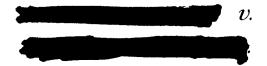
In The Matter Of:



November 7, 2007

For The Record, Inc.

Court Reporting and Litigation Support
10760 Demarr Road

White Plains, MD USA 20695

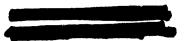
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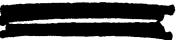


			Page 1			Page 3
[1]	IN THE CIRCUIT COURT FOR CH	IARLES		[1] /	APPEARANCES (cont.)	
[2]	COUNTY, MARYLAND			[2]		
[3]				[3]	The B&O Building	
[4]				[4]	Two North Charles Street, Suite 600	
[5])		[5]	Baltimore, Maryland 21201	
[6]	Plaintiff,) Case No.		[6]	(410) 230-3638	
[7] 1	V.) 08-C-07-001783		[7]	astephenson@fandpnet.com	
[8])		[8]		
[9]	and)		[9]	ON BEHALF OF THE DEFENDANT USAA INSURANCE	
[10]	BALTIMORE TANK LINES, INC.)		[10]	COMPANY:	
[11]	and)		[11]	THOMAS P. TURGEON, ESQUIRE	
[12]	USAA INSURANCE COMPANY,)		[12]	Adelman, Sheff & Smith, LLC	
[13]	Defendants.)		[13]	180 Admiral Cochrane Drive, Suite 970	
[14]				[14]	Annapolis, Maryland 21401	
[15]				[15]	(410) 224-3000	
[16]	_		ļ	[16]	tturgeon@Hospitallaw.com	
[17]	The deposition of	was		[17]	ALCO POECENT.	
[18]	taken on Wednesday, November 7, 200	07, commencing			ALSO PRESENT: Cindy Young	
[19]	at 12:12 p.m., at the offices of For The	Record,		[19]	Glidy Touring	
[20]	Inc., 10760 Demarr Road, White Plains	, Maryland,		[20]		
[21]	before Melissa G. Fleming, Notary Publ	ic.			(Index appears following the transcript.)	
[22]						
						Page 4
			Page 2		DDOOLEDINGS	, ago ,
[1]	APPEARANCES		Page 2	[1]	PROCEEDINGS	, ago ,
	APPEARANCES		Page 2	[1] [2]		, ago ,
[2]	APPEARANCES ON BEHALF OF THE PLAINTIFF:		Page 2	[2]	Exhibit Numbers 1 and 2 were	, age i
[2]			Page 2	[2]	Exhibit Numbers 1 and 2 were marked for identification.)	. 490
[2] [3]	ON BEHALF OF THE PLAINTIFF:		Page 2	[2]	Exhibit Numbers 1 and 2 were	, ago ,
[2] [3] [4]	ON BEHALF OF THE PLAINTIFF: LAURA G. ZOIS, ESQUIRE		Page 2	[2] [3] [4] [5] [6]	Exhibit Numbers 1 and 2 were marked for identification.) Whereupon —	. ago .
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	Page 5			Page 7
	heard the question and understood the question	[1]	address back on the date of this accident of	
[2]	and you're answering my question. All right?	[2]	March 13th, 2006?	
[3]	A: Okay.	[3]	A: Yes.	
[4]	Q: I'm also going to ask that you answer	[4]	Q : Can you give me your date of birth,	
	all of my questions verbally. The court	[5]	please?	
[6]	reporter to my right is taking down everything	[6]	A : 8/6/61.	
[7]	that's being said at the table and she can't	[7]	Q: And your Social Security number?	
[8]	take down shrugs of the shoulder and nods of the	[8]	A : 218-88-7073.	
[9]	head yes or no, so you actually have to say yes	[9]	Q: And do you have a CDL driver's license?	
[10]	or no. Okay?	[10]	A: Yes, I do.	
[11]	I'm also going to ask that you avoid	[11]	Q: Is it a special class of CDL?	
[12]	saying uh-huh or uh-uh, because it comes out the	[12]	A: Hazmat.	
[13]	same way on the record, so I'm going to ask that	[13]	Q: And is that so you can haul fuel?	
[14]	you try and actually say yes or no. Okay? And	[14]	A: That's correct.	
[15]	every time you break that rule, you have to put	[15]	Q: And how long have you held a hazmat CDL	
[16]	a quarter on the table.	[16]	driver's license?	
[17]	A: I don't have any quarters.	[17]	A: Eight years.	
[18]	MR. FORD: She'll take dollar bills.	[18]	Q: So you acquired that back in 1999?	
[19]	BY MS. ZOIS:	[19]	A: That's correct.	
[20]	Q: Also during your deposition, I'm going	[20]	Q: My math isn't very good. That's why I	
[21]	to maybe ask you about time, speed and distances	[21]	have to double-check.	
[22]	and about how, you know, maybe the movement of	[22]	A: You know, I've had a CDL for a while,	
-	Page 6			Page 8
[1]	the tractor-trailer might go and I'm going to	[1]	but I had to have hazmat when I started pulling	
[2]	ask that you avoid to kind of using hand		fuel.	
[3]	gestures and actually try and articulate and	[3	Q: And did you start hauling fuel back in	
[4]	describe with words a movement. Okay?		1999?	
[5]	A: Okay.	[5	A N. I. C. and C. and and a con-	
[6]	Q: All right. your name is	6]	Q: So you started hauling fuel five years	
[7]	, correct?		ago?	
[8]	A: That's correct.	[8	4 n. 1	
[9]	Q: Is that your full name?	[9	6 to 1 to 1'd and harding final for	
[10]	A: Yeah.	1	five years ago?	
[11]	Q: Any middle name?	[11	A : Well, I started with a — I worked with	
[12]	A: Initial G, Gordon.		another company before Baltimore Tank Lines.	
[13]	Q: Okay.	[13		
[14]	A: Right.	[14	you worked —	
[15]	Q: And what is your current address?	[15	A: Mid States Oil.	
[16]	A: It's Grampton Road, Clements, Maryland.	[16	Q: Mid States Oil.	
[17]	Q: Is that in Charles County?	[17	A: In Baltimore.	
[18]		[18	Q : And they're based out of Baltimore?	
[19]	Q: And how long have you lived at that	[19	A: That's correct.	
[20]	address?	[20	Q: Also during your deposition, I know you	
[21]		[21	know where I'm headed with a lot of my	
[22]	Q: So you would have been living at that	ro	questions. You have to wait until I get the	

Page 9		Page 11
[1] whole question out before you begin your answer,	[1] Q : What year?	_
[2] otherwise we're going to drive her crazy. All	[2] A: A 2004 Freightliner.	
[3] right? When did you haul fuel for Mid States	(3) Q: What year did you acquire the 2004	
[4] Oil, for what years?	[4] vehicle?	
[5] A: It had to be around '95, the year of	[5] A : 2007.	
[6] '95, something like that.	Q: So in 2007 you bought the 2004 vehicle?	
[7] Q : So only during 1995?	7 A: That's correct.	
[8] A: Yeah, I didn't stay with them that	[8] Q: And back in March of 2006, you had the	
[9] long.	9 1992 vehicle.	
[10] Q: And when did you start hauling fuel for	(10) A: That is correct.	
[11] Baltimore Tank Lines?	Q: Got it. Taking you back to the date of	
[12] A : 2003.	[12] March 13th of 2006, do you know what, if	
[13] Q : Who were you driving for from 1995 to	[13] anything, you were hauling back on that date?	
[14] 2003?	[14] A : Number two oil.	
[15] A: For myself, hauling logs.	Q: Back on March 13th of 2006, you were	
[16] Q: So you're an owner/operator?	[16] hauling number two oil, correct?	
[17] A: That's correct.	[17] A: That is correct.	
[18] Q: And in 2003 you started hauling fuel	[18] Q : And were you hauling number two oil for	
[19] for Baltimore Tank Lines?	[19] Baltimore Tank Lines?	
[20] A: That's correct.	[20] A: That's correct.	
[21] Q : Is that what you still are currently	[21] Q : How was it that you received the	
[22] doing?	[22] dispatch assignment to call this particular tank	
Page 10		Page 12
[1] A: That's correct.	[1] of number two oil from Baltimore Tank Lines?	
[2] Q: Since 2003 as an owner/operator, do you	[2] A : How did I receive —	
[3] only haul for Baltimore Tank Lines?	[3] Q : The job.	
[4] A: That's correct.	[4] A: From the dispatcher.	
[5] Q : Do you still do anything on the side	[5] Q : Do you know when you were contacted by	
[6] for yourself?	[6] the dispatcher?	
[7] A: No.	[7] A: The day before, that evening on the	
[8] Q : So the only thing you've done from 2003	181 5th.	
[9] through 2007 is haul fuel for Baltimore Tank	[9] Q : On what date, I'm sorry?	
[10] Lines?	[10] A: Well, you're saying the accident	
[11] A: That's correct.	[11] happened on the 6th, so the 5th — is that what	
[12] Q : Back in March of 2006, what kind of	[12] you asked me, the oil —	
[13] tractor did you have?	0.7	
	[13] Q : Let me just be clear. The date of the	
[14] A: A blue Peterbilt.	[13] Q: Let me just be clear. The date of the	
A		
 [14] A: A blue Peterbile. [15] Q: And what year was it? [16] A: '92. 	[14] accident we're talking about today is March 13th [15] of 2006. Okay? [16] A: Okay. Well, the day before I get	
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[14] A: A blue Peterbile. [15] Q: And what year was it? [16] A: '92. [17] Q: And is that still the vehicle that you [18] have now? [19] A: No, it's not. [20] Q: When did you — did you acquire a new	[14] accident we're talking about today is March 13th [15] of 2006. Okay? [16] A: Okay. Well, the day before I get [17] dispatched, the night before I get dispatched. [18] Q: On the evening of March 12th of 2006, [19] the dispatcher from Baltimore Tank Lines called [20] you and told you what your assignment —	
[14] A: A blue Peterbile. [15] Q: And what year was it? [16] A: '92. [17] Q: And is that still the vehicle that you [18] have now? [19] A: No, it's not.	[14] accident we're talking about today is March 13th [15] of 2006. Okay? [16] A: Okay. Well, the day before I get [17] dispatched, the night before I get dispatched. [18] Q: On the evening of March 12th of 2006, [19] the dispatcher from Baltimore Tank Lines called	



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Р	Page 13	Page 15
[1] question.	A: That's correct.	
[2] A: I'm sorry.	[2] Q : Tanker. Tanker, is that what you want	
[3] Q: That's okay. We'll get through it.	[3] to call it?	
[4] Don't worry. As a habit or the way you would	[4] A: That's correct.	
[5] receive an assignment, and correct me if I'm	[5] Q: Tanker. Okay. So your tractor is	
[6] wrong, because I don't know, you would call the	[6] hooked up to your tanker at your house —	
[7] dispatch the day before and say, what am I doing	[7] A: That's correct.	
[8] tomorrow?	(a) Q: — on the evening of March 12, 2006.	
[9] A: That's correct.	[9] A: That's correct.	
[10] Q : So on March 12th, like any other day,	[10] Q : When you leave your house on the	
you called the dispatcher at Baltimore Tank	[11] morning of March 13th, 2006, you have your	
[12] Lines and say, what am I hauling tomorrow; is	t and an and an aniderous	
[13] that right?	[13] needed to go pick up your paperwork.	
[14] A: That's correct.		
[15] Q : So the evening before on March 12th of	• Tarri	
[16] 2006, what was your understanding of what you		
were hauling the next day?		
[18] A : Number two oil going to Dickerson,	[18] where?	
[19] Maryland, two loads.		
[20] Q : So you were taking —	[19] A: In Glen Burnie, Maryland.	
[21] A: From Baltimore to Dickerson, Maryland.	[20] Q: What time, if you remember, did you	
[22] Q : And you were — I'm assuming you spent	[21] leave your home on the morning of March 13,	
And the second s	[22] 2006?	
		Page 16
[1] the night in your home with your tractor at your	[1] A : I'm going to say 4 o'clock.	
[2] home on March 12th of 2006?	[2] Q: When you say 4 o'clock, you mean 4:00	
[3] A: That's correct.	[3] a.m.?	
[4] Q : So you were coming from St. Mary's	[4] A: Yeah, 4:00 a.m.	
[5] County heading to the Baltimore Tank Lines —	[5] Q : And how long does it typically take you	
[6] I'm going to call it warehouse, what do you call	[6] to get from your home in St. Mary's County to	
[7] it, yard?	[7] Glen Burnie to Baltimore Tank Lines to get your	
[8] A: Yard.	[8] paperwork?	
[9] Q : To pick up your first tank of number	[9] A: About an hour and 20 minutes, an hour	
[10] two fuel.	[10] and 25 minutes.	
[11] A: No. I've got to get my paperwork. I	[11] Q : And when you arrived at Baltimore Tank	
[12] have my tanker behind me. I'm already hooked to	[12] Lines in Glen Burnie, Maryland, do you remember	
[13] my tanker.	[13] about what time that was?	
[14] Q : Okay. See, these are things I don't	[14] A : It had to be between about 20 minutes	
[15] know.	[15] after 5:00, a quarter after 5:00.	
[16] A: I get my paperwork, then I went to load	[16] Q : And when you arrived to get your	
[17] it out of Baltimore and then went to Dickerson,	[17] paperwork in Glen Burnie, did you pick up your	
[18] Maryland.	[18] paperwork?	
[19] Q : So on the evening of March 12th of	[19] A : Yes, I did.	
2006 you have your tractor	O STORY	

Q: What paperwork is it that you pick up

A: It's called a DR. It's a load form to

[20] 2006, you have your tractor.

Q: And it's hooked up to the trailer.

A: That's correct.

[21]

[22]

[20]

[21] in Glen Burnie?

- [1] tell you where to load a product, load the two [2] oil.
- [3] Q: I'm going to show you what's been
- [4] marked as Deposition Exhibit Numbers 1 and 2 and
- [5] can you tell me if either one of these pieces of
- [6] paper are your DR?
- A: Yeah, that's what these are. Well,
- [8] this is not a DR. Yes, it is. It's a DR.
- (9) **Q**: So when you go to Glen Burnie in the
- [10] morning to pick up your paperwork, this is the
- [11] type of paperwork that you're talking about?
- [12] A: No. This is not it. This is the
- [13] stuff, the product I load, the gallons and stuff
- [14] I put on the trailer.
- [15] **Q**: So this is not your DR.
- [16] A: No, that's not a DR.
- [17] **Q**: Is this more like a purchase order or a
- [18] bill of lading?
- [19] A: Yes. This is like a it says, sold
- [20] to Mirant. They come out of Center Oil, so in
- [21] other words, this is their paperwork where I
- [22] load the product out of.

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- [1] **Q**: Okay. So the two pieces of paper that
- [2] are in front of us, Deposition Exhibit Number 1
- [3] and Deposition Exhibit Number 2, are not your DR
- [4] paperwork. This is paperwork that was supplied
- [5] to you where you load it —
- [6] A: Pick or load it up, where I pick or
- [7] load it up, the Center Oil right here. This is
- [8] the shipper and this is where it goes.
- [9] MR. FORD: All right. I'm losing you.
- [10] You're pointing to stuff.
- [13] MS, ZOIS: I'm going to back up.
- [12] BY MS. ZOIS:
- [13] Q: The paperwork that you have in front of
- [14] you, Number 1 and Number 2, is paperwork that
- [15] you pick up from the place where you load the
- [16] fuel into your tanker; is that correct?
- [17] **A:** That's correct.
- [18] **Q**: And on this paperwork, it indicates a
- [19] sold to box that says Mirant Corp., George E.
- [20] Warren?
- [21] A: That's correct.
- [22] **Q**: Is that where you picked up the fuel?

- [1] A: No. I picked it up at Center Oil
 - [2] MR. FORD: Are you saying center?
 - [3] THE WITNESS: Center Oil, all the way
 - [4] to the right of the paper.
 - BY MS. ZOIS:
- [6] Q: So where it says co-signer, it says
- [7] Center Point Term?
- [8] **A**: Right here. (Indicating.)
- [9] Q: And that says Center Point Term right
- [10] there.

[5]

- [11] A: Right. I say Center Oil. That's
- [12] always called Center Oil Point, that's correct.
- 3] **Q**: And so that is the location where you
- [14] actually filled your tanker up with fuel; is
- [15] that correct?
- [16] A: That's correct.
- [17] **Q**: And this is their paperwork, correct?
- [18] A: Correct, that's correct. It wouldn't
- [19] have on which it doesn't. It's got Mirant.
- [20] I did go to Mirant, but see they ship different
- [21] Mirant they've got different places,
- [22] Alexandria, Dickerson, Maryland, Chalk Point,

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- [1] Maryland. I went to Dickerson, Maryland, which
- 121 that would have been on the DR.
- [3] **Q**: And the DR is what we don't have?
- (4) A: That is correct.
- [5] **Q**: So on Deposition Exhibit Number 2, I
- [6] just want to come back to this for a second, it
- [7] says that on March 13th of 2006 and this
- [8] looks like 4:40?
- [9] **A:** 4:40.
- [10] **Q**: In the morning, correct?
- 11] A: Yes. You know, I'm just trying to give
- [12] you a time frame. I might not be perfect on
- this. This has been a while back.
- [14] **Q**: Sure. I understand.
- [15] A: It's got to be correct if that's the
- [16] time on it that I loaded it.
- [17] **Q:** And you loaded it as far as
- [18] Deposition Exhibit Number 2, you loaded up your
- [19] tanker with fuel at Center Point.
- [20] A: That's correct.
- [21] **Q**: And according to this document, you
- (22) were going to deliver the fuel to is it this



November 7, 2007		
Par	ge 21	
[1] entity, Mirant Corp., Maryland?	[1] Dickerson?	Page 23
[2] A: Mirant.That's the buyer, Mirant. I		
3 went to Dickerson, Maryland with it. It's	(2) A: 5:30, quarter to 6:00, around 5:30.	
[4] Mirant. It's called Mirant. The address is	Q: Does anything on this document help us	
[5] Dickerson, Maryland.	[4] determine what time you arrived in Dickerson?	
Q: And this says shipped to 700003. Do	A: No. It wouldn't anyway, because they	
[7] you know what that means?	[6] wouldn't I'm the one that's got to mark it on	
[8] A: I have no idea.	[7] my log what time I got there. It wouldn't be on	
Q: Okay. How do you know that —	[8] here.They wouldn't know.	
A: It's on my DR, the DR that I get from	[9] Q : And when you got to Dickerson, you	
Baltimore Tank Lines.	[10] dumped your fuel there, right?	
12) Q : You know where I'm going with my	[11] A: That's correct.	
questions. You've got to wait till I ask them.	[12] Q : How long does that take?	
Based on this piece of documentation alone, we	[13] A : Sometimes a half hour, 45 minutes. It	
	[14] depends.	
15] know you went to Center Point Terminal in	[15] Q: Do you remember approximately what time	
Baltimore and you had to deliver a tank of fuel	[16] you left Dickerson?	
to Mirant Corp. in Maryland, right?	[17] A : I don't have the slightest idea.	
8) A: That's correct.	[18] Q : When you left Dickerson, where did you	
g: How do you know it was Dickerson?	[19] go to next?	
A: It's on my DR.	[20] A : Back to Baltimore.	
Q: And where is your DR?	[21] Q: And when you went back to Baltimore,	
A: Where is it now?	[22] did you go back to Baltimore Tank Lines in Glen	
Pag	ge 22	Page 24
Q: Yes. Do you know?	Burnie to pick up additional paperwork?	, 49- - 1
A: I don't have the slightest idea.	[2] A : No. I went back to Center Oil.	
Baltimore Tank Lines has got it.	Q: So you already had the paperwork you	
Q: Does this help us at all, the second	[4] needed for that.	
sj sheet of this?	[5] A: That's correct.	
A: It tells you right there where I went		
7] with it.	[6] Q: So you didn't have to go back to Glen	
B] Q : Okay.		
A: If that's what you're looking for,	[8] A: That's correct.	
right here Mirant Corporation, PEPCO, Dickerson,	9 Q : So when you left Dickerson, you went to	
Maryland That's where I shipped it to.	[10] Center Oil in Baltimore.	
2] Q: Okay. So according to this document,	[11] A: That's correct.	
ey even though it's not your DR, you went to	[12] Q : And you refueled there.	
Baltimore, you filled up your tanker and you	[13] A: That's correct.	
went to Dickerson, Maryland?	[14] Q : How long does that process take?	
A: That's correct.	A: 20 minutes to a half hour.	
Q: All right. And do you know what route	[16] Q : And after you refueled your tank in	
you took from Baltimore to Dickerson?	[17] Baltimore, where did you go next?	
A : 495 — 95 to 495, 495 runs together	A: Back to Dickerson. Maryland.	

[21] right up to Dickerson.

A: 495 — 95 to 495.495 runs together

Q: Do you know what time you arrived in

[20] with 95. 270 to 29. That's it. 29 takes you

[19]

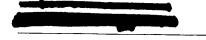
[20]

Q: Back to Dickerson, Maryland.

[21] get back because of the traffic on 495.

A: Which that took me a little longer to

Q: Okay. When you went back to Baltimore



[1] before you went to Dickerson again, would this

- 2 paperwork indicate approximately what time —
- 3 you've got to wait till I finish my question.
- [4] I'm going to start making you pay a quarter for
- [5] that. All right. So when you went back to
- [6] Baltimore to fill up your second tanker on
- Deposition Exhibit Number 1, it indicates it was
- [8] about 8:47. Does that look about right?
- A: That's correct.
- Q: So that would have been the time you (101
- [11] started to begin the fueling?
- A: That's correct.
- MS. ZOIS: Okay. Let's go off the
- [14] record for one second.
- (A discussion was held off the record.)
- Q: So according to Deposition Exhibit [17]
- [18] Number 1, you arrived back in Baltimore
- [19] approximately 8:47 to get your second tank of

BY MS. ZOIS:

[20] fuel, correct?

[16]

- A: That's correct.
- Q: And you were going to haul your second

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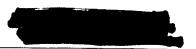
- A: Yeah. I do it all the time. [1]
- Q: Do you have any independent memory of
- [3] this particular day, March 13 of 2006, how long
- [4] it took you to run these two loads?
- A: Like it normally does, usually 11:30,
- [6] 12 o'clock when I'm finishing up in Dickerson,
- [7] Maryland.
- Q: Okay. But I'm asking you, can you in
- 9 your head rewind your tape to March 13th —
- A: Oh, no, I can't do that. I'm not a
- m genius.
- Q: I didn't think so. I just wanted to
- [13] check. But we do know that you left Dickerson
- [14] with your second load at 8:47 a.m.
- A: I left Baltimore.
- Q: I'm sorry, you're right, Baltimore when [16]
- [17] you refueled your second load.
- A: That's correct. [18]
- Q: And when you unload in Dickerson and
- [20] head back home to St. Mary's County, right —
- A: Right. [21]
- Q: what route do you take? [22]

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[1] Tank of fuel to Dickerson?

- A: That's correct.
- Q: And did you take the same route to
- [4] Dickerson from Baltimore that you told me about
- [5] before?
- A: That's correct, I always do.
- Q: And after you unloaded your second tank
- [8] of fuel in Dickerson, were you going to head
- 191 home from there?
- A: That's correct.
- Q: Do you know what time you left
- [12] Dickerson to head home?
- A: I'm going to say around 12:00, quarter [14] to 12:00.
- Q: How sure are you about the time? [15]
- A: Because the time that it took me to get
- [17] up there and the time I unload, that's the time
- [18] I normally leave there when I run two loads to
- [19] Dickerson. Between 11:30 and 12:00 is the time
- [20] I normally leave Dickerson, Maryland.
- Q: And you're basing that on having done
- [22] this run before?

- A: 29, 270, 495 to 95 on the east side to
- [2] Route 5/Exit 7 to Mattawoman Beantown Road
- **Q**: So you take 495 to Route 5, correct?
- A: Right, 495 and 95 runs together, 95
- [6] comes by itself at the split.
- Q: And then from where you get off on 495,
- [0] you take Route 5 to Mattawoman Beantown Road,
- [9] correct?
- A: That's correct, Exit 7. [10]
- Q: And that's how long, how many miles is
- that from 495 down to Mattawoman Beantown Road?
- A: 30 miles. [13]
- Q: And when you get to Mattawoman Beantown [14]
- [15] Road I have to cheat and look at my map now
- [16] do you come off of 301?
- A: Well, 301 and 5 runs together. There's
- [18] a left-hand —
- MS. ZOIS: We should probably mark your
- [20] assisting us. Let's go ahead and mark this.
- [21] It's Frank Ford's artwork. He deserves credit.
- THE WITNESS: I was going to show you



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[2] MS. ZOIS: Can we draw on your artwork,

[3] Frank?

[4] MR. FORD: Sure.

5] THE WITNESS: Why do you got 5 over

[6] here and 301, what's the deal here?

MS. ZOIS: Here's 495, Route 5 coming

[8] down, 301. This is all —

191 THE WITNESS: Okay, I come down here.

[10] It's three turning lanes right here. I make a

[11] left here on Mattawoman Beantown Road.

[12] (Indicating.)

[13] BY MS. ZOIS:

[14] **Q**: So there's three left-hand turn lanes

[15] to take the left onto Mattawoman Beantown Road.

[16] A: That's correct.

[17] **Q**: Do you remember whether or not you got

[18] stopped at that traffic signal or not?

[19] A: That I can't remember.

[20] Q: Is there a lane that you favor when

[21] you're in those three left-hand turn lanes?

[22] A: I've got to be on the outside lane.

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[1] All trucks have got to be on the outside lane,

[2] because you've got two cars on the inside. You

[3] can't get it inside if you make the turn.

[4] You've got to have a car.

[5] **Q**: So when you say on the outside lane —

[6] A: Outside come all the way around.

[7] **Q**: — you mean the far right-hand lane of

[8] those three turning lanes?

[9] A: That's right. You have three. This

[10] would be the left, right two left.

[11] (Indicating.)

[12] **Q**: Okay. So when you're in the left-hand

[10] turn lanes to take your left onto Mattawonian

[14] Beantown Road, there's two lanes of traffic to

[15] you to your left.

[16] A: That's correct.

[17] **Q**: Got it. And on this particular day you

[18] don't remember whether you stopped at that

[19] light, right?

[20] **A**: No.

[21] **Q:** When you take your left onto Mattawoman

[22] Beantown Road, is it fair to say that the three

[1] lanes go down to two lanes?

[2] A: Yes, and I would say a good quarter

[3] mile in it goes — bears over.

[4] **Q**: And when you —

A: I stop at all railroad tracks, so I had

[6] to stop at the railroad tracks. Then when you

[7] take back off, there's another traffic light

[8] here and another one here and then you've got to

[9] merge over to the left to get over.

[10] (Indicating.)

[11] **Q:** And on your regular route home from

[12] Dickerson, you take a left onto Mattawoman

[13] Beantown Road and then where do you go from

1141 there?

[15] **A:** Back out to 5 — no, Mattawoman

[16] Beantown Road comes back out to 5.

 \mathbf{Q} : Then what do you do at the intersection

[18] of Mattawoman Beantown Road and Route 5?

[19] A: Are you talking at the end of it?

[20] **Q**: Yes, sir.

[21] **A:** I make a left. I head south.

Q: And Mattawoman Beantown Road has two

[1] lanes for a while and then it opens up to two

[2] left-hand turn lanes and two lanes, correct?

(3) **A**: At the end of it.

[4] **Q**: Right.

[5] A: There's two that goes over and two

[6] stays to the right that goes into St. Charles

[7] and there's two turn lanes that go south towards

[8] Leonardtown Road.

Q: And that's the direction you would have

[10] been heading?

[11] **A**: That's correct.

[12] **Q:** And you've already told us that you

prefer to take the outside lane, if you will, to

[14] take that left-hand turn; is that right?

A: That's correct, I always do. We're not

[16] supposed to be in the middle or the lane all the

[17] way over.

(18) Q: So when you take your left from

[19] Mattawoman Beantown Road onto southbound Route

[20] 5, you would be in the right-hand of the two

[21] left-hand turn lanes; is that correct?

A: That's correct. I would be on the

Ρ	age	33

- [1] outside. There's only two there. If you're
- (2) talking about getting off at the end of
- [3] Mattawoman Beantown Road, there's only two
- [4] turning lanes there.
- Q: Okay. So you would have one lane of
- [6] traffic to your left at that intersection.
- A: One lane, that's correct.
- Q: And just so I know I've asked this
- 19 before, but do you have any specific
- [10] recollection of any traffic in the area of
- [11] Mattawoman Beantown Road and southbound Route 5
- [12] back on March 13 of 2006?
- A: I don't have any idea what the traffic
- [14] was like that day.
- Q: And you have at home your logbook?
- A: Yes, I do. I've got it filed. I can
- [17] take it out. It's in my file.
- Q: And your logbook would tell us what
- [19] your pickup and drop-off was back on the date of
- [20] this accident?
- A: That is correct.
- Q: Would your logbook tell us what time [22]

Q: And if it's something less than half an

- [2] hour, it wouldn't be logged.
 - A: I don't log it, no. If I stop
- (4) somewhere for a half hour, I log saying this is
- (5) where I was for a half hour.
- Q: And you'll get a copy of the log for
- [7] this day?
- A: I'll go into my file cabinet. All my
- [9] stuff, I keep everything for a couple years, so
- [10] I should be able to dig that up.
- MS. ZOIS: Great. You can provide that
- [12] to Mr. Stephenson and he can get that to us. I
- [13] don't think I have anything further. Thank you,

- MR. STEPHENSON: Mr. Ford? [15]
- MR. FORD: Yeah, I have a couple. [16]

EXAMINATION

[18] BY MR. FORD:

- Q: You're aware that there's this lawsuit
- [20] pending where it's claimed that a Baltimore Tank
- [21] Lines truck cut off in the area of
- [22] Mattawoman Beantown Road and Route 5. You're

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- [1] you left Dickerson that day?
- A: Yes, it would.
- Q: Would your logbook tell us what time
- [4] you got home that day?
- A: Yes, it would. I log the time I leave
- [6] the house and the time I get home.
- Q: Can you tell me how far you live from
- the intersection of Mattawoman Beantown Road and
- 19 Route 5, this area right here, how far it is
- [10] from here to your house? (Indicating.)
- A: About a half hour. You're talking
- [12] about time-wise?
- Q: Yes, sir. [13]
- A: Half hour. (14)
- Q: And if you stop and eat lunch or get a
- [16] cup of coffee or go to the bathroom or something
- [17] like that, is that logged on your logbook?
- A: No. Not five, ten minutes, no.
- Q: What about like a half an hour? [19]
- A: Yeah, a half hour. A half hour would
- [21] be if I stopped somewhere, a half hour would be
- [22] logged.

[17]

11) aware of that fact?

- A: That's what they're saying.
- Q: When were you first contacted by
- [4] Baltimore Tank Lines or anybody else about your
- 151 possible involvement in this incident?
- A: I'm going to say three or four months
- [7] ago.
- Q: This incident occurred March 2006,
- [9] March 13. You were not contacted within a day
- [10] or two of that date by the people of Baltimore
- [11] Tank Lines?
- [12] A: Of that day?
- **Q**: About this incident. [13]
- A: No. [14]
- Q: No one contacted you? [15]
- A: No. [16]
- Q: Who was the dispatcher at Baltimore
- [18] Tank Lines back in March of '06?
- A: I have no idea who. They've got two or
- [20] three dispatchers. I don't know who was
- [21] dispatcher that day.
 - Q: Can you give me the name of any of

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[i] them?

- A: They got [2]
- [3] What's her last name?
- A: I can't pronounce her last name. She [4]
- [5] has a weird last name.
- Q: She'll appreciate hearing that. Anyone [6]
- [7] else?
- A: Dale. I don't know these people's last [8]
- [9] names.
- Q: All right. Just give me their first [10]
- [11] names.
- and Dalc. [12]
- Q: And they are still there at this time? [13]
- A: Oh, yes. [14]
- Q: And they were there in March of '06? [15]
- [16] A: I'm sure. Joe, too. That's another
- [17] guy named Joe. That's the only three that I
- deal with and I don't know their last names. I
- but it's I can't say it.
- Q: That's all right. But they were all
- [21] dispatchers back in March of '06?
- A: I'm sure they were. [22]

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- [1] A: Yes, he is.
- Q: And where does he live?
- A: He lives in Mechanicsville, Maryland.
- Q: And he's an owner/operator at this time [4]
- [5] as well?
 - A: That's correct.
- Q: Do you happen to know what his route
- [8] was on March 13, 2006?
- A: I have no idea. I don't keep up with
- [10] other owner/operators, what they do.
- Q: You never talked to about this [11]
- [12] incident?
- A: No [13]
- [14] Q: Any other owner/operators that live
- [15] down in St. Mary's County or Charles County who
- [16] were owner/operators back in March of 2006?
- A: I'm trying to think. They come and go
- [18] like flies on you know what.
- **Q**: By the way, did you ever know
- [20]
- [21] A: No.
- [22] Q: Do you know that name at all?
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- A: No.

[1]

- Q: And your estimate of your time, you
- [3] originally thought you had left your home that
- [4] morning around 4 o'clock. You had to have left
- [5] earlier than that if you were picking your oil
- [6] up at 4:40.
- A: That's correct. I left at 3:00, 3:30. [7]
- **Q**: Now, your logbook will show that you
- [9] presumably left Center Point Terminal around
- [10] 4:40; is that correct?
- [11] A: Yeah, either that or 5 o'clock.
- Q: Pardon me? [12]
- A: Either that or 5 o'clock. [13]
- Q: What does the 4:40 mean on this? I'm
- [15] looking at Exhibit Number 2.
- A: That's the time that I clocked out when
- [17] you get ---
- Q: When you load it up? [18]
- [19] A: Right.
- Q: And usually you leave within a short [20]
- [21] time of that?
 - A: Well, usually if you go to the bathroom

- Q: And none of them ever contacted you [1]
- 2 about this incident at or about the time it
- [3] allegedly occurred?
- A: Not that I'm aware of, no.
- Q: Are you aware of any other Baltimore
- [6] Tank Lines' vehicle or driver who was in the
- [7] vicinity of Mattawoman Beantown Road and Route 5
- [8] on March 13, 2006?
- A: I mean there's very few of us that run
- [10] down here, but I don't know where they were that
- Q: When you say run down here, you would
- [13] take the shipments to where, Morgantown or Chalk
- [14] Point?
- A: Well, we've got a couple of us live [15]
- no down here.
- Q: Who else lives down here? [17]
- A: A guy named Ed, but I can't pronounce [18]
- [19] his last name either.
- Q: Is he related to
- A: Yes. [21]
- Q: He's an owner/operator? [22]

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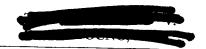
- [1] or whatever, you just don't jump in the truck.
- р I mean you do, but you sometimes I might be
- [3] talking to somebody or whatnot.
- [4] Q: Your logbook will show what you
- [5] recorded as your departure time from Center
- [6] Point Terminal; is that correct?
- [7] A: That's correct.
- [8] Q: And it will also record your arrival
- [9] time at Dickerson?
- [10] A: That's correct
- [11] Q: And it will record when you left
- [12] Dickerson that first time; is that correct?
- [10] A: That's correct.
- [14] **Q**: And it will further record the time
- [15] that you arrived back in Center Point in
- [16] Baltimore?
- [17] A: That's correct.
- [18] **Q**: And then for your second trip, your
- [19] logbook will also show when you left Center
- [20] Point to go back to Dickerson?
- [21] A: That's correct.
- [22] **Q**: Now, this Exhibit Number 1, which is

- [1] A: That's correct.
 - [2] Q: And again you have recorded what time
 - [3] you leave Dickerson.
 - [4] A: That's correct, and I've got recorded
 - [5] the time I got home.
 - [6] **Q**: And did you say you do have the logbook
 - or did you say you're going to look for it?
 - [8] A: Well, I'm going to look in my file. I
 - [9] should be able to find it. It's in my file.
 - [10] **Q**: Are you required to keep those logs for
 - [11] a certain period of time?
 - [12] A: Six months.
 - [13] **Q**: So you may or may not have it.
 - [14] **A**: Right, but it should be in there. I
 - [15] don't see no reason why it wouldn't.
 - [16] **Q**: Other than your logbook, do you know of
 - [17] any other record by you or the people at
 - [18] Baltimore Tank Lines or anyone else who has any
 - [19] record of when your trips started and ended that
 - [20] day?
 - [21] A: No.They don't keep stuff but six
 - [22] months. Then it gets destroyed, you know,

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- [1] the second trip presumably, shows a load time of
- [2] 8:47, a quarter of 9:00 roughly?
- [3] A: That's correct.
- [4] Q: So you would have left quarter of 9:00,
- [5] maybe 9 o'clock to go back to Dickerson.
- [6] A: That's correct.
- [7] **Q**: Now you're in the rush-hour traffic.
- [8] It's going to take you a little bit longer.
- [9] A: That's correct.
- [10] Q: And you made this run a number of times
- [11] in rush hour?
- [12] **A**: Yes, I have.
- [13] **Q**: What would you ball park as the time it
- (14) would take you during rush hour, morning rush
- [15] hour to go from Baltimore to Dickerson?
- [16] A: It usually takes me an extra sometimes
- [17] 40 minutes to a half hour, so it will put me at
- [18] Dickerson at 11 o'clock.
- [19] Q: And then you unload and that's a
- [20] 20-minute to a half-hour process?
- [21] **A**: That is correct.
- [22] Q: And then you leave?

- Baltimore Tank Lines. Because I'm a personal
 - [2] owner/operator, I do what I want at home. If I
 - (3) want to file something, I can file it. A lot of
 - [4] times I throw my stuff away, too, but I usually
 - [5] try to keep stuff at least a year in the past,
 - [6] just in case I need to dig something up and look
 - [7] at something.
 - (8) Q: Now, let me get back to your usual
 - [9] routine when you're traveling in the vicinity of
 - where this incident occurred. I understood you
 - $|_{[11]}$ to say that when you turned from 301 5,301
 - [12] onto Mattawoman Beantown Road, you always get in
 - [13] the extreme right-hand lane of those three
 - [14] turning lanes; is that correct?
 - [15] **A**: That is correct.
 - [16] Q: And you go a certain distance and
 - [17] there's a railroad track?
 - [18] **A**: You've got to stop.
 - [10] Q: And then after that, that third lane
 - [20] disappears. You have to move over; is that
 - [21] correct?
 - A: You've got to merge into the left into



[1] traffic.

- [2] **Q**: And you did that?
- [3] A: That's correct.
- [4] **Q**: And from that point where you merged
- [5] into the right-hand lane of the two through
- [6] lanes, you've passed the railroad track now.
- [7] A: That's correct.
- [8] **Q**: Did you stay in that right-hand lane
- [9] all the way down to where the two-lane portion
- [10] of Mattawoman Beantown Road ended?
- [11] A: I can't —
- [12] Q: You don't know?
- [13] **A:** I don't know.
- [14] **Q**: So it's possible you could have gone
- [15] into the left lane, back again and that kind of
- [16] thing?
- [17] A: Well, it wouldn't have been back and
- [18] forth. When I go in it, I stay in it, I mean
- [19] because that's it. When the right ends, you've
- [20] got to be over to the left lane.
- [21] **Q**: But that's some distance from —
- [22] A: It's a quarter of a mile.
- [1] **Q**: No, no, no. I'm talking from you're
- 2 past the railroad track. You've now merged over
- [3] to your left where it's two lanes.
- [4] **A**: Right.
- [5] **Q**: And it continues for two lanes for
- [6] several miles until you get down to Route 5.
- [7] **A**: Right.
- [8] Q: I'm talking about that area. Did you
- [9] stay in that right-hand lane once you got in it
- [10] or did you move?
- [11] A: I can't I don't know if I did or
- [12] not.
- [13] Q: As you approached the area where the
- [14] four lanes begin just before you get to Route 5,
- [15] are you with me?
- [10] A: Yeah.
- [17] **Q**: Do you know which of the lanes you were
- [18] in at that point of the two lanes?
- [19] A: I usually get over to the left lane
- [20] after I go through the traffic light there. I
- [21] forget what the name of that road is.
- [22] **Q**: Poplar Hill past the cemetery?

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- [1] A: Is that Poplar Hill?
- [2] **Q**: Do you know where the cemetery is on
- [3] the right?
- [4] **A**: Right.
- [5] **Q**: And there's a traffic light past that.
- [6] **A**: Right.
- [7] **Q**: Is that the traffic light you're
- [8] talking about?
- [9] A: After I usually go through that light,
- [10] I merge over to my left lane if I'm in the right
- [11] lane.
- [12] **Q:** Okay.
- [13] **A**: Sometimes I'm already in the other
- [14] lane. But if I'm in the right, I've got to
- [15] merge over to get up to the turning point. I
- [16] never wait until I get to the turning point to
- [17] try to get over.
- (18) **Q:** Okay.And then assuming that's your
- [19] routine, you get over into the left lane, as you
- [20] then get to the area of the road where it
- [21] becomes four lanes, what is your routine?
- [22] **A**: I'm already over to the left.
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- Page 48
- [1] **Q**: When you get up there, you have to move
- [2] from the through lane into one of the turning
- [3] lanes.
- [4] **A:** Well, it actually merges into it. When
- [5] you merge over, there will be traffic. You
- [6] either could go over all the way to the right or
- [7] stay in the left at that light.
- [8] Q: All right.
- [9] A: Which I always stay in the right,
- [10] because I can't get all the way over because of
- [11] the turn. You've got to have the ratio to turn,
- [12] the turning ratio.
- [13] **Q:** But at some point, and it's your
- [14] routine to get into that right most turn lane —
- [15] are you with me?
- [16] **A:** Right.
- [17] **Q**: Two lanes, one they're both going
- [18] left. I'm talking about the right most lanc.
- [19] At some point you have to get into that lane to
- [20] make your left turn at Route 5.
- [21] A: I'm already in that lane when I get
- [22] there.



Q: That's your routine?

A: That's right.

[1]

Q: And your routine is to get into it as

[4] soon as those lanes open up; is that correct?

A: That's correct, when I can get over, if

[6] I'm not already in the left lane. You're saying

[7] if I'm in the right, I've got to get over.

Q: Well, if you're in one of the through

[9] lanes, you still have to get over to the left,

[10] do you not?

A: If you're already in the left lane, you

[12] don't. I don't. When I'm already in the left

[13] lanc, it's like a curve, like it goes over like

[14] this, so I just go over a little bit and then I

[15] stay in the lane to make my left. I don't go

[16] all the way over to the left lane.

Q: I understand that. Your routine is to

[18] get into the right-hand lane of the two left

[19] turn lanes.

A: That's correct. (201

Q: Now, let's talk about this particular

[22] day. You're going home at some point that day;

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[1] is that correct?

A: Okay.

Q: And you would have been on Mattawoman

[4] Beantown Road and you would have gone up to

[5] Route 5 and made a left and gone south en route

to your home in Clements?

A: That's correct. [7]

Q: You have no memory of any incident —

[9] I'm not talking about an accident, but any

incident involving another vehicle that was in

the vicinity of your tanker truck, your tanker

[12] that then had an accident with a third vehicle?

A: No. [13]

Q: No knowledge of that at all?

A: No knowledge of it whatsoever. [15]

Q: And you have no particular memory, do [16]

[17] you, of this particular day traveling down

[18] Mattawoman Beantown Road?

A: No. [19]

Q: As opposed to any other day. [20]

[21]

Q: So if I were to ask you if on March 13.

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[1] 2006 you had proceeded into the right most turn

[2] lane and gone up to the intersection and stopped

[3] for a red light, you have no particular

[4] recollection of that; is that correct?

A: That's correct.

MR. FORD: That's all I have. [6]

(A brief pause.)

EXAMINATION

BY MR. TURGEON:

[10] I just have a few questions.

[11] Your typical routine driving your vehicle or

[12] your tractor, do you tend to — well, you have

[13] no recollection of the weather on this date in

[14] March of '06, do you?

[15] A: No.

[7]

[8]

[9]

Q: Do you listen to any radio or music or

[17] anything while you drive typically?

A: Usually I listen to a satellite radio.

Q: And does that require some special

[20] equipment in your tractor to get satellite

[21] radio?

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A: No. When I've got satellite radio, it

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[1] stays on one channel the whole time.

Q: What channel is that?

MR. STEPHENSON: Objection, relevance. [3]

THE WITNESS: NASCAR channel. [4]

BY MR. TURGEON:

Q: Do you get the NASCAR channel 24 hours

[7] a day on your satellite radio?

A: Yeah, it goes in and out in Baltimore.

Q: You're actually listening to races? [9]

A: Yeah, and talk shows, whatnot. [10]

Q: And you do get some races through that [11]

[12] program?

MR. STEPHENSON: Objection, relevance.

[14] You can answer. You can answer.

THE WITNESS: Yeah. [15]

BY MR. TURGEON:

[17] Q: So you can hear the roaring of the cars

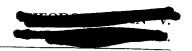
[18] as they go around the track on your radio?

Q: Do you know whether or not you were

[21] listening to that channel on this particular

[22] day?

[16]



[1] **A**: No.

[2] **Q**: Are you aware of any dispatch records

[3] that are created as a result of communications

(4) with the dispatcher at Baltimore Tank Lines?

[5] MR. STEPHENSON: Objection. You can

[6] answer.

[7] MR. TURGEON: What's your response?

[8] THE WITNESS: No.

[9] BY MR. TURGEON:

[10] **Q**: And is your response, no, there are no

[11] records created as a result of communications or

[12] you just aren't aware that any are created?

[13] **A:** They keep records, but they only keep

[14] them for six months that I'm aware of.

[15] **Q:** And in 2006, how often did you make

[16] this Baltimore to Dickerson run, was it a major

[17] portion of your yearly travels?

[18] A: No.

[19] **Q**: How often would you make this run?

[20] A: Sometimes you might — a couple months

[21] out of a year.

[22] **Q**: You'd make the run once every couple of

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(1) A: That's correct.

Q: Do you notice a difference in the

[3] handling of your tractor-tanker combination when

[4] the tanker is empty versus when it's full?

5] **A**: Yes.

[6] **Q:** What is the difference in say if you're

[7] turning your tanker to the left or you're

[8] changing lanes to the left how that tanker

[9] maneuvers differently when that tanker is empty

[10] versus being full?

[11] **A**: I mean it feels like something's heavy

[12] on it, I mean —

[13] **Q**: Do you have to change the way you turn

[14] your vehicle, do you have to change the handling

[15] of your tanker when making a lane change in any

[16] manner when your tanker is empty versus being

[17] full, is there any difference in how you handle

[18] or operate that tanker?

[19] **A**: No.

[20] **Q**: And when you make this

[21] Baltimore-Dickerson run, when you have to make

[22] that run twice a day, do you typically stop for

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[1] months; is that what you're saying?

2] A: Yeah, or once a month or so. It

[3] depends on the weather. The power plant burns

[4] oil up there.

[5] Q: And are the tankers, the tankers that

[6] you hook onto your tractor from Baltimore Tank

[7] Lines, do they generally look the same?

[8] A: Pretty much.

[9] **Q**: What do they look like?

[10] **A**: A tanker?

[11] **Q**: Do they have any writing on them?

[12] **A:** Baltimore Tank Lines. On some of them

na they've got Baltimore Tank Lines on the side and

[14] Baltimore Tank Lines in the back.

15] **Q**: Do you know what color the lettering

[10] is?

[17] **A:** Blue, red.

Q: And is the name spelled out or is it

[19] hyphenated?

o A: It's spelled out.

Q: And I'll assume the tankers are — are

[22] they silver?

[1] lunch at any particular point or do you wait

[2] till you get home to have lunch?

[3] **A**: Sometimes I do, sometimes I don't.

[4] **Q**: Do you stop at any particular place on

[5] that run when you don't eat at home?

[6] **A:** On 29 there's a 7-Eleven on the way

[7] down the road. I may stop for 10 minutes,

[8] whatever it takes to go inside and get

9 something, come back out and go.

[10] MR. FORD: Can I just jump in with a

[11] clarification?

[12] MR. TURGEON: Sure.

[13] MR. FORD: You kept saying 29. Isn't

[14] it 28?

[15] THE WITNESS: Yeah, I'm sorry, it is

[16] 28.

[17] MR. FORD: Yeah.

1181 THE WITNESS: You know how to get

[19] there.

BY MR. TURGEON:

[21] **Q:** And 28, you're referring to when you go

[22] from Dickerson to Baltimore?

[20]



Page 57 Page 59 A: Well, 28 is north and I come back 28 [1] STATE OF MARYLAND, to wit: 2 south. I, Melissa G. Fleming, the officer MR. FORD: From 270 you can take 28. before whom the foregoing deposition was taken, [3] do hereby certify that the within-named witness THE WITNESS: You're right, 28. [4] personally appeared before me at the time and [5] BY MR. TURGEON: [4] place herein set out, and after having been duly Q: Have you ever taken a different route [6] sworn by me, according to law, was examined by [7] from Baltimore to Dickerson? [5] counsel. A: Yes. You can go up 70. [6] I further certify that the examination was recorded stenographically by me and this Q: And have you done that on this [7] transcript is a true record of the proceedings. 1101 Baltimore to Dickerson run? I further certify that I am not of A: Yes. [11] counsel to any of the parties, nor an employee [9] of counsel, nor related to any of the parties, Q: If you go Route 70, how would your [12] nor in any way interested in the outcome of this [13] route be from Baltimore to Dickerson? [10] action A: 695 to 70 to 270 to 28, 28 which is up [11] As witness my hand and notarial seal [15] on the top. It's Route 28, but I can't think of this 26th day of November, 2007. [16] the road, the name of that road there. I don't [12] [13] [17] go that way that often. [14] Q: When you do go that way, what are the [15] [19] reasons you go that way? Melissa G. Fleming A: If there's an accident, if the roads [16] Notary Public [21] are blocked, I know something is wrong. It's [17] [181] [22] very seldom I go that way. MY COMMISSION EXPIRES: [19] Page 58 9/1/08 MR. TURGEON: I have no more questions. [1] [20] [2] Thank you. [21] MS. ZOIS: Nothing based on that. [22] MR. STEPHENSON: Okay. You have a Page 60 [5] right to read your deposition transcript to [1] INDEX [6] check for errors in the transcription process or [2] DEPOSITION OF [7] you can waive that right if you trust that Madam [3] November 7, 2007 [8] Court Reporter has done a good job in creating [5] EXAMINATION BY: PAGE [9] the transcript. Most people waive. Would you [6] Ms. Zois 4 [10] like to read and sign your deposition transcript [7] Mr. Ford 35 [11] or would you like to waive your right? Mr. Turgeon 51 191 EXHIBITS THE WITNESS: I'll waive my right. PAGE MARKED [12] [10] Quade 1 and 2 BY MR. FORD: Great. We'll waive. [13] [11] Quade 3 58 Exhibit Number 3 was marked for [14] [12] [15] identification.) [13] (Reading and signature waived.) [14] [15] (Whereupon, at 1:01 p.m., the [16] [18] deposition was concluded.) [[17] [18] [19] [20] [21]

[16]

[17]

[19]

[20]

[21]

[22]



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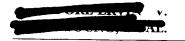
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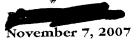
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