

1 Plaintiff's Counsel: Mr. Bryan

2 The Witness: Ms. Brown

3 Defense Counsel No. 1: Mr. James

4 Defense Counsel No. 2: Ms. Sanchez

5

6 **Warm up**

7 Q. BY MR. JAMES: Okay. Let me ask you just some  
8 general questions. First of all, how old are you?

9 A. 21.

10 Q. Did you say 21?

11 A. Correct, sir. /

12 Q. Okay. At the time of the accident, that would have  
13 made you, what, 19?

14 A. Yes.

15 Q. Okay. Were you residing at home --

16 A. Yes.

17 Q. -- at the time / of the accident?

18 A. Yes.

19 Q. Okay. By the way, you answered so fast I didn't  
20 get to finish my question.

21 A. I'm sorry.

22 Q. It's okay. Just make / sure you let me finish.

23 A. Okay.

24 Q. It's really easy to answer too fast. Just pause a  
25 little bit. Okay?

1 A. Yes.

2 Q. You were living at home // with your parents at the  
3 time of the accident; correct?

4 A. Yes.

5 Q. Okay. What was your address, home address, at the  
6 time of the accident?

7 A. It / was 6616 Cherry Lane.

8 Q. And what are your parents' names?

9 A. Debbie and George Brown.

10 Q. Do you remember what kind of vehicle you /// were  
11 driving at the time --

12 A. Yes.

13 Q. -- of this accident?

14 MR. BRYAN: Please slow down, Ms. Brown.

15 THE WITNESS: I'm sorry.

16 MR. BRYAN: It is important that only one person  
17 talks at / a time.

18 Q BY MR. JAMES: You do remember that you were a  
19 witness to an accident; correct?

20 A. Well, what do you mean was I a witness?

21 Q. Let me /\*(1) ask a better question for you.

22 A. That would be good.

23 Q. Were you driving a car that was involved in an  
24 accident?

25 A. Yes, I was.

1 Q. Okay. / That happened on June 17th of last year;  
2 is that right?

3 A. I'm not positive of the date.

4 Q. If I told you the police report says / June 17th,  
5 would you have any reason to disagree with that date?

6 A. No, sir. That sounds about right.

7 Q. Okay. What kind of vehicle were you / driving at  
8 the time of the accident?

9 A. A Ford Mustang.

10 Q. Okay. Did you maintain a policy of insurance on  
11 that vehicle at that time?

12 A. No. //

13 Q. You had no auto insurance at the time of the  
14 accident; is that correct?

15 A. No.

16 MS. SANCHEZ: I'm sorry. That is confusing.

17 MR. BRYAN: I agree. Can you clear / that up,  
18 Counsel?

19 MR. JAMES: Sure.

20 MS. SANCHEZ: Thank you. That will make for a  
21 better record.

22 Q. BY MR. JAMES: At the time of this accident on  
23 June 17th, did you have /// insurance on your Ford?

24 A. No, I did not.

25 Q. All right. Were you the registered owner of the

1 vehicle?

2 A. Yes, sir, I was.

3 Q. Okay. Did you / have a pink slip that showed you  
4 were the owner?

5 A. No.

6 Q. Okay. Do you recall one way or the other whether  
7 any paperwork had been /\*(2) filled out with the DMV  
8 transferring ownership of that car to you prior to this  
9 event?

10 MR. BRYAN: Wait. I don't understand that  
11 question.

12 MS. SANCHEZ: No / speaking objections, please.

13 MR. BRYAN: Well, she doesn't have to answer  
14 confusing questions.

15 MS. SANCHEZ: I agree, but you don't need to coach  
16 her.

17 MR. BRYAN: I have made my record. / Please  
18 rephrase the question.

19 Q. BY MR. JAMES: Do you know if the car had been  
20 transferred to your ownership prior to this accident?

21 A. Yes. I had taken the / papers to the DMV myself.

22 Q. You did it yourself; is that correct?

23 A. Yes.

24 Q. Okay. Ballpark, about how long before the accident  
25 had you // done that?

1 A. I did it twice.

2 Q. When was the first occasion you registered it?

3 A. When I initially got the vehicle, which was when I  
4 turned / 18.

5 Q. Right.

6 A. I did it right when I got it.

7 Q. I see. Okay.

8 A. And it was up again in December.

9 Q. Is it your testimony you /// did it twice?

10 A. Yes.

11 Q. And do you remember who you purchased the vehicle  
12 from, what their names are?

13 A. I can't remember their names. It was / a couple.

14 Q. Okay. But you had not purchased auto insurance  
15 that was effective as of the time of the accident; is that  
16 right?

17 A. No, sir. /\*(3)

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19 **END OF WARM-UP (Pause)**

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**EXAM**

Q. BY MR. JAMES: Were you driving without insurance on the day of the accident?

A. Yes, sir.

Q. Okay. And why is that?

A. Well, I had to smog it first. /

Q. All right.

A. I didn't know I could have insurance before doing the smog.

Q. Okay. Is it correct that you had not had a smog test / on the car at the time of the accident?

A. Yes. That is correct.

Q. Okay. Let's talk now about the day of the accident.

A. All right. /

Q. On the day of the accident, were you on your way to drop off a sign?

MR. BRYAN: Objection. That is a leading question, Counselor.

MS. SANCHEZ: And that // also lacks foundation.

MR. JAMES: Well, let me rephrase.

MR. BRYAN: Thank you, Counsel.

Q. BY MR. JAMES: Ms. Brown, where were you going before the accident happened?

A. I was taking my sign / back to the office.

1 Q. Okay. Where were you working at that particular  
2 point in time?  
3 A. I worked for Park Drive Self Storage.  
4 Q. What sign are /// you talking about taking back?  
5 A. I was waving the sign on the corner.  
6 Q. You were waving a sign to advertise the company; is  
7 that right? /  
8 A. Yes. Exactly.  
9 Q. Where is Park Drive Self Storage located?  
10 A. It is right where Main turns into Southgate, I  
11 guess.  
12 Q. And do you still work for /\*(1) them today?  
13 A. No.  
14 Q. Okay. When did you stop working for that company?  
15 A. Just a couple months ago.  
16 Q. All right. Did you quit, or were you / fired?  
17 MR. BRYAN: Objection. Relevance.  
18 MS. SANCHEZ: I will join in that objection.  
19 MR. BRYAN: Maybe you could just move on.  
20 Q. BY MR. JAMES: Ms. Brown, you said you were  
21 dropping off a sign / before going back to work; is that  
22 right?  
23 A. Yes.  
24 Q. Okay. At some point in time during the day before  
25 the accident, had you done some / work for Park Drive Self

1 Storage?

2 A. Yes. Correct.

3 Q. And what had you done the previous day?

4 A. My job was to attract attention and wave the //

5 sign.

6 Q. At what locations would you do that?

7 A. He would put me on various corners of the streets.

8 Q. Okay. And then had you been doing / that prior to

9 the accident?

10 A. Yes. I had been working there for maybe five

11 months.

12 Q. Okay. On the day of the accident, please describe

13 your /// activities prior to the accident that involved

14 holding the sign.

15 A. Like the heat? What do you mean?

16 Q. Yes.

17 A. Well, it was a pretty hot day. /

18 Q. All right. Please tell us what happened to you.

19 MR. BRYAN: Objection. Calls for a narrative.

20 MS. SANCHEZ: I will join.

21 MR. JAMES: Let me break it down.

22 MR. BRYAN: Thank you, Counselor. /\*(2)

23 **END OF LEAD-IN - KEEP READING WITHOUT PAUSE**

24

25



1       **START TYPING:**

2       Q.       BY MR. JAMES:  What were you doing before the  
3       accident happened?

4       A.       I was working.  It was about 4:00, around there.  
5       That's when I started getting ready to / clean up and put  
6       my equipment away.

7       Q.       Okay.  Is that also when you left to return your  
8       sign?

9       A.       I went to the bank before and / got some money,  
10      and that's when I met the other two.

11      Q.       What other two?

12      A.       Mitchell.  I don't remember his last name.

13      Q.       Are you describing the / other guy who was involved  
14      in the accident?

15      A.       Yeah.

16      Q.       Okay.  And so you met Mitchell at the bank; right?

17      A.       Yes.

18      Q.       You had been working on // various corners, holding  
19      the sign prior to the accident; is that right?

20      A.       Correct.

21      Q.       And then you decided to take a break and go to  
22      the / bank; correct?

23      A.       Not exactly.  I was finished with my workday.  
24      Going to the bank was on my way back to the office.  It's  
25      in the /// same shopping center.

1 MR. BRYAN: You have answered the question.

2 MS. SANCHEZ: Wait for the next question.

3 THE WITNESS: Okay.

4 Q. BY MR. JAMES: It was the end of your day; is that  
5 correct?

6 A. Yes. /

7 Q. And I believe you testified that the bank was in  
8 the same shopping center; is that right?

9 A. No, not the same shopping center. It was /\*(1) the  
10 same corner that I was working on.

11 Q. Oh, I see. Okay. Sorry if I'm dense.

12 A. No problem.

13 Q. Are you testifying you went to the / bank on a  
14 personal errand?

15 A. Yes.

16 Q. Going to the bank had nothing to do with Park; is  
17 that correct?

18 A. Yes, that is correct.

19 Q. Okay. And / then you were returning back from the  
20 bank to do what at the time the accident occurred?

21 A. I was going to clock out and return / my sign.

22 Q. I see. Did you have the sign with you in your  
23 vehicle?

24 A. Yes.

25 Q. All right. In your opinion, had you already gotten

1 off // the clock as of the time of the accident?

2 A. No. He allows me to clock out when I return to the  
3 office.

4 Q. I see. Basically, / you continue to be paid until  
5 you clock out; correct?

6 A. Yes.

7 Q. Okay. Did your boss know that sometimes you did  
8 personal errands and things like /// that on the way back  
9 to the office?

10 MR. BRYAN: Objection. That is argumentative.

11 MR. JAMES: That was not my intention.

12 MS. SANCHEZ: Perhaps you could rephrase it.

13 Q. BY MR. JAMES: And had you / previously discussed  
14 with your boss the fact that you would sometimes do  
15 personal errands before you clocked out?

16 A. No. That was my first time.

17 Q. Why /\*(2) did you decide to do it?

18 A. Because my father had contacted me and asked to  
19 borrow money.

20 Q. All right. Your father called you and asked / to  
21 borrow some money; is that correct?

22 A. Correct.

23 Q. And subsequently you went to the bank to get it; is  
24 that right?

25 A. Yes, sir.

1 Q. And then / you were returning back to the office  
2 with your sign; is that correct?

3 A. Correct.

4 Q. And were you being paid for that period of time?

5 A. Yes, / I was.

6 Q. Okay. Do you remember about what time you clocked  
7 out that day?

8 A. It was about 4:15, but he was rounding it off // to  
9 4:30.

10 Q. And then the only reason that you were going back  
11 to work was to return the sign; is that right?

12 MR. BRYAN: Objection. Argumentative. /

13 MS. SANCHEZ: It also misstates the witness's  
14 testimony.

15 THE WITNESS: That is not what I said.

16 Q. BY MR. JAMES: Why were you returning to the  
17 office on the day of the accident? ///

18 A. I had to return the sign. Additionally, I needed  
19 to clock out.

20 Q. Okay. Now, you mentioned that you met Mitchell at  
21 the bank; is that / correct?

22 A. Yes. Well, I never really formally met Mitchell.  
23 I met his passenger.

24 Q. Okay.

25 A. He was the one who introduced us.

1 Q. Did you know Mitchell /\*(3) before the day of the  
2 accident?

3 A. I had seen him at school.

4 Q. What school?

5 A. At the junior college.

6 Q. Would you consider him a friend?

7 A. No. / We just had a class together.

8 Q. Okay. Had you ever had a conversation with him  
9 before the day of the accident?

10 A. No.

11 Q. And then who / was Mitchell's passenger?

12 A. All I know is his name is Vince.

13 Q. Vince. Okay.

14 Did you know Vince personally?

15 A. No.

16 Q. Okay. When you saw Vince at / the bank, was that  
17 the first occasion you were introduced to him?

18 A. Yes. I had never met him before that day.

19 MR. JAMES: Ms. Sanchez, did you // have any  
20 questions? I would like a few minutes to review my notes.

21 MS. SANCHEZ: Yes, I have a few areas to cover.

22 MR. JAMES: Why don't you go / ahead and ask them.

23 **EXAMINATION**

24 Q. BY MS. SANCHEZ: Okay. Just to summarize, you see  
25 Vince at the bank, and he introduces you to Mitchell;

1 right?

2 A. No. He introduced himself /// because he was  
3 interested in my Mustang.

4 Q. I see. And you knew Vince from school; is that  
5 correct?

6 A. No.

7 Q. Okay. How did Vince know you / or know about your  
8 vehicle?

9 A. I was at the bank with my vehicle, and he just got  
10 out and started talking to me about it. /\*(4)

11 Q. I see. For some reason I imagined it was inside  
12 the bank. I don't know why.

13 A. No. It wasn't at the teller.

14 Q. It was outside; / is that correct?

15 A. Correct.

16 Q. Did you have a "For Sale" sign on your vehicle or  
17 anything like that?

18 A. No, ma'am.

19 Q. Okay. You just observe Vince / in the parking lot,  
20 and he starts mentioning your car; is that correct?

21 A. Yes, that is right.

22 Q. What did he say about your vehicle?

23 A. He / asked me what year it is and if I was  
24 interested in selling it.

25 Q. How did you respond?

1 A. I told him maybe.

2 Q. Okay. What subsequently // happened?

3 A. He offered a \$1,000, and I told him I didn't know  
4 and that I had to think about it.

5 Q. Okay. Did that conclude / the conversation?

6 A. And then at that point, Mitchell came towards us,  
7 and he started talking about his car too.

8 Q. Okay. And what kind of car /// was he talking  
9 about?

10 A. Same car but just a newer model.

11 Q. He had a Mustang also; is that correct?

12 A. Yeah.

13 Q. Okay. Did either of you / guys brag about your  
14 vehicles?

15 A. No.

16 Q. Okay. Before that day, what is the fastest you  
17 ever drove your car?

18 A. I have had it pretty fast. /\*(5) I have had it to  
19 about 115.

20 MR. BRYAN: Objection. Relevance.

21 MS. SANCHEZ: I can still ask about it, Counsel.

22 MR. BRYAN: I have made my record.

23 MR. JAMES: The question has / been answered if  
24 you want to continue on.

25 Q. MS. SANCHEZ: Okay. That day in the parking lot,

1 did you discuss how fast your vehicles would go with /  
2 Vince and Mitchell?  
3 A. No.  
4 Q. Okay. But did you describe how well your cars  
5 operated, or did you brag about your cars at all?  
6 A. No.  
7 Q. You / just looked at each other's cars; is that  
8 right?  
9 A. I never looked at his car.  
10 Q. Okay. Anyway, what happens next? Mitchell comes  
11 up, and he // talks about your car; right?  
12 A. No. He didn't talk about my vehicle. He was  
13 trying to get me to look at his vehicle.  
14 Q. Okay.  
15 A. And / his car was not there. He was driving his  
16 mother's car, I suppose.  
17 Q. Okay.  
18 A. And after that he was telling me about how I  
19 should /// come over, follow him to come check it out.  
20 Q. Is that subsequently what you did?  
21 A Well, I didn't know why he wanted me to go. /  
22 MR. JAMES: Objection. Nonresponsive.  
23 THE WITNESS: I don't understand.  
24 MR. BRYAN: It's okay, Debbie. Just answer the  
25 questions as best you can.



1 Q. BY MS. SANCHEZ: And did you say he was not driving  
2 a /\*(6) Mustang?  
3 A. No, he was not.  
4 Q. What was he driving?  
5 A. He was driving just a Mazda.  
6 Q. Okay. And you said it was his mother's Mazda; is /  
7 that right?  
8 A. Yes.  
9 Q. Okay. Tell us what happens next.  
10 A. I left the bank, and I proceeded to leave. As I  
11 was pulling out onto Broadway, / I noticed him behind me.  
12 Q. Okay. And then what happens?  
13 A. I went around the corner, and he went around me  
14 from the left.  
15 Q. Is this / on Broadway?  
16 A. Yes.  
17 Q. Okay. Which way are you going on Broadway?  
18 A. We were going towards Main. I don't remember if  
19 that is east or west. //  
20 Q. It doesn't matter. But it is toward Main; is that  
21 correct?  
22 A. Yes. Correct.  
23 Q. Okay. How many lanes on Broadway are there at that  
24 point in / your direction?  
25 A. I believe there are three; however, I believe they

1 merge into two.

2 Q. What lane are you in?

3 A. I am in the far right /// lane.

4 Q. Okay. Which lane is he in exactly?

5 A. He is in the first lane.

6 Q. The left lane?

7 A. Correct.

8 Q. Okay. There is an empty lane between / the two of  
9 you; right?

10 A. I don't know.

11 Q. Does that sound correct? If you don't remember,  
12 it's okay. Is that your best recollection?

13 A. No. There /\*(7) wasn't a lane between us.

14 Q. Do you believe there are probably just two lanes  
15 there?

16 A. Yeah, probably two lanes there -- my lane and his  
17 lane. /

18 Q. I understand. All right.

19 A. There was no actual lane between us.

20 Q. Okay. You are in the right lane; correct?

21 A. Yes, that is correct.

22 Q. Are your / vehicles right next to each other?

23 A. No. He was ahead of me the whole while.

24 MR. JAMES: I'm sorry to interrupt, Counsel, but I  
25 did not hear / that answer.

1 MR. BRYAN: She said he was ahead of her the  
2 entire time.

3 MR. JAMES: Thank you for the clarification.

4 Q. MS. SANCHEZ: Okay. So when he first comes up  
5 next // to you, he passes you; is that correct?

6 A. Yes.

7 Q. Okay. And then what is the farthest he gets ahead  
8 of you?

9 A. Approximately three car lengths. /

10 Q. Okay. And did that happen right away?

11 A. Yes. Right after that corner I made.

12 Q. Okay. That is actually what I was thinking. You  
13 make your /// right-hand turn; correct?

14 A. No. Left-hand.

15 Q. It was a left-hand turn; correct?

16 A. That is correct.

17 Q. Okay. He comes around the corner, passes you, /  
18 and gets about three car lengths ahead; right?

19 A. Yes.

20 Q. Okay. At that point, approximately how fast do  
21 you think you are going?

22 A. 25, 30. /\*(8) I'm not going that fast.

23 Q. Do you have an estimate as to how fast he was  
24 going when he got approximately three car lengths ahead /  
25 of you?

1 A. No.

2 Q. Okay. What happens next?

3 A. I was talking to my brother, and I was asking him  
4 if he knew whether we were supposed / to follow him or  
5 not.

6 Q. Your brother was with you?

7 A. Yes.

8 Q. Is that the gentleman who is here today out in the  
9 lobby?

10 A. Correct. That's / why I brought him.

11 Q. Okay. What is his name?

12 A. Cory.

13 Q. Where does Cory reside?

14 A. He resides at my mother's house.

15 Q. Do you still reside at // the same address?

16 A. No.

17 Q. Where do you live now?

18 A. I live at my sister's house.

19 Q. Where is that?

20 A. 6844 University Avenue.

21 Q. But / your brother Cory still lives with your  
22 parents; is that correct?

23 A. Yes.

24 MS. SANCHEZ: Counsel, would you like to finish  
25 up?

1 MR. JAMES: Yes, please.

2 MR. BRYAN: Debbie, do you need /// a break?

3 THE WITNESS: No. Let's continue.

4 **EXAMINATION**

5 Q. BY. MR. JAMES: Okay. We had gotten to the point  
6 where you are proceeding on Broadway. Are you with me?

7 A. Yes.

8 Q. You are / on the right. He is approximately three  
9 car lengths ahead. Am I correct so far?

10 A. Yes, sir.

11 Q. What happens next?

12 A. I move behind him, not /\*(9) knowing whether to  
13 follow him or not.

14 Q. Okay.

15 A. Well, since I had to take my sign back, I moved  
16 back into the other lane.

17 Q. Okay. / And then what happens?

18 A. We caught a light.

19 Q. Okay. What do you mean? Can you elaborate?

20 A. Well, I'm unsure whether we caught the light or /  
21 it just turned green again.

22 Q. I understand.

23 A. I continued to proceed down the road.

24 Q. Tell us what happened after that.

25 A. And as we were driving / down the road, I could

1 see the blue Toyota.

2 Q. Was this the vehicle that was involved in the  
3 accident?

4 A. Yes, sir.

5 Q. Was that the first // occasion you noticed it that  
6 day?

7 A. Yes, it was.

8 Q. Explain to us in your own words how the accident  
9 happened.

10 A. Well, as we were driving, / I attempted to shift it  
11 into fifth, and it got stuck. I put the clutch in and  
12 pulled it back into fourth.

13 Q. Understood. Okay.

14 A. By /// the time that happened, my brother had  
15 alerted me about the vehicle that pulled out.

16 Q. Okay.

17 A. And then that is when I put it into / third and  
18 slowed down further.

19 Q. Did you actually see the accident at that point?

20 A. I was already slowed down and pulling off to the  
21 shoulder. /\*(10)

22 **END OF EXAM**

23

24

25