

THE JACK DANIELS'
LOS ANGELES ABOTA
TRIAL SCHOOL

TRIAL DEMONSTRATION



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Presents

**THE JACK DANIELS'
LOS ANGELES CHAPTER
TRIAL SCHOOL
Trial Demonstration**

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Introduction

This case study for the Jack Daniels' Los Angeles trial school is based on a real case where the plaintiffs were represented by a fellow ABOTA member Wylie A. Aitken. Defendant Allen Oldsmobile-Cadillac was represented by Peter Zell, who is also a fellow ABOTA member.

The case was not tried, and it was settled for a confidential amount.

In order to make the case study suitable for the trial school, I have limited the parties to plaintiff Milton Halsted and defendant Nii Addy. In the actual case, the 1991 Chevy Suburban was owned by the Finley people through Mrs. Finley's corporation Bigby Havis Association Inc. Co-defendant Allen Oldsmobile had serviced the Suburban before the trip. The tire that failed was manufactured by Uniroyal Goodrich Tire Company. Uniroyal Goodrich Tire Company was represented by Yukevich and Sonnett.

I have limited almost all of the discovery that was involved in the actual case. I have also cut down on the depositions of Milton Halsted and Nii Addy.

The focus of the student and the faculty at the trial school should be on the negligence or lack thereof of Nii Addy, and the comparative fault, if any, of Milton Halsted.

The case lends itself to many different approaches depending upon the style and creativity of the trial lawyer. I think there is sufficient evidence contained in the materials provided for an argument on the apportionment of fault of Allen Oldsmobile and Uniroyal Goodrich Tire Company under the "all others" portion of the special verdict which is included in the materials.

A special challenge to the students who are designated lawyers for Nii Addy will be how they handled the obvious sympathy factor of Lindsay Halsted's tragic and untimely death. In the actual case there was a conflict of laws problem regarding Lindsay Halsted's failure to wear a seatbelt. Under UTAH law, only the driver and the front seat passenger are required to wear a seatbelt. Under California law, all individuals in the vehicle must wear a seatbelt, and the driver of the vehicle is responsible for making sure that all of his/her passengers are belted.

For the purpose of the trial school, you are to assume that California law applies so there will be further argument that Lindsay Halsted was not wearing a seatbelt. This raises the issue of comparative fault of the decedent.

The fact situation also presents a special challenge to the students representing the Halsted family. They will need to deal with the comparative fault of Mr. Halsted as to whether or not he grabbed the steering wheel during the accident sequence. It also provides a challenge in both opening statements and closing arguments on the issue of damages because Mr. Halsted not only has damages for the loss of his daughter but also his damages under *Dillon v. Legg* because he was a percipient witness to his daughter's death.

The fact situation also presents a possibility of the jury finding the defendant Nii Addy negligent for the manner in which he operates the vehicle during the accident dequence, but find that is not the cause of Lindsay Halsted's death. The jury could decide that Lindsay Halsted's death was caused by her own failure to wear a seat belt.

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DANIELS, FINE, ISRAEL, SCHONBUCH & LEBOVITS
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310.556.7900

Stipulated Facts

This accident occurred on S-15 approximately 20 miles north of Beaver, Utah. It was a single car accident involving a 1991 Chevy Suburban owned by Bigby Havis Associates, Inc. Bigby Havis Associates Inc. was the professional corporation for Mrs. Janet Finley. Even though the vehicle had become the property of Janet Finley, since the dissolution of Bigby Havis Associates Inc., she had not changed the registration to show herself as the individual owner.

The purpose of the trip was a vacation to the Finley family condominium in Utah. Matt Finley, and the decedent, Lindsay Halsted were boyfriend and girlfriend at the time of this accident on August 12, 1997. Mr. Halsted decided to go on the trip at the last minute because he wanted to chaperone his 16 year old daughter. Matt Finley is the son of Janet Finley. The two Shah brothers are friends of Matt Finleys.

Nii Addy, the driver of the Suburban at the time of the accident is also a friend of Matt Finley.

The accident occurred on August 12, 1997. Mr. Halsted birthday was August 13, 1937.

The first day of the trip was uneventful. The plan was to rotate the driving until the group reached Las Vegas. For the first night, they stayed with Matt Finley's grandparents at their home in Las Vegas. The next day Milton Halsted was the original driver. While he was driving the car, the right rear tire failed. Mr. Halsted was able to keep the vehicle under control and then drove the vehicle to a service station where a new tire was purchased for the right rear of the 1991 Chevy Suburban.

After purchasing the new tire, the group proceeded on with their trip. After lunch, Nii Addy took over driving the vehicle. The accident occurred shortly after noon on Tuesday, August 12, 1997. The accident sequence was precipitated with the left rear tire failing at the beginning of the accident sequence. Nii Addy was unable to control the vehicle and the vehicle ended up rolling over in the median of this divided highway. The vehicle ended up on its wheels. Mr. Halsted was in the right front passenger seat. He and Nii Addy were the only ones that were wearing seat belts. Even though Vishal Shah was not wearing a seat belt, he was not ejected or injured in the accident. Ravi Shah was not belted and was injured. Matt Finley was not belted and was ejected from the vehicle as was Lindsay Halsted. The Shah brothers were sitting in the middle seat and Matt and Lindsay were sitting in the rear seat of the Suburban. Matt's dog was in the middle portion of the vehicle next to the Shah brothers.

Lindsay Halsted was pronounced dead at the local hospital in Beaver Utah. It was the opinion of the post-accident observers that she had no vital signs at the accident scene.

The report of the Utah highway patrol is included in the material. In order to fully understand the entries in the report, the students must use the codes sheets which will explain the numbers used on the report.

The plan view hand drawn schematic of the car was part of the actual Utah highway patrol report and was prepared by Trp. C.O. Collings. The purpose of the schematic was to show his observations of the four tires on the Chevy Suburban. His observations of the tires is as follows:

- Left front - still air
good tread
- Right front - good tread
off wheel from slide
- Left rear - missing tread
flat
- Right rear - pulled off from a side slide
new with blue side wall

Under the law of the State of California, the negligence of the decedent Lindsay Halsted, for failing to wear a seat belt, is imputed to her father Milton Halsted.

Special damages to the Plaintiff:

- Beaver Utah Hospital - \$5,000
- Funeral and Burial Expenses - \$15,000

According to the life expectancy table in BAJI, the life expectancy for a 16 year old, White female is 64.3 years. The life expectancy of a 60 year old, White male is 19.3 years.

I M E	MONTH	DAY	YEAR	WEEK	1	2	3	4	5	6	7	MILITARY TIME	1240	CASE NUMBER	11971449	15 17
	08	12	97		M	W	T	F	S	S						

B	PLACE WHERE ACCIDENT OCCURRED. COUNTY	Beaver	01	CITY OR TOWN	FOR AGENCY USE	16 L				
	Accident was outside city limits indicate distance from city limits or nearest town	20	NORTH	S			E	W	of	Beaver

L O C A T I O N	ROAD ON WHICH ACCIDENT OCCURRED:	SR-15	RAMP NO	STATE/LOCAL	20 X					
	2	GIVE NAME OF STREET OR HIGHWAY NUMBER	INTERSECTION TYPE			21 X				
	1. AT ITS INTERSECTION WITH	Northbound median								
2. IF NOT AT INTERSECTION	NORTH	S	E	W	of	FEET	131	NEAREST INTERSECTION, STREET, HOUSE NO LANDMARK	BE SURE TO COMPLETE IF ROAD HAS MILE POST	22 X
2	NORTH	S	E	W	of	MILE POST	131			

VEHICLE YEAR	1991	MAKE	Chev	MODEL	Suburban	BODY STYLE/TYPE CODE	Util.	07	VEHICLE COLOR	White	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)	INTERSTATE	INTRASTATE	23 5
VEHICLE IDENTIFICATION NUMBER	1GBER16K6MF119446		DISPOSITION OF VEHICLE	CODE 1		Beaver Valley	Chevron	NO. OF AXLES (INCLUDING ALL TRAILERS)	2	DIR OF TRAVEL	North					
US DOT	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	3	U	COST OF REPAIR	15,000.00	24 X					
ICC MC	98	05	CA	3UIW727	T											

OWNER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()	25 01
OPERATOR	Bigby Havis Assoc. Inc.			30491 Viz Ventana		
CARRIER				San Juan Capo, CA 92675		
DRIVER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()	26 X
	Nii	M.	Addy	8 Palomino		
				Coto De Caza, CA		

DRIVER'S LICENSE	STATE	NUMBER	DATE OF BIRTH	MONTH	DAY	YEAR	AGE	SEX	SAFE EQUIP	INJURY TYPE	CAUSE	AREA	EXTR CAUTION	EJECTION	THROUGH WHAT AREA EJECTED?	28 X
	CA	B6814979	07	02	79	19	M	2	1	-	-	0	1			
DRIVER'S EDUCATION	1. PUBLIC	3. NONE	4. UNKN	4	YEARS DRIVE EXP.	Unk	LICENSE CLASS	Op	ENDORSEMENT	---	RESTRICTIONS	None				29 1

INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER	30 X
USAA	08-12-97	02-12-98	000772067U 71015	
INSURANCE APPEARS VALID	AGENCY THAT SOLD POLICY	ADDRESS	PHONE ()	31 2
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	USAA	(800) 531-8111		

VEHICLE YEAR	MAKE	MODEL	BODY STYLE/TYPE CODE	VEHICLE COLOR	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)	INTERSTATE	INTRASTATE	32 2
VEHICLE IDENTIFICATION NUMBER	DISPOSITION OF VEHICLE		NO. OF AXLES (INCLUDING ALL TRAILERS)		DIR OF TRAVEL		33 X			
US DOT	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	3	U	COST OF REPAIR	34 X
ICC MC										

OWNER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()	35 X
OPERATOR						
CARRIER						
DRIVER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()	36 X

DRIVER'S LICENSE	STATE	NUMBER	DATE OF BIRTH	MONTH	DAY	YEAR	AGE	SEX	SAFE EQUIP	INJURY TYPE	CAUSE	AREA	EXTR CAUTION	EJECTION	THROUGH WHAT AREA EJECTED?	37 X
DRIVER'S EDUCATION	1. PUBLIC	3. NONE	4. UNKN	4	YEARS DRIVE EXP.		LICENSE CLASS		ENDORSEMENT		RESTRICTIONS					38 X
INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER	38 X												
INSURANCE APPEARS VALID	AGENCY THAT SOLD POLICY	ADDRESS	PHONE ()	4												
YES <input type="checkbox"/> NO <input type="checkbox"/>																

1. PEDESTRIAN	2. BICYCLIST	DATE OF BIRTH	AGE	SEX	INJURY TYPE	CAUSE	AREA
NAME	ADDRESS						

1	13	Milton J. Halsted	San Juan Capistrano, CA	60	M	2	1	-	-	0	1
1	21	Ravi Shah	Lombard, IL	18	M	3	4	8	7	0	3
1	23	Vishal Shah	Lombard, IL	15	M	3	1	-	-	0	1
1	31	Matt Finley	San Juan Capistrano, CA	19	M	3	4	4	3	0	1

OCCUPANTS

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DIAGRAM WHAT HAPPENED BELOW.

Reason For No Diagram

- 1 Officer not at scene
- 2 Vehicles moved
- 3 Other

CASE NUMBER 11971449

INDICATE DIRECTION OF NORTH

VEHICLE NO. I NO.

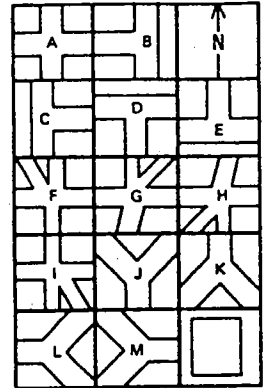
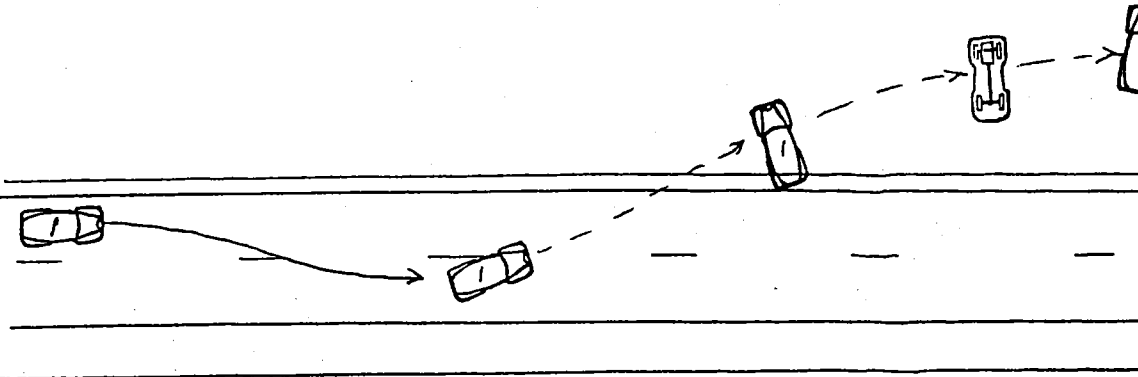


ESTIMATED TRAVEL SPEED 88

ESTIMATED IMPACT SPEED

POSTED SPEED 75

ADVISORY SPEED



INDICATE INTERSECTION TYPE

DESCRIBE WHAT HAPPENED (Refer to Vehicle by Number)

Vehicle #1 was northbound on I-15 in the right-hand lane (Ln #2 NB). The left, rear tire failed, shredding the tread. The driver was unable to maintain control due to the tire failure. The vehicle started to rotate and slide sideways to the left and into the median. The vehicle rolled two(2) times, ejecting two(2) passengers. Three of the six passengers were injured, one fatally.

If Hazardous Materials were involved list the placard number from off the commercial vehicle:

DAMAGE TO PROPERTY OTHER THAN VEHICLES

None

Name object and state nature and amount of damage

ESTIMATE

Name and address of owner of object struck

WITNESSES

Name Patrick C. McKann Address 1029 NW 39th Dr., Gainesville, FL Phone (352)378-6673
 Name Lynn G. Digby Address 14-13th Street, Plainwell, MI Phone (616)685-9235

FIRST AID ADMINISTERED BY

- 1 - Policeman
- 2 - Fireman
- 3 - Ambulance Personnel
- 4 - Paramedics
- 5 - Doctor
- 6 - Private Individual
- 7 - Hospital
- 8 - Helicopter Personnel
- 9 - None Administered
- 0 - Unknown

EMS REPORT NO. 198644

- INJURED TAKEN BY
- 1 - Ambulance, Private
 - 2 - Ambulance, Fire
 - 3 - Paramedics
 - 4 - Private Vehicle
 - 5 - Helicopter
 - 6 - Other

TIME: Amb. Called: Arrived:

INJURED TAKEN TO Beaver Valley Hospital

POLICE ACTIVITY

08 12 97 Date Notified of Accident

1249 Time Notified of Accident

1257 Arrived at Scene

Investigation of accident Completed at 1300 of

Source of Information

Officer at scene X
 Driver No. Contacted station
 Other

PHOTO(S) TAKEN YES NO

VIDEO TAKEN YES NO

FIELD DIAGRAM YES NO

Name Pending

Name Charge:

CVSA Inspection Yes No If Yes, Report Number

Other action taken

PRINT Trp. C. O. Collings 176 11/B UHP 08-17-97
 OFFICER'S RANK AND NAME ID NO PATROL DIVISION DEPARTMENT SUPERVISORS APPROVAL DATE OF REPORT

State Law requires that report be forwarded to Dept. of Public Safety within 10 days following completion of investigation. Mail ORIGINAL OF REPORT TO:
 Driver License Division Financial Responsibility Section 4501 South 2700 West • P.O. Box 3 • Salt Lake City, Utah 84130-0560

TIME	MONTH	DAY	YEAR	WEEK	1	2	3	4	5	6	7	MILITARY TIME	CASE NUMBER
	08	12	97		M	W	T	F	S	S	1240		

LOCATION	PLACE WHERE ACCIDENT OCCURRED: COUNTY	Beaver	01	CITY OR TOWN	FOR AGENCY USE				
	Accident was outside city limits indicate distance from city limits or nearest town	20	NORTH	S	E	W	of	Beaver	CITY OR TOWN

LOCATION	ROAD ON WHICH ACCIDENT OCCURRED: SR-15	RAMP NO.	
	GIVE NAME OF STREET OR HIGHWAY NUMBER	INTERSECTION TYPE	
1. AT ITS INTERSECTION WITH	Northbound median		
2. IF NOT AT INTERSECTION	NORTH S E W FEET		
2	NORTH S E W OF MILE POST	131	NEAREST INTERSECTION, STREET, HOUSE NO., LANDMARK
	TENTH OF A MILE		BE SURE TO COMPLETE IF ROAD HAS MILE POST

VEHICLE #	YEAR	MAKE	MODEL	BODY STYLE/TYPE CODE	VEHICLE COLOR	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)	INTERSTATE	INTRASTATE	DIR OF TRAVEL
VEHICLE IDENTIFICATION NUMBER								DISPOSITION OF VEHICLE CODE			

US DOT	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	3	U	COST OF REPAIR
ICC MC							1	T	\$

OWNER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()
OPERATOR					
CARRIER					
DRIVER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()

DRIVER'S LICENSE	STATE	NUMBER	DATE OF BIRTH	MONTH	DAY	YEAR	AGE	SEX	SAFE EQUIP	INJURY TYPE	CAUSE	AREA	EXTR CAUTION	EJECTION	THROUGH WHAT AREA EJECTED?
DRIVER'S EDUCATION	1. PUBLIC	3. NONE	2. COM'L	4. UNKN	YEARS DRIVE EXP.	LICENSE CLASS	ENDORSEMENT	RESTRICTIONS							

INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER
-------------------	----------------	-----------------	---------------

INSURANCE APPEARS VALID	AGENCY THAT SOLD POLICY	ADDRESS	PHONE ()
YES	NO		

VEHICLE #	YEAR	MAKE	MODEL	BODY STYLE/TYPE CODE	VEHICLE COLOR	G.V.W.R.	DESC. OF CARGO CODE	COMMERCIAL VEHICLE (Reg 12,000 lbs. or more)	INTERSTATE	INTRASTATE	DIR OF TRAVEL
VEHICLE IDENTIFICATION NUMBER								DISPOSITION OF VEHICLE CODE			

US DOT	LICENSE PLATE INFO	YEAR	MONTH	STATE	NUMBER	PARTS DAMAGED	3	U	COST OF REPAIR
ICC MC							1	T	\$

OWNER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()
OPERATOR					
CARRIER					
DRIVER	FIRST	INITIAL	LAST	STREET, CITY, STATE, ZIP, PHONE NO.	PHONE ()

DRIVER'S LICENSE	STATE	NUMBER	DATE OF BIRTH	MONTH	DAY	YEAR	AGE	SEX	SAFE EQUIP	INJURY TYPE	CAUSE	AREA	EXTR CAUTION	EJECTION	THROUGH WHAT AREA EJECTED?
DRIVER'S EDUCATION	1. PUBLIC	3. NONE	2. COM'L	4. UNKN	YEARS DRIVE EXP.	LICENSE CLASS	ENDORSEMENT	RESTRICTIONS							

INSURANCE COMPANY	EFFECTIVE DATE	EXPIRATION DATE	POLICY NUMBER
-------------------	----------------	-----------------	---------------

INSURANCE APPEARS VALID	AGENCY THAT SOLD POLICY	ADDRESS	PHONE ()
YES	NO		

1. PEDESTRIAN	2. BICYCLIST	DATE OF BIRTH	AGE	SEX	INJURY TYPE	CAUSE	AREA

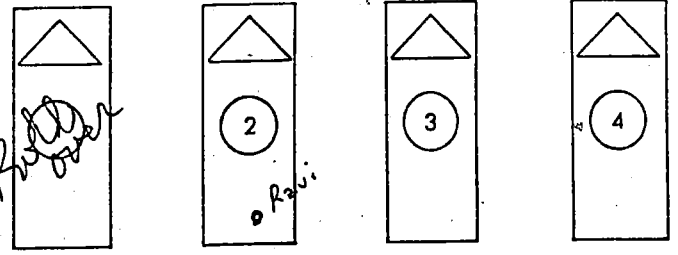
UPPER	1	33	Linsey Ann Halsted	San Juan Capistrano, CA	16	F	3	5	8	1	0	3	Right side window
-------	---	----	--------------------	-------------------------	----	---	---	---	---	---	---	---	-------------------

ACCIDENT FIELD SKETCH FORM

Accident date 8-17-97 Time 1240 week Tues
 Location SR-15 MP131 NB
 Vehicle type Bit-m. Condition Dry
 Driver skids _____ Drag factor _____
 Investigator A.O. Collings 176
 Insured by same
 Date 8-12-97 Time _____
 Road Drain Gait E 17^{1/2} W.
Culvert opening 216 LN

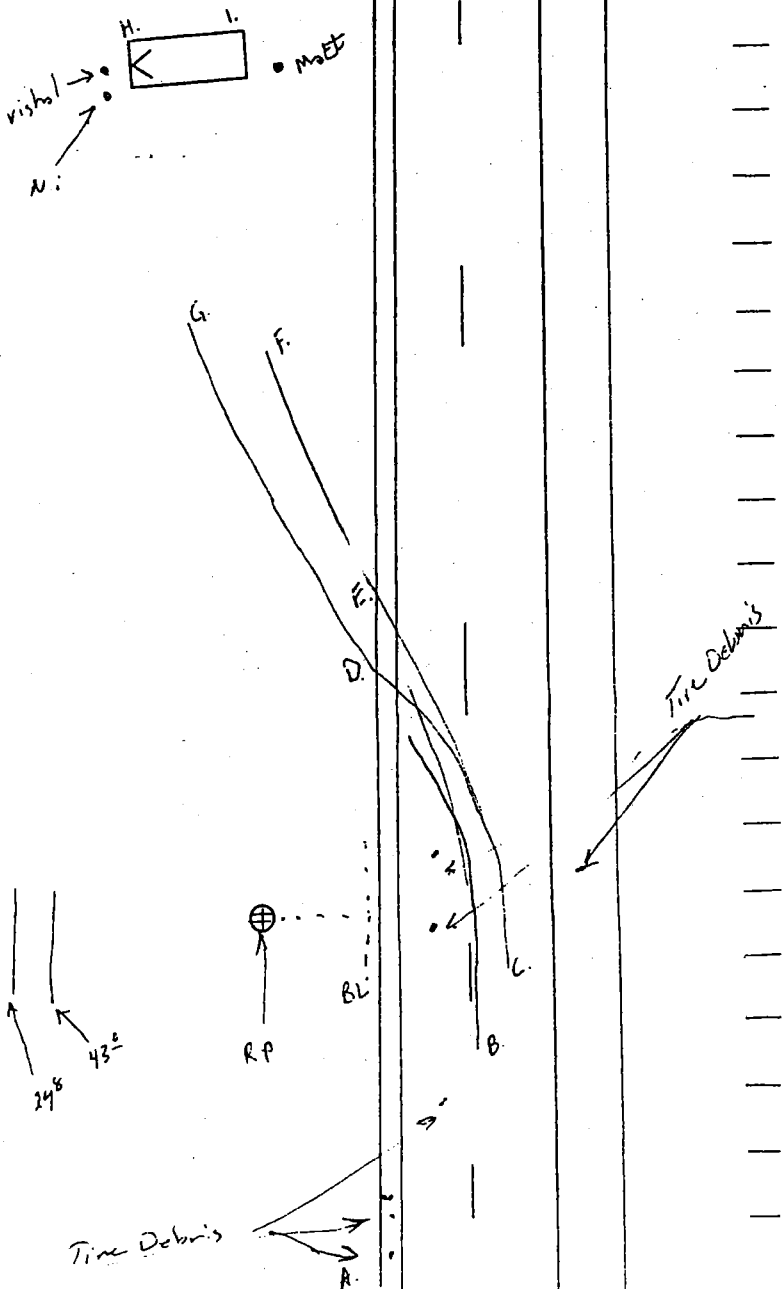
#1 MAKE Chev LIC 3U1W727 COLOR white
 #2 MAKE _____ LIC _____ COLOR _____
 #3 MAKE _____ LIC _____ COLOR _____
 #4 MAKE _____ LIC _____ COLOR _____

LOCATION & DIRECTION OF DAMAGE (shade in)



WT. _____ WT. _____ WT. _____ WT. _____

LETTER LOCATION	RP	EDGE	
Left Tire Debris	A	0°	42° E
Left F Tire Skuff Start	B	153°	23° E
Rt Side Skuff Start	C	191°	18° E
2nd front off Rd	D	382°	0°
RR off Rd	E	406°	0°
RR furrow End	F	447°	29° W
RR furrow End	G	451°	15° W
RF final Rest	H	535°	38° W
R final Rest	I	507°	27° W
Grail final Rest	J	533°	23° W
	K		
	L		
	M		
	N		
	O		
	P		
	Q		
	R		



Additional information on reverse side (Photos) 342 (247 minutes) a

PLACE WHERE ACCIDENT OCCURRED

County _____

COUNTY

Indicate the county where the accident occurred. Do not abbreviate.
Code the two digit number representing the county using the following list:

- | | | |
|--------------|--------------|---------------|
| 01 Beaver | 21 Iron | 41 Sevier |
| 03 Box Elder | 23 Juab | 43 Summit |
| 05 Cache | 25 Kane | 45 Tooele |
| 07 Carbon | 27 Millard | 47 Uintah |
| 09 Daggett | 29 Morgan | 49 Utah |
| 11 Davis | 31 Piute | 51 Wasatch |
| 13 Duchesne | 33 Rich | 53 Washington |
| 15 Emery | 35 Salt Lake | 55 Wayne |
| 17 Garfield | 37 San Juan | 57 Weber |
| 19 Grand | 39 Sanpete | |

Body Style/Type Code

Enter the body style or type of vehicle: for example, 2-door sedan, sta.wag., pickup, etc. Also put the two-digit code describing the vehicle type in the space provided by using the following codes:

- | | |
|--|--|
| 01 Passenger car - regular | 28 Other, Horse-drawn carriage (plans, etc.) |
| 02 Passenger car - compact | 30 ATV, 3 & 4 wheelers |
| 03 Passenger car & house trailer | 31 Truck & 2 short trailers (95' total length) |
| 04 Passenger car & boat | 32 Truck & long trailer (77' total length) |
| 05 Passenger car & other trailer | 33 Tractor - 2 short trailers (trailer up to 28' each) |
| 06 Passenger car - public owned | 34 Tractor - 2 trailers (95' total length) |
| 07 Pickup or panel | 35 Tractor - 2 long trailers (permitted to 105' freeway) |
| 08 Pickup or panel & house trailer | 36 Tractor-long trailer-short trailer (98' total length) |
| 09 Pickup or panel & boat | 37 Tractor - 3 short trailers (permitted to 105' feet freeway) |
| 10 Pickup or panel & other trailer | 38 Tractor & long trailer |
| 11 Pickup or panel & public owned | 40 Hill & Run Vehicle |
| 12 Pickup with camper | 41 Cargo Tank |
| 13 Single Unit enclosed box (Minimum 2 axles & 6 tires) | 42 Passenger car w/vehicle in tow |
| 14 Truck & trailer | 43 Pickup w/vehicle in tow |
| 15 Truck tractor-Bobtail (power unit only) | 44 Tractor w/tractor in tow |
| 16 Tractor & short trailer | 45 Motorhome |
| 17 Commercial Bus | 46 Motorhome w/boat or vehicle in tow |
| 18 School Bus | 47 Flatbed |
| 19 Motorcycle | 48 Dump Truck |
| 20 Motorcycle - public owned | 49 Concrete Mixer |
| 21 Motor driven bicycle (scooter or moped) | 50 Garbage/Refuse |
| 22 Ambulance - not emergency | 51 Auto Transporter |
| 23 Ambulance - emergency | |
| 24 Ambulance - public owned | |
| 25 Farm tractor and/or equipment | |
| 26 Special Mobile Equipment (Construction, Fire, UP&L, etc.) | |
| 27 Truck & Mobile Home | |

Safety Equipment

Indicate the types of safety equipment each driver or occupant(s) was using at the time of the accident. Use the following code list:

- | | |
|-------------------------------|----------------------------------|
| 1 Lap belt used | 7 Air bag inflated/without belts |
| 2 Lap & shoulder belt used | 8 Helmet worn |
| 3 Belts not used | 9 Eye protection used |
| 4 Belts not installed | 0 Helmet & eye protection used |
| 5 Child restraints used | A Shoulder belt only |
| 6 Air bag inflated with belts | B Other |
| | C Unknown |

Extrication - Fill in appropriate number

- 0 - Not extricated
- 1 - Extricated
- 9 - Unknown

Ejection

- 1 - Not ejected
- 2 - Partially ejected
- 3 - Fully ejected

Description of Cargo

- | | |
|--------------------|------------------------------------|
| A. General Freight | G. Solids in Bulk |
| B. Household Goods | H. Liquids in Bulk |
| C. Heavy Machinery | I. Explosives/Hazardous Materials* |
| D. Motor Vehicles | J. Refrigerated Foods |
| E. Gases in Bulk | K. Empty |
| F. Livestock | L. Other* |

*List in accident description

EXAMPLE:

Body Style/Type Code

13 Single Unit Truck



14 Truck and Short Trailer



15 Truck Tractor - Bobtail (Power Unit Only)



16 Tractor & short trailer



31 Truck and 2 Short Trailers



32 Truck and Long Trailer



33 Tractor - 2 Short Trailers



34 Tractor - 2 Trailers



35 Tractor - 2 Long Trailers



36 Tractor - Long Trailer Short Trailer



37 Tractor - 3 Short Trailers



38 Tractor & long trailer



Disposition Of Vehicle Code

- 1 Towed
- 2 Impounded
- 3 Retained by owner/driver
- 4 Hit and run

Source of Carrier Name

- 1 Side of truck
- 2 Paperwork
- 3 Driver

Injury Type-Cause Area

Type

Indicate the type of injury suffered in the accident, using these codes:

- 1 - No injury
- 2 - Possible injury
- 3 - Bruises & abrasions
- 4 - Broken bones or bleeding wounds
- 5 - Fatal

Cause

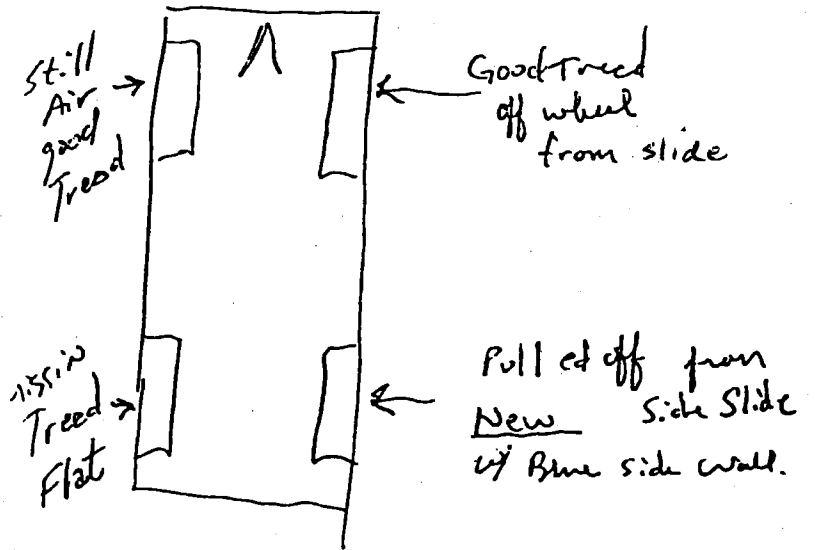
Indicate the object that caused the injury using these codes:

- | | |
|--------------------------|---------------------------|
| 1 - Steering Wheel | 5 - Motorcycle handbars |
| 2 - Dashboard/Windshield | 6 - Motorcycle gas tank |
| 3 - Roof | 7 - Exterior vehicle part |
| 4 - Other Interior | 8 - External object |

Area

Indicate the area of the victim's body that suffered the most severe injury using these codes:

- | | |
|-----------|-------------|
| 1 - Head | 6 - Leg(s) |
| 2 - Face | 7 - Arm(s) |
| 3 - Neck | 8 - Torso |
| 4 - Chest | 9 - Unknown |
| 5 - Back | |



Attn: CINDY
 Agency: BEAVER COUNTY U.H.P. (LE20B)
 Address: PO BOX 1231
 Phone: 801-965-4683
 Fax: 9965-4864

PRELIMINARY TOXICOLOGY REPORT
 Division of Epidemiology and Laboratory Services
 Utah Department of Health
 Law Enforcement Toxicology Section
 Telephone: 584-8462

Name of Subject Tested:	Date of Evidence Submission:	Agency Number:	Laboratory Number:
ADDY, NII M.	08/25/97	11971449	L97-1808

The following includes the blood alcohol and/or blood/urine drug screening results. A final report will be sent after confirmation of the of the drug screening results by a separate, more specific test. In a few instances, the confirmation test will be negative for a positive screening test. In such instances, the final report will indicate "no drugs identified".

BLOOD ALCOHOL: Negative

DRUG SCREENING TEST RESULTS:

Marijuana or metabolite	Blood	Urine
	NEG	

Toxicologist: WES Date: 09/04/1997

DATA ENTRY

CAD

AUTO

SKADE-II

00.Agency: 01.Inc #: 02.Rec By:
 03.Date Reported: 04.Time Reported: 05.Shift: .
 06.Activity: 07.Priority: .
 08.Loc 09.# 10.Cty 11.B/R
 12.Person 13.Tel: 14.How Rec: . 15.Typ:
 16.Add: 17.Cty: 18.St: ..
 19.Rem:
 20.Units: 30.Off:
 32.Time Disp: Arr: Comp: *Trans* Enrt: Arr: Comp: ...
 38.Other Agcy: . . 40.Ad: . 41.Dsp By: 42.Case#: 43.Dispo:
 44.Line-1:
 45.Line-2:
 46.Line-3:
 47.Line-4:
 48.Line-5:

1-C/Fld 2-Acc Units 3-Name Srch 4-Case# 5-Timer 6-Inc/Updt 7-Post 8-Unit On/Of
 9-C/Mod 10-Multi Dsp 11-Cn Cs 12-Q/Ent 13-Alrm 14-Run 15-Triage 21-Hist 22-AUT.



100092867

Halsted vs. Addy Depo: Milton Halsted 4/22/99

Page 1 to Page 165

CONDENSED TRANSCRIPT AND CONCORDANCE
PREPARED BY:

MAXENE WEINBERG AGENCY
27281 LAS RAMBLAS, SUITE 160

MISSION VIEJO, CA 92691
Phone: (800)-640-1949
FAX: (714)-582-8569

Page 1

(1) SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF ORANGE

(2) MILTON HALSTED, AND)
 STEPHANIE HALSTED,)

(3))

(4) PLAINTIFFS,)

(5))

(6) VS.) CASE NO. 795327

(7))

(8) NII ADDY, BIGBY, HAVIS & ASSOCIATES,)
 (9) INC., DAVID FINLEY, JANET FINLEY,)
 (10) JANET HAVIS, MATTHEW FINLEY, THE)
 (11) B.F. GOODRICH COMPANY, MICHELIN)
 (12) NORTH AMERICA, INC., THE UNIROYAL)
 (13) GOODRICH TIRE COMPANY, AND DOES 1)
 (14) THROUGH 100, INCLUSIVE,)
 (15))
 (16) DEFENDANTS.)
 (17))

(18) DEPOSITION OF:
 (19) MILTON HALSTED

(20) DATE & TIME: THURSDAY, APRIL 22, 1999, 2:12 P.M.
 (21) PLACE: 3 IMPERIAL PROMENADE
 (22) SUITE 800
 (23) SANTA ANA, CALIFORNIA
 (24) REPORTER: DENISE DAUNCH, CSR
 (25) CERTIFICATE NUMBER 10728

(Continued)

Page 2

(23) LOS ANGELES, CALIFORNIA 90017
 (213) 362-7777

(24)

(25)

Page 2

(1) DEPOSITION OF MILTON HALSTED, TAKEN BEFORE
 (2) DENISE DAUNCH, A CERTIFIED SHORTHAND REPORTER FOR THE
 (3) STATE OF CALIFORNIA, WITH PRINCIPAL OFFICE IN THE
 (4) COUNTY OF ORANGE, COMMENCING ON THURSDAY, APRIL 22,
 (5) 1999, 2:12 P.M., AT 3 IMPERIAL PROMENADE, SUITE 800,
 (6) SANTA ANA, CALIFORNIA.
 (7)

(8) APPEARANCES OF COUNSEL:
 (9) FOR THE PLAINTIFFS:
 (10) LAW OFFICES OF WYLIE A. AITKEN
 BY: RICHARD A. COHN
 (11) ATTORNEY AT LAW
 3 IMPERIAL PROMENADE
 (12) SUITE 800
 SANTA ANA, CALIFORNIA 92707-0555
 (13) (714) 434-1424

(14) FOR THE DEFENDANTS ALLEN OLDSMOBILE:
 (15) STEWART, DIMMICK, MARSHALL & ZELL
 BY: PETER B. ZELL
 (16) ATTORNEY AT LAW
 2030 MAIN STREET
 (17) SUITE 600
 IRVINE, CALIFORNIA 92614
 (18) (949) 222-2930

(19) FOR THE DEFENDANTS THE UNIROYAL GOODRICH TIRE
 COMPANY:
 (20)
 YUKEVICH & SONNETT
 (21) BY: ALEXANDER G. CALFO
 ATTORNEY AT LAW
 (22) 601 SOUTH FIGUEROA STREET
 THIRTY-EIGHTH FLOOR

Page 3

(1) APPEARANCES OF COUNSEL (CONTINUED):
 (2) FOR THE DEFENDANTS THE FINLEYS AND NII
 ADDY:
 (3)
 DANIELS, BARATTA & FINE
 (4) BY: JACK DANIELS
 ATTORNEY AT LAW
 (5) 1801 CENTURY PARK EAST
 NINTH FLOOR
 (6) LOS ANGELES, CALIFORNIA 90067
 (310) 556-7900

(7) ALSO PRESENT:
 (8) TOM WEST
 (9)
 (10)
 (11)
 (12)
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 (14)
 (15)
 (16)
 (17)
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 (19)
 (20)
 (21)
 (22)
 (23)
 (24)
 (25)

Page 4

- (1) INDEX
- (2) EXAMINATION BY: PAGE
- (3) MR. ZELL 5, 155
- (4) MR. CALFO 75, 156
- (5) MR. DANIELS 148
- (6)
- (7) EXHIBITS
- (8) DEFENDANT'S DESCRIPTION PAGE IDENTIFIED
- (9) A PHOTOCOPY OF FRONT OF VEHICLE 13
- (10) B PHOTOCOPY OF FRONT DRIVER'S SIDE 14
- (11) C PHOTOCOPY OF REAR DRIVER'S SIDE 14
- (12) D PHOTOCOPY OF BACKSEAT 25
- (13) E PHOTOCOPY OF FRONT PASSENGER'S SIDE 49
- (14)
- (15) QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER
- (16) PAGE LINE
- (17) 75 22
- 82 12
- (18) 85 19
- 86 19
- (19) 87 7
- 93 11
- (20) 142 6
- 142 25
- (21) 143 17
- 146 7
- (22) 146 13
- 156 17
- (23) 159 20
- (24)
- (25)

Page 6

- (1) ASKING YOU QUESTIONS?
- (2) A YES.
- (3) Q DESPITE THAT AND DESPITE THE FACT YOU'VE
- (4) PROBABLY SPOKEN TO YOUR ATTORNEY ABOUT TODAY'S
- (5) PROCEEDING, LET ME EXPLAIN TO YOU REAL QUICKLY WHAT
- (6) WE'RE DOING. THE TESTIMONY YOU'RE GIVING TODAY IS
- (7) TESTIMONY UNDER OATH. IT'S THE SAME OATH YOU WOULD
- (8) TAKE IN A COURTROOM.
- (9) DO YOU UNDERSTAND THAT?
- (10) A YES.
- (11) Q THE REPORTER IS GOING TO TAKE DOWN VERBATIM
- (12) ALL MY QUESTIONS AND YOUR ANSWERS. SHE'LL TRANSCRIBE
- (13) HER NOTES INTO A BOOKLET. THAT'S CALLED YOUR
- (14) DEPOSITION. IT'S SENT TO YOU.
- (15) YOU HAVE THE RIGHT TO MAKE ANY CHANGES IN
- (16) THE BOOKLET THAT YOU WISH AS FAR AS YOUR ANSWERS.
- (17) YOU CAN ADD WORDS, LINE THINGS OUT, OR WHATEVER YOU
- (18) WANT TO DO. THEN YOU SIGN IT UNDER PENALTY OF
- (19) PERJURY. IF THIS CASE GOES TO TRIAL, I SHOULD TELL
- (20) YOU A COUPLE OF THINGS.
- (21) FIRST, IF IT GOES TO TRIAL AND YOU TESTIFY
- (22) AND YOU HAVE MADE SOME CHANGES IN YOUR DEPOSITION
- (23) BOOKLET, I CAN COMMENT OR ANY LAWYER IN THE CASE CAN
- (24) COMMENT TO A JUDGE OR A JURY ON THE FACT THAT YOU SAW
- (25) FIT TO CHANGE TESTIMONY THAT YOU HAD ORIGINALLY GIVEN

Page 5

- (1) MILTON HALSTED,
- (2) CALLED AS A WITNESS BY AND ON THE BEHALF OF THE
- (3) DEFENDANTS, HAVING BEEN FIRST DULY SWORN BY THE
- (4) CERTIFIED SHORTHAND REPORTER, WAS EXAMINED AND
- (5) TESTIFIED AS FOLLOWS:
- (6)
- (7) EXAMINATION
- (8) BY MR. ZELL:
- (9) Q MR. HALSTED, WOULD YOU STATE YOUR FULL
- (10) NAME, PLEASE.
- (11) A MILTON J. HALSTED.
- (12) Q YOU'RE THE PLAINTIFF OR A PLAINTIFF IN THE
- (13) ORANGE COUNTY SUPERIOR COURT ACTION BROUGHT AGAINST
- (14) THE VARIOUS DEFENDANTS, INCLUDING ALLEN OLDSMOBILE,
- (15) AS A RESULT OF AN ACCIDENT THAT OCCURRED ON OR ABOUT
- (16) AUGUST 12, 1997?
- (17) A YES.
- (18) Q I UNDERSTAND YOU WERE ACTUALLY INVOLVED IN
- (19) THE ACCIDENT?
- (20) A I WAS A PASSENGER.
- (21) Q MY NAME IS PETER ZELL. I REPRESENT ALLEN
- (22) OLDSMOBILE.
- (23) HAVE YOU EVER GIVEN A DEPOSITION BEFORE?
- (24) A YES.
- (25) Q IN FRONT OF A COURT REPORTER WITH LAWYERS

Page 7

- (1) UNDER OATH. THAT COULD OR COULD NOT PROVE
- (2) EMBARRASSING TO YOU OR DAMAGING TO YOUR CASE.
- (3) DO YOU UNDERSTAND THAT?
- (4) A YES.
- (5) Q SECONDLY, IF WE WERE TO GO TO TRIAL AND YOU
- (6) WERE TO TESTIFY AT TRIAL DIFFERENTLY ON A PARTICULAR
- (7) POINT THAN YOU DID HERE TODAY ON THAT SAME POINT, ANY
- (8) OF THE LAWYERS IN THE CASE COULD COMMENT ON ANY
- (9) APPARENT INCONSISTENCY BETWEEN THE TWO TESTIMONIES
- (10) UNDER OATH. THAT, LIKEWISE, COULD PROVE OR COULD NOT
- (11) PROVE EMBARRASSING TO YOU OR DAMAGING TO YOUR CASE.
- (12) DO YOU UNDERSTAND THAT?
- (13) A YES.
- (14) Q I TELL YOU THESE THINGS SO THAT YOU'LL
- (15) LISTEN CAREFULLY TO MY QUESTIONS. I DON'T WANT YOU
- (16) TO ANSWER A QUESTION YOU DON'T FULLY UNDERSTAND. SO
- (17) IF YOU HAVE A PROBLEM WITH A QUESTION, BE SURE TO
- (18) TELL ME. I'LL REPHRASE IT OR REPEAT IT.
- (19) WILL YOU DO THAT?
- (20) A YES.
- (21) Q IF YOU WANT TO SAY, "YES" OR "NO" AS AN
- (22) ANSWER, SAY, "YES" OR "NO." DON'T NOD OR SHAKE YOUR
- (23) HEAD OR SAY, "UH-HUH" OR "HUH-UH" BECAUSE WE WON'T
- (24) GET A CLEAR RESPONSE ON THE RECORD.
- (25) OKAY?

Page 8

- (1) A OKAY.
- (2) Q LASTLY, TRY TO LET ME FINISH MY ENTIRE
- (3) QUESTION BEFORE YOU START YOUR ANSWER. SOMETIMES
- (4) I'LL PAUSE IN ORDER TO THINK OF A PROPER PHRASE OR
- (5) WHATEVER TO MAKE IT A COMPLETE SENTENCE.
- (6) YOU MAY HAVE ANTICIPATED WHAT I'M GOING TO
- (7) ASK YOU AND BE ALL SET TO ANSWER IT, BUT WE'LL GET A
- (8) SLOPPY LOOKING RECORD IF WE TALK OVER ONE ANOTHER.
- (9) SO TRY TO LET ME FINISH MY QUESTIONS, AND I'LL TRY TO
- (10) LET YOU FINISH YOUR ANSWERS.
- (11) OKAY?
- (12) A OKAY.
- (13) Q WHAT'S YOUR PRESENT RESIDENCE ADDRESS?
- (14) A 27204 PASEO LOMITA, SAN JUAN CAPISTRANO.
- (15) Q WHAT DO YOU DO FOR A LIVING?
- (16) A I WORK IN A MARKETING CAPACITY AT A PRODUCT
- (17) DEVELOPMENT COMPANY.
- (18) Q WHAT TYPE OF PRODUCT?
- (19) A THE COMPANY IS OWNED BY BMW. WE DESIGN
- (20) THEIR CARS AND OTHER PRODUCTS FOR OTHER COMPANIES.
- (21) Q HOW LONG HAVE YOU LIVED IN SAN JUAN
- (22) CAPISTRANO?
- (23) A SINCE 1975.
- (24) Q YOU'RE CURRENTLY MARRIED?
- (25) A YES.

Page 9

- (1) Q AND LIVING WITH YOUR WIFE?
- (2) A YES.
- (3) Q YOUR WIFE'S NAME?
- (4) A STEPHANIE.
- (5) Q SHE'S ALSO A PLAINTIFF IN THE CASE?
- (6) A YES.
- (7) Q HOW LONG HAVE YOU BEEN MARRIED TO
- (8) MRS. HALSTED?
- (9) A TWENTY-SIX YEARS.
- (10) Q HOW MANY KIDS HAVE YOU HAD WITH
- (11) MRS. HALSTED -- STEPHANIE?
- (12) A THE TWO GIRLS, LAUREN AND LINDSEY.
- (13) Q HOW OLD IS LAUREN?
- (14) A NINETEEN.
- (15) Q DOES SHE LIVE AT HOME?
- (16) A SHE'S ATTENDING U.C. SANTA BARBARA.
- (17) Q DID THE AUGUST 12, 1997, ACCIDENT HAPPEN IN
- (18) THE STATE OF UTAH?
- (19) A YES.
- (20) Q WHAT TYPE OF TRIP WERE YOU ON?
- (21) A A SHORT SUMMER BREAK VACATION.
- (22) Q WHAT WAS YOUR DESTINATION ON THE TRIP?
- (23) A ASPEN.
- (24) Q WHAT WERE YOU GOING TO DO IN ASPEN?
- (25) A WE WERE GOING TO SPEND ABOUT A WEEK THERE

Page 10

- (1) AT A -- I DON'T KNOW IF IT'S A CONDOMINIUM OR A
- (2) TIMESHARE HOUSE THAT WAS OWNED BY THE FINLEYS.
- (3) Q DID YOU AND/OR YOUR WIFE KNOW THE FINLEYS
- (4) BEFORE THE ACCIDENT?
- (5) A YES.
- (6) Q WERE YOU SOCIAL FRIENDS WITH THE FINLEYS?
- (7) A NO.
- (8) Q HOW DID YOU KNOW THEM?
- (9) A THROUGH THE SCHOOL WHERE THEIR SON AND OUR
- (10) KIDS WENT.
- (11) Q U.C.S.B.?
- (12) A NO. SAINT MARGARET EPISCOPAL IN SAN JUAN.
- (13) Q IS THAT A HIGH SCHOOL?
- (14) A YES. IT'S PRESCHOOL THROUGH HIGH SCHOOL.
- (15) Q SO YOU NEVER SOCIALIZED WITH THE FINLEYS?
- (16) A NO.
- (17) Q THEY HAD A SON THAT WAS ON THIS TRIP;
- (18) CORRECT?
- (19) A YES.
- (20) Q WAS THAT MATTHEW?
- (21) A YES.
- (22) Q I UNDERSTAND THERE WAS A FELLOW NAMED -- IS
- (23) IT NII, N-I-I?
- (24) A YES.
- (25) Q ADDY, A-D-D-Y?

Page 11

- (1) A YES.
- (2) Q DID YOU KNOW NII BEFORE THE TRIP?
- (3) A OCCASIONALLY, HE WOULD COME OVER AS A
- (4) SCHOOLMATE KIND OF ACTIVITY WITH LAUREN.
- (5) Q DO YOU KNOW WHERE -- I'M SORRY, I
- (6) INTERRUPTED YOU. I VIOLATED MY OWN RULES.
- (7) A WELL, YOUR QUESTION WAS: DID WE KNOW HIM
- (8) BEFORE THE ACCIDENT?
- (9) Q YEAH. AND HOW YOU KNEW HIM.
- (10) A JUST AS PART OF THE SCHOOL RELATIONSHIP
- (11) BETWEEN THE KIDS.
- (12) Q DID HE ATTEND SAINT MARGARET?
- (13) A YES.
- (14) Q WERE YOU SOCIAL FRIENDS WITH HIS PARENTS?
- (15) A NO.
- (16) Q WAS HE A FRIEND OF MATT FINLEY'S?
- (17) A YES.
- (18) Q WAS HE A FRIEND OF LINDSEY'S?
- (19) A HE WAS MORE OF A FRIEND OF MATT'S.
- (20) Q WHO ELSE WAS ON THE TRIP BESIDES YOU,
- (21) LINDSEY, NII, AND MATT FINLEY?
- (22) A THERE WERE TWO OTHER FRIENDS. I CAN'T
- (23) REMEMBER THEIR NAMES. THEY WERE FRIENDS OF MATT'S.
- (24) Q YOUNG MEN?
- (25) A YES.

Page 12

- (1) Q COLLEGE AGE?
 (2) A I BELIEVE THEY WERE 18, 19 YEARS OLD.
 (3) Q YOU WERE THE ONLY ADULT ON THE TRIP?
 (4) MR. COHN: WELL --
 (5) Q BY MR. ZELL: STRIKE THAT.
 (6) YOU WERE THE ONLY PERSON OVER THE AGE OF 21
 (7) ON THE TRIP?
 (8) A YES.
 (9) Q WHAT WAS THE GENESIS OF THE TRIP? HOW DID
 (10) IT GET STARTED, THE IDEA OF GOING ON THIS TRIP? WHO
 (11) SUGGESTED IT AND STARTED TO MAKE THE ARRANGEMENTS, IF
 (12) YOU COULD GIVE ME A BRIEF ANSWER?
 (13) A THE TRIP PLANNING, IF YOU WILL, WAS STARTED
 (14) BY MATT AND LINDSEY AS A QUICK BREAK TO SOME OTHER
 (15) THINGS THEY WERE GOING TO DO IN THE SUMMER. THE
 (16) TIMESHARE BECAME AVAILABLE.
 (17) IT LOOKED LIKE SOMETHING THAT WOULD BE
 (18) DOABLE. THE ORIGINAL PLAN WAS FOR THEM TO GO
 (19) ALONE -- THE KIDS TO GO ALONE. WE VETOED THAT. THEN
 (20) I WAS ABLE TO ARRANGE MY WORK SCHEDULE, AND I AGREED
 (21) TO GO ALONG WITH THEM PRIMARILY BECAUSE OF LINDSEY'S
 (22) AGE.
 (23) Q HOW OLD WAS LINDSEY?
 (24) A FIFTEEN.
 (25) Q AND HER DATE OF BIRTH?

Page 13

- (1) A SEPTEMBER 15TH, '81.
 (2) Q WHOSE TIMESHARE WAS IT?
 (3) A THE FINLEYS'.
 (4) Q THE VEHICLE YOU WERE OPERATING -- STRIKE
 (5) THAT. THE VEHICLE YOU WERE IN AT THE TIME OF THE
 (6) ACCIDENT WAS A 1991 CHEVROLET SUBURBAN?
 (7) A YES. I'M NOT SURE OF THE MODEL YEAR. I
 (8) THINK THAT'S WHAT I REMEMBER SEEING IN A REPORT
 (9) SOMEWHERE.
 (10) Q DO YOU KNOW THE VEHICLE LICENSE NUMBER?
 (11) A NO.
 (12) Q DID YOU SEE THE VEHICLE AFTER THE ACCIDENT
 (13) IN ITS DAMAGED CONDITION?
 (14) A YES.
 (15) Q LET ME SHOW YOU TWO PHOTOS THAT I'LL MARK
 (16) AS -- I'LL JUST SHOW YOU ONE. I'LL MARK IT AS "A."
 (17) (WHEREUPON, THE DOCUMENT WAS MARKED
 (18) AS DEFENDANT'S EXHIBIT NUMBER A FOR
 (19) IDENTIFICATION, A COPY OF WHICH IS
 (20) ATTACHED HERETO.)
 (21) IS THAT THE VEHICLE THAT WAS INVOLVED IN
 (22) THE ACCIDENT?
 (23) A IT COULD BE.
 (24) Q THE FLASH, APPARENTLY, HAS OBLITERATED THE
 (25) DIGITS ON THE LICENSE.

Page 14

- (1) OTHERWISE, IT LOOKS GENERALLY LIKE THE
 (2) VEHICLE?
 (3) A YES. IT WAS A WHITE SUBURBAN ABOUT THAT
 (4) MODEL YEAR.
 (5) Q LET ME SHOW YOU TWO MORE THAT APPEAR TO BE
 (6) THE DRIVER'S SIDE OF THE VEHICLE. I WILL MARK THEM
 (7) AS "B" AND "C."
 (8) (WHEREUPON, THE DOCUMENTS WERE MARKED
 (9) AS DEFENDANT'S EXHIBIT NUMBERS B & C
 (10) FOR IDENTIFICATION, COPIES OF WHICH ARE
 (11) ATTACHED HERETO.)
 (12) THESE ALSO APPEAR TO BE THE VEHICLE?
 (13) MR. COHN: IF YOU KNOW.
 (14) THE WITNESS: IT PROBABLY IS. I DON'T KNOW FOR
 (15) SURE.
 (16) Q BY MR. ZELL: DO YOU RECOGNIZE THE COLORS?
 (17) A YEAH. THE WHITE COLOR AND THE GREEN OR
 (18) WHATEVER.
 (19) Q THE BLUISH COLOR?
 (20) A THE BLUISH COLOR, YEAH.
 (21) Q HOW MANY SEATS WERE IN THE VEHICLE?
 (22) A THERE WERE TWO IN THE FRONT, DRIVER AND
 (23) PASSENGER, AND THERE WAS -- I BELIEVE THERE WAS A
 (24) BENCH SEAT IN THE MIDDLE AND THE SMALLER BENCH SEAT
 (25) IN THE BACK.

Page 15

- (1) Q DO YOU KNOW THE SEATING CAPACITY?
 (2) A I DON'T KNOW WHAT SUBURBAN HAS SPECIFIED AS
 (3) A CAPACITY. YOU CAN COMFORTABLY SEAT SIX PEOPLE IN
 (4) IT IF YOU USE THE BACK BENCH SEAT.
 (5) Q YOU HAD SIX PEOPLE ON YOUR TRIP; IS THAT
 (6) RIGHT?
 (7) A YES. AND A DOG.
 (8) Q HAD YOU EVER DRIVEN IN OR OPERATED THAT
 (9) VEHICLE BEFORE THIS TRIP?
 (10) A NO.
 (11) Q WAS IT YOUR UNDERSTANDING THAT IT WAS A
 (12) VEHICLE THAT WAS OWNED BY THE FINLEYS?
 (13) A YES.
 (14) Q BEFORE THE TRIP, DID YOU INSPECT ANY PART
 (15) OF THE VEHICLE FOR SAFETY PURPOSES?
 (16) A NO.
 (17) Q DID YOU HAVE ANY CONVERSATION WITH MATT
 (18) FINLEY OR HIS PARENTS ABOUT THE VEHICLE WITH REGARD
 (19) TO ANY ISSUE OF SAFETY OR ANYTHING ABOUT THAT?
 (20) A YES.
 (21) Q BEFORE THE TRIP?
 (22) A JUST BEFORE THE TRIP.
 (23) Q WHO DID YOU HAVE THE CONVERSATION WITH?
 (24) A WITH JANET FINLEY.
 (25) Q TRY TO RECOUNT THE CONVERSATION OF WHAT YOU

Page 16

- (1) SAID AND WHAT SHE SAID.
- (2) A IT WAS IN THE DRIVEWAY OF THEIR CAR -- OF
- (3) THEIR HOME. WE HAD RETURNED THERE TO PICK UP SOME
- (4) ITEM MATT FINLEY HAD FORGOT TO BRING ON THE TRIP, AND
- (5) JANET WAS IN THE DRIVEWAY.
- (6) SHE VOLUNTEERED TO SAY, AND I'M NOT SURE OF
- (7) THE EXACT WORDS, SOMETHING TO THE EFFECT THAT THE CAR
- (8) HAD JUST BEEN SERVICED AND THE TIRES HAD BEEN ROTATED
- (9) AND IT SEEMED TO BE IN SAFE CONDITION FOR THE TRIP.
- (10) Q THAT'S WHAT YOU RECALL HER SAYING?
- (11) A YES.
- (12) Q DO YOU HAVE A PRESENT MEMORY OF HER
- (13) SAYING THAT THE CAR SEEMED TO BE IN SAFE CONDITION
- (14) FOR THE TRIP, OR IS THAT SOMETHING THAT YOU'RE
- (15) CHARACTERIZING?
- (16) A I'M NOT SURE. I'M PROBABLY CHARACTERIZING
- (17) THAT.
- (18) Q DO YOU HAVE A PRESENT MEMORY, AS YOU SIT
- (19) HERE TODAY, THAT JANET FINLEY SAID THAT THE TIRES HAD
- (20) BEEN ROTATED?
- (21) A YES.
- (22) Q DO YOU HAVE A PRESENT MEMORY, AS YOU SIT
- (23) HERE TODAY, THAT JANET FINLEY SAID THAT THE CAR HAD
- (24) JUST BEEN SERVICED?
- (25) A YES.

Page 17

- (1) Q DID SHE SAY ANYTHING ELSE ABOUT THE
- (2) SERVICING OR ANY RECENT WORK ON THE CAR OR ANY OTHER
- (3) SAFETY ISSUE ON THE CAR IN THAT CONVERSATION?
- (4) A NO.
- (5) Q DID YOU HAVE ANY CONVERSATION WITH MATT
- (6) FINLEY OR HIS FATHER ABOUT THE VEHICLE SAFETY OR
- (7) MAINTENANCE OR SERVICING JUST BEFORE THE TRIP?
- (8) A WE HAD A TELEPHONE CONVERSATION WITH JANET
- (9) A DAY OR TWO BEFORE THE TRIP OF SOMETHING TO THE
- (10) EFFECT THAT THE VEHICLE WAS AVAILABLE FOR THIS TRIP
- (11) AND THAT IT SHOULDN'T -- I DONT KNOW.
- (12) IT SHOULDN'T PRESENT ANY -- SOME NORMAL
- (13) CONVERSATION ABOUT "THE CAR'S AVAILABLE. IT'S
- (14) SUITABLE FOR THE SIX OF YOU." WE DIDN'T HAVE A CAR
- (15) LIKE THAT TO MAKE THIS TRIP. SO I THINK SHE WAS JUST
- (16) OFFERING THE USE OF IT FOR THE EVENT.
- (17) Q IN OTHER WORDS, IT WAS A BIG ENOUGH CAR TO
- (18) ACCOMMODATE SIX PEOPLE?
- (19) A RIGHT.
- (20) Q AND YOUR FAMILY DIDN'T HAVE A CAR THAT
- (21) WOULD SEAT SIX PEOPLE?
- (22) A RIGHT.
- (23) Q YOU DID NOT ASK ANY MEMBER OF THE FINLEY
- (24) FAMILY BEFORE THE ACCIDENT ANY SPECIFIC QUESTIONS
- (25) ABOUT THE CAR'S MAINTENANCE OR SERVICING LIKE, FOR

Page 18

- (1) INSTANCE, THE TIRES OR BRAKES?
- (2) A NO.
- (3) Q WHAT WAS YOUR INFORMATION AS TO HOW MANY
- (4) MILES YOU WERE GOING TO HAVE TO DRIVE TO GET TO THE
- (5) TIMESHARE IN ASPEN?
- (6) A I HADN'T DRIVEN THAT PARTICULAR STRETCH.
- (7) WE HAD DECIDED TO DIVIDE THE TRIP INTO TWO SEGMENTS.
- (8) I THINK I HAD ANTICIPATED FROM LAS VEGAS TO ASPEN TO
- (9) TAKE ROUGHLY A FULL DAY.
- (10) Q HOW ABOUT MILES? DID YOU HAVE ANY IDEA
- (11) BEFORE THE TRIP IN MILES HOW LONG YOU WOULD HAVE TO
- (12) DRIVE?
- (13) A WE MAY HAVE HAD SOME CONVERSATION ABOUT IT.
- (14) IT'S PROBABLY AN 800-MILE KIND OF A TRIP.
- (15) Q WAS THE IDEA TO MAKE IT IN TWO DAYS OF
- (16) DRIVING?
- (17) A YES.
- (18) Q BEFORE YOU STARTED ON YOUR TRIP, DID YOU
- (19) HAVE A PLAN OF WHERE YOU WERE GOING TO STAY THE FIRST
- (20) NIGHT?
- (21) A YES.
- (22) Q WAS THAT LAS VEGAS?
- (23) A YES.
- (24) Q AND THE ACCIDENT HAD HAPPENED BETWEEN LAS
- (25) VEGAS AND ASPEN?

Page 19

- (1) A YES.
- (2) Q AM I CORRECT THAT BEFORE THE DAY YOU LEFT
- (3) ON THE TRIP, YOU NEVER INSPECTED THE TIRES ON THIS
- (4) VEHICLE?
- (5) A THAT'S CORRECT.
- (6) Q DID YOU OBSERVE ANYONE INSPECTING THE TIRES
- (7) ON THE VEHICLE BEFORE YOU LEFT ON THE TRIP?
- (8) A NO.
- (9) Q ON THE DAY YOU LEFT ON THE TRIP, DID YOU
- (10) INSPECT THE TIRES ON THE VEHICLE?
- (11) A NO.
- (12) Q DID YOU SEE ANYONE INSPECT THE TIRES ON THE
- (13) VEHICLE?
- (14) A NO.
- (15) Q WHO DROVE THE FIRST DAY?
- (16) A MATT FINLEY.
- (17) Q DID YOU EVER INSPECT THE INSIDE OF THE
- (18) VEHICLE TO DETERMINE WHETHER ALL THE SEAT BELTS WERE
- (19) OPERABLE OR IN GOOD CONDITION BEFORE THE ACCIDENT?
- (20) A NO.
- (21) Q DID YOU EVER CHECK TO SEE WHETHER THERE
- (22) WERE SEAT BELTS AVAILABLE FOR EVERYBODY THAT WAS IN
- (23) THE VEHICLE BEFORE THE ACCIDENT?
- (24) A NO.
- (25) Q BEFORE THE ACCIDENT, AND LET'S TAKE THE

