

1 answer question -- the question pertaining to Baltimore
2 Tank Lines that one, the Baltimore Tank Lines vehicle was
3 negligent. And two, that that negligence was the cause
4 of the accident.

5 You should evaluate Mr. -- what Mr. Ervin did
6 as you're required to under the law through the light of
7 the situation he was in a clear and present serious
8 danger right there to him. He did what a reasonable
9 person would do in trying to get away from it. And we
10 can't Monday morning quarterback what he did from our
11 comfortable position in the courtroom.

12 Also, he doesn't have the burden to show that
13 he didn't do something negligent. The Defense has the
14 burden to show that he did and you've heard no evidence
15 that he did anything negligent.

16 Thank you, ladies and gentlemen.

17 THE COURT: Okay.

18 At this stage we'll release our alternate who
19 is Juror Number 30. Thank you for your participation
20 today. If you'd call the jury commissioner after 5:00
21 they'll let you know if you're needed tomorrow.

22 30; yeah.

23 Okay, swear the Bailiff please.

24 THE CLERK: You do solemnly promise and declare
25 that you shall well and truly keep this jury together in

1 some convenient room. You shall not permit anyone to
2 speak to them. Neither shall you speak to them yourself
3 unless it be to ask them whether they have agreed upon
4 their verdict without leave of the Court.

5 THE BAILIFF: I will.

6 THE COURT: Okay.

7 If during your deliberations you have any
8 questions put them in written form, give them to the
9 Bailiff and we'll respond as best we can.

10 When you've reached a verdict send out a note
11 to that effect. We'll bring you in. I'll ask the
12 Foreman if the verdict's been reached. The response is
13 yes. The Clerk will call your individual juror numbers
14 and ask you collectively whether or not you've reached a
15 verdict. The response is yes.

16 She'll then say who shall speak for you. The
17 response is our Foreman. The Clerk will then interrogate
18 the Foreman as to the verdict.

19 So, Mr. Swann show them to the deliberation
20 room. The Clerk will bring -- bring the exhibits in in a
21 minute.

22 (The jurors retire to deliberate at 3:18 p.m.)

23 Okay, can I see Counsel in chambers please?

24 THE CLERK: Counsel needs --.

25 I'm sorry. Could Counsel and me go over the --

1 exhibits before I take them back?

2 THE BAILIFF: All rise.

3 (Court is in session at 5:07 p.m.)

4 THE COURT: Okay.

5 We have a note that says the jury has reached a
6 decision. Not a verdict but a decision.

7 Let's bring them in.

8 (The jurors are brought into the courtroom at
9 5:08 p.m.)

10 Let the record reflect the jury has re --
11 returned.

12 VERDICT

13 THE COURT: Madame Foreman, has the jury
14 reached a verdict?

15 THE FOREMAN: Yes, we have.

16 THE COURT: Madame Clerk, please proceed.

17 Ladies and gentlemen of the jury as your
18 numbers are called would you please rise and remain
19 standing.

20 Juror Number 16.

21 Number 9.

22 Number 11.

23 Number 25.

24 26.

25 And 27.

1 Ladies and gentlemen of the jury, have you
2 agreed upon your verdict?

3 THE JURORS: Yes we have.

4 THE CLERK: Who shall say for you?

5 THE JURORS: The Foreman.

6 THE CLERK: Madame Foreman, on Number 1, was
7 Cindy Young -- I'm sorry -- Number 1-A, Was Cindy Young
8 negligent on March 13th, 2006; yes or no?

9 THE FOREMAN: Yes.

10 THE CLERK: Madame Foreman, on 1-B, Was the
11 negligence of Cindy Young a cause of the collision on
12 March 13th, 2006; yes or no?

13 THE FOREMAN: Yes.

14 THE CLERK: Madame Foreman, on Number 2-A, Was
15 Baltimore Tank Lines negligent on March the 13th, 2006;
16 yes or no?

17 THE FOREMAN: Yes.

18 THE CLERK: Madame Foreman, on Number 2-B, Was
19 the negligence of Baltimore Tank Lines a cause of the
20 collision on March the 13th, 2006; yes or no?

21 THE FOREMAN: Yes.

22 THE CLERK: Madame Foreman, on Number 3-A, Was
23 Theodore Ervin negligent on March the 13th, 2006; yes or
24 no?

25 THE FOREMAN: No.

1 THE COURT: Okay.

2 Anything further for the jury?

3 MR. FORD: May the jury be polled, Your Honor?

4 THE COURT: Okay.

5 THE CLERK: Will the jurors please be seated.

6 Thank you.

7 As your name is called -- I'm sorry, as your
8 number is called please rise and remain standing.

9 Juror Number 16.

10 Madame Foreman, you announced that the verdict
11 is Number 1-A, Was Cindy Young negligent on March 13th,
12 2006; yes.

13 Number 1-B, Was Cindy Young -- was -- I'm sorry
14 -- was the negligence of Cindy Young a cause of the
15 collision on March 13th, 2006; yes.

16 Number 2-A, Was Baltimore Tank Lines negligent
17 on March the 13th, 2006; yes.

18 2-B, Was the negligence of Baltimore Tank Lines
19 the cause of the collision on March 13th, 2006; yes.

20 And 3-A, Was Theodore Ervin negligent on March
21 the 13th, 2006; no.

22 Is that your individual verdict?

23 A JUROR: Yes.

24 THE CLERK: Thank you.

25 Juror Number 9.

1 Do you agree with the verdict as announced by
2 your Foreman?

3 A JUROR: Yes.

4 THE CLERK: Thank you.

5 Juror Number 11.

6 Do you agree with the verdict as announced by
7 your Foreman?

8 A JUROR: Yes.

9 THE CLERK: Thank you.

10 Juror Number 25.

11 Do you agree with the verdict as announced by
12 your Foreman?

13 A JUROR: Yes.

14 THE CLERK: Thank you.

15 Juror Number 26.

16 Do you agree with the verdict as announced by
17 your Foreman?

18 A JUROR: Yes.

19 THE CLERK: Thank you.

20 And Juror Number 27.

21 Do you agree with the verdict as announced by
22 your Foreman?

23 A JUROR: Yes.

24 THE CLERK: Thank you.

25 THE COURT: Harken.

1 THE CLERK: Do you want me to harken?

2 Ladies and gentlemen of the jury, harken your
3 verdict as the Court has recorded it. Your Foreman says
4 the verdict of 1-A, Was Cindy Young negligent on March
5 2006; yes. Was the negligence of Cindy Young a cause of
6 the collision on March 13th, 2006; yes.

7 2-A, Was the Baltimore Tank Lines negligent on
8 March 13th, 2006; yes.

9 2-B, Was the negligence of Baltimore Tank Lines
10 a cause of the collision on March 13, 2006; yes.

11 And was Theodore Ervin negligent on March 13th,
12 2006; no.

13 And so say you all.

14 THE JURORS: Yes.

15 THE CLERK: Thank you.

16 THE COURT: Okay.

17 Thank you for your participation today. You
18 can either take your notes with you or you can leave them
19 and they'll be destroyed so no one can read them.

20 Should they call in when they get home?

21 THE CLERK: Yes.

22 THE COURT: Yeah, if you could call the jury
23 commissioner when you get home they'll let you know if
24 you're needed for tomorrow.

25 So Mr. Swann please show them out.

1 (The jurors are released at 5:12 p.m.)

2 Could we close the door now?

3 Okay, the exhibits can be returned?

4 MR. FORD: As far as I'm concerned; yes.

5 MR. BRATT: Same.

6 THE COURT: Okay, how do you want to handle
7 this on the docket? I know you have a stipulation as to
8 damages.

9 (UNKNOWN ATTORNEY): Jointly and severly is the

10 --.

11 MR. FORD: No, we can't do that.

12 THE COURT: Can't do it.

13 MR. FORD: Not (unintelligible) a stipulation.

14 I think what you could probably do
15 (unintelligible) part of the stipulation of the parties
16 judgment is enter in favor of the favor -- in favor of
17 the Plaintiff against the Defendant Young for 20 and --
18 and the Defendant -- Baltimore Tank Lines for 30.

19 THE COURT: Okay.

20 Did you get that Madame Clerk?

21 THE CLERK: No sir I did not.

22 THE COURT: Okay.

23 We're gonna enter a judgment in the amount of
24 \$20,000.00 in favor of the Plaintiff and against the
25 Defendant Cindy Young. And \$30,000.00 in favor of the

1 Plaintiff against Baltimore Tank Lines -- is it Inc. or
2 Corporation?

3 MR. STEPHENSON: Baltimore Tank Lines comma
4 Inc. period.

5 THE COURT: Okay.

6 What about costs? Is there any -- was that
7 addressed in the stipulation?

8 MR. FORD: No.

9 THE COURT: Okay.

10 Okay.

11 MR. FORD: Thank you, Judge.

12 THE COURT: Yeah.

13 MR. STEPHENSON: Thank you, Your Honor.

14 THE BAILIFF: All rise.

15 (Whereupon, this hearing was concluded at 5:14
16 p.m.)

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