

Deposition [REDACTED]
Taken on June 26, 2006

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1 Q. Okay. And when you first saw the truck,
2 where was it?

3 A. He was in the righthand lane, and I was in
4 the left lane coming down North Point.

5 Q. And when you first saw the truck, where
6 was it in relation to you? In other words, I
7 understand it was in the right lane, you were in the
8 left lane?

9 A. Beside me.

10 Q. You were alongside of each other?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes, sir.

14 Q. And then, and then what happened next?

15 A. And then as we came under the underpass,
16 he got into the lane splits out where it comes down
17 the three lanes. I put my blinker on. I went into
18 the right lane. He went into the very center lane,
19 and then we were following each other all the way
20 down about, I guess about a quarter of a mile before
21 we came to the, the impact.

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1 Q. When there's only two lanes, the truck is
2 in the right lane and you're in the left lane,
3 right?

4 A. Okay. I'm in the right lane, he's in the
5 left lane.

6 Q. Oh, I misunderstood you.

7 A. I'm sorry. I'm sorry. My right and left.

8 MR. MILLER: I thought he had it right,
9 actually. I could be wrong.

10 A. No, as we were coming down, I was in the
11 righthand lane, he was in the left lane as we were
12 coming down underneath the underpass.

13 Q. Okay.

14 A. And then the lane goes into three lanes.

15 Q. Okay. We'll get there. I was just making
16 sure --

17 A. Okay.

18 Q. -- because I think I've heard it both
19 ways --

20 A. Okay.

21 Q. -- and all that matters to me is that I

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1 get it right. So when it was two lanes, the truck
2 is in the left?

3 A. Correct.

4 Q. And you were to the truck's right?

5 A. In the right.

6 Q. Now, when a third lane is created, does
7 that appear on the righthand side --

8 A. Yes, it does.

9 Q. -- or on the lefthand side? The right?

10 A. The right side, right. That's what I
11 meant coming over.

12 Q. Okay. So when the right lane is created,
13 did I understand that you moved over one lane to the
14 right?

15 A. Yes, I did.

16 Q. And the truck moved over one lane so it's
17 in the second lane from the right?

18 A. Correct.

19 Q. Okay. And as you're driving along North
20 Point, where are you two positioned in relationship
21 to each other? In other words, who was in front of

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1 each other, behind each other, whatever?

2 A. His truck was here, and I was right behind
3 his door --

4 Q. You need to -- let me interrupt you. You
5 need to use words like behind his door. That's
6 good. Here doesn't work because they can only take
7 down what you say.

8 A. I know.

9 Q. So you need to describe it in words.

10 A. We were going eastbound. The tractor
11 trailer was in the left lane, I was in the right
12 lane and I was adjacent to his door.

13 Q. The door?

14 A. The back side of his door, of the tractor
15 trailer, because I remember looking over. We
16 weren't going fast at all. I remember looking over
17 and seeing the numbers that was on the side of the
18 door because I felt -- I never seen a truck that big
19 with -- it hardly had, didn't have a very big load
20 on it.

21 Q. What do you mean, it didn't have a big

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1 load?

2 A. It only had a couple pallets on it, and I
3 thought it was kind of a big truck for being in such
4 a little area, that little area of road.

5 Q. What kind of trailer was attached to the
6 tractor?

7 A. It was a big trailer.

8 Q. Well, in other words, there's the box
9 trailer that has walls and so forth --

10 A. No, it was a open trailer. It was a open
11 trailer, and I just remember looking over and seeing
12 that, you know, because I was right beside him.

13 Q. An open trailer is what people sometimes
14 call a flatbed where it's just a --

15 A. That's what it was, yes.

16 Q. -- a bed and you see the product sitting
17 on there, and you're saying there weren't many of
18 them?

19 A. Didn't look there was many of them. It
20 was a couple pallets, and I didn't know what was in
21 the pallets.

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1 Q. Okay. So as you're driving along, before
2 the lane split, before we add the lane to the right,
3 you're in the right lane, the truck's in the left,
4 and your, the front of your -- what are you driving?
5 A green pickup, right?

6 A. I have a very big truck. I have a truck,
7 a Dodge Daytona -- a Dodge Dakota.

8 Q. Okay. And that's lined up, the front of
9 your pickup is, is alongside --

10 A. Yeah, to where the front of his door, yes.

11 Q. The front of --

12 A. Towards --

13 MR. MILLER: I got to caution you both to
14 stop.

15 Q. Go on, [REDACTED]

16 A. My, my front of my truck was in like the
17 middle of his door to the end of his door where you
18 open it up.

19 Q. Okay. And then a lane is added on the
20 right, correct?

21 A. Correct.

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1 Q. And then what did you do? Did you move
2 into the right lane?

3 A. Yes. I put my blinker on and I moved into
4 the right lane because that exit, that lane takes me
5 to my exit.

6 Q. Okay. And did the truck put its right
7 turn signal on and move into the lane that you had
8 previously --

9 A. No, he did not.

10 Q. Okay. What did the truck do next?

11 A. He just basically had gotten into that
12 lane when I moved over. He had gotten into that
13 lane, and I moved over into my lane.

14 Q. Okay. Were you and the truck going
15 approximately the same speed, or is one of you going
16 faster than the other?

17 A. Probably exactly the same, because we were
18 staying up at the same pace all the way down.

19 Q. And what speed was that?

20 A. I'd say no more than 15, 20 miles, because
21 it's only a 30 mile, 25 to 30 mile speed zone there.

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1 Q. Okay. What happened next?

2 A. Then next, all I know is that we had come
3 up to I guess where he was making a turn, and alls I
4 know is I was just going down. I put my blinker on
5 to make the turn because it's at the next light.
6 Went to put my blinker on to make that turn, and all
7 of a sudden, he was in front of me. His truck just
8 came completely in front of me, and I went
9 underneath the back end of his front tire.

10 Q. And what part of the truck hit what part
11 of your pickup?

12 A. The front of my truck, the side of my
13 truck. The driver's side.

14 Q. And what part of the tractor was hit?

15 A. I mean, the tire to the back frame, I
16 guess. I don't know.

17 Q. Did you see any damage to the truck?

18 A. I really wasn't looking. I was in a lot
19 of pain myself. I really wasn't --

20 Q. What damage was done to your pickup?

21 A. Almost \$5000 worth of damage [REDACTED]