

In The Matter Of:

v.

- Vol. I

February 13, 2012

MERRILL LAD

1325 G Street NW, Suite 200, Washington, DC
Phone: 800.292.4789 Fax 202.861.3425

IN THE CIRCUIT COURT FOR WICOMICO COUNTY

STATE OF MARYLAND

:
 Plaintiff :
 v. : Case No.
 :
 Defendant :

Deposition of

Salisbury, Maryland

Monday, February 13, 2012

9:06 a.m.

Job No:

Pages 1 - 54

Reported by: , Notary Public

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7 Deposition of _____, held at:
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15
16 Pursuant to notice, before
17 Court Reporter and Notary Public in and for the State
18 of Maryland.
19
20
21
22

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1 APPEARANCES
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10 COUNSEL FOR DEFENDANT
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1 PROCEEDINGS
2 Whereupon,
3
4 a witness produced on call of the Plaintiff, having
5 first been duly sworn, was examined and testified as
6 follows:
7 DIRECT EXAMINATION
8 BY MR. GASTON:
9 Q. Ma'am, would you please state your full
10 name?
11 A.
12 Q. Ms. _____, my name is Rodney Gaston.
13 I'm an attorney. I represent _____ in an
14 action that's been filed against you in the Circuit
15 Court for Wicomico County.
16 We're here today so I can find out some
17 information from you regarding a motorcycle collision
18 that occurred on _____ the _____ on
19 Road between my client and the motorcycle he was
20 driving and a dog.
21 Before we proceed with the deposition, I
22 want to go over a few of the ground rules for us so

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1 we can get through this smoothly. Have you ever had
 2 your deposition taken before?
 3 A. No.
 4 Q. During the deposition the court reporter
 5 is here to take down everything we say. It's easier
 6 if we don't interrupt each other during the
 7 deposition. So what I would ask you to do is wait
 8 until I finish asking my question before you answer.
 9 You'll probably be anticipating some of the questions
 10 I'm going to ask you and there's a tendency to simply
 11 go ahead and blurt out the answer.
 12 What I would ask you to do is to wait
 13 until I finish asking the entire question before you
 14 answer it and I will give you the same courtesy. I
 15 won't interrupt you while you're trying to answer the
 16 question.
 17 Also, all your responses have to be
 18 verbal. The court reporter can't take down a shake
 19 of the head or a nod. So if you'd just answer
 20 verbally, we'll do fine. Also, if at any time I ask
 21 you a question that you don't understand, you need to
 22 stop me and just say, "Mr. Gaston, I do not

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1 understand that question." I'll try to rephrase it
 2 for you. Otherwise, if you don't tell me that then
 3 we will assume that you've understood every question
 4 that I've asked you and your answers will be
 5 responsive to those questions.
 6 Also, if at any time during the
 7 deposition you need to take a break, just let us know
 8 and we'll stop for a few minutes. Have you
 9 understood everything I've said so far?
 10 A. Sure. Yes.
 11 Q. Ma'am, what is your current address?
 12 A. . That's
 13
 14 Q. Have you ever been known by any other
 15 name?
 16 A. , spelled
 17
 18 Q. Was that your maiden name?
 19 A. Married.
 20 Q. That was your married name. Okay. And
 21 is your maiden name?
 22 A. Yes.

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1 Q. Okay. And when - I presume you became
 2 divorced from Mr. ?
 3 A. Yes.
 4 Q. What was that date, do you remember?
 5 A. January '97.
 6 Q. Okay. And I'm going to presume that
 7 Mr. was not living with you on
 8 on the , ; would that be a fair
 9 statement?
 10 A. That's correct.
 11 Q. All right. Have you ever been known by
 12 any other names other than and ?
 13 A. No, sir.
 14 Q. Okay. Have you ever lived at any other
 15 house other than !?
 16 A. I've been there 28 years. I lived at
 17 townhouses prior to that in Salisbury.
 18 Q. And what is your date of birth?
 19 A.
 20 Q. Okay. And when you moved into the
 21 Road address, did anyone else move there with
 22 you?

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1 A. Yes.
 2 Q. Who was that?
 3 A. My husband, my daughter, , and my
 4 son,
 5 Q. ?
 6 A. Yes.
 7 Q. Would that be ?
 8 A. I.
 9 Q. How old is your daughter?
 10 A. is 28. is 33.
 11 Q. Okay. And did you purchase the home from
 12 another family member or from a stranger?
 13 A. I purchased it from a stranger.
 14 Q. Okay. And what year did you buy the home
 15 on Road?
 16 A. '86.
 17 Q. On , were you still
 18 living at the Road address?
 19 A. Yes.
 20 Q. Okay. Did you have any tenants living
 21 there with you at that time?
 22 A. I wouldn't call them tenants. My

1 children still lived there.
2 **Q. Okay. So your two children and you lived**
3 **there?**

4 A. And my grandson.

5 **Q. What's his name?**

6 A.

7 **Q. Anyone else?**

8 A. No.

9 **Q. All right. Ma'am, we're here about a**
10 **collision that occurred on , on**
11 **Road. Tell me what you know about that**
12 **motorcycle collision between a motorcyclist and a**
13 **dog.**

14 A. There was probably 12 of us outside. The
15 children were playing with the dog. The dog came
16 back in the house. My screen does not latch. The
17 dog came back outside. The children across the road
18 called the dog to them. He went. saw the dog
19 across the street and called the dog home.

20 When she called the dog home was in
21 the yard and says, "No, there's a motorcycle coming."
22 Before we knew it, he was right there and the dog had

1 **Q. Did you know where Mr. lived on**
2 **that date?**

3 A. Yes.

4 **Q. Okay. Where did he live?**

5 A. Three properties down to the right.

6 **Q. On the same side of the street that you**
7 **lived on?**

8 A. Yes.

9 **Q. Okay. Would you classify him as one of**
10 **your neighbors?**

11 A. Yes.

12 **Q. Okay. Had you ever been over to his**
13 **house before for any type of an event?**

14 A. No.

15 **Q. Had he ever been over to your house**
16 **before for any type of event?**

17 A. No.

18 **Q. Have you ever seen him -- other than the**
19 **one time when you met him, had you ever seen him on a**
20 **professional, social or otherwise basis before that**
21 **day?**

22 A. I've seen him at school functions when

1 come across the road and he collided with it.

2 **Q. Did you actually see the collision**
3 **between the motorcyclist and the dog?**

4 A. Yes.

5 **Q. Did the collision -- is Road**
6 **a two lane highway, with the traffic going in each**
7 **direction?**

8 A. Yes.

9 **Q. Okay. And which direction was the**
10 **motorcycle traveling? If you're standing in front of**
11 **your house and looking out towards the roadway, was**
12 **the motorcyclist coming from your left or from the**
13 **right?**

14 A. He was coming from the left.

15 **Q. And do you know the man who was driving**
16 **the motorcycle?**

17 A. Do I know him? No.

18 **Q. Do you know him?**

19 A. No.

20 **Q. You had never seen him before that date?**

21 A. I've met him one time probably 12 years

22 ago.

1 our children were in school, PTA.

2 **Q. And what school would that be at?**

3 A. Elementary.

4 **Q. Do you know if any of his children were**
5 **in the same class as your children?**

6 A. Yes.

7 **Q. Is that how you came to know him at the**
8 **school?**

9 A. Yes.

10 **Q. Okay. What type of dog was it that ran**
11 **out into the road?**

12 A. I'm really not sure. It was a mixed
13 breed. It was small, not quite knee high. Black.

14 **Q. Did the dog have a license?**

15 A. I don't know.

16 **Q. Okay. When's the first time you saw that**
17 **dog?**

18 A. When that dog was probably five days old.

19 **Q. Did you go pick up the dog from a**
20 **breeder?**

21 A. No.

22 **Q. Okay. Who owns the dog?**

1 A. My daughter,
2 Q. Okay. Were you there when got the
3 dog?

4 A. I don't remember if -- I wasn't there
5 when she got the dog. I was there when she brought
6 the dog home.

7 Q. Okay. And did she bring the dog back to
8 the home on Road?

9 A. Yes.

10 Q. And how many years ago was that? Or
11 months ago?

12 A. The dog, like I said, was only five days
13 old and the dog was a year-and-a-half when the
14 accident occurred.

15 Q. Okay. Do you know if your daughter
16 picked it up -- you said it was a mixed breed, so the
17 dog wasn't a pure bred; right?

18 A. No.

19 Q. And was the dog -- do you know if your
20 daughter purchased the dog for breeding purposes or
21 just for companionship?

22 A. I would say companionship; although I

1 don't know for certain.

2 Q. Okay. And for the year-and-a-half that
3 your daughter had owned the dog before the dog was
4 killed, was the dog in the home on Road
5 every day, pretty much every day?

6 A. No.

7 Q. Okay. Where did the dog stay and which
8 homes did the dog visit?

9 A. That I can't tell you. My daughter at
10 the time was in addictions. She would be home some
11 weeks and some weeks not. When she wasn't home, I
12 didn't know where she was. I had her son.

13 Q. Did you have legal custody of her son?

14 A. No.

15 Q. Okay. You were just taking care of your
16 grandson, --

17 A. Uh-huh.

18 Q. -- while she was going through these
19 difficult times?

20 A. Yes.

21 Q. Okay. When you mean addiction, was she
22 actually a resident of one of the county jails or was

1 she in an inpatient program?

2 A. Neither of those. Let me take that back.

3 Q. Okay.

4 A. She had been in counseling off and on. I
5 couldn't tell you what the dates were, but it was not
6 anything court ordered.

7 Q. Okay. So when your daughter was away in
8 counseling and when you were taking care of your
9 grandson, did you also take care of the dog during
10 that period of time?

11 A. No.

12 Q. Okay. Who would be taking care of the
13 dog while your daughter was away from the home?

14 A. Wherever she had it. Whoever she was
15 with.

16 Q. Okay. So I don't want to put words in
17 your mouth. When your daughter was away from the
18 home the dog was always with her --

19 A. Yes.

20 Q. -- would that be a fair statement?

21 A. Yes.

22 Q. And your son -- the grandson, was he old

1 enough to go to school during that one-and-a-half
2 year period, because I didn't get the grandson's age?

3 A. Yes, he was in school.

4 Q. And how old was he?

5 A. At that time three years ago he would
6 have been eight.

7 Q. Eight years old?

8 A. Uh-huh.

9 Q. Okay. And did -- was your daughter
10 married to father?

11 A. No.

12 Q. Did he live in the house during any
13 period of time?

14 A. No.

15 Q. Okay. And where does your daughter live
16 now?

17 A. She's in Avenue.

18 Q. Do you know the street number by chance?

19 A. No. And I'm not even sure if it's
20 Avenue. I would have to get that for you if you
21 really needed that.

22 Q. We actually do.

1 A. I'll try to get it for you.
 2 Q. And can you – do you talk to your
 3 daughter on a daily or weekly basis?
 4 A. Yes.
 5 Q. Okay. You're still in contact with her?
 6 A. Yes.
 7 Q. Is still with you?
 8 A. No.
 9 Q. 's back with her?
 10 A. Yes.
 11 Q. Good. Is that working out okay now?
 12 A. It's great.
 13 Q. That's great. I'm glad for the boy.
 14 A. Yeah.
 15 Q. Okay. Very good. Are you aware – maybe
 16 you're not. Are you aware of any of the leash laws
 17 in Wicomico County or the city of Salisbury that have
 18 to do with dogs?
 19 A. Yes.
 20 Q. And is that because you owned a dog?
 21 A. Yes.
 22 Q. And did you own a dog at the time that

1 Q. You indicated your son was there and I
 2 don't remember if you said was there as well?
 3 A. Yes. Both were there.
 4 Q. During the year-and-a-half that the dog
 5 lived on Road – and I understand it's on
 6 and off depending upon what times your daughter was
 7 there. During the times your daughter was living at
 8 the home was the dog ever on a leash when the dog was
 9 outside?
 10 A. Yes.
 11 Q. Okay. And can you describe the type of
 12 leash, the type of set up it was for the dog?
 13 A. Out front we had a big hook chain that
 14 was hooked to our railing and there was a long chain
 15 with that and that would be hooked to her neck
 16 collar. And in the back we had also a long runner
 17 that was hooked around a tree. She was either on one
 18 or the other.
 19 Q. And was the reason the dog was on the
 20 chain is to prevent the dog from leaving the
 21 property?
 22 A. Correct.

1 this incident happened?
 2 A. No.
 3 Q. Okay. When did you first own a dog?
 4 A. Mandy died December '08 and she was 14.
 5 Q. She lived a long life.
 6 A. She was a black Lab.
 7 Q. And did she have a dog license?
 8 A. Yes.
 9 Q. And what's your understanding of the
 10 leash, leash laws in the county or the city that
 11 pertain to dogs that the residents here own?
 12 A. I live in the country. I let them out,
 13 but they stay in the yard.
 14 Q. Are you aware whether they have to be on
 15 a leash while they're on your property or not?
 16 A. No.
 17 Q. Okay. Was this a party where 12 people
 18 were over to your house?
 19 A. This was a beautiful Sunday afternoon.
 20 They weren't at my house. It was between my house
 21 and my neighbor. We were all outside doing yard
 22 work.

1 Q. Okay. And do you know why the dog wasn't
 2 on the chain in the front yard that day?
 3 A. She busted out my door. She came out my
 4 door. My screen door does not latch. It doesn't to
 5 this day.
 6 Q. Had she done that before?
 7 A. And she had done that before.
 8 Q. Okay. And she – and every time she
 9 would do that would be the time your daughter was
 10 also at the house?
 11 A. Yes. Correct.
 12 Q. So your daughter was aware that on
 13 previous occasions before this time that the dog that
 14 she owned – what was the dog's name?
 15 A.
 16 Q. That would, could actually
 17 get out the front door on her own and did in fact get
 18 out the front door on her own?
 19 A. If the wooden door was left open, yes.
 20 Q. Okay. Thank you for clarifying that.
 21 And do you know how many times that happened in the
 22 past?

1 A. Not many, because it was still cold time.
 2 This one particular day was beautiful and I had my
 3 front door open.
 4 Q. Would it be more than five, but less than
 5 10?
 6 A. I would say less than five.
 7 Q. Less than five. And were you there on
 8 those days?
 9 A. No.
 10 Q. Okay. And how would you know about this?
 11 Would your daughter tell you?
 12 A. had told me.
 13 Q. And how did they get the dog back?
 14 A. The dog liked to play with children, so
 15 the dog would come to at times.
 16 Q. Were there other children living in the
 17 adjacent properties?
 18 A. Yes.
 19 Q. Would the dog also go over to their
 20 property and play with their children?
 21 A. Yes.
 22 Q. And can you tell me the names of some of

1 property to the right?
 2 A. No.
 3 Q. Dog ever went across the street?
 4 A. No.
 5 Q. Okay. If the dog was on the property and
 6 not on the chain and someone from either side of your
 7 adjacent properties had called the dog, would the dog
 8 then go over to that person? Was he a friendly dog
 9 like that?
 10 A. Yes.
 11 Q. Okay. And that's what happened on this
 12 day; someone across the street called the dog and the
 13 dog would go across the street?
 14 A. Correct.
 15 Q. Was your daughter aware that this
 16 would -- was the dog's behavior that if someone
 17 called it on an adjacent property across the street,
 18 that the dog could voluntarily go to these people who
 19 were calling him?
 20 MR. : Let me interpose an
 21 objection. You're asking her what -- if she
 22 knows what her daughter knew. She obviously

1 the neighbors who would be aware that would
 2 occasionally leave your home where your daughter
 3 lived and go next door to play with the children?
 4 A. and and their daughter
 5 is
 6 Q. How old is ?
 7 A. 11.
 8 Q. And do you know the address for and
 9 ?
 10 A. No. They're to my extreme left.
 11 Q. Left? The very next property?
 12 A. Yes.
 13 Q. Okay. Do they still live there?
 14 A. Yes.
 15 Q. Okay. Do you know what or do
 16 for a living?
 17 A. works for the Wicomico County public
 18 schools as an
 19 Q. And what's do?
 20 A. is a stay-at-home mother.
 21 Q. This is the property to the left. Has
 22 the dog ever left the property and went to the

1 cannot speak for her daughter, but she can answer
 2 the question.
 3 THE WITNESS: Correct. I don't know
 4 that. There again, I'm not at home the majority
 5 of the time, so I don't really see the actions of
 6 the dog when they were there.
 7 BY MR. GASTON:
 8 Q. Okay. That's fair enough. What about
 9 when you did see the actions of the dog?
 10 A. When I did see the actions, there was
 11 only one time I can remember that went across
 12 next door when -- but there again, was with
 13 the children, so he would follow when
 14 was next door, but they would always walk the dog
 15 back home.
 16 Q. Okay. How about going across the street?
 17 A. That doesn't normally ever happen.
 18 Q. Doesn't ever normally seems, is a little
 19 confusing. Has it ever happened in the past?
 20 A. Not that I'm aware, no.
 21 Q. Has your daughter ever told you that the
 22 dog ran across the street one day --

1 A. No.

2 Q. -- before this incident?

3 Okay. Did you ever have to go out
4 looking for the dog one day because the dog left the
5 property?

6 A. No.

7 Q. Can you tell me how far down the road the
8 motorcyclist was when you first saw him?

9 A. We could hear it before I could see it.

10 Q. Okay. And do you know how many seconds
11 went by before you heard the engine and before you
12 actually saw it?

13 A. Probably about four seconds.

14 Q. Okay.

15 A. And I remember, I remember he was looking
16 up towards

17 Q. Take your time. I know this is probably
18 something upsetting for you. Just take your time.

19 A. We're country people. I can walk out of
20 my door at any time at night and if I walk outside
21 and somebody is coming down the road, they're going
22 to look up at me. He had looked up at 's.

1 Q. And that was on the opposite side of the
2 road --

3 A. Correct.

4 Q. -- near, actually right in front of the
5 driveway to which neighbor's home?

6 A. It's the home right across the
7 street from me. Although the don't live
8 there anymore and the neighbors are new. I don't
9 know them.

10 Q. Okay. Do you know whether, do you
11 know -- had you been friends with the
12 before this day?

13 A. No.

14 Q. Okay. Have you ever -- did you ever
15 speak to them?

16 A. I speak to them.

17 Q. Okay. And do you know where they are
18 now?

19 A. No.

20 Q. Okay. And how far were you -- I'm trying
21 to get an idea of the length of the driveway of your
22 house. Do you have -- does your driveway go right up

1 I said and and . At the
2 time, sister was visiting with her four
3 children. There was a lot of commotion going on at
4 's. Right next door is myself and my family and
5 we're outside doing yard work.

6 I saw him look up at 's and it was
7 just about that time that called home,
8 and when that happened I believe , because he
9 wasn't looking at the road, he swerved. He hit
10 on the left side of the road, right there at the
11 driveway across the middle of the road.

12 It happened. He hit and that's when
13 he -- he applied his brakes first and the brake mark
14 on the road showed that he was on the wrong side of
15 the road. And he hit her with a front tire and then
16 he ran over her and when he ran over her his bike
17 stopped right there, right there at the end of the
18 driveway.

19 Q. So the final resting place for the
20 motorcycle is exactly where he struck the dog; would
21 that be fair?

22 A. That would be fair to say.

1 into a garage?

2 A. No, but my driveway is not in the puzzle.

3 Q. Okay. I'm just trying to get the
4 distance from where you were, where you were standing
5 on your yard to the edge, the closest edge of the
6 road. How far is that?

7 A. I was right at the house, at the steps.
8 I was working in a rose garden.

9 Q. Were you on your knees at the time?

10 A. No.

11 Q. You were standing up?

12 A. I was standing up.

13 Q. Okay. And if you were to walk, do you
14 know how many paces it would take for you to get from
15 the rose bush to the very end of the road?

16 A. 35 feet.

17 Q. It's 35 feet. Okay. And it was a sunny
18 day?

19 A. Yes.

20 Q. Did it appear that Mr. was braking
21 to try to avoid hitting the dog?

22 A. When he first saw the dog, yes.

1 Q. And do you know how far he was away from
2 the dog when he first saw the dog?

3 A. Not far. Maybe from here to the other
4 side of the building.

5 Q. And I guess estimating feet; was it four,
6 five, six motorcycle lengths, car lengths? Can you
7 give me an idea?

8 A. Yeah, let me think. Probably six
9 motorcycle lengths.

10 Q. Okay. Okay. And did Mr. [redacted] bike go
11 down on the side after it hit the dog? Did he fly
12 over top? What happened to his bike?

13 A. The dog went down. I mean, the bike went
14 down and it just kind of, he just kind of flew in the
15 air over to the other side of the driveway. He
16 didn't roll on the pavement. It was like something
17 just picked him up and put him over there.

18 Q. So was it pretty much a dead stop after
19 the motorcycle hit the dog and then his body just
20 went, continued over top of the motorcycle and hit
21 the ground?

22 A. Correct.

1 while [redacted] was talking and holding him I was calling
2 911.

3 Q. Okay. And did you talk to the police
4 officers who arrived at the scene?

5 A. Yes.

6 Q. Okay. And did you tell them exactly what
7 you told me here?

8 A. Ye.

9 Q. Have you given a statement to anyone else
10 regarding this matter, whether it be over the
11 phone -- other than your lawyer. I'm not entitled to
12 know what you and your lawyer talked about. But an
13 insurance company, investigators; something, whether
14 you wrote something down in writing or you told them
15 over the phone what happened about this incident?

16 A. No.

17 Q. Okay. Do you know the officer that
18 arrived on the scene?

19 A. No.

20 Q. But you did speak with him?

21 A. Yes.

22 Q. Did other people also speak to the

1 Q. Okay. And can you tell me an idea how
2 far he was from his motorcycle when he hit the
3 ground?

4 A. The width of a driveway. The motorcycle
5 laid on this drive -- on this side and he fell, well,
6 plus maybe a foot, because he was on the other side.
7 There was the mailbox in between and he was just on
8 the other side of the mailbox.

9 Q. Okay. I presume people ran over to the
10 scene to see what was going on?

11 A. Just [redacted] and [redacted] from next door.

12 Q. Did you -- you did not go over to the
13 scene?

14 A. I was at the scene, yes. I should have
15 put myself there.

16 Q. Okay. So you walked across your
17 property, across the road where Mr. [redacted] was?

18 A. Yes.

19 Q. Did you say anything to him? What was he
20 doing? Can you describe what was going on?

21 A. I didn't say a whole lot to him because
22 by that time when it happened [redacted] ran to him, and

1 officer?

2 A. I don't know.

3 Q. Were you there when the ambulance
4 arrived?

5 A. Yes.

6 Q. And did they put Mr. [redacted] on a back
7 board?

8 A. Yes.

9 Q. Did you notice any physical injuries on
10 his body?

11 A. I noticed his ankle.

12 Q. Okay. What did you notice about his
13 ankle?

14 A. I just noticed there was blood and his
15 pant ankle was torn.

16 Q. Okay. Was your daughter outside the
17 house or inside the house at the time of the
18 collision?

19 A. Outside.

20 Q. Okay. Did she also tell you that she saw
21 the accident?

22 A. Yes.

1 Q. And did she -- what did she tell you
2 about it from memory?

3 A. She wants to blame because
4 was speeding.

5 Q. And --

6 A. We all saw it. Myself,
7

8 Q. And you didn't tell me that was
9 speeding earlier when you described it.

10 A. I didn't?

11 Q. Do you know what speed he was going?

12 A. No, I don't know, but I travel that road
13 and I do 40 and feel like I'm just crawling.

14 Q. What's the speed limit on there?

15 A. 40.

16 Q. Okay. And did your daughter tell you how
17 she was able to calculate 's speed or was she
18 guessing that he was going over the speed limit?

19 A. She calculated due to the fact when he
20 brought his attention back to the road, that's when
21 he slammed on his brake. That's what -- I mean, just
22 sounding -- hearing the sound of the engine of the

1 Q. And he also witnessed the collision?

2 A. Yes.

3 Q. Does still live with you at the
4 house?

5 A. Yes.

6 Q. And what did tell you that he saw?

7 A. Here again, it's hearsay what he told me.

8 Q. That's okay. I just want to know what --

9 A. Okay.

10 Q. Normally people talk about these things.

11 A. Okay.

12 Q. I just want to know what your son told
13 you.

14 A. That it's crazy that he was speeding. He
15 was worried because the dog only listened to
16 and it was that was calling the dog home and
17 I'm really surprised the dog came out in the road,
18 because we could hear the motorcycle and, you know,
19 telling, "No, don't call him" or "Don't
20 call her."

21 Q. But it was too late?

22 A. It was too late.

1 motorcycle coming made us believe that it was
2 speeding also.

3 Q. Is that -- was that why, what your
4 daughter told you as to how she believed he was
5 speeding --

6 A. Yes.

7 Q. -- because of the sound of the engine --

8 A. Yes.

9 Q. -- and nothing else?

10 A. I don't remember it all, but I do
11 remember that.

12 Q. So we have -- as far as you know, did
13 also witness the collision?

14 A. Yes.

15 Q. Was outside and did she witness the
16 collision?

17 A. I don't think she witnessed it. She was
18 around back.

19 Q. Okay. And you said ?

20 A. Yes.

21 Q. is your other son?

22 A. Yes.

1 Q. Okay. And she called him after -- after
2 you heard the sound of the motorcycle is when she
3 started to call the dog?

4 A. Yes.

5 Q. Okay. Did she then tell the dog to stay
6 back or --

7 A. Yes.

8 Q. And did the dog stay?

9 A. No.

10 Q. The dog kept coming?

11 A. Yes.

12 Q. Okay. So we have , yourself,

13 Any other adults that you were aware of that
14 saw the collision?

15 A. Not that witnessed the collision, no.

16 Q. Did anyone else go over and try to

17 comfort while he was laying on the ground other
18 than you and' ?

19 A. And sister was visiting and
20 she's a nurse.

21 Q. What did say, if anything?

22 A. I don't know. I didn't go to him.

1 Q. Okay. Do you have -- did anyone tell you
2 they were there and " said this" or " said
3 that"?

4 A. No.

5 Q. Okay. Is there anything else that you
6 can remember about the accident that day that you
7 haven't already told me?

8 A. When I talked to the officer he wanted to
9 give him citations.

10 Q. For what?

11 A. I don't know what for.

12 Q. Okay.

13 A. And I just begged and cried for him not
14 to, because here the man is already hurt on the
15 ground. He's a neighbor, my dog is dead, and I said
16 my dog, and I didn't want him hurt anymore so I asked
17 the officer not to give him any violations.

18 Q. It's interesting that you said it's your
19 dog. Do you consider the dog your dog a well?

20 A. No, I said that because I consider my
21 daughter my family and it was her family.

22 Q. All right. Is there anything else you

1 Q. Did any of the times that you saw him
2 drive up and down the road before on his motorcycle,
3 did it give you any concern at all as to the manner
4 in which he was operating the motorcycle in front of
5 your house with children around?

6 A. Yes.

7 Q. Okay. Did you call the police and report
8 that?

9 A. No.

10 Q. Why not? If you, if you were concerned
11 that his driving could endanger one of your children
12 or the neighbor's children, is there a reason why you
13 didn't report it to the police?

14 A. Just maybe not getting involved, thinking
15 it wouldn't happen next time.

16 Q. Let's talk about before the collision.
17 I'm talking about incidents where you've seen
18 drive the motorcycle down the road before, before
19 this.

20 A. Right.

21 Q. Did any of his driving behavior give you
22 reason to pause or reason to be concerned that

1 can remember about that day?

2 A. No.

3 Q. Have you ever talked to after the
4 collision?

5 A. No.

6 Q. Do you know if any of your family members
7 or any of the neighbors spoke to him after the
8 collision?

9 A. No.

10 Q. Anyone go to the hospital to see how he
11 was doing to the best of your recollection?

12 A. No.

13 Q. And you had no contact with him from the
14 date of the collision almost three years later?

15 A. No. Which I never had contact with him
16 before.

17 Q. Other than to see him at school?

18 A. Other than -- and driving by, we always
19 waved. I always waved to . That's his wife.

20 Q. Had you seen drive up and down the
21 road before on his motorcycle?

22 A. Yes.

1 someone else on the highway or any of your friends or
2 family would be endangered by his driving?

3 A. I'm going to say all motorcycles and
4 vehicles go fast in front of my house. He would just
5 be one of a pluck of a dozen that I would have to
6 call on.

7 Q. Did he stand out any more or less than
8 any other vehicle or motorcycle that would be driving
9 in front of your house?

10 A. No.

11 Q. Okay. So any time you saw him drive by
12 you didn't have any -- your concern for your children
13 was not elevated to the point that you would report
14 his driving behavior to the authorities; would that
15 be fair?

16 A. That would be fair, because my
17 children -- my grandson knew not to go near the road.

18 Q. But not for any other child that would be
19 living on the same road?

20 A. There again, he would be one of 15 to 12.

21 Q. But whatever his driving behavior was, it
22 didn't cause you to report it to the authorities;

1 would that be fair?
 2 A. That would be fair.
 3 Q. And do you know of any other person in
 4 your household or any of your neighbors that ever
 5 reported Mr. driving the way he was driving to
 6 the authorities?
 7 A. No.
 8 MR. GASTON: Okay. I asked you to
 9 produce a copy of the insurance policy, the
 10 Homeowner's policy.
 11 MR. : We mailed that to you.
 12 Let's see, let's see if I have an extra one here
 13 or not. I'm going to see if I've got one
 14 upstairs.
 15 MR. GASTON: Because I did want to ask
 16 her about the policy because I don't have it. I
 17 wanted to -- that's why I wanted to see it here.
 18 You want to take a five minute break?
 19 MR. : Yes, let's do that.
 20 (Whereupon, the proceedings went off the
 21 record.)
 22 (Exhibit 1 was marked for

1 policy that's contained in Exhibit Number 1 due to a
 2 failure to pay any of the premiums on the policy?
 3 A. I don't understand.
 4 Q. Okay. In order to have insurance you
 5 have to pay either a monthly or annual premium. If
 6 persons don't pay the premium, the insurance company
 7 then denies coverage because they didn't pay for it.
 8 Has your insurance company sent you any
 9 letters to that effect; that they're denying coverage
 10 because you hadn't paid the premium for the policy?
 11 A. No.
 12 Q. And as far as you know this policy was in
 13 effect on , ?
 14 A. Correct.
 15 Q. Who would take the dog to the
 16 veterinarian to get his rabies, to get her rabies
 17 shots?
 18 A.
 19 Q. Okay. Do you know the name of the vet?
 20 A. No.
 21 Q. And on , if we can go back
 22 in time from that day, how long had your daughter

1 identification.)
 2 BY MR. GASTON:
 3 Q. Okay. Ms. , your attorney was
 4 kind enough to provide me with a copy of the
 5 Homeowner's insurance policy and it's been marked as
 6 Exhibit Number 1 and I'll simply ask you to identify
 7 the policy and ask you if this was the only insurance
 8 policy that you are aware of that would cover you as
 9 a named insured --
 10 A. Yes.
 11 Q. -- for losses in this case?
 12 MR. : Look at it first.
 13 BY MR. GASTON:
 14 Q. Assuming, assuming that the incident
 15 we're talking about is covered under this policy.
 16 A. Yes.
 17 Q. Okay. And you have no other insurance
 18 policies that would cover this loss; would that be
 19 correct?
 20 A. Correct.
 21 Q. Okay. Has your insurance company ever
 22 sent you any letters denying the coverage under the

1 been continuously living with you at the house and in
 2 the house right before , For how many
 3 weeks or months that you can remember?
 4 A. It's always been her primary address.
 5 She'd always at that time come and gone. I couldn't
 6 give you a correct answer on that. I don't know.
 7 Q. What I'm, what I'm trying to figure out
 8 is do you know whether your daughter spent the night
 9 at your house the night before?
 10 A. Yes, she did.
 11 Q. And do you know if she was there for at
 12 least a few days at that time with the dog?
 13 A. Yes, she was.
 14 Q. And if your -- I'm sorry, ma'am. What is
 15 your usual, what was your usual schedule in April of
 16 ?
 17 A. Monday through Friday I work 11:00 to
 18 7:00.
 19 Q. Is that 11:00 at night?
 20 A. 11:00 a.m. to 7:00 p.m.
 21 Q. And where did you work?
 22 A. in the Pines, Ocean Pines.

1 Q.

2 A.

3 Q. In the Pines?

4 A. In the Pines.

5 Q. An interesting name for an employer.

6 What type of business is that?

7 A. It's a hair salon owned by Italians.

8 Q. Are you an Italian?

9 A. My boss is.

10 Q. Is she a hot head?

11 A. Yes, sir.

12 Q. How long -- and are you a licensed

13 beautician?

14 A. Yes.

15 Q. How long have you been doing that work?

16 A. 28 years.

17 Q. You must like it.

18 A. Love it.

19 Q. And did you work any weekends at all?

20 A. No.

21 Q. Oh, you're lucky. Usually the busiest

22 day is usually Saturday; right?

1 Q. Okay. And how long had she come out the

2 front door -- how much time elapsed between the time

3 the dog came out the front door and the time the dog

4 ran across the street?

5 A. Almost instantly.

6 Q. Okay.

7 A. Because the children across the street

8 called her over.

9 Q. Do you know if they ever did that in the

10 past?

11 A. No, I don't.

12 Q. And this would the children?

13 A. Yes.

14 Q. And how old were they?

15 A. 's age; nine, ten, eleven.

16 Q. Did they go to school with ?

17 A. Yes.

18 Q. Were they 's school mates?

19 A. Yes.

20 Q. Okay. Had they ever been over to your

21 house for parties, birthday parties, pizza parties?

22 A. Yes. So the dog knew...

1 A. Saturday, because Ocean City clients come

2 in and clients live, the regular occupants, they get

3 out of dodge. Saturday is not a good day for a salon

4 in Ocean City.

5 Q. Okay. And this day was Sunday?

6 A. Yes.

7 Q. Okay. So would it be fair to say that

8 whenever -- strike that.

9 Did the dog have a regular dog collar and

10 a hand-held leash that anybody used to walk him

11 around the property?

12 A. Yes.

13 Q. And was he on the hand-held leash on

14

15 A. Yes.

16 Q. Okay. So --

17 A. Excuse me.

18 Q. Go ahead.

19 A. She was at first. But there again, when

20 he went back into the house and the big front door

21 was left open, that's when she got out. She did not

22 have her leash on then. It had been taken off.

1 Q. The dog knew them?

2 A. Yes.

3 Q. Okay. All right. And this is, you

4 described -- was this a small dog? I knew you had

5 said it was a mixed breed, a short dog. I'm

6 trying -- can you -- 10, 20 pounds, 30? Can you give

7 me an idea how much it weighed?

8 A. Maybe 20, 25 pounds. She was no higher

9 than the knee.

10 Q. No higher than --

11 A. Right. She was below my knee.

12 Q. Below your knee. Okay. All right. I

13 presume you still have pictures of the dog in your

14 house?

15 A. I don't, no.

16 Q. No.

17 A. has a couple of pictures of the

18 dog.

19 Q. Okay. And does your daughter work?

20 A. Yes.

21 Q. And where does she work?

22 A. She works for an organization called

1
 2 **Q. And where are they located?**
 3 A. All I know is Salisbury. I don't know an
 4 address.
 5 **Q. How long has she been working there?**
 6 A. I believe a little over a year.
 7 **Q. One year. Okay. All right. Have you**
 8 **seen any photographs of the accident scene?**
 9 A. No.
 10 **Q. Did you take any photographs of the**
 11 **accident?**
 12 A. No.
 13 **Q. Do you know of anyone else who took any**
 14 **photographs of the accident?**
 15 A. I do know the paper did because there was
 16 a picture in the paper, but I didn't, I didn't kept
 17 it or cut it out. And I believe my insurance
 18 adjustor took pictures or a picture of the brake mark
 19 on the road.
 20 **Q. Was that a man or a lady that came out to**
 21 **do that?**
 22 A. A lady.

1 all the questions I have.
 2 MR. : I don't have any
 3 questions. Ms. will type these up in a
 4 booklet form that's called a transcript. It's
 5 all the questions and all the answers and you
 6 have the right to proofread it, if you like, and
 7 make any corrections. Or you have the right not
 8 to.
 9 Most people elect not to, but if you'd be
 10 more comfortable reading it and correcting it,
 11 that's up to you. But you have to tell us one
 12 way or the other right now.
 13 THE WITNESS: I'm sure it's fine the way
 14 it is.
 15 MR. : Okay. Thank you.
 16 (Whereupon, the proceedings went off the
 17 record.)
 18 BY MR. GASTON:
 19 **Q. Oh, just one other question. Is your**
 20 **daughter's last name . . . ?**
 21 A.
 22 **Q. Thank you very much. That's all I have.**

1 **Q. A lady. And did you speak to her at your**
 2 **house when she came there?**
 3 A. Yes.
 4 **Q. And do you know how many days after the**
 5 **collision this happened?**
 6 A. I want to say two.
 7 **Q. Two days? Two days later, two days**
 8 **later -- the skid marks, the black skid marks of the**
 9 **tire that was left on the roadway are the pictures**
 10 **that she took when she came out two days later?**
 11 A. Correct.
 12 **Q. So those pictures would corroborate your**
 13 **testimony that he started to brake on the opposite**
 14 **side, the wrong side of the road; would that be a**
 15 **fair statement?**
 16 A. Correct.
 17 **Q. Okay. And I don't want to put words in**
 18 **your mouth, but correct me if I'm wrong, the skid**
 19 **marks ended at the point where the front tire struck**
 20 **the dog; would that be fair?**
 21 A. Yes.
 22 MR. GASTON: Okay. All right. That's

1 A. And last name is with
 2 a K. And Nathan is
 3 **Q. is your son?**
 4 A. Yes.
 5 **Q. His name is .**
 6 A. Right.
 7 **Q. Okay. is not and**
 8 **is not How did he get the last name?**
 9 A. I shacked up for seven years way back in
 10 the day.
 11 **Q. Okay. So he has the name of his father?**
 12 A. His father, yes.
 13 **Q. Thank you very much.**
 14 A. You're welcome.
 15 (Whereupon, the deposition of
 16 concluded at 9:59 a.m.)
 17
 18
 19
 20
 21
 22

14 (Pages 50 to 53)