  
[19] Mattawoman Beantown Road onto southbound Route  
[20] 5, you would be in the right-hand of the two  
[21] left-hand turn lanes; is that correct?

[22] **A:** That's correct. I would be on the

[1] outside. There's only two there. If you're  
 [2] talking about getting off at the end of  
 [3] Mattawoman Beantown Road, there's only two  
 [4] turning lanes there.  
 [5] **Q:** Okay. So you would have one lane of  
 [6] traffic to your left at that intersection.  
 [7] **A:** One lane, that's correct.  
 [8] **Q:** And just so — I know I've asked this  
 [9] before, but do you have any specific  
 [10] recollection of any traffic in the area of  
 [11] Mattawoman Beantown Road and southbound Route 5  
 [12] back on March 13 of 2006?  
 [13] **A:** I don't have any idea what the traffic  
 [14] was like that day.  
 [15] **Q:** And you have at home your logbook?  
 [16] **A:** Yes, I do. I've got it filed. I can  
 [17] take it out. It's in my file.  
 [18] **Q:** And your logbook would tell us what  
 [19] your pickup and drop-off was back on the date of  
 [20] this accident?  
 [21] **A:** That is correct.  
 [22] **Q:** Would your logbook tell us what time

[1] you left Dickerson that day?  
 [2] **A:** Yes, it would.  
 [3] **Q:** Would your logbook tell us what time  
 [4] you got home that day?  
 [5] **A:** Yes, it would. I log the time I leave  
 [6] the house and the time I get home.  
 [7] **Q:** Can you tell me how far you live from  
 [8] the intersection of Mattawoman Beantown Road and  
 [9] Route 5, this area right here, how far it is  
 [10] from here to your house? (Indicating.)  
 [11] **A:** About a half hour. You're talking  
 [12] about time-wise?  
 [13] **Q:** Yes, sir.  
 [14] **A:** Half hour.  
 [15] **Q:** And if you stop and eat lunch or get a  
 [16] cup of coffee or go to the bathroom or something  
 [17] like that, is that logged on your logbook?  
 [18] **A:** No. Not five, ten minutes, no.  
 [19] **Q:** What about like a half an hour?  
 [20] **A:** Yeah, a half hour. A half hour would  
 [21] be if I stopped somewhere, a half hour would be  
 [22] logged.

[1] **Q:** And if it's something less than half an  
 [2] hour, it wouldn't be logged.  
 [3] **A:** I don't log it, no. If I stop  
 [4] somewhere for a half hour, I log saying this is  
 [5] where I was for a half hour.  
 [6] **Q:** And you'll get a copy of the log for  
 [7] this day?  
 [8] **A:** I'll go into my file cabinet. All my  
 [9] stuff, I keep everything for a couple years, so  
 [10] I should be able to dig that up.  
 [11] **MS. ZOIS:** Great. You can provide that  
 [12] to Mr. Stephenson and he can get that to us. I  
 [13] don't think I have anything further. Thank you,  
 [14] [REDACTED]  
 [15] **MR. STEPHENSON:** Mr. Ford?  
 [16] **MR. FORD:** Yeah, I have a couple.  
 [17] **EXAMINATION**  
 [18] **BY MR. FORD:**  
 [19] **Q:** You're aware that there's this lawsuit  
 [20] pending where it's claimed that a Baltimore Tank  
 [21] Lines truck cut off [REDACTED] in the area of  
 [22] Mattawoman Beantown Road and Route 5. You're

[1] aware of that fact?  
 [2] **A:** That's what they're saying.  
 [3] **Q:** When were you first contacted by  
 [4] Baltimore Tank Lines or anybody else about your  
 [5] possible involvement in this incident?  
 [6] **A:** I'm going to say three or four months  
 [7] ago.  
 [8] **Q:** This incident occurred March 2006,  
 [9] March 13. You were not contacted within a day  
 [10] or two of that date by the people of Baltimore  
 [11] Tank Lines?  
 [12] **A:** Of that day?  
 [13] **Q:** About this incident.  
 [14] **A:** No.  
 [15] **Q:** No one contacted you?  
 [16] **A:** No.  
 [17] **Q:** Who was the dispatcher at Baltimore  
 [18] Tank Lines back in March of '06?  
 [19] **A:** I have no idea who. They've got two or  
 [20] three dispatchers. I don't know who was  
 [21] dispatcher that day.  
 [22] **Q:** Can you give me the name of any of

[1] them?

[2] **A:** They got [REDACTED]

[3] **Q:** [REDACTED] What's her last name?

[4] **A:** I can't pronounce her last name. She

[5] has a weird last name.

[6] **Q:** She'll appreciate hearing that. Anyone

[7] else?

[8] **A:** Dale. I don't know these people's last

[9] names.

[10] **Q:** All right. Just give me their first

[11] names.

[12] **A:** [REDACTED] and Dale.

[13] **Q:** And they are still there at this time?

[14] **A:** Oh, yes.

[15] **Q:** And they were there in March of '06?

[16] **A:** I'm sure. Joe, too. That's another

[17] guy named Joe. That's the only three that I

[18] deal with and I don't know their last names. I

[19] know [REDACTED] but it's — I can't say it.

[20] **Q:** That's all right. But they were all

[21] dispatchers back in March of '06?

[22] **A:** I'm sure they were.

[1] **Q:** And none of them ever contacted you

[2] about this incident at or about the time it

[3] allegedly occurred?

[4] **A:** Not that I'm aware of, no.

[5] **Q:** Are you aware of any other Baltimore

[6] Tank Lines' vehicle or driver who was in the

[7] vicinity of Mattawoman Beantown Road and Route 5

[8] on March 13, 2006?

[9] **A:** I mean there's very few of us that run

[10] down here, but I don't know where they were that

[11] day.

[12] **Q:** When you say run down here, you would

[13] take the shipments to where, Morgantown or Chalk

[14] Point?

[15] **A:** Well, we've got — a couple of us live

[16] down here.

[17] **Q:** Who else lives down here?

[18] **A:** A guy named Ed, but I can't pronounce

[19] his last name either.

[20] **Q:** Is he related to [REDACTED]

[21] **A:** Yes.

[22] **Q:** He's an owner/operator?

[1] **A:** Yes, he is.

[2] **Q:** And where does he live?

[3] **A:** He lives in Mechanicsville, Maryland.

[4] **Q:** And he's an owner/operator at this time

[5] as well?

[6] **A:** That's correct.

[7] **Q:** Do you happen to know what his route

[8] was on March 13, 2006?

[9] **A:** I have no idea. I don't keep up with

[10] other owner/operators, what they do.

[11] **Q:** You never talked to [REDACTED] about this

[12] incident?

[13] **A:** No.

[14] **Q:** Any other owner/operators that live

[15] down in St. Mary's County or Charles County who

[16] were owner/operators back in March of 2006?

[17] **A:** I'm trying to think. They come and go

[18] like flies on you know what.

[19] **Q:** By the way, did you ever know [REDACTED]

[20] [REDACTED]

[21] **A:** No.

[22] **Q:** Do you know that name at all?

[1] **A:** No.

[2] **Q:** And your estimate of your time, you

[3] originally thought you had left your home that

[4] morning around 4 o'clock. You had to have left

[5] earlier than that if you were picking your oil

[6] up at 4:40.

[7] **A:** That's correct. I left at 3:00, 3:30.

[8] **Q:** Now, your logbook will show that you

[9] presumably left Center Point Terminal around

[10] 4:40; is that correct?

[11] **A:** Yeah, either that or 5 o'clock.

[12] **Q:** Pardon me?

[13] **A:** Either that or 5 o'clock.

[14] **Q:** What does the 4:40 mean on this? I'm

[15] looking at Exhibit Number 2.

[16] **A:** That's the time that I clocked out when

[17] you get —

[18] **Q:** When you load it up?

[19] **A:** Right.

[20] **Q:** And usually you leave within a short

[21] time of that?

[22] **A:** Well, usually if you go to the bathroom

[1] or whatever, you just don't jump in the truck.  
 [2] I mean you do, but you sometimes — I might be  
 [3] talking to somebody or whatnot.

[4] **Q:** Your logbook will show what you  
 [5] recorded as your departure time from Center  
 [6] Point Terminal; is that correct?

[7] **A:** That's correct.

[8] **Q:** And it will also record your arrival  
 [9] time at Dickerson?

[10] **A:** That's correct.

[11] **Q:** And it will record when you left  
 [12] Dickerson that first time; is that correct?

[13] **A:** That's correct.

[14] **Q:** And it will further record the time  
 [15] that you arrived back in Center Point in  
 [16] Baltimore?

[17] **A:** That's correct.

[18] **Q:** And then for your second trip, your  
 [19] logbook will also show when you left Center  
 [20] Point to go back to Dickerson?

[21] **A:** That's correct.

[22] **Q:** Now, this Exhibit Number 1, which is

[1] the second trip presumably, shows a load time of  
 [2] 8:47, a quarter of 9:00 roughly?

[3] **A:** That's correct.

[4] **Q:** So you would have left quarter of 9:00,  
 [5] maybe 9 o'clock to go back to Dickerson.

[6] **A:** That's correct.

[7] **Q:** Now you're in the rush-hour traffic.

[8] It's going to take you a little bit longer.

[9] **A:** That's correct.

[10] **Q:** And you made this run a number of times  
 [11] in rush hour?

[12] **A:** Yes, I have.

[13] **Q:** What would you ball park as the time it  
 [14] would take you during rush hour, morning rush  
 [15] hour to go from Baltimore to Dickerson?

[16] **A:** It usually takes me an extra sometimes  
 [17] 40 minutes to a half hour, so it will put me at  
 [18] Dickerson at 11 o'clock.

[19] **Q:** And then you unload and that's a  
 [20] 20-minute to a half-hour process?

[21] **A:** That is correct.

[22] **Q:** And then you leave?

[1] **A:** That's correct.

[2] **Q:** And again you have recorded what time  
 [3] you leave Dickerson.

[4] **A:** That's correct, and I've got recorded  
 [5] the time I got home.

[6] **Q:** And did you say you do have the logbook  
 [7] or did you say you're going to look for it?

[8] **A:** Well, I'm going to look in my file. I  
 [9] should be able to find it. It's in my file.

[10] **Q:** Are you required to keep those logs for  
 [11] a certain period of time?

[12] **A:** Six months.

[13] **Q:** So you may or may not have it.

[14] **A:** Right, but it should be in there. I  
 [15] don't see no reason why it wouldn't.

[16] **Q:** Other than your logbook, do you know of  
 [17] any other record by you or the people at  
 [18] Baltimore Tank Lines or anyone else who has any  
 [19] record of when your trips started and ended that  
 [20] day?

[21] **A:** No. They don't keep stuff but six  
 [22] months. Then it gets destroyed, you know,

[1] Baltimore Tank Lines. Because I'm a personal  
 [2] owner/operator, I do what I want at home. If I  
 [3] want to file something, I can file it. A lot of  
 [4] times I throw my stuff away, too, but I usually  
 [5] try to keep stuff at least a year in the past,  
 [6] just in case I need to dig something up and look  
 [7] at something.

[8] **Q:** Now, let me get back to your usual  
 [9] routine when you're traveling in the vicinity of  
 [10] where this incident occurred. I understood you  
 [11] to say that when you turned from 301 — 5, 301  
 [12] onto Mattawoman Beantown Road, you always get in  
 [13] the extreme right-hand lane of those three  
 [14] turning lanes; is that correct?

[15] **A:** That is correct.

[16] **Q:** And you go a certain distance and  
 [17] there's a railroad track?

[18] **A:** You've got to stop.

[19] **Q:** And then after that, that third lane  
 [20] disappears. You have to move over; is that  
 [21] correct?

[22] **A:** You've got to merge into the left into

[1] traffic.

[2] Q: And you did that?

[3] A: That's correct.

[4] Q: And from that point where you merged  
[5] into the right-hand lane of the two through  
[6] lanes, you've passed the railroad track now.

[7] A: That's correct.

[8] Q: Did you stay in that right-hand lane  
[9] all the way down to where the two-lane portion  
[10] of Mattawoman Beantown Road ended?

[11] A: I can't —

[12] Q: You don't know?

[13] A: I don't know.

[14] Q: So it's possible you could have gone  
[15] into the left lane, back again and that kind of  
[16] thing?

[17] A: Well, it wouldn't have been back and  
[18] forth. When I go in it, I stay in it, I mean  
[19] because that's it. When the right ends, you've  
[20] got to be over to the left lane.

[21] Q: But that's some distance from —

[22] A: It's a quarter of a mile.

[1] Q: No, no, no. I'm talking from — you're  
[2] past the railroad track. You've now merged over  
[3] to your left where it's two lanes.

[4] A: Right.

[5] Q: And it continues for two lanes for  
[6] several miles until you get down to Route 5.

[7] A: Right.

[8] Q: I'm talking about that area. Did you  
[9] stay in that right-hand lane once you got in it  
[10] or did you move?

[11] A: I can't — I don't know if I did or  
[12] not.

[13] Q: As you approached the area where the  
[14] four lanes begin just before you get to Route 5,  
[15] are you with me?

[16] A: Yeah.

[17] Q: Do you know which of the lanes you were  
[18] in at that point of the two lanes?

[19] A: I usually get over to the left lane  
[20] after I go through the traffic light there. I  
[21] forget what the name of that road is.

[22] Q: Poplar Hill past the cemetery?

[1] A: Is that Poplar Hill?

[2] Q: Do you know where the cemetery is on  
[3] the right?

[4] A: Right.

[5] Q: And there's a traffic light past that.

[6] A: Right.

[7] Q: Is that the traffic light you're  
[8] talking about?

[9] A: After I usually go through that light,  
[10] I merge over to my left lane if I'm in the right  
[11] lane.

[12] Q: Okay.

[13] A: Sometimes I'm already in the other  
[14] lane. But if I'm in the right, I've got to  
[15] merge over to get up to the turning point. I  
[16] never wait until I get to the turning point to  
[17] try to get over.

[18] Q: Okay. And then assuming that's your  
[19] routine, you get over into the left lane, as you  
[20] then get to the area of the road where it  
[21] becomes four lanes, what is your routine?

[22] A: I'm already over to the left.

[1] Q: When you get up there, you have to move  
[2] from the through lane into one of the turning  
[3] lanes.

[4] A: Well, it actually merges into it. When  
[5] you merge over, there will be traffic. You  
[6] either could go over all the way to the right or  
[7] stay in the left at that light.

[8] Q: All right.

[9] A: Which I always stay in the right,  
[10] because I can't get all the way over because of  
[11] the turn. You've got to have the ratio to turn,  
[12] the turning ratio.

[13] Q: But at some point, and it's your  
[14] routine to get into that right most turn lane —  
[15] are you with me?

[16] A: Right.

[17] Q: Two lanes, one — they're both going  
[18] left. I'm talking about the right most lane.  
[19] At some point you have to get into that lane to  
[20] make your left turn at Route 5.

[21] A: I'm already in that lane when I get  
[22] there.

[1] Q: That's your routine?  
 [2] A: That's right.  
 [3] Q: And your routine is to get into it as  
 [4] soon as those lanes open up; is that correct?  
 [5] A: That's correct, when I can get over, if  
 [6] I'm not already in the left lane. You're saying  
 [7] if I'm in the right, I've got to get over.  
 [8] Q: Well, if you're in one of the through  
 [9] lanes, you still have to get over to the left,  
 [10] do you not?  
 [11] A: If you're already in the left lane, you  
 [12] don't. I don't. When I'm already in the left  
 [13] lane, it's like a curve, like it goes over like  
 [14] this, so I just go over a little bit and then I  
 [15] stay in the lane to make my left. I don't go  
 [16] all the way over to the left lane.  
 [17] Q: I understand that. Your routine is to  
 [18] get into the right-hand lane of the two left  
 [19] turn lanes.  
 [20] A: That's correct.  
 [21] Q: Now, let's talk about this particular  
 [22] day. You're going home at some point that day;

[1] is that correct?  
 [2] A: Okay.  
 [3] Q: And you would have been on Mattawoman  
 [4] Beantown Road and you would have gone up to  
 [5] Route 5 and made a left and gone south en route  
 [6] to your home in Clements?  
 [7] A: That's correct.  
 [8] Q: You have no memory of any incident —  
 [9] I'm not talking about an accident, but any  
 [10] incident involving another vehicle that was in  
 [11] the vicinity of your tanker truck, your tanker  
 [12] that then had an accident with a third vehicle?  
 [13] A: No.  
 [14] Q: No knowledge of that at all?  
 [15] A: No knowledge of it whatsoever.  
 [16] Q: And you have no particular memory, do  
 [17] you, of this particular day traveling down  
 [18] Mattawoman Beantown Road?  
 [19] A: No.  
 [20] Q: As opposed to any other day.  
 [21] A: No.  
 [22] Q: So if I were to ask you if on March 13,

[1] 2006 you had proceeded into the right most turn  
 [2] lane and gone up to the intersection and stopped  
 [3] for a red light, you have no particular  
 [4] recollection of that; is that correct?  
 [5] A: That's correct.  
 [6] MR. FORD: That's all I have.  
 [7] (A brief pause.)

EXAMINATION  
BY MR. TURGEON:

[8] Q: [REDACTED] I just have a few questions.  
 [9] Your typical routine driving your vehicle or  
 [10] your tractor, do you tend to — well, you have  
 [11] no recollection of the weather on this date in  
 [12] March of '06, do you?  
 [13] A: No.  
 [14] Q: Do you listen to any radio or music or  
 [15] anything while you drive typically?  
 [16] A: Usually I listen to a satellite radio.  
 [17] Q: And does that require some special  
 [18] equipment in your tractor to get satellite  
 [19] radio?  
 [20] A: No. When I've got satellite radio, it  
 [21] stays on one channel the whole time.  
 [22] Q: What channel is that?  
 [1] MR. STEPHENSON: Objection, relevance.  
 [2] THE WITNESS: NASCAR channel.  
 [3] BY MR. TURGEON:  
 [4] Q: Do you get the NASCAR channel 24 hours  
 [5] a day on your satellite radio?  
 [6] A: Yeah, it goes in and out in Baltimore.  
 [7] Q: You're actually listening to races?  
 [8] A: Yeah, and talk shows, whatnot.  
 [9] Q: And you do get some races through that  
 [10] program?  
 [11] MR. STEPHENSON: Objection, relevance.  
 [12] You can answer. You can answer.  
 [13] THE WITNESS: Yeah.  
 [14] BY MR. TURGEON:  
 [15] Q: So you can hear the roaring of the cars  
 [16] as they go around the track on your radio?  
 [17] A: Yeah.  
 [18] Q: Do you know whether or not you were  
 [19] listening to that channel on this particular  
 [20] day?  
 [21] A: No.  
 [22] Q: And you would have been on Mattawoman  
 Beantown Road and you would have gone up to  
 Route 5 and made a left and gone south en route  
 to your home in Clements?  
 A: That's correct.  
 Q: You have no memory of any incident —  
 I'm not talking about an accident, but any  
 incident involving another vehicle that was in  
 the vicinity of your tanker truck, your tanker  
 that then had an accident with a third vehicle?  
 A: No.  
 Q: No knowledge of that at all?  
 A: No knowledge of it whatsoever.  
 Q: And you have no particular memory, do  
 you, of this particular day traveling down  
 Mattawoman Beantown Road?  
 A: No.  
 Q: As opposed to any other day.  
 A: No.  
 Q: So if I were to ask you if on March 13,

[1] stays on one channel the whole time.  
 [2] Q: What channel is that?  
 [3] MR. STEPHENSON: Objection, relevance.  
 [4] THE WITNESS: NASCAR channel.  
 [5] BY MR. TURGEON:  
 [6] Q: Do you get the NASCAR channel 24 hours  
 [7] a day on your satellite radio?  
 [8] A: Yeah, it goes in and out in Baltimore.  
 [9] Q: You're actually listening to races?  
 [10] A: Yeah, and talk shows, whatnot.  
 [11] Q: And you do get some races through that  
 [12] program?  
 [13] MR. STEPHENSON: Objection, relevance.  
 [14] You can answer. You can answer.  
 [15] THE WITNESS: Yeah.  
 [16] BY MR. TURGEON:  
 [17] Q: So you can hear the roaring of the cars  
 [18] as they go around the track on your radio?  
 [19] A: Yeah.  
 [20] Q: Do you know whether or not you were  
 [21] listening to that channel on this particular  
 [22] day?

[1] A: No.

[2] Q: Are you aware of any dispatch records  
[3] that are created as a result of communications  
[4] with the dispatcher at Baltimore Tank Lines?

[5] MR. STEPHENSON: Objection. You can  
[6] answer.

[7] MR. TURGEON: What's your response?

[8] THE WITNESS: No.

[9] BY MR. TURGEON:

[10] Q: And is your response, no, there are no  
[11] records created as a result of communications or  
[12] you just aren't aware that any are created?

[13] A: They keep records, but they only keep  
[14] them for six months that I'm aware of.

[15] Q: And in 2006, how often did you make  
[16] this Baltimore to Dickerson run, was it a major  
[17] portion of your yearly travels?

[18] A: No.

[19] Q: How often would you make this run?

[20] A: Sometimes you might — a couple months  
[21] out of a year.

[22] Q: You'd make the run once every couple of

[1] months; is that what you're saying?

[2] A: Yeah, or once a month or so. It  
[3] depends on the weather. The power plant burns  
[4] oil up there.

[5] Q: And are the tankers, the tankers that  
[6] you hook onto your tractor from Baltimore Tank  
[7] Lines, do they generally look the same?

[8] A: Pretty much.

[9] Q: What do they look like?

[10] A: A tanker?

[11] Q: Do they have any writing on them?

[12] A: Baltimore Tank Lines. On some of them  
[13] they've got Baltimore Tank Lines on the side and  
[14] Baltimore Tank Lines in the back.

[15] Q: Do you know what color the lettering  
[16] is?

[17] A: Blue, red.

[18] Q: And is the name spelled out or is it  
[19] hyphenated?

[20] A: It's spelled out.

[21] Q: And I'll assume the tankers are — are  
[22] they silver?

[1] A: That's correct.

[2] Q: Do you notice a difference in the  
[3] handling of your tractor-tanker combination when  
[4] the tanker is empty versus when it's full?

[5] A: Yes.

[6] Q: What is the difference in say if you're  
[7] turning your tanker to the left or you're  
[8] changing lanes to the left how that tanker  
[9] maneuvers differently when that tanker is empty  
[10] versus being full?

[11] A: I mean it feels like something's heavy  
[12] on it, I mean —

[13] Q: Do you have to change the way you turn  
[14] your vehicle, do you have to change the handling  
[15] of your tanker when making a lane change in any  
[16] manner when your tanker is empty versus being  
[17] full, is there any difference in how you handle  
[18] or operate that tanker?

[19] A: No.

[20] Q: And when you make this  
[21] Baltimore-Dickerson run, when you have to make  
[22] that run twice a day, do you typically stop for

[1] lunch at any particular point or do you wait  
[2] till you get home to have lunch?

[3] A: Sometimes I do, sometimes I don't.

[4] Q: Do you stop at any particular place on  
[5] that run when you don't eat at home?

[6] A: On 29 there's a 7-Eleven on the way  
[7] down the road. I may stop for 10 minutes,  
[8] whatever it takes to go inside and get  
[9] something, come back out and go.

[10] MR. FORD: Can I just jump in with a  
[11] clarification?

[12] MR. TURGEON: Sure.

[13] MR. FORD: You kept saying 29. Isn't  
[14] it 28?

[15] THE WITNESS: Yeah, I'm sorry, it is  
[16] 28.

[17] MR. FORD: Yeah.

[18] THE WITNESS: You know how to get  
[19] there.

[20] BY MR. TURGEON:

[21] Q: And 28, you're referring to when you go  
[22] from Dickerson to Baltimore?

[1] A: Well, 28 is north and I come back 28  
[2] south.

[3] MR. FORD: From 270 you can take 28.

[4] THE WITNESS: You're right, 28.

[5] BY MR. TURGEON:

[6] Q: Have you ever taken a different route  
[7] from Baltimore to Dickerson?

[8] A: Yes. You can go up 70.

[9] Q: And have you done that on this  
[10] Baltimore to Dickerson run?

[11] A: Yes.

[12] Q: If you go Route 70, how would your  
[13] route be from Baltimore to Dickerson?

[14] A: 695 to 70 to 270 to 28, 28 which is up  
[15] on the top. It's Route 28, but I can't think of  
[16] the road, the name of that road there. I don't  
[17] go that way that often.

[18] Q: When you do go that way, what are the  
[19] reasons you go that way?

[20] A: If there's an accident, if the roads  
[21] are blocked, I know something is wrong. It's  
[22] very seldom I go that way.

[1] MR. TURGEON: I have no more questions.  
[2] Thank you.

[3] MS. ZOIS: Nothing based on that.

[4] MR. STEPHENSON: Okay. You have a  
[5] right to read your deposition transcript to  
[6] check for errors in the transcription process or  
[7] you can waive that right if you trust that Madam  
[8] Court Reporter has done a good job in creating  
[9] the transcript. Most people waive. Would you  
[10] like to read and sign your deposition transcript  
[11] or would you like to waive your right?

[12] THE WITNESS: I'll waive my right.

[13] BY MR. FORD: Great. We'll waive.

[14] Exhibit Number 3 was marked for  
[15] identification.)

[16] (Reading and signature waived.)

[17] (Whereupon, at 1:01 p.m., the  
[18] deposition was concluded.)

[19]  
[20]  
[21]  
[22]

[1] STATE OF MARYLAND, to wit:

[2] I, Melissa G. Fleming, the officer  
before whom the foregoing deposition was taken,  
[3] do hereby certify that the within-named witness  
personally appeared before me at the time and  
[4] place herein set out, and after having been duly  
sworn by me, according to law, was examined by  
[5] counsel.

[6] I further certify that the examination  
was recorded stenographically by me and this  
[7] transcript is a true record of the proceedings.

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

[11] As witness my hand and notarial seal  
this 26th day of November, 2007.

[12]  
[13]  
[14]  
[15] Melissa G. Fleming  
[16] Notary Public  
[17]  
[18]

MY COMMISSION EXPIRES:

[19] 9/1/08

[20]  
[21]  
[22]

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[2] DEPOSITION OF [REDACTED]  
[3] November 7, 2007  
[4]

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