

In The Matter Of:

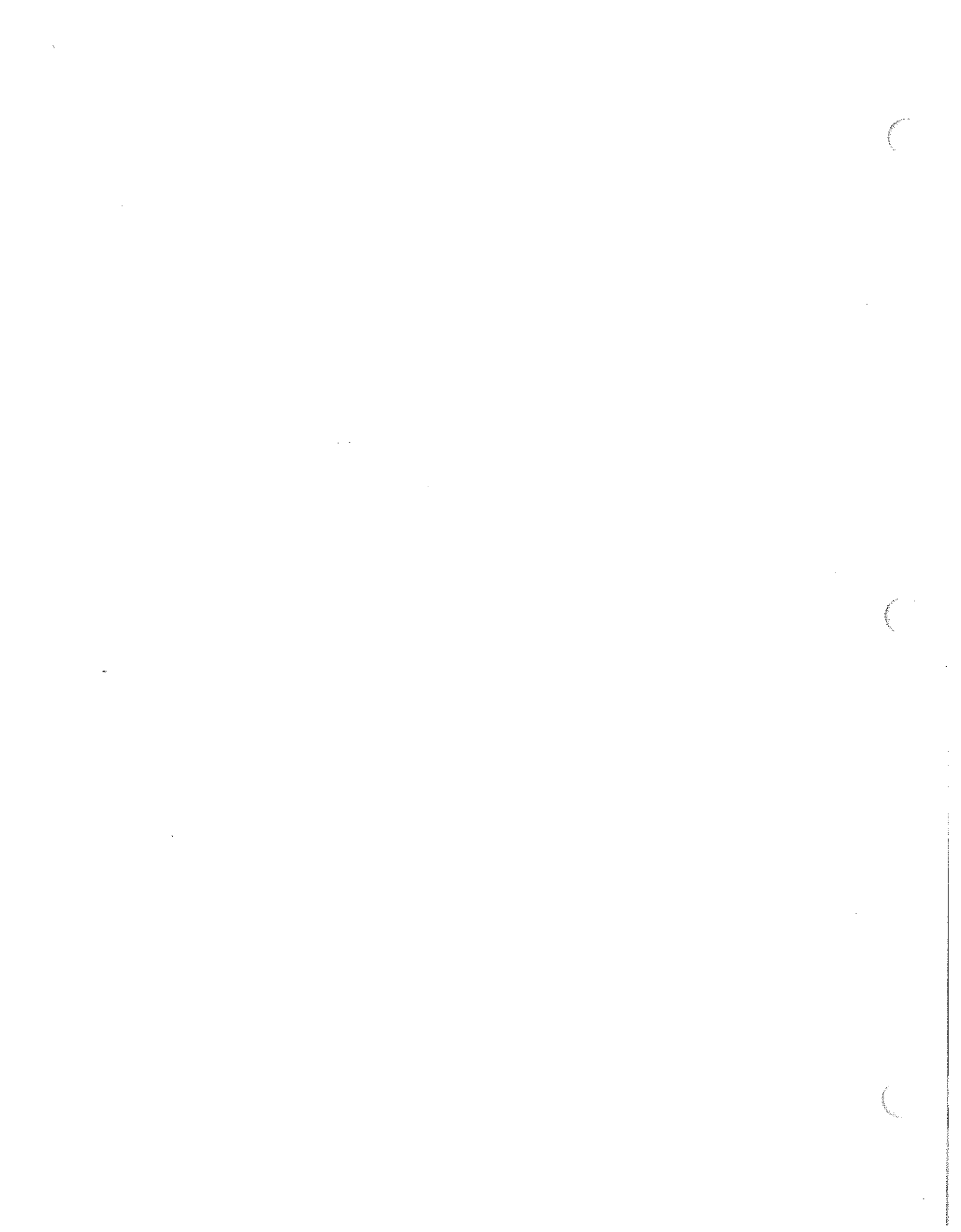
v.

, ET AL.

- Vol. I

MERRILL LAD

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



IN THE CIRCUIT COURT
FOR BALTIMORE CITY, MARYLAND

Civil Division

* * * * *

*

Plaintiff *

vs. * No.

, et al *

Defendants *

* * * * *

DEPOSITION OF

Glen Burnie, Maryland

Job No.

Pages 1 - 82

Reported by:

Page 2

1 The deposition of was held at
 2 the law offices of:
 3
 4 Miller & Zois, LLC
 5 7310 Ritchie Highway
 6 Suite 1001
 7 Glen Burnie, Maryland 21061
 8
 9
 10
 11
 12
 13 Pursuant to notice, before
 14 a Notary Public in and for the State of Maryland.
 15
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 21
 22

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1 CONTENTS
 2 Witness Page
 3
 4 Examination by Mr. 5
 5
 6 Note: There were no exhibits marked.
 7
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Page 3

1 A-P-P-E-A-R-A-N-C-E-S
 2
 3 ON BEHALF OF THE PLAINTIFF:
 4 John B. Bratt, Esquire
 5 Miller & Zois, LLC
 6 7310 Ritchie Highway
 7 Suite 1001
 8 Glen Burnie, Maryland 21061
 9 (410) 553-6000
 10
 11 ON BEHALF OF THE DEFENDANTS:
 12
 13
 14
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 18
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 22

Page 5

1 P-R-O-C-E-E-D-I-N-G-S
 2
 3 Thereupon,
 4
 5 the Plaintiff herein, called for examination
 6 by counsel for the Defendants, and, after having been
 7 duly sworn by the notary, was examined and testified
 8 as follows:
 9 EXAMINATION BY COUNSEL FOR THE DEFENDANTS
 10 BY MR.
 11 Q Mr. , my name is and I
 12 represent Mr. and in your
 13 lawsuit. I'm going to ask you a series of question
 14 about the lawsuit, about how the accident happened, a
 15 little bit about your background.
 16 If at any time you don't understand one
 17 of my questions, just say so and I'll try to rephrase
 18 it. Don't guess at what I want. Okay. If at any
 19 time you want to take a break, I don't anticipate
 20 being long, but any time you want to take a break,
 21 just let me know and we'll stop. If you want to
 22 confer with your attorney, as long as there's not a

1 question pending, you can do that. Just let me know
 2 you want to do that. Okay.
 3 A Uh-huh.
 4 Q What you just did, you can't do. You
 5 can't nod your head up and down. The court reporter
 6 can't take your nods. She has to take yeses and
 7 noes. Also she can't take uh-huh or huh-uh because
 8 it doesn't come out right. When you respond to my
 9 question, if you can say yes or no, I'd appreciate
 10 it.
 11 A Yes, sir.
 12 Q Thank you. The other thing is you seem
 13 to be okay with that but if I ask a question, let me
 14 finish my question even though you know where I'm
 15 heading, you know the answer, but let me finish it so
 16 the court reporter doesn't take us both down at the
 17 same time, we're both not talking at the same time.
 18 Okay?
 19 A Yes, sir.
 20 Q Are you married, sir?
 21 A Yes, sir.
 22 Q And how long have you been married?

1 in , Maryland. I'm not sure of the exact
 2 address.
 3 Q Is she employed?
 4 A Yes, she is.
 5 Q And where, sir?
 6 A She works for
 7 Q Which branch?
 8 A I would assume it's on
 9 I'd assume that's one of their head branches.
 10 Q in downtown ?
 11 A Yes, in downtown
 12 Q Mr. , in the notice to take your
 13 deposition, I asked your counsel if you have any
 14 other photographs of any injuries to yourself other
 15 than what was provided to me by your attorney
 16 previously, any additional photos?
 17 MR. BRATT: No.
 18 Q I asked whether or not you have any other
 19 medical bills or reports not provided previously.
 20 Now, counsel has provided me this morning, and these
 21 all look like reports of X-rays and films that have
 22 been taken. I'm talking about any other medical

1 A Actually I am separated but the marriage
 2 has been 12 years.
 3 Q When did you separate?
 4 A Actually January of -- I left the
 5 residence of 2009, January of 2009.
 6 Q Before this accident occurred?
 7 A Yes, sir.
 8 Q And have any legal proceedings been
 9 instituted by and between both of you?
 10 A Yes, sir.
 11 Q In what court?
 12 A
 13 Q What legal proceedings that you're aware
 14 of?
 15 A Limited PD and divorce. I guess that's
 16 how you pronounce it.
 17 Q Who filed for that, your wife or you?
 18 A My wife.
 19 Q What's your wife's full name?
 20 A
 21 Q Where is she living now?
 22 A She lives at an address on

1 reports from the for follow-up
 2 care after Do you have any other of
 3 those?
 4 A No, sir.
 5 Q The last time you were seen at the
 6 for this accident was in
 7
 8 A Yes, sir.
 9 Q You haven't been back since?
 10 A No, sir.
 11 Q Now, looking at these documents that
 12 Mr. was kind enough to provide me, it appears
 13 that you have been back in 2011 as recently as
 14 for some upper bowel problems?
 15 A Yes, sir.
 16 Q And from reading this, it appears that
 17 this is as a result of you having been stabbed when
 18 you were a security guard or a bouncer at a night
 19 club, is that correct?
 20 A No, sir.
 21 Q Then why were you back for these tests in
 22 ?

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1 A Discomfort. I mean me having
 2 hypertension, high blood pressure and I would assume
 3 not eating correct foods.
 4 MR. BRATT: We're not claiming that it's
 5 related to the occurrence if that's where you're
 6 going.
 7 MR. : That's where I'm headed.
 8 MR. BRATT: It's just that when we
 9 requested this stuff, they had some of these
 10 unrelateds and priors and I figured there was no harm
 11 in disclosing them, it was just easy.
 12 MR. : That's fine. That saves me a
 13 lot of time. Thank you, John.
 14 BY MR. :
 15 Q Where are you employed, sir?
 16 A
 17 Q Where are they located?
 18 A In Maryland.
 19 Q And what do you do for them?
 20 A I'm a forklift operator, warehouse.
 21 Q How long have you been employed by them?
 22 A 12 years.

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1 Q Did you always start as a forklift
 2 operator or did you start as something else?
 3 A Yes, I was brought on as an order puller.
 4 Q I have idea what it is but tell me what
 5 it is.
 6 A You read off a paper and you pull
 7 individual cases, the bill, the actual pallet to be
 8 loaded on the truck.
 9 Q And when you applied there did you have
 10 to fill out an application for employment?
 11 A Yes, I did.
 12 Q Did they ask you about prior injuries or
 13 accidents you may have had?
 14 A Yes, they did.
 15 Q Did you have any when you filled it out
 16 12 years ago?
 17 A No.
 18 Q Did they ask you about a criminal record?
 19 MR. BRATT: Objection.
 20 A Yes.
 21 Q Did you indicate that you had a criminal
 22 record?

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1 A No.
 2 Q In your application for employment at
 3 ?
 4 A Yes.
 5 Q You did indicate that you had a criminal
 6 record?
 7 A Yes.
 8 Q What is that record, what's it for?
 9 MR. BRATT: Objection.
 10 Q Continuing objection.
 11 A CDS.
 12 Q When was that?
 13 A 1990.
 14 Q Were you actually convicted?
 15 A Yes.
 16 Q In what court?
 17 A County.
 18 Q District or Circuit Court?
 19 A
 20 Q Any other convictions?
 21 A None.
 22 Q Did you ever do any driving for

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1 other than forklift in and around the place of
 2 employment?
 3 A No, sir.
 4 Q Do you need any special license to
 5 operate a forklift on the premises?
 6 A Yes, sir.
 7 Q What kind of license is that?
 8 A Is it required by OSHA, it's a forklift
 9 operator license. If you want to me to present it, I
 10 have it.
 11 Q Yes, that would be great, I've never seen
 12 one.
 13 A I don't have it on me but I know when I
 14 get to work, I'm supposed to have it. It has to be
 15 in the car. No, it's in my locker. When I get to
 16 work, I always put it on myself just in case.
 17 Q If you can make a copy of the front and
 18 back of that and give it to Mr. Bratt, he'll give it
 19 to me.
 20 A Sure will.
 21 Q What kind of testing do you have to go
 22 through to obtain a forklift operator's license?

1 A Just basic instructions of how the
 2 machine operates, how does it operate and balancing a
 3 load.
 4 Q How long have you been a forklift
 5 operator for
 6 A Maybe 8 out of the 12 years. Twelve
 7 years -- it will be 12 years.
 8 Q As a puller, you went from a puller to
 9 what was your next job?
 10 A Forklift operator.
 11 Q So you went right from that to forklift.
 12 Where did you work before ?
 13 A , a men's clothing
 14 store.
 15 Q Where was that located?
 16 A Baltimore, Maryland.
 17 Q Are they still in existence?
 18 A No, they aren't.
 19 Q What did you do for them?
 20 A I was the supervisor, salesman, cashier,
 21 did accounts payable. I did stock and inventory. I
 22 basically was the supervisor of the store.

1 an Associates of Arts degree but I never completed my
 2 60 credits.
 3 Q Do you have any children born of your
 4 marriage?
 5 A Yes, I do.
 6 Q How many?
 7 A One.
 8 Q And what is his or her name?
 9 A Her name is
 10 Q How old is she?
 11 A Seven. Seven years old.
 12 Q Do you have any other children?
 13 A Yes, I do.
 14 Q How many?
 15 A One.
 16 Q What is his or her name?
 17 A I have a daughter and I have a son. And
 18 I have a stepdaughter through marriage.
 19 Q Through your wife that you're going
 20 through a divorce with?
 21 A Yes.
 22 Q What is your son's name?

1 Q What's your date of birth?
 2 A
 3 Q And how long did you work at
 4 ?
 5 A For about three years.
 6 Q Let me ask you one more, where did you
 7 work before that, if you did?
 8 A I wasn't. I wasn't employed.
 9 Q And how far did you go in school, sir?
 10 A 12th grade.
 11 Q And where did you graduate?
 12 A I didn't graduate from high school.
 13 Q Did you get a GED?
 14 A Yes, I did.
 15 Q When did you get your GED?
 16 A I can't remember but I have a record at
 17 my house.
 18 Q What school did you attend, high school?
 19 A
 20 Q Have you had any other courses other than
 21 studying and getting your GED?
 22 A Yes. I had a course in to acquire

1 A His name is
 2 Q How old is Mr. ?
 3 A He's
 4 Q And where is he these days?
 5 A He resides in
 6 Q Do you have any contact with him?
 7 A Yes, I do.
 8 Q Does he know about this accident with
 9 you?
 10 A Yes, of course.
 11 Q I'm just asking. What's he know about
 12 it, just what you told him?
 13 MR. BRATT: Objection. Go ahead.
 14 A I was in a motorcycle accident.
 15 Q Did he come see you in the hospital?
 16 A Yes.
 17 Q Does he work?
 18 A Yes, he does.
 19 Q Where is that, sir?
 20 A I wouldn't know the name of the company
 21 but he's the supervisor for a
 22 transportation. He transport kids to school. School

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1 bus driver.

2 **Q How about your stepdaughter, how old is**

3 **she?**

4 A She's 22.

5 **Q What's her name?**

6 A Her name is .

7 **Q Does she know about this motorcycle**

8 **accident also?**

9 A Yes, she does.

10 **Q Did she come visit you in the hospital?**

11 A No. She was away in college.

12 **Q Where does she go to school?**

13 A

14 **Q When she comes home from school does she**

15 **live with her mother?**

16 A No. She live with her father and she

17 stay with her mother. She lives on campus but when

18 she come home, she's both, it's either/or. She

19 mainly stays with her father.

20 **Q When you were married to her mother,**

21 **would she stay long periods of time also, more than**

22 **five months with you?**

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1 A Yes.

2 **Q And what address did you live in when you**

3 **were married to Mrs. .**

4 A :

5 as well.

6 **Q Looking at your Answers to**

7 **Interrogatories you indicated you were in an**

8 **automobile accident when you were very young, 12**

9 **years old?**

10 A Yes.

11 **Q What happened in that accident, can you**

12 **just tell me?**

13 A As far as I can remember I was in the

14 back seat of the car and we were -- my mom was

15 driving and we were rear-ended.

16 **Q Do you remember whether or not you got**

17 **any treatment?**

18 A Yes, I had therapy.

19 **Q Where was that?**

20 A That was also in

21 **Q You had another automobile accident, is**

22 **that correct?**

Page 20

1 A When?

2 **Q I thought it was approximately 2006.**

3 A Yes.

4 **Q And tell me about that accident.**

5 A It was someone walked out in front of me.

6 **Q And were you operating a motorcycle or an**

7 **automobile?**

8 A Yes.

9 **Q Was it the same motorcycle you were**

10 **operating in this accident?**

11 A No, sir.

12 **Q What kind of motorcycle did you have then**

13 **in 2006?**

14 A A Suzuki.

15 **Q What size?**

16 A Regular size.

17 **Q CC?**

18 A 1000.

19 **Q And you said you sustained a concussion**

20 **when you hit the person? You said someone walked out**

21 **in front of you?**

22 A Yeah. I didn't say I sustained a

Page 21

1 concussion.

2 **Q Your answers to Interrogatories indicate**

3 **that you sustained a concussion in a motor vehicle**

4 **accident in 2006?**

5 A That's possible. I mean when I say

6 possible, meaning I blacked out. I don't know what

7 happened until the ambulance came.

8 **Q Any other accidents after 2006 but before**

9 **this accident in 2009?**

10 A No, sir.

11 **Q How about since this accident, had any**

12 **other accidents?**

13 A No, sir.

14 **Q Filed any Workmen's Compensation claims**

15 **with ?**

16 A No, sir.

17 **Q Ever been hurt on the job at all?**

18 A No, sir.

19 **Q How long have you been operating**

20 **motorcycles?**

21 A All my life.

22 **Q So from the time you were 16?**

1 A No. When I say all my life, meaning, you
2 know, about at least 12.
3 **Q 12 years old?**
4 A Yes.
5 **Q Do you have a motorcycle today?**
6 A No, sir.
7 **Q Have you had a motorcycle since this**
8 **accident?**
9 A I do not no longer wish to ride a
10 motorcycle.
11 **Q Do you own a motorcycle, not necessarily**
12 **do you ride it, but do you still own one?**
13 A No, sir.
14 **Q What type of vehicle do you drive now?**
15 A Nissan Maxima.
16 **Q What year?**
17 A 2004.
18 **Q Did you have that car at the same time**
19 **you had the motorcycle?**
20 A Yes, sir.
21 **Q How many motorcycles do you think you've**
22 **had in your lifetime?**

1 A Just two. Two motorcycles but mini
2 bikes, trail bikes -- mini bike, trail bike, maybe
3 two. Two and two.
4 **Q Do you have a motorcycle license?**
5 A Yes, sir.
6 **Q Do you still have a valid motorcycle**
7 **license?**
8 A Yes, sir.
9 **Q You haven't turned it in?**
10 A You can't turn it in. I mean that's part
11 of your license once you acquire it.
12 **Q Did you take the course before you got**
13 **your motorcycle license from the MVA?**
14 A Yes, sir.
15 **Q When did you take that, do you recall?**
16 A I think it was probably 2006. The course
17 was then at Keogh, Seton Keogh. That course, that
18 training course has now been moved to Glen Burnie at
19 the Motor Vehicle down there.
20 **Q Do you have to renew your motorcycle**
21 **license, do you have take a test again every so many**
22 **years or not?**

1 A No, sir. I mean well it's part of my
2 license. When your license expire, you have to, you
3 know, renew.
4 **Q Renew?**
5 A Renew.
6 **Q But you don't have to re-test?**
7 A No, you don't have to re-test. But if
8 you don't renew, I'm quite sure you may have to
9 re-test.
10 **Q What kind of motorcycle were you driving**
11 **on the day of this accident?**
12 A A Suzuki 1000.
13 **Q The same motorcycle?**
14 A Different. Same make, different
15 motorcycle.
16 **Q What year was it?**
17 A The same, 2006, same year, make and model
18 but different motorcycle.
19 **Q Was it a stock Suzuki 1000?**
20 A Yes.
21 **Q You didn't add anything to it?**
22 A No enhancements.

1 **Q What color was it?**
2 A Red.
3 **Q Maroon? Dark red? Bright red?**
4 A Red.
5 **Q Just red. Okay. Is this the type of**
6 **motorcycle that when you turn the engine on, the**
7 **headlight comes on automatically, your headlight?**
8 A Yes.
9 **Q So your headlight is on all the time?**
10 A All the time, never goes out.
11 **Q When did you buy this motorcycle, this**
12 **2006 involved in the accident?**
13 A March of 2008.
14 **Q Where did you buy it?**
15 A . . . No. It was on
16 . . . , the name of this one right here.
17 MR. BRATT: I'm not allowed.
18
19 **Q Is it ?**
20 A No, not
21 MR. BRATT: That's why I'm not supposed
22 to give answers.

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1 A Is it ? No, it's ,
 2 , . You have one on
 3 and then there's another one on
 4 .
 5 **Q Was it new?**
 6 A It was used.
 7 **Q What did you pay for it?**
 8 A It was about 9,000, financing probably
 9 would have took it over.
 10 **Q Just the sale price.**
 11 A 9,000.
 12 **Q Were you still paying on it at the time**
 13 **of the accident or did you own it?**
 14 A I owned it.
 15 **Q Does a motorcycle when you get a tag have**
 16 **to be inspected?**
 17 A Yes, sir.
 18 **Q Was it inspected?**
 19 A Yes, it was.
 20 **Q Where was it inspected?**
 21 A Glen Burnie Motor Vehicle.
 22 **Q And does that inspection last for what**

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1 **period of time?**
 2 A I'm not sure. The inspection was done
 3 from the company who I bought it from.
 4 **Q Did you ever have it reinspected after**
 5 **that time before the accident?**
 6 A No, sir.
 7 **Q Have you ever had an accident while**
 8 **operating any motorcycle before this one other than**
 9 **the one in 2006?**
 10 MR. BRATT: Objection. Go ahead and
 11 answer.
 12 A No.
 13 **Q Have you ever had a single motorcycle**
 14 **accident, an accident connotes that you had it with**
 15 **somebody else, if you sort of lost control, turned it**
 16 **over, laid it on its side, anything like that before**
 17 **2009?**
 18 A No.
 19 **Q In 2009 were you also operating dirt**
 20 **bikes or were you just operating street legal**
 21 **motorcycles?**
 22 A Street legal.

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1 **Q Do you wear glasses?**
 2 A No, sir.
 3 **Q Does your license require you to have**
 4 **glasses?**
 5 A No, sir.
 6 **Q I asked you a question about your prior**
 7 **injuries and we talked about the accidents. In 2007**
 8 **according to answers to Interrogatories you were**
 9 **stabbed while working as a bouncer?**
 10 A Yes.
 11 **Q Where was that, sir?**
 12 A It was at the
 13 MR. BRATT: or
 14 THE WITNESS: I think it's
 15 MR. BRATT: Like
 16 THE WITNESS: Yeah.
 17 BY MR.
 18 **Q Where is located?**
 19 A It's located in on
 20 . It's within .
 21 **Q And you were a bouncer for them?**
 22 A Yes, sir.

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1 **Q Is it a bar?**
 2 A No, it's a venue that hold banquets,
 3 anniversaries and weddings and parties.
 4 **Q You said a bouncer, were you a security**
 5 **guard?**
 6 A Security.
 7 **Q Tell me what happened.**
 8 A Pandemonium broke out and people that
 9 were in line had tickets was waiting and the ones
 10 that didn't have tickets tried to rush through the
 11 door, and me and four other guys were trying to hold
 12 the crowd off and when the smoke cleared everything
 13 subsided, a gentleman noticed that, you know, my
 14 shirt was red, that I was bleeding. And that's it.
 15 That's all I remember.
 16 **Q Did they ever find out who stabbed you?**
 17 A No, they didn't.
 18 **Q Where were you treated, what hospital?**
 19 A
 20 **Q Were you an inpatient as a result of the**
 21 **stabbing?**
 22 A Yes, sir.

1 **Q For how long were you there?**
 2 A For about a week.
 3 **Q Did you have an operation?**
 4 A Yes, I did.
 5 **Q What type of operation?**
 6 A They had to remove my gallbladder and
 7 repair my liver. I guess the laceration tore through
 8 my gallbladder and lacerated my liver. They had to
 9 repair my liver, stitch it up, lace it up.
 10 **Q Other than being admitted to the hospital**
 11 **for that stabbing and for this accident, have you**
 12 **ever been admitted to the hospital for any other**
 13 **reason?**
 14 A No, sir. Can I take that back?
 15 **Q Sure.**
 16 A When I was a kid, I broke my ankle and
 17 had stitches, you know, yes, not admitted for major
 18 stuff but for minor stuff as a kid growing up.
 19 **Q Which ankle did you break?**
 20 A My left ankle.
 21 **Q Do you remember where you were treated?**
 22 A At

1 **Q also. Okay. Do you have a**
 2 **primary care doctor?**
 3 A Yes, sir.
 4 **Q Who is that?**
 5 A His name is
 6 **Q Has Dr. treated you at all for**
 7 **this accident?**
 8 A No, sir.
 9 **Q When was the last time you saw**
 10 **Dr. ?**
 11 A In January for abdominal.
 12 **Q Where is Dr. located?**
 13 A His office is on
 14 , around the corner from the
 15
 16 **Q Do you know the name of his group, is it**
 17 **called**
 18 A
 19
 20 **Q When was the last time you saw him before**
 21 **January?**
 22 A When I had my other physical in 2010,

1 maybe January, February. I go for a yearly physical.
 2 **Q After this accident, your Answers to**
 3 **Interrogatories indicate you were off from the time**
 4 **of the accident and you went back to work when?**
 5 A August.
 6 **Q Looks like . ?**
 7 A Yes.
 8 **Q Have you missed any time that you're**
 9 **contending was a result of this accident since**
 10
 11 A No, sir.
 12 **Q Now, I notice in 2009 you made less money**
 13 **than in 2008, why was that?**
 14 A Because me being out of work.
 15 **Q Do you know what you earned in 2010?**
 16 A Just last year?
 17 **Q Yes, sir.**
 18 A Yes, I have a W-2 form.
 19 **Q Was it more than \$?**
 20 A Yes, sir.
 21 **Q How much more, do you remember? Do you**
 22 **remember the number?**

1 A
 2 **Q In 2010 you didn't miss any time from**
 3 **work?**
 4 A No, sir.
 5 MR. BRATT: Because of the accident or at
 6 all?
 7 **Q Let's start as a result of the accident**
 8 **in 2010.**
 9 A No. I was a diligent worker in 2010.
 10 When I got back to work, that's all I wanted to do
 11 was work.
 12 **Q Have you lost any time from work in 2010**
 13 **for any other reason other than this accident?**
 14 A No, sir.
 15 **Q Let's talk about time of this accident so**
 16 **you know where I am. What day of the week was the**
 17 **day of the accident?**
 18 A It was a weekend.
 19 **Q Do you remember if it was a Saturday or a**
 20 **Sunday?**
 21 A It was a Sunday.
 22 **Q When you work for how many days**

1 a week do you work?
 2 A Five, Monday through Friday.
 3 Q So you had off Saturday?
 4 A And Sunday.
 5 Q Do you have any idea -- I hate lawyers
 6 who ask this question but I'm going to ask it anyway
 7 and I apologize to you, do you have any idea what you
 8 did the Saturday before, let's say what you did on
 9 ?
 10 A No. No, sir.
 11 Q You remember you did on the day of the
 12 accident I take it?
 13 A Yes.
 14 Q What did you do -- what time did you get
 15 up on the day of the accident?
 16 A I can't remember.
 17 Q What time do you normally get up on
 18 weekends?
 19 A I like to sleep until 12, 1 o'clock.
 20 Q Do you recall whether or not you went out
 21 partying on the Friday before -- I mean the Saturday
 22 before, Sunday?

1 motorcycle is kept?
 2 A I drove my car.
 3 Q How far is it from your house?
 4 A Two blocks.
 5 Q And do you remember what time you got the
 6 motorcycle out, you wiped it down, you got ready to
 7 get on it, do you remember what time that was?
 8 A I don't remember the time but I was
 9 looking at the sky. It was getting dark but it was
 10 still light out.
 11 Q How were you dressed?
 12 A Full clothes, long pants, long boots,
 13 jacket, gloves.
 14 Q Did you have a leather jacket on?
 15 A It was canvas.
 16 Q How about your pants?
 17 A Jeans.
 18 Q You got on the motorcycle and you had a
 19 helmet on I take it?
 20 A Yes.
 21 Q What kind of visor does your helmet have?
 22 A Clear visor.

1 MR. BRATT: Objection.
 2 Q Out to a nightclub, out with the guys,
 3 anything like that?
 4 A I can't remember Saturday.
 5 Q You got up around 12 o'clock or
 6 thereabouts, I'm not holding you to exact time, what
 7 did you do after you got up, generally?
 8 A Go to the bathroom, pee. That's normal.
 9 Q At my age it's more important.
 10 A I mean that's the normal.
 11 Q I understand. It's a very opened ended
 12 question. What time did you leave your house on
 13 ?
 14 A When I was getting on the motorcycle?
 15 Q Yes.
 16 A I know it was dusk. I can't remember
 17 what exact time. I went to the storage bin where my
 18 motorcycle reside -- where I keep my motorcycle. I
 19 pulled it out, wiped it off, wiped my helmet off, the
 20 vision, and I proceeded to ride. Actually I don't
 21 know what time it was. It was getting dark.
 22 Q How did you get to the shed where your

1 Q Where did you go?
 2 A I proceeded to go in the area
 3 which is area where there's a local
 4 pizzeria where mostly everybody, like when it's nice
 5 days out there, go down there, other bikers.
 6 Q Do you remember the name of the place?
 7 A I can't remember. I just know they sell
 8 some good pizza.
 9 Q Is it on ?
 10 A It's on to be exact.
 11 Q Is it before the market or after the
 12 market?
 13 A I guess it's within the market.
 14 MR. BRATT: Depending which way you're
 15 going.
 16 A If you go further down, you know, is that
 17 the shipyard where the tug boats and stuff is?
 18 Q Right.
 19 A Then you have a little open area and then
 20 it's like the market. I can't really -- I can
 21 describe the area but not actually the specifics of
 22 the streets and all. I just know it's on

1 Q Can you recall what you did before you
2 drove to the shed, anything you did that day before
3 about 6:30 to get your motorcycle?

4 A I was playing Scrabble with my three
5 aunts.

6 Q At your house or somewhere else?

7 A At my aunt's house.

8 Q Where does she live?

9 A She lives in

10 Q You got up, you drove to or
11 did you walk to her house?

12 A No, that's where I reside at. I
13 separated from my wife and I was residing with my
14 aunt.

15 Q Did you win at Scrabble?

16 MR. BRATT: That's okay.

17 Q You were there and then you decided to go
18 for a motorcycle ride. Did you plan to meet anyone
19 in ?

20 A Well, I did get a call from a guy that I
21 normally ride with.

22 Q Who is that?

1 occurrence. Do you remember what Mr.
2 witnessed?

3 MR. BRATT: Objection. Go ahead and
4 answer.

5 A He was riding behind me.

6 Q What kind of motorcycle was he riding?

7 A The same kind, a Suzuki.

8 Q Do you remember the CC?

9 A His CC was 750.

10 Q When you say behind, how far behind you
11 was he?

12 A We all ride together, a couple feet.
13 I'll say a couple feet.

14 Q Did he stay around and talk to the
15 police?

16 MR. BRATT: If you know.

17 Q If you know.

18 A I don't know.

19 Q Who else were you riding with?

20 A A dude named was there.

21 Q ?

22 A Yeah.

1 A His name is

2 Q ?

3 A Yes.

4 Q Is he listed in the answers to
5 Interrogatories? I believe he is. Give me a second.
6 Yes. Where does Mr. live?

7 A I'm not sure. I don't know his exact
8 address but he used to reside with his mom. He lived
9 with a girlfriend. I know where his mom lives but I
10 don't know her address. She lives off

11 That street after you come off the coming
12 into the city, it's two blocks down from the
13 off of

14 Q When was the last time you spoke with
15 Mr. ?

16 A It's been awhile now. He since then been
17 incarcerated.

18 Q Do you know where?

19 A I would assume

20

21 Q In your answers to Interrogatories you
22 indicate that he witnessed all or part of the

1 Q Where does he live?

2 A I'm not sure where he live. We all meet
3 up at a local spot and then we just ride bikes
4 together.

5 Q Did you ride your bikes down at
6 for awhile before you got to the ?

7 A Me?

8 Q Yes. You and ?

9 A They were already there. I met them down
10 there.

11 Q When you were there after you got a pizza
12 and a coke, whatever you got, did you drive around
13 ?

14 A No, sir.

15 Q What kind of motorcycle did
16 have?

17 A I think he has a Yamaha.

18 Q How many CC?

19 A I'm not sure.

20 Q He was riding behind you also?

21 A We were all riding together, yes.

22 Q Do you know where Mr. lives?

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1 A No, sir.

2 Q Do you know what he does for a living?

3 A No, sir.

4 Q Do you know whether or not he's

5 incarcerated, Mr. ?

6 A Not that I know of.

7 Q Are those the only two people –

8 , who is that?

9 A

10 Q How do you know ?

11 A I know him very well.

12 Q Do you know where lives?

13 A lives up off of

14 off

15 Q When was the last time you saw

16 Mr. ?

17 A About two weeks ago.

18 Q Are Mr. and Mr. still riding

19 motorcycles as far as you know?

20 A I'm not sure.

21 Q Do you know what Mr. does for a

22 living?

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1 A He works at a pizzeria somewhere off of

2 and

3 Q At the time you struck the

4 truck where was Mr. , Mr. and

5 Mr. ?

6 MR. BRATT: Objection.

7 Q If you know.

8 A Behind me.

9 Q How far behind you, do you know?

10 A No.

11 Q They weren't involved in striking the

12 truck, were they?

13 A No, just me.

14 Q Were you all driving in the same lane

15 before the accident?

16 A No.

17 Q Were two of you driving in the same lane?

18 A Sometimes. Not -- before this accident?

19 Q Yes.

20 A I was in my own lane.

21 Q When you were at and had

22 pizza did you have anything to drink of an alcoholic

Page 44

1 nature?

2 A No, sir.

3 Q Had you taken any drugs of any kind,

4 legal or illegal?

5 A No, sir.

6 Q I take it you're not on any medication

7 today while giving this deposition?

8 A High blood pressure medicine.

9 Q How often do you take that?

10 A Every day.

11 Q And did you have high blood pressure

12 before this accident?

13 A Yes, sir.

14 Q What type of medicine do you take for

15 high blood pressure?

16 A The short-term is HDZD. I can't

17 pronounce it.

18 Q That's okay. I can't pronounce it

19 either. Who prescribed that medication for you?

20 A Dr.

21 Q Were there any restrictions about what

22 you can eat or drink when you're on that medication?

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1 A Of course. I mean, well, you know, when

2 you're taking high blood pressure medicine, you're

3 not really supposed to eat greasy foods and stuff

4 like that.

5 Q How about alcohol, can you drink alcohol

6 with it when you take it?

7 A No, sir.

8 Q Do you know of any restrictions when you

9 take that medicine as to driving any vehicle? When

10 you're on HDTZ, any precautions about driving that

11 you know of?

12 A No, sir.

13 Q Did you ever talk to Mr.

14 Mr. , Mr. about this accident after it

15 occurred, after you got out of hospital or while you

16 were in the hospital?

17 A I mean well they -- no, yeah and no.

18 Q Which one would you have talked to?

19 A All of them.

20 Q What did they tell you they saw, if

21 anything?

22 MR. BRATT: Objection. Go ahead and

1 answer.

2 A How the accident occurred, what they saw
3 when I was in front and they were behind.

4 Q What did they tell you they saw?

5 MR. BRATT: I ask for a continuing
6 objection.

7 MR. : Absolutely.

8 THE WITNESS: Just hearsay.

9 MR. BRATT: Go ahead and answer the
10 question.

11 THE WITNESS: That the truck pulled
12 through the turn-about and I was already establishing
13 my lane. I don't remember nothing. When the truck
14 pulled in front of me, it was just seconds that went
15 by. I mean no response time, no nothing. And they
16 told me that he pulled through the cut and there was
17 a collision and they thought I was dead because I
18 wasn't moving on the ground.

19 BY MR. :

20 Q Did they indicate whether or not the
21 truck had its lights on, flashing lights?

22 A No.

1 Q Do you remember seeing flashing lights on
2 the truck?

3 A No, sir.

4 Q What time did you leave the
5 four of you?

6 A I don't remember the time. I just know
7 it was dark and it was time to take my bike in. I do
8 not ride at nighttime.

9 Q What route did you take to get from
10 back onto the ?

11 A We proceeded down west and
12 onto I would say going northwest,
13 proceeded at the bottom of , Route 83 going -- what
14 would that be going?

15 Q Going north on . ?

16 A North on the , yes.

17 Q Then you took to the end?

18 A The interchange of and .

19 Q You got on heading towards
20 Reisterstown?

21 A Yes, where my storage bin is up that way
22 which is .

1 Q At any time between when you're going up
2 did you guys race at all?

3 A No, sir.

4 Q Everybody going what speed?

5 A Me?

6 Q Yes, all four of you.

7 A I'm riding my bike at speed limit, 65.

8 Q You were doing 65 up the . ?

9 A Yes.

10 Q How about when got on the Beltway, what
11 speed -- when you got into the merge of traffic, how
12 fast were you going?

13 A When I got in the merge?

14 Q You come off the route, you merge onto
15 695, you round the cloverleaf, you take off towards

17 A Moderate speed. I'm not looking down at
18 the speedometer. I couldn't tell you exactly.

19 Moderate speed. I mean I have to be looking where
20 I'm going and driving a reasonable amount of speed
21 instead of looking at my speedometer.

22 Q What's the speed limit on 695 heading

1 towards ?

2 A 65.

3 Q Were you going at least 65, the speed
4 limit?

5 A Yes.

6 Q Could you have been going over the speed
7 limit?

8 A I glanced down. I always check my speed
9 so I don't be, you know, either get a ticket or get,
10 you know, there's other cars out there.

11 Q When you got on, what lane were you in,
12 first got on heading towards ?

13 A The shoulder lane. Always the first
14 lane.

15 Q The slow lane?

16 A The slow lane when you merge into the
17 traffic and then the second lane.

18 Q Were you always in the lead of the
19 gentlemen you were riding with, were you always
20 first?

21 A No.

22 Q Were you guys changing speed or changing

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1 **who was first and who was behind?**
 2 A No. Just regular riding. We riding
 3 moderate speed. They were new riders. We don't --
 4 it wasn't speeding. Just drive moderate.
 5 **Q Did you stay in the same lane after you**
 6 **got on which would be the right-hand lane?**
 7 MR. BRATT: Objection.
 8 **Q When you got on the heading**
 9 **towards did you always stay in the**
 10 **right-hand lane?**
 11 A No, sir.
 12 **Q Right before this accident occurred what**
 13 **lane were you in?**
 14 A I was in the middle lane. There's three
 15 lanes, I was in the middle lane.
 16 **Q Now, at any time before this accident**
 17 **occurred did you see any construction or any lanes**
 18 **that were blocked off before you had the accident?**
 19 A No, sir.
 20 **Q Did you see any work on the other side**
 21 **before you had the accident?**
 22 A No, sir.

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1 **Q Were you in the middle lane when the**
 2 **accident happened?**
 3 A No, sir.
 4 **Q Tell me what lane you were in when the**
 5 **accident happened.**
 6 A Which is the fast lane. I merged --
 7 **Q How far from the accident did you merge**
 8 **from the middle lane to the fast lane? At what point**
 9 **did you get into the fast lane before the accident?**
 10 A When I merged, I merged to the left. It
 11 was a car in front of me and a tractor-trailer in
 12 front of me -- in front of that car, and I merged to
 13 the left lane which is the fastest lane.
 14 **Q Were the car and tractor-trailer in the**
 15 **fast lane?**
 16 A They was in the middle lane. I
 17 established myself in the third lane which is the
 18 fast lane.
 19 **Q Okay. What happened?**
 20 A The accident occurred.
 21 **Q When you switched from the middle lane to**
 22 **the left lane where were the other motorcyclists?**

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1 A Behind me. I assume behind me.
 2 **Q Did you have to accelerate to get from**
 3 **the middle lane into the fast lane?**
 4 A Just for a second, yes. I mean to get
 5 into the lane.
 6 **Q When you got into the lane what do you**
 7 **estimate your speed to have been?**
 8 A I glanced down and it said 65. I glanced
 9 down a slight glance so I don't be speeding.
 10 **Q You don't speed?**
 11 MR. BRATT: Objection. Go ahead and
 12 answer.
 13 A Occasionally. I mean when you speed
 14 relatively, you know.
 15 **Q Have you ever received any tickets for**
 16 **speeding?**
 17 MR. BRATT: Objection. Any prior
 18 tickets.
 19 A Yes.
 20 **Q And how long before this accident did you**
 21 **receive a speeding ticket?**
 22 A Probably the year before.

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1 **Q So 2008?**
 2 A Yes.
 3 **Q And what was the speed you were charged**
 4 **going?**
 5 A Doing 45 in a 35.
 6 **Q Have you ever gotten a speeding ticket on**
 7 **a motorcycle before this accident?**
 8 MR. BRATT: Objection. Go ahead and
 9 answer.
 10 A Yes.
 11 **Q On how many occasions?**
 12 A One.
 13 **Q How fast were you going?**
 14 A 45 in a 35.
 15 **Q That was the 2008 ticket?**
 16 A Yes.
 17 **Q Have you ever been charged with going 80**
 18 **miles an hour?**
 19 MR. BRATT: Objection to any other
 20 speeding tickets that aren't related to this
 21 occurrence, but if you're able to answer, go ahead.
 22 A I can't recall. I can't recall.

1 Q Has your license ever been suspended or
2 revoked?

3 A Yes.

4 Q When was that?

5 A Before I even had a license.

6 Q You got caught driving when, under age
7 without a license?

8 A Yes.

9 Q How long was your license suspended or
10 revoked?

11 A I had to obtain them again by taking a
12 class.

13 Q After you were 21 or 18?

14 A Before 21 or after 21, something like
15 that.

16 Q In the last ten years has your license
17 ever been suspended or revoked?

18 A No, sir.

19 Q At the time of this accident did you have
20 any points on your driving record?

21 A No, sir.

22 Q Have you received any speeding tickets

1 asked this question, you had no points on your
2 driving record at the time of this accident which was

3 ?

4 A No points.

5 Q Did you have anything to drink of an
6 alcoholic nature when you were at the pizza place? I
7 think I may have asked you that too. If I'm
8 repeating myself, I apologize.

9 A Never ever drinking while riding a
10 motorcycle.

11 Q As you were coming down towards where
12 this accident happened did you see the
13 truck in the crossover?

14 A No, sir.

15 Q Never saw it?

16 A No, sir.

17 Q Did you see the truck coming towards you
18 from the opposite direction?

19 A No, sir.

20 Q Do you have a windshield on your
21 motorcycle?

22 A Yes, sir.

1 since this accident?

2 MR. BRATT: Objection. Go ahead and
3 answer.

4 A Yes and no.

5 Q Let's start with the yes.

6 A Well, the yes part is I was given a
7 citation for speeding.

8 Q For what speed?

9 A Doing 40 in a 25.

10 Q Were you driving your car?

11 A Yes.

12 Q You say no which means you were found not
13 guilty?

14 A Yes, sir.

15 Q Did you testify or the police officer
16 didn't show up?

17 A The police officer didn't show up.

18 Q Have you ever been charged going 80 miles
19 an hour at any time?

20 MR. BRATT: Objection. Go ahead.

21 A No. Not that I know of, no.

22 Q At the time of the accident -- I think I

1 Q Is it clear or tinted?

2 A It was tinted.

3 Q Is it one of those little windshields
4 that we see on Suzukis or was it like you see on a
5 Harley sometimes, a big one?

6 A No, it's a small one.

7 Q And is this the type of motorcycle that
8 you have to lean over when you drive it?

9 A Yes, sir.

10 Q And the faster you go, the more you have
11 to lean over?

12 A No, sir.

13 Q What angle when you're -- at 65 miles an
14 hour, at what is angle your body?

15 A You have to lean forward. If you're
16 sitting straight, up you can't do it.

17 Q The faster you go, the harder it is sit
18 straight up?

19 MR. BRATT: Objection.

20 Q You can't sit straight up if you're going
21 really fast?

22 MR. BRATT: Objection. Go ahead.

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1 A Yes, sir, that's impossible. That's
 2 impossible to control the bike sitting straight up.
 3 Q Does your bike have rearview mirrors on
 4 it?
 5 A Yes, it does.
 6 Q Both sides?
 7 A Yes, sir.
 8 Q Are those built into the bike or are they
 9 extended like you see on Harleys sometimes? On the
 10 Suzuki, were they extended out, clamped onto the
 11 handlebars or are they built into the bike?
 12 A It's extended out.
 13 Q When you were in the fast lane do you
 14 have any idea where the riders were behind you right
 15 before the accident occurred, what lane they were in?
 16 A No, sir.
 17 Q Were you the most experienced of those
 18 drivers as far as you know?
 19 A Yes, sir.
 20 Q What was the first time you saw the
 21 truck? You're in the fast lane,
 22 you're headed towards , when was the

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1 first time you saw it?
 2 A I never saw it. I just seen the
 3 lights -- I just (indicating). I never saw it. I
 4 never saw it coming. I had no time at all to
 5 respond.
 6 Q You said you saw lights. What kind of
 7 lights did you see?
 8 A The back lights.
 9 Q Taillights?
 10 A Taillights.
 11 Q You never saw a circular overhead light
 12 flashing?
 13 A No, sir.
 14 Q When you've got your head down on the
 15 motorcycle, how far can you see, are you just looking
 16 right in front of you or can you see all the way down
 17 the road?
 18 A See down the road.
 19 Q How far can you see down the road
 20 approximately when you're driving?
 21 A It depends. When I say it depends,
 22 whether it's a turn, a curve, a hill.

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1 Q Let's say a half mile before this
 2 accident occurred, what's the topography of in
 3 the direction of , straight, up a hill,
 4 down a hill, around a curve?
 5 MR. BRATT: Do you know what topography
 6 means?
 7 THE WITNESS: No, I don't know what that
 8 means.
 9 MR. BRATT: I knew you didn't.
 10 BY MR. ;
 11 Q The lanes about a half mile before, are
 12 the lanes straight or are they around a curve or up a
 13 hill or down a hill?
 14 A It's a curve.
 15 Q Which bends which way?
 16 A To the left.
 17 Q Right before this accident scene is the
 18 road straight, still curving up or down?
 19 A It's straight. It looks straight.
 20 Q Where exactly on did the accident
 21 happen, do you recall, were you closer -- past
 22 ?

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1 A Yes, sir.
 2 Q Were you closer to
 3 A Yes, sir.
 4 Q Were you at exit or past the
 5 exit?
 6 A It was before. It was way before
 7 exit. is the interchange into coming
 8 out of . Coming out of and
 9 going into is where the interchange is
 10 actually at.
 11 Q Were you past the exit for when the
 12 accident happened?
 13 A No, sir.
 14 Q You were before that?
 15 A No. It's right there. merges.
 16 Where the accident occurred, is where merge into
 17 .
 18 Q If you're heading in the direction you
 19 were heading from getting on the at
 20 and heading , that's the
 21 way you were headed?
 22 A Yes, sir.

1 **Q On the right-hand side right past as you**
 2 **get off there's an exit for**
 3 **that bears off to the right?**
 4 A That goes into
 5 **Q Right.**
 6 A I was past that exit.
 7 **Q How far past that exit were you?**
 8 A What do you mean? Repeat the question.
 9 You have to go past -- you have to go past that exit
 10 that's going into
 11 **Q Right, you go past it because --**
 12 A Then there's a bridge where the train go
 13 across and there's another bridge where the
 14 northbound going into northbound and then
 15 there's another bridge which is the local bridge
 16 which is and right underneath of that
 17 bridge comes out to meet and the interchange
 18 right there where the cut-thru is is right underneath
 19 of the next bridge.
 20 **Q With reference to those bridges where**
 21 **were you, were you past that where the bridges come**
 22 **over where the accident happened?**

1 **there before the ambulance, right after the accident**
 2 **happened do you remember talking to anyone?**
 3 A No, sir.
 4 **Q How about the guys you were riding with**
 5 **did they come next to you after the accident**
 6 **happened?**
 7 A No, sir.
 8 **Q Did they stop after the accident**
 9 **happened?**
 10 A Of course.
 11 MR. BRATT: He's got ask these questions.
 12 A I apologize. I didn't mean to gesture
 13 like that.
 14 **Q I took no offense.**
 15 MR. BRATT: He doesn't mean anything by
 16 the questions but he has to ask.
 17 A All right.
 18 **Q Were they there when the police officer**
 19 **arrived, do you remember that?**
 20 A I assume they were.
 21 **Q Do you remember speaking to the police**
 22 **officer at the scene?**

1 A Yes, the scene is past the bridges.
 2 **Q As you were driving did you see any**
 3 **construction or lights on the left-hand side?**
 4 A No, sir.
 5 **Q What part of your motorcycle struck the**
 6 **truck?**
 7 A The front end. The front end of the
 8 bike.
 9 **Q Where did you strike, what part of the**
 10 **truck did you strike?**
 11 A I don't remember.
 12 **Q What happened to you after you struck the**
 13 **truck?**
 14 A I don't remember.
 15 **Q Do you remember after the accident when**
 16 **you stopped rolling where you were, were you**
 17 **unconscious?**
 18 A I assume so. The only thing I remember
 19 is the ambulance driver asking me my name.
 20 **Q Were you able to give him your name?**
 21 A Yes, sir.
 22 **Q Do you remember talking to anyone who go**

1 A Me?
 2 **Q Yes.**
 3 A No. I was speaking -- do you know your
 4 name, do you know what happened.
 5 **Q Were you ever trying to get up before the**
 6 **ambulance came after the accident?**
 7 A No, sir.
 8 **Q Just asking. You were taken by**
 9 **ambulance, is that correct?**
 10 A Yes, sir.
 11 **Q Where were you taken?**
 12 A I was taken to
 13
 14 **Q Were you conscious on the ride down? Do**
 15 **you remember the ride?**
 16 A I can say I remember speaking to the
 17 attendant and I was -- I was in compliance with what
 18 they needed me to do, just lie still and that's it.
 19 I mean I don't know how long the ride was but they
 20 did what they needed to do and after that I don't
 21 remember. I woke up, I was in I don't
 22 remember exiting the ambulance or entering the

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1 ambulance.

2 **Q Did anyone go with you in the ambulance,**

3 **did any friends go with you?**

4 A In the ambulance?

5 **Q Yes.**

6 A I don't know. I just remember the

7 ambulance attendant. I don't remember nothing else.

8 **Q Do you remember being taken into the**

9 **emergency room at ?**

10 A No, sir.

11 **Q Do you remember talking to any of the**

12 **doctors?**

13 A No, sir.

14 **Q Do you remember telling anybody how the**

15 **accident happened? Did they ask you how the accident**

16 **happened?**

17 A No, sir.

18 **Q What's the first thing you remember?**

19 A When I went to the hospital?

20 **Q Yes. When you were being treated at**

21 **what's the first thing you**

22 **remember?**

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1 A I know that I was in an accident.

2 **Q Did someone ask you how the accident**

3 **happened, a doctor, nurse, someone?**

4 A No, they didn't ask me.

5 **Q Did you tell them how the accident**

6 **happened?**

7 A No, sir.

8 **Q Did you tell any of the doctors ever**

9 **during any treatment at how this**

10 **accident happened?**

11 A No, sir, but I did told them that I was

12 driving a motorcycle and the accident occurred.

13 **Q Did you tell them how fast you were**

14 **operating your motorcycle?**

15 A No, sir.

16 **Q You never told any doctor at**

17 **that you were driving your motorcycle at a**

18 **hundred miles an hour?**

19 A No, sir.

20 **Q So if that's in the medical reports**

21 **that's not true?**

22 MR. BRATT: Objection.

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1 A Not that I said it.

2 **Q Where would they have gotten the**

3 **information that you were going a hundred miles an**

4 **hour at the time of the crash?**

5 MR. BRATT: Objection. If you know.

6 **Q If you know.**

7 A I don't know.

8 **Q There was nobody that you recall being**

9 **with you when you went to the**

10 **so they couldn't have told them, right? You**

11 **were by yourself right?**

12 MR. BRATT: Objection.

13 **Q Right?**

14 A Yes, sir, I was by myself.

15 **Q So any history that they got about how**

16 **this accident happened came from you?**

17 MR. BRATT: Objection.

18 A No, sir.

19 **Q Were you 42 years old at the time of the**

20 **accident?**

21 A Yes, sir. I'm 44. This year I'll be 45

22 in October.

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1 **Q You were operating a motorcycle?**

2 A I was operating a motorcycle.

3 **Q You had a full faced helmet on?**

4 A Yes, sir.

5 **Q You had protective gear?**

6 A Yes, sir.

7 **Q You were riding on the interstate?**

8 A Yes, sir.

9 **Q All that's right, right?**

10 A Yes, sir.

11 **Q It says you skidded about a quarter of a**

12 **mile along the roadway?**

13 A Who?

14 **Q The record says you skidded about a**

15 **quarter of a mile along the roadway.**

16 MR. BRATT: Objection, form.

17 **Q Is that right?**

18 A No.

19 **Q How far did you skid, do you know?**

20 A I don't know.

21 **Q You also denied loss of consciousness, it**

22 **says remembers the incident. Did you tell the doctor**

1 **you never lost consciousness, you remember the**
 2 **accident?**
 3 A No, I don't remember the accident.
 4 **Q And you didn't tell them you were going a**
 5 **hundred miles an hour?**
 6 MR. BRATT: Objection.
 7 A No, sir.
 8 **Q Now, how long were you in the hospital?**
 9 A For two weeks.
 10 **Q Any time during that two week treatment,**
 11 **you're out of the emergency room, you're being**
 12 **treated, did you ever tell any other doctor that you**
 13 **were operating a motorcycle at a hundred miles an**
 14 **hour?**
 15 A No, sir, never. Never ever.
 16 **Q Did you ever lose consciousness in the**
 17 **hospital at any time after you were admitted?**
 18 A I can't say lost consciousness. When
 19 you're sedated you do go in and out. When you're
 20 heavily sedated on pain medicine, you can't recall --
 21 well, I can recall most of the stuff that occurred
 22 around me while under sedation.

1 Motrin or you can buy the Motrin over the counter.
 2 **Q Can you extend your elbow all the way**
 3 **down and raise it all the way up?**
 4 A No, sir.
 5 **Q How far can you extend your elbow?**
 6 MR. BRATT: Objection.
 7 **Q Can you show us.**
 8 MR. BRATT: I'm trying to figure out what
 9 you're asking.
 10 **Q Can you show me.**
 11 A This is this and this is this. That's as
 12 far as it gets.
 13 **Q So it's about -- you have your right arm**
 14 **extended fully on the deposition table.**
 15 A But this does not.
 16 **Q You're about eight to ten inches and you**
 17 **can't get it down to the table.**
 18 A I'm not exact on inches.
 19 **Q How about lifting things, can you lift**
 20 **things with your left arm?**
 21 A No. I actually hold it with my right.
 22 My right arm is bigger than my left arm.

1 **Q I know generally, your injuries were --**
 2 **tell me what your injuries were in your own words.**
 3 A Three broken ribs, lacerated -- lacerated
 4 torso -- not torso, tibia which is my leg, separated
 5 shoulder, the blood vessels in both of my eyes burst,
 6 my left hand was smashed, the bone in my left hand
 7 was smashed, my elbow was smashed.
 8 **Q Which elbow, left?**
 9 A Yes, sir. And I had multiple road --
 10 skid marks on my skin.
 11 **Q Road rash?**
 12 A Road rash.
 13 **Q Is your hand still bothering you today?**
 14 A Yes, it does.
 15 **Q How and when?**
 16 A Basically when it's cold outside. Cold
 17 weather bothers it. I can't hold nothing in it very
 18 long. It feels like arthritis sticking together. I
 19 pretty much -- I'm one who can tolerate a little bit
 20 of pain but sometimes it get unbearable.
 21 **Q Do you take any pain medication?**
 22 A Sometimes. Well, I've been prescribed

1 **Q Can you operate the forklift all right?**
 2 A Yes, sir.
 3 **Q With both hands?**
 4 A The levers are on my right hand and I use
 5 both hands to guide the lift. Sometimes I use one
 6 hand. Everybody use one hand, even driving a car.
 7 But most of the time it's when I'm trying to go
 8 underneath a product, I put both hands on the wheel
 9 kind of slightly, you know what I'm saying, to even
 10 the load out and then once I have the load, I let it
 11 down and then I proceed on my lift with one hand.
 12 **Q Any problem with the legs since the**
 13 **accident?**
 14 A A little swollen but it goes up and down.
 15 I guess it's fluid that's in it but I don't stay on
 16 my feet long. I basically drive a forklift. I'm
 17 sitting down operating my job.
 18 **Q Do you have to lift anything in your job**
 19 **other than with a forklift?**
 20 A No, sir.
 21 **Q How about you had some road rash, do you**
 22 **have scars from that?**

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1 A Yes, sir.
2 **Q Discoloration?**
3 A Yeah, and some -- the scar is there but
4 the color of it came back but it's not all the way
5 back.
6 **Q Do you mind showing me? If it's going to**
7 **embarrassing --**
8 MR. BRATT: Why don't we do it this way,
9 why don't you ask him which body parts have scars.
10 What he's going to tell you is that he's got some
11 scarring from the rash and he's got some scarring
12 from the surgical procedures and some of them are
13 going to be way easier for him to show than others.
14 **Q Let me ask you this, let's start with the**
15 **road rash from being tossed around on the concrete,**
16 **where is that rash, where is that located that's**
17 **permanent on your body. Just describe it, is it on**
18 **your shoulder, your arm, your hip?**
19 A Yes, shoulder, arm, hip and buttocks.
20 **Q On one side or the other or both sides?**
21 A Both sides of the buttocks.
22 **Q How about the arm or shoulder, right or**

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1 **left arm?**
2 A Right.
3 **Q You have scarring from the operation on**
4 **the elbow and thumb I take it, right?**
5 A Yes, sir.
6 **Q Can you show me the scar so on your**
7 **elbow?**
8 A I have to take my shirt off.
9 MR. BRATT: If you're comfortable with
10 it, then you can do it. It doesn't matter to us.
11 Why don't you show him what you can show him by
12 rolling up your sleeve.
13 MR. : Let's go off the record.
14 (Discussion off the record.)
15 BY MR. :
16 **Q Now, on your elbow on the left side, the**
17 **scar is about from six inches approximately?**
18 A I don't know.
19 **Q Does the scar hurt itself, not the elbow?**
20 A Yes, it does.
21 **Q How does it bother you?**
22 A Every time I stretch my arm, it's a

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1 clicking sound.
2 **Q From the scar or from the elbow itself?**
3 A From the elbow itself.
4 **Q Do you still have metal inside your**
5 **elbow?**
6 A Yes, sir, it's going to be for life.
7 **Q On this side you have what looks like a**
8 **raised portion is the scar?**
9 MR. BRATT: For the record, we're looking
10 at the left shoulder -- right shoulder and arm.
11 **Q And the part that I can see that's**
12 **raised, that's from the road?**
13 A Yes, sir.
14 **Q That wasn't there before?**
15 A No, sir.
16 **Q You have it on the elbow and on the right**
17 **shoulder, right?**
18 A Yes, sir.
19 **Q The buttocks you said both sides?**
20 A Both sides and both legs.
21 **Q Does it look similar to what you're**
22 **showing me on your shoulder?**

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1 A Yes, sir.
2 **Q Has any doctor prescribed any cream or**
3 **medication for the scarring from the road rash? Did**
4 **they tell you put something on it from day to day to**
5 **make it better?**
6 A Vitamin E.
7 **Q Do you do that?**
8 MR. BRATT: You've got to give a verbal
9 answer.
10 A Lotion. Some vitamin E, yes.
11 **Q You can put it back on if you want. Have**
12 **all your medical bills been paid?**
13 MR. BRATT: Objection.
14 A No.
15 **Q Did you have insurance through** ?
16 A Yes, sir.
17 MR. BRATT: Objection.
18 MR. : I have to ask.
19 MR. BRATT: You got it.
20 BY MR. :
21 **Q What kind of insurance policy, did you**
22 **have**

1 A Yes, sir, I have .
 2
 3 Q Have you talked to any of the witnesses
 4 to this accident listed on the police report?
 5 Mr. . . . , did you ever talk to Mr. . . . ?
 6 A Who is Mr. . . . ?
 7 Q You answered the question. How about
 8 Mr. . . . , have you ever spoken with him about the
 9 accident?
 10 A Who is Mr. . . . ?
 11 Q Have you ever spoken to Mr. . . . ,
 12 ?
 13 A Who are they?
 14 Q They're listed as witnesses on the police
 15 report.
 16 MR. BRATT: What he's trying to find out
 17 is they're not people you know or have spoken with?
 18 A No, I don't know those people. No, I
 19 haven't spoken with them, no, sir.
 20 Q Have you spoken with anyone associated
 21 with . . . since the accident?
 22 A I don't know anyone. I don't know nobody

1 not heretofore mentioned who have personal knowledge
 2 of the facts material to this case. Mr. Bratt listed
 3 a bunch of names on your behalf. I'm just going to
 4 ask you about them. You said your Aunt . . . ?
 5 A Yes, sir.
 6 Q Were you living with her at the time?
 7 A Yes, sir.
 8 Q What does she know about the accident
 9 itself, anything?
 10 A Be specific.
 11 MR. BRATT: They're damages witnesses,
 12 . . .
 13 A Yeah.
 14 Q They're going to testify about how you
 15 looked when you came home, what your complaints were,
 16 things like that?
 17 A Actually they took care of me, yes, sir.
 18 Q That's the same for your brother
 19 ?
 20 A Yes, sir.
 21 MR. . . . : John, is there a claim for
 22 future medicals at this point?

1 from there.
 2 Q Do you recall speaking with the
 3 investigating Maryland State trooper, the guy --
 4 A No, sir. He never even gave me a report.
 5 I asked about the reporting officer and like I said,
 6 after I know I still was going to be living, I
 7 acquired John Bratt's services.
 8 Q How long was that?
 9 MR. BRATT: Objection.
 10 Q How long after the accident that you got
 11 Mr. Bratt involved?
 12 A How long?
 13 Q Yes.
 14 A I would say immediately.
 15 Q You didn't call him from . . . ,
 16 did you, the emergency room?
 17 MR. BRATT: Objection.
 18 A No, not me. A family member rendered his
 19 service for me. I had no knowledge of it until I was
 20 told by my family member.
 21 Q You see me doing this, I'm almost done.
 22 I've asked a question that says names of all persons

1 MR. BRATT: Not presently. I think it
 2 highly unlikely.
 3 MR. . . . : With that I have no further
 4 questions. Thank you very much.
 5 MR. BRATT: He's going to waive.
 6 THE COURT REPORTER: Copy?
 7 MR. BRATT: No copy.
 8 (Whereupon, the examination was concluded
 9 at 2:10 p.m.)
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 22

1 STATE OF MARYLAND

2 COUNTY OF

3 CERTIFICATE OF NOTARY

4 I, _____, the reporter

5 before whom the foregoing deposition was taken, do

6 hereby certify that the witness whose testimony

7 appears in the foregoing deposition was duly sworn by

8 me; that said deposition is a true record of the

9 testimony given by said witness.

10 I further certify that I am neither

11 counsel for, related to, nor employed by any of the

12 parties to the action in which this deposition was

13 taken; and, further, that I am not a relative or

14 employee of any attorney or counsel employed by the

15 parties hereto, nor financially or otherwise

16 interested in the outcome of this action.

17

18

Notary Public in and for
the State of Maryland

19

20

21

22 My commission expires September 21, 2014.