

1 IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

2 IN AND FOR THE STATE OF MARYLAND

3

4 [REDACTED],

5 Plaintiff,

6

Case No.

7

vs.

02-C-04-095273 MT

8

9 Defendant.

10 _____/

11 Pursuant to Notice, the Deposition of

12 [REDACTED] was taken on February 18, 2005,

13 commencing at 10:00 a.m., at 7310 Ritchie Highway,

14 Suite 615, Glen Burnie, Maryland, before Michelle

15 C. Braxtan, a Notary Public.

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18 Corbin & Hook Reporting, Inc.

19

Serving MD, D.C. & VA

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Reported By MICHELLE C. BRAXTAN, Notary Public

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1 I N D E X

2 Name of Witness

3 [REDACTED]

Page

4 Examination by Ms. Zois

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E X H I B I T S

7 None marked

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1 *****

2 [REDACTED]

3 a witness, having been first duly sworn according to
4 the law, was examined and testified as follows:

5 EXAMINATION

6 BY MS. ZOIS:

7 Q. Good morning Ms. Salvador?

8 A. Good morning.

9 Q. My name is Laura Zois and I represent the
10 plaintiff in this case, [REDACTED] Before we get
11 started I want to make sure you understand the deposition
12 process. Okay. Do you understand that the testimony
13 you're giving today is under oath?

14 A. Yes.

15 Q. Do you understand that the testimony you give
16 today has the same force and effect as if you were
17 testifying in front of a judge or a jury?

18 A. Yes, I do.

19 Q. I'm going to ask that you answer all my
20 questions verbally?

21 A. Yes.

1 Q. Okay. You actually have to say yes or no.
2 Okay. You can't shake your head or nod or shrug and you
3 actually have to verbalize yes or no. You can't say
4 uh-huh or huh-huh. Okay?

5 A. Yes.

6 Q. Okay. Great. If at any time I ask you a
7 question that you don't understand, let me know. Okay?

8 A. Yes.

9 Q. I don't want you to answer any question you do
10 not understand?

11 A. Yes.

12 Q. If you don't understand the question make sure
13 you ask me to rephrase it, define a term I'm using. But
14 if you answer a question, I'm going to assume you
15 understood it, heard it and it were answering the
16 question that I asked?

17 A. Yes.

18 Q. Are you taking any medication today that would
19 affect your ability to testify?

20 A. No, I'm not.

21 Q. Can you give me your full name, please?

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1 A. [REDACTED]

2 [REDACTED]

3 Q. Have you been known by any other names?

4 A. No.

5 Q. What's your current address?

6 A. [REDACTED]

7 [REDACTED]

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

9 A. Since 1999, so about six years.

10 Q. That was the address you were living at at
11 time of the accident?

12 A. Yes.

13 Q. And your date of birth?

14 A. [REDACTED]

15 Q. And your social security number?

16 A. [REDACTED]

17 Q. Tell me a little bit about your educational
18 background?

19 A. I currently attend University of Maryland
20 Baltimore School of Nursing, this is my junior year. I
21 will be graduating next year in 2006.

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1 Q. Congratulations?

2 A. Thank you.

3 Q. Are you working right now?

4 A. Yes, I am employed at North Arundel Hospital
5 as a CNA, certified nursing assistant.

6 Q. How long have you worked at North Arundel --

7 A. Almost a year this June.

8 Q. Where did you work before that?

9 A. I was employed by my father's company IHS,
10 International Healthcare Services.

11 Q. What did you do for them?

12 A. I was a driver.

13 Q. How long did you work for your father?

14 A. Since I was 18, so about a year or so.

15 Q. Where did you work before that?

16 A. ~~Let me think.~~ I had previous jobs at
17 McDonald's, the aquarium, Walmart, CVS.

18 Q. Got you. Okay. The year that you worked as a
19 driver for your father, was that around the time of this
20 accident?

21 A. Yes, it was.

1 Q. So in February of 03 you were employed by your
2 father's company as a driver?

3 A. Yes, I was.

4 Q. Tell me a little bit more about that job?

5 A. Okay. Well, basically my job consisted of me
6 driving our employees, which are nurses, to hospitals
7 that are a part of our account, such as North -- not
8 North Arundel -- Bonsicore, Harbor Hospital, in the
9 Baltimore/Washington area.

10 Q. And why -- why is it that you all would have
11 the responsibility of driving the nurses to the
12 hospitals?

13 A. Because we also have nurses staying at our
14 house that are, like, a dormitory, per se, that require
15 driving and sometimes they don't have their licenses yet
16 to drive themselves, so I would be required to drive
17 them.

18 Q. Okay. So it wasn't just like an inclement
19 weather situation?

20 A. No, it wasn't. It was a daily duty that I had
21 to perform.

1 Q. When did you begin that job?

2 A. I think it was that summer of 2002.

3 Q. So summer of 02. Before beginning the job as
4 the driver did you have to take any special class for
5 driving?

6 A. No.

7 Q. All you needed was just a --

8 A. My license.

9 Q. Okay. Another rule that I forgot to tell you
10 in the beginning, you have to wait until I finish my
11 question before you give your answer. In everyday life
12 we talk over top of one another, but that will drive her
13 crazy because she can't take us both down at the same
14 time. So just wait until I finish my question, take a
15 breath and then answer the question?

16 A. That's fine.

17 Q. Okay. So at the time you were the driver in
18 summer of 2002, you had a standard garden variety
19 Maryland driver's license?

20 A. Yes.

21 Q. When did you obtain your Maryland driver's

1 license?

2 A. When I was 16.

3 Q. I'm not very good at math, so how old were you
4 at the time of this accident?

5 A. 19.

6 Q. Did you ever drive in a professional capacity
7 before you took the job with your father's company?

8 A. No.

9 Q. Taking you back to February tenth of 2003,
10 were you involved in an accident on that day?

11 A. Yes, I was.

12 Q. What time it did the accident happen?

13 A. Approximately 7:00 o'clock.

14 Q. 7:00 p.m. in the evening?

15 A. Yes.

16 Q. Can you tell me what you did that day?

17 A. Well, before the accident -- I don't remember
18 what day it was -- usually I was at home watching
19 television because it was a snowy day and I knew that I
20 had to take a nurse later that evening.

21 Q. Do you remember doing anything else that day

1 other than being at home before you had to take the nurse
2 to the hospital?

3 A. No.

4 Q. Nothing out of the ordinary?

5 A. Nothing out of the ordinary.

6 Q. So you left your home in Millersville to go to
7 the hospital?

8 A. Yes.

9 Q. Which hospital did you drive the nurse to?

10 A. Harbor Hospital.

11 Q. So you left from your home in Millersville to
12 go to Harbor Hospital?

13 A. Yes.

14 Q. And you were on your way back from Harbor
15 Hospital to home?

16 A. Yes.

17 Q. That's when the accident happened?

18 A. Yes.

19 Q. What route did you take to get to Harbor
20 Hospital?

21 A. I took 97 South to 695.

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1 Q. What exit do you get on on 97?

2 A. Twelve.

3 Q. Benfield?

4 A. Yes, that's Newcut.

5 Q. So you get on 97 North off of Knewcut?

6 A. Yes.

7 Q. To 695?

8 A. To 695 towards Dundalk, then I take the exit
9 towards Brooklyn, and that's Ritchie Highway, and I take
10 it all the way down until I reach Harbor Hospital.

11 Q. What route did you take back?

12 A. I took Ritchie Highway back. And then I --

13 Q. So you just stayed on Route 2?

14 A. Yes.

15 Q. And avoided 695?

16 A. Uh-huh.

17 Q. Is that a yes?

18 A. Yes, I'm sorry.

19 Q. It's okay. So you took Ritchie Highway South?

20 A. To avoid 695, and then I tried to take a
21 shortcut back home. Then I got onto -- let's see, made a

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1 left onto Furnace Branch, then a left on Point Pleasant,
2 then I was going down Point Pleasant.

3 Q. How much further did you have to go before you
4 got home?

5 A. About another 15 minutes.

6 Q. All right. That day you said you stayed home
7 and you know it was snowy. What were the weather
8 conditions like when you -- let me ask this first. What
9 time did you leave?

10 A. I had to leave about 6:00 o'clock.

11 Q. So you left your house at 6:00?

12 A. Yes.

13 Q. And you got to Harbor Hospital when?

14 A. 6:20.

15 Q. And you left the hospital when?

16 A. 6:22, maybe.

17 Q. So you just dropped the person off?

18 A. Yes, dropped the person and went straight
19 home.

20 Q. And the accident happened at 7:00?

21 A. Uh-huh.

1 Q. Why did you take the shortcut home?

2 A. Because I wanted to stop by my friend's house
3 who lived in that area to pick up a couple of things,
4 like my pair of shoes, clothes from my friend's house.

5 Q. So you weren't going directly home, you were
6 going by your friend's house first?

7 A. Yes, that was my intention.

8 Q. Did you ever make it to the friend's house?

9 A. No.

10 Q. How were the traffic conditions --

11 A. It --

12 Q. You have to wait until I finish my question.
13 How were the traffic conditions when you left your house,
14 between 6:00 and 6:20 on your way to the hospital?

15 A. Things were going slow, I was taking my time
16 and that was it. It was --

17 Q. Was there any snow on the ground?

18 A. There was snow on the ground and ice, it was
19 snowing on top of that.

20 Q. Okay. So on the roads that you took, 97 and
21 695, there was snow and ice on the ground and it was

1 snowing?

2 A. Yes, it was.

3 Q. And you were going slower than you normally
4 would have gone because of the weather conditions on the
5 way to the hospital?

6 A. Yes, I was.

7 Q. When you left the hospital from 6:22 to 7:00
8 o'clock was it still snowing?

9 A. Yes, it was.

10 Q. Did the road conditions change at all?

11 A. It was the same.

12 Q. Did it get any worse?

13 A. No, it was still icy.

14 Q. How was Furnace Branch Road's weather
15 conditions compared to 97 and 695?

16 A. It was the same, and it's a side rode so it's
17 a little bit worse.

18 Q. That's what I was wondering?

19 So Furnace Branch Road's conditions were a little
20 bit worse than 695 and 97?

21 A. Yes, they were.

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1 Q. How about Point Pleasant Road?

2 A. That was another side road, so that was about
3 equally the same as Furnace Branch.

4 Q. They were worse than 695 and 97?

5 A. Yes.

6 Q. And did you have your headlights on?

7 A. Yes, I did.

8 Q. Did you have your wipers on?

9 A. Yes, I did.

10 Q. How long were you on Point Pleasant Road
11 before the accident happened?

12 A. Probably about 15 minutes.

13 Q. Do you know what the speed limit was on Point
14 Pleasant --

15 A. 25.

16 Q. You got to wait until I finish my question?

17 A. Sorry.

18 Q. That's okay. So the speed limit on Point
19 Pleasant Road is 25. Did you know that before the day of
20 the accident?

21 A. Yes, I did.

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1 Q. How often did you travel that route before the
2 day of the accident?

3 A. Several times.

4 Q. Several times in your lifetime?

5 A. Several times a week.

6 Q. So you were familiar with the bends in the
7 road?

8 A. Yes, I was.

9 Q. Taking you back to just before the accident
10 happened, do you know which direction you were traveling
11 on Point Pleasant?

12 A. Going up towards the 7-Eleven on that corner.

13 Q. Do you know if that's east, west, north,
14 south?

15 A. No, I don't.

16 Q. As you're approaching the area where the
17 accident happened, within a hundred feet of where the
18 accident happened can you describe the roadway for me?

19 A. It was very icy. I could feel my car
20 slipping, so I did what I normally would do if I feel it,
21 I would start to slow down and go even slower than I was

1 usually going. And I knew that a bend was coming up.

2 Q. So before the accident happened you had
3 slipped on the roadway?

4 A. Yes.

5 Q. And you had decreased your speed because you
6 slipped?

7 A. Yes, but it wasn't that drastic of a slip
8 until I got into the bend.

9 Q. And how soon after you hit the bend was it
10 before you slipped?

11 A. Because when I was slowing down, my brakes
12 started to lock up and it picked up on ice. So it was on
13 that bendway area and then my car continued and I just
14 held onto the wheel and I started pumping the brakes in
15 order to decrease my speed even more. But then my wheels
16 locked up and I started crossing the median. And before
17 I knew it I was trying to inadvertently go into a yard
18 instead of going into the other direction and I see a car
19 coming and my car was still trying to turn, but then it
20 went straight instead.

21 Q. Okay. Let me break that down?

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1 A. That's fine.

2 Q. Is it fair to say that as soon as you hit the
3 bend you started to slide?

4 A. Yes.

5 Q. Can you estimate for me what your speed was --

6 A. 20 miles per hour.

7 Q. So when you hit the bend you were going 20
8 miles per hour?

9 A. Yes.

10 Q. How do you know that?

11 A. Because I was looking to see how fast I was
12 going to make sure that I wasn't going as fast because it
13 was snowing.

14 Q. What kind of vehicle were you in?

15 A. A Toyota Tundra, I think a 2000 maybe, or
16 1999.

17 Q. That's a truck?

18 A. Yes.

19 Q. Does it have 4-wheel drive?

20 A. Yes.

21 Q. Did you have it 4-wheel drive engaged?

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1 A. Yes.

2 Q. And even -- When you started to slip before on
3 Point Pleasant Road, was it in a curvy area of Point
4 Pleasant or was it in a straightaway?

5 A. Curvy area.

6 Q. What was your speed when you slipped, before
7 you got to that bend?

8 A. It's --

9 Q. Let me rephrase that question, it was poorly
10 worded and could have been interpreted differently. When
11 you first noticed that you were slipping on Point
12 Pleasant Road before you got to the bend what was your
13 speed?

14 A. It was still 20.

15 Q. Okay. So basically you were traveling --

16 A. I was trying to maintain 20, which is 5 miles
17 below the speed limit, and just safe enough for me to get
18 around the bend.

19 Q. Okay. So before the bend you were going 20
20 miles an hour?

21 A. Yes, and I would slow down to about 17, 18 and

1 then it would be about 20.

2 Q. Okay. While you're on Point Pleasant Road
3 you're trying to maintain 20 miles per hour?

4 A. Yes.

5 Q. And at certain points if you'd start to slip
6 you'd decrease your speed and then get back up to 20
7 miles an hour?

8 A. Right.

9 Q. And when you hit the bend in the road you were
10 going 20 miles an hour?

11 A. Yes.

12 Q. And when you hit the bend in the road you
13 decreased your speed to get around the bend?

14 A. Yes.

15 Q. And that's when you started to slip?

16 A. Yes.

17 Q. And when you started to slip your wheel
18 locked?

19 A. Yes.

20 Q. Did your brakes lock up too?

21 A. Yes.

1 Q. What year is the Tundra?

2 A. 2000.

3 Q. Does it have antibiotic lock brakes on it?

4 A. Yes.

5 Q. Did it do that (inaud.)?

6 A. Yes, vibration, yes.

7 Q. Thank you. I don't know how she would have
8 written down for that. So you did feel the vibration?

9 A. Yes, I did.

10 Q. When you went into the skid you said you
11 attempted to pump your brakes and your truck stayed on a
12 straight path?

13 A. Yes, it did.

14 Q. And your plan was to go off onto the left-hand
15 side of the road into the yard?

16 A. Yes.

17 Q. And in doing that you crossed over the double
18 yellow lines?

19 A. Yes, I did.

20 Q. When's the first time you saw the other
21 driver's vehicle?

1 A. Probably when my car was going straight.

2 Q. How far away was the other driver's vehicle
3 from you when you first saw him?

4 A. Probably a couple hundred feet or so.

5 Q. And were you slipping when you first saw him?

6 A. Yes, I was.

7 Q. Were you over the double yellow lines?

8 A. I was over the double lines when I finally saw
9 him.

10 Q. Okay. So the first time you saw him you're
11 slipping and you're over the double yellow lines?

12 A. Uh-huh.

13 Q. How much time passed from the first time you
14 saw him up until the point the accident happened?

15 A. Can you rephrase that?

16 Q. Sure. How much time passed between the time
17 you first saw him and the impact happened?

18 A. A few seconds.

19 Q. During those few seconds can you estimate the
20 speed of your vehicle?

21 A. No, I wasn't thinking about it.

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1 Q. When you saw his vehicle approaching you, were
2 you able to guesstimate or estimate what the speed of his
3 vehicle was?

4 A. No, I wasn't.

5 Q. And when he was approaching your vehicle was
6 he entirely within his lane of travel?

7 A. Yes, he was.

8 Q. Where did the impact take place in the
9 roadway?

10 A. After the bend.

11 Q. So you had made it around the bend?

12 A. Uh-huh.

13 Q. And that's where the accident happened?

14 A. Yes.

15 Q. Was the accident in your lane of travel or
16 other driver's lane of travel?

17 A. Other driver's.

18 Q. What part of your car came into contact with
19 what part --

20 A. Front.

21 Q. You got to wait until I finish my question.

1 What part of your vehicle came into contact with what
2 part of the other driver's vehicle?

3 A. Front bumper.

4 Q. Came into contact with what part of his car?

5 A. Front bumper as well.

6 Q. So essentially it was a head-on collision?

7 A. Head-on collision.

8 Q. Can you estimate at all the speed of your
9 vehicle upon impact?

10 A. No.

11 Q. At the scene of the accident, just after the
12 accident happened, what did you do?

13 A. I removed my seatbelt and immediately attended
14 the other vehicle. I opened his car --

15 Q. His car door?

16 A. His car door, which is the passenger side.

17 Q. Okay. You opened the passenger side door?

18 A. Yes, I did. And I opened it and I screamed at
19 him, I was like, "Are you okay? Are you hurt? Is there

20 anything I can do?" I had my cell phone in my hand and I

21 called 911. I jumped into the passenger seat, I held his

1 hand and I was assessing him, because that's what we're
2 supposed to do as student nurses, we're supposed to
3 assess the -- wherever we are. And I was assessing him,
4 I was like, "Are you talking to me. Can you remember
5 anything?" And he was just screaming in pain and I saw
6 his knee that he had hit the car, so I removed the ash
7 tray from his knee. And I called the police and I told
8 the police, "The paramedics are on their way." And I
9 stayed with him until the paramedics came.

10 Q. Okay. You said you removed the ash --

11 A. The ashtray from his knee.

12 Q. Okay. Was it embedded in his knee?

13 A. No, it was just pushed up against and I just
14 pushed it to the side to make sure it was okay.

15 Q. Did you notice if he was bleeding?

16 A. He was bleeding.

17 Q. From where?

18 A. I think, from his knee area.

19 Q. Any other area?

20 A. No, not that I know of.

21 Q. Was he coherent?

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1 A. Yes, he was.

2 Q. Did he seem, in your opinion, to have lost
3 consciousness after the accident at all?

4 A. No.

5 Q. And he was talking to you?

6 A. Yes.

7 Q. In between screaming?

8 A. Yes.

9 Q. How long was it while you were at the scene of
10 the accident before the --

11 A. Paramedics came, maybe five or 10 minutes.

12 Q. Who got there first, the paramedics or police?

13 A. I think it was the paramedics, but the firemen
14 was the people who took me out of the car and told me to
15 go to my vehicle.

16 Q. Do you know how they got him out of his car?

17 A. No.

18 Q. Did you see him leave the scene?

19 A. No.

20 Q. The paramedics got there first and then the
21 police officers?

1 A. Yes.

2 Q. Do you know about how long he was at the scene
3 of the accident?

4 A. No, I don't.

5 Q. Did you see anybody else arrive at the scene,
6 other than the paramedics --

7 A. There was several --

8 Q. I'm not done yet?

9 A. Sorry.

10 Q. -- the paramedics, the police officer and the
11 fire trucks?

12 A. Yes, there were several bystanders that came
13 to our side, and I remember a man who came to his side
14 and told him, "Who do you want me to call?" And he
15 passed him his cell phone and he's like, "Call my wife
16 and tell her that I was in an accident." And the guy
17 said, "Okay." And he came to my side, he asked if I was
18 fine. I told him I was fine. I didn't get a chance to
19 talk to him to ask him what his name was. And I called
20 my friends, I told them that I was here at the accident
21 near their house. And my friend and his mother and his

1 brother came, but they weren't allowed to go into the
2 scene. That's all the people that I can remember seeing.

3 Q. Have you had any conversations with the
4 plaintiff or the plaintiff's family members since the
5 accident?

6 A. Since the accident, no, I haven't.

7 Q. Your car was a total loss from the accident?

8 A. Total loss?

9 Q. Was your car repaired after the accident?

10 A. Yes, it was.

11 Q. Do you have any pictures of your vehicle?

12 A. No, I don't.

13 MR. SCHNEIDER: And I don't.

14 MS. ZOIS: Of course not.

15 MR. SCHNEIDER: I've got several of yours. We
16 have the estimate.

17 MS. ZOIS: Yeah, I have that too.

18 BY MS. ZOIS:

19 Q. I'm almost done. Let me just review through
20 your answers to interrogatories to make sure I didn't
21 forget anything?

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1 A. That's fine.

2 Q. Okay. I think that's all I have for you,

3 Diana?

4 A. Okay.

5 MS. ZOIS: All right. Thanks a lot for your
6 time.

7 (Deposition concluded at 10:28 a.m.)

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