

1 Please swear the jury.

2 THE CLERK: Okay.

3 Please remain standing and raise your right
4 hand.

5 You do solemnly promise and declare that you
6 shall well and truly try the issues joined between
7 Theodore Ervin and Cindy Young, et al. and true verdict
8 give according to the evidence.

9 THE JURORS: I do.

10 THE CLERK: Thank you. Please be seated.

11 THE COURT: Okay, members of the jury what I'm
12 about to say to you is a brief general introduction of
13 this trial so that you'll be better able to perform your
14 important duty of deciding the facts diligently and
15 conscientiously.

16 If they wish, attorneys may make opening
17 statements. Opening statements are not evidence.
18 They're only statements of what the attorney's expect to
19 prove.

20 At times during the trial objections will be
21 made and I will rule upon them. You should not concern
22 yourself with the objections made by the attorneys or
23 with my ruling on those objections.

24 During the trial and during any recess do not
25 express any opinion about the case. Do not even discuss

1 the case either among yourselves or with any other
2 person. Do not allow yourself to overhear anyone
3 discussing the case.

4 Do not have any contact outside the courtroom
5 with any of the parties, witnesses or attorneys. Do not
6 research or investigate the case on your own. You must
7 base your decision only on the evidence presented in this
8 courtroom.

9 Keep an open mind throughout the case;
10 throughout the trial. At the end of all the evidence
11 I'll explain to you the law that applies to this case.

12 Now we've given you each a notepad and pencil.
13 You're free to make whatever notes you deem appropriate.
14 I would caution you, however, not to let your note taking
15 interfere with listening to the evidence.

16 Now, as I mentioned previously we only have one
17 issue here on liability. We're not here on any monetary
18 damages. Additionally the parties have entered into
19 several stipulations. That means they -- which will be
20 read to you in a minute, that means they have agreed that
21 those facts exist and you should consider them proven.

22 So, who wishes to give the stipulations?

23 MR. STEPHENSON: I'll go ahead.

24 My name is Andrew Stephenson. I represent
25 Baltimore Tank Lines and Mr. Danny Quade here is the

1 driver for Baltimore Tank Lines. We are a tanker trailer
2 -- in -- in this case.

3 We stipulate, in other words, we admit that Mr.
4 Quade was driving a Baltimore Tank Lines tractor and
5 trailer within the scope and course of his employment and
6 that he was the only Baltimore Tank Lines driver who
7 would have been within the vicinity of the accident at
8 the time that it occurred.

9 THE COURT: Okay.

10 Please proceed.

11 OPENING STATEMENTS

12 BY MR. BRATT:

13 Good morning, ladies and gentlemen.

14 THE JURORS: Good morning.

15 Like you've already heard we're here about an
16 automobile collision that happened on March 13th, 2006.

17 There are three vehicles that have roles in
18 what happened that day. As Mr. Stephenson just told you
19 one of them is a Baltimore Tank Lines fuel tanker tractor
20 trailer combo.

21 The second vehicle is driven by Ms. Young who
22 also is a defendant today. That was a Dodge Caravan Mini
23 Van.

24 And the last vehicle is my client, Mr. Ervin's
25 vehicle which was a Honda Accord Coupe.