

In the Matter of:
Anthony Taylor vs. Samantha Schilling

Reporter's Transcript of Trial Proceedings

03/27/2018

Job #: 124995



(818)988-1900

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 41

HON. STEPHEN M. MOLONEY, JUDGE

ANTHONY TAYLOR, BY AND THROUGH HIS)
GUARDIAN AD LITEM, SHARON TAYLOR)
GRAFFT,)

PLAINTIFFS,)

VS.)

CASE NO. MC026518

SAMANTHA SCHILLING, AND DOES 1)
THROUGH 50, INCLUSIVE,)

DEFENDANTS.)

AND RELATED CROSS-ACTIONS.)

REPORTER'S TRANSCRIPT OF TRIAL PROCEEDINGS

TUESDAY, MARCH 27, 2018

APPEARANCES:

FOR THE PLAINTIFFS:

PARRIS

BY: R. REX PARRIS, ESQ.

BY: ALEXANDER R. WHEELER, ESQ.

BY: JONATHAN W. DOUGLASS, ESQ.

BY: BERNADETTE N. MANIGAULT, ESQ.

BY: RUTGER PARRIS, ESQ.

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FOR THE DEFENDANTS:

MC NEIL, TROPP & BRAUN LLP

BY: JEFF I. BRAUN, ESQ.

BY: DEBORAH S. TROPP, ESQ.

BY: TRACY L. BREUER, ESQ.

2 PARK PLAZA

SUITE 620

IRVINE, CA 92614

REPORTED BY: REAGAN EVANS, CSR 8176, RPR, RMR, CRR,
CCRR, CRC, CLR, OFFICIAL REPORTER PRO TEMPORE

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2 TUESDAY, MARCH 27, 2018

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1 CASE NUMBER: MC026518
2 CASE NAME: TAYLOR, ET AL., V. SCHILLING
3 LOS ANGELES, CA TUESDAY, MARCH 27, 2018
4 DEPARTMENT 41 HON. STEPHEN M. MOLONEY, JUDGE
5 REPORTER: REAGAN EVANS, CSR NO. 8176
6 TIME: 9:11 A.M.
7

8 APPEARANCES:

9 REPRESENTING PLAINTIFFS, R. REX PARRIS, ATTORNEY
10 AT LAW; ALEXANDER R. WHEELER, ATTORNEY AT LAW;
11 JONATHAN W. DOUGLASS, ATTORNEY AT LAW;
12 BERNADETTE N. MANIGAULT, ATTORNEY AT LAW; RUTGER
13 PARRIS, ATTORNEY AT LAW; REPRESENTING DEFENDANTS,
14 JEFF I. BRAUN, ATTORNEY AT LAW; DEBORAH S. TROPP,
15 ATTORNEY AT LAW; TRACY L. BREUER, ATTORNEY AT
16 LAW.
17

18 (THE FOLLOWING PROCEEDINGS WERE HELD IN
19 OPEN COURT OUTSIDE THE PRESENCE OF THE
20 JURY:)

21 THE COURT: GOOD MORNING.

22 ALL COUNSEL: GOOD MORNING, YOUR HONOR.

23 THE COURT: WE'RE ON THE RECORD OUTSIDE THE
24 PRESENCE OF THE JURY.

25 I LOOKED INTO THE ISSUE OF MS. PALACIOS.
26 THAT'S JUROR NO. 1. AND HER NAME IS LISTED AS MONICA
27 PALACIOS DE MARTIN. SHE'S ALSO REFERRED TO AS
28 MS. MARTINEZ, BUT SHE'S LISTED AS JUROR NO. 27. SHE'S

1 IN SEAT NO. 1.

2 YESTERDAY -- WHEN I READ THE TRANSCRIPT OF
3 WHAT TOOK PLACE WITH HER YESTERDAY -- I REREAD IT IN
4 CHAMBERS -- ACCORDING TO MS. GONZALEZ, WHO SPOKE TO
5 MS. PALACIOS, MS. PALACIOS SAID SHE UNDERSTANDS ABOUT
6 50 PERCENT OF WHAT IS BEING SAID. SHE INDICATED HER
7 ENGLISH IS POOR. SHE INDICATED THAT A PROBLEM FOR HER
8 WAS ESPECIALLY THE FACT THAT LAWYERS AND THE COURT
9 APPARENTLY SPEAK FAST AND USE BIG WORDS.

10 THEN SHE INDICATED WHEN SHE WAS QUESTIONED
11 AS TO HOW MUCH SHE UNDERSTANDS, SHE SAID, "I UNDERSTAND
12 20 PERCENT."

13 I SAID AT ONE POINT YESTERDAY SOMETHING TO
14 THE EFFECT OF, "YOUR ENGLISH IS GOOD. I UNDERSTAND
15 WHAT YOU SAY AND YOU ARE ANSWERING MY QUESTIONS."

16 THEN SHE SAID, "WELL, PEOPLE TALK TOO FAST
17 AND I LOSE A LOT OF WORDS."

18 SO THEN I WENT OVER MY NOTES FROM VOIR
19 DIRE. AND I HAD WRITTEN THERE SHE HAS MEDICAL ISSUES,
20 HAD A KIDNEY TRANSPLANT, WAS TREATED FOR BREAST CANCER.
21 THERE'S A SCHEDULING -- WE'D LOSE A HALF DAY ON MONDAY.
22 MONDAY SHE HAS AN APPOINTMENT, APRIL 2ND, 2018, AT 8:30
23 A.M. I DON'T KNOW THAT SHE CAN GET HERE BEFORE THE
24 NOON HOUR.

25 SHE INDICATED DURING VOIR DIRE BY MYSELF
26 AND COUNSEL THAT SHE'S NERVOUS, BUT, SHE SAID -- AND I
27 BELIEVE IT WAS MR. PARRIS QUESTIONING -- THAT SHE WOULD
28 WRITE OUT THE QUESTION IF SHE CANNOT UNDERSTAND. SHE

1 SAID SHE WOULD SERVE IF NECESSARY, AND SHE SAID SHE WAS
2 ANXIOUS.

3 AND I WROTE ON ISSUES, FOR MY OWN PERSONAL
4 NOTES, HEALTH, QUESTION MARK AND LANGUAGE, QUESTION
5 MARK.

6 THE ISSUE IS, IS MS. PALACIOS UNABLE TO
7 PERFORM THE DUTIES OF A JUROR? IS SHE REQUESTING A
8 DISCHARGE FOR GOOD CAUSE?

9 AND WHAT I'VE HEARD SO FAR IS THE
10 FOLLOWING: THAT SHE WAS ONE OF THE 12 COUNSEL PASSED
11 FOR CAUSE, ACCORDING TO MY NOTES. NO PEREMPTORY HAS
12 BEEN EXERCISED SO FAR. AND NOW THE JURY HAS BEEN
13 SWORN. SO SHE IS A SWORN JUROR.

14 SHE INDICATED AT ONE POINT SHE UNDERSTANDS
15 50 PERCENT, WHEN SHE TOLD MS. GONZALEZ. SHE SAID
16 YESTERDAY SHE UNDERSTANDS 20 PERCENT.

17 MY COMMENTS, WHICH I'VE ALREADY READ, WERE
18 TO THE EFFECT THAT I TOLD HER I FELT HER ENGLISH WAS
19 GOOD; THAT IS, WHAT SHE SPEAKS. I SAID I FELT SHE
20 UNDERSTOOD WHAT I WAS SAYING BECAUSE SHE WAS ANSWERING
21 MY QUESTIONS.

22 SO THE BIGGEST CONCERN SEEMS TO BE TALKING
23 TOO FAST AND USING BIG WORDS. NOT AN UNCOMMON PROBLEM
24 FOR OTHERS.

25 SINCE BOTH COUNSEL PASSED FOR CAUSE, I
26 DON'T SEE A BASIS TO REMOVE HER BASED ON EVERYTHING
27 I'VE SEEN AT THIS POINT. IF SHE INDICATES AT SOME
28 POINT DURING THE NEXT COUPLE OF WEEKS THAT SHE DOESN'T

1 UNDERSTAND ANYTHING AND WE HAVE TO QUESTION HER, THAT'S
2 SOMETHING DIFFERENT, BUT WE'RE NOT THERE YET.

3 ANYTHING FURTHER, MR. PARRIS?

4 MR. REX PARRIS: NO, YOUR HONOR.

5 THE COURT: MR. BRAUN?

6 MR. BRAUN: I AM COMPLETELY FINE WITH WHAT THE
7 COURT DECIDES ON THIS, YOUR HONOR. I JUST -- THE FACT
8 THAT WE'VE GOT SO MANY JURORS OUT HERE, YOU'VE GOT A
9 WOMAN THAT'S EXPRESSING CONCERNS ABOUT HER HEALTH, YOU
10 KNOW, ON TOP OF THE LANGUAGE ISSUE THAT MAY OR MAY NOT
11 BE SUFFICIENT, BUT JUST HER HEALTH REALLY CONCERNS HER,
12 AND I THINK IT'S SOMETHING THAT WE SHOULD BE COGNIZANT
13 OF AND HAVE SOME TYPE OF -- PUT SOME TYPE OF VALUE ON
14 THAT.

15 SHE JUST RECENTLY RECOVERED FROM BREAST
16 CANCER, SHE'S GOT FOLLOW-UPS. SHE'S TOLD US ON THE
17 QUESTIONNAIRE THAT SHE SUFFERS FROM ANXIETY AND HAS
18 PANIC ATTACKS.

19 I JUST DON'T UNDERSTAND WHY, I MEAN, WITH
20 20-SOME JURORS STILL LEFT IN THE AUDIENCE, WE CAN'T
21 FIND A SUFFICIENT REPLACEMENT FOR HER SO SHE CAN GO ON
22 WITH HER LIFE AND WORRY ABOUT HER HEALTH.

23 THE COURT: WE HAVE A JURY. I WENT THROUGH MY
24 NOTES, BUT I DIDN'T REVIEW THE ENTIRE TRANSCRIPT.

25 BUT MY RECOLLECTION -- AND YOU CAN CORRECT
26 IT IF I'M WRONG -- IS THAT NEITHER SIDE CHALLENGED HER
27 FOR CAUSE. I DIDN'T SEE ANYTHING IN MY NOTES.

28 YOU BOTH AGREE ON THAT.

1 MR. BRAUN: TOTALLY AGREE. AND I DON'T KNOW THAT
2 HER OWN HEALTH, YOU KNOW, FORGIVE ME FOR MY IGNORANCE,
3 BUT IF I THOUGHT HER OWN HEALTH WAS AN ISSUE FOR ME TO
4 CHALLENGE FOR CAUSE, I PROBABLY WOULD HAVE RAISED IT.

5 THE COURT: WELL, I'M JUST TRYING TO ESTABLISH
6 THE CRITERIA. SO THERE'S NO CHALLENGE FOR CAUSE.

7 MR. BRAUN: CORRECT.

8 THE COURT: AND THEN IF YOU STIPULATE TO REMOVE
9 HER, I WOULD REMOVE HER BECAUSE SHE'S ASKED TO BE
10 REMOVED. AND IF YOU HAVE A STIPULATION -- FOR EXAMPLE,
11 SOMETIMES PEOPLE HAVE LANGUAGE ISSUES AND THEY CAN'T
12 ANSWER ANY QUESTIONS AND THE LAWYERS WILL SAY, I DON'T
13 NEED TO ASK ANYTHING MORE, I'LL STIPULATE.

14 WHAT I HEARD YESTERDAY, WHAT THE
15 TRANSCRIPT SAYS, IS THAT MR. PARRIS AGREES TO THE
16 PROCEDURE TO CONSIDER WHETHER SHE SHOULD BE REMOVED BUT
17 DOESN'T AGREE TO HER REMOVAL. SO THERE WAS NO
18 STIPULATION.

19 MR. BRAUN: I AGREE.

20 THE COURT: IS THAT A CORRECT STATEMENT,
21 MR. PARRIS?

22 MR. REX PARRIS: THAT'S CORRECT, YOUR HONOR.

23 THE COURT: ALL RIGHT. SO THERE'S NO
24 STIPULATION.

25 SO I DON'T SEE A BASIS TO REMOVE HER AT
26 THIS POINT. I'VE GONE OVER -- THE CASES ARE USUALLY
27 CRIMINAL CASES IN THIS TYPE OF SITUATION, NOT CIVIL.
28 AND THEY ARE -- AGAIN, THEY'RE CRIMINAL CASES THAT YOU

1 LOOK AT. AND I LOOKED THROUGH THOSE AND I DON'T SEE A
2 BASIS AT THIS POINT.

3 SO THIS IS WITHOUT PREJUDICE. IF SHE
4 COMES BACK, I'LL HAVE TO REVISIT THE ISSUE BECAUSE A
5 JUROR HAS TO BE ABLE TO PARTICIPATE. AND IF THEY CAN'T
6 UNDERSTAND WORDS AND IT INCREASES, THEN THAT'S A FACTOR
7 I'LL HAVE TO CONSIDER, BUT I DON'T THINK THERE'S
8 ANYTHING SUFFICIENT NOW.

9 MR. BRAUN: SO IN LIGHT OF THAT RULING, ARE WE
10 GOING TO STICK TO THREE ALTERNATES?

11 THE COURT: CORRECT.

12 MR. BRAUN: OKAY.

13 THE COURT: CORRECT. YEAH. WE HAVE -- LET ME
14 GET MY PAPERWORK OUT HERE. OUR JUROR -- MY OTHER
15 CONCERN IS MS. NELSON. THIS IS -- I THINK IT'S THE
16 SECOND OR THIRD DAY SHE'S LATE AND IT'S A SIGNIFICANT
17 LATE -- SHE'S LATE SIGNIFICANTLY.

18 MR. BRAUN: YEAH.

19 THE COURT: WE'RE LOSING A LOT OF TIME.

20 I ALSO WANTED TO REVISIT ANOTHER ISSUE.

21 THIS CAN GO OFF THE RECORD AND THEN WILL
22 COME BACK AND SUMMARIZE ON THE RECORD.

23 (OFF THE RECORD FROM 9:18 A.M. TO

24 9:25 A.M.)

25 THE COURT: WE'RE GOING TO BRING THE JURORS IN.
26 THESE ARE PROSPECTIVE ALTERNATES NOW THAT ARE COMING
27 IN.

28 ///

1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT IN THE PRESENCE OF THE
3 JURY:)

4 THE CLERK: PLEASE COME TO ORDER. DEPARTMENT 41
5 IS AGAIN IN SESSION.

6 THE HONORABLE STEPHEN M. MOLONEY, JUDGE
7 PRESIDING.

8 THE COURT: LADIES AND GENTLEMEN, GOOD MORNING.
9 WELCOME BACK TO DEPARTMENT 41.

10 WE START A LITTLE LATE, BUT WE HAVE TO
11 WAIT UNTIL EVERYONE ARRIVES. WE DID NOT HAVE EVERYONE
12 AT NINE O'CLOCK. THAT'S WHY WE'RE STARTING AT 9:27.

13 WE HAVE SOME GUESTS HERE, STUDENTS FROM
14 SOUTHWESTERN LAW SCHOOL. YOU PROBABLY WONDER WHY THE
15 OTHER SIDE OF THE COURTROOM IS FILLED. THEY'RE HERE TO
16 OBSERVE AND LEARN. THEY WILL BE TRIAL LAWYERS
17 THEMSELVES, SOME OF THEM, SOMEDAY, SO THEY'RE HERE TO
18 WATCH THE PROCEEDINGS.

19 AT THIS TIME, I'M GOING TO THANK AND
20 EXCUSE MS. BEAR.

21 PROSPECTIVE JUROR BEAR: OH, THANK YOU.

22 THE COURT: THANK YOU FOR YOUR SERVICE. I HAD TO
23 HAVE YOU COME BACK THIS MORNING SO THAT WE COULD
24 DISCUSS THESE ISSUES. I DIDN'T WANT TO YOU HAVE TO
25 REMAIN LAST NIGHT.

26 BUT THANK YOU FOR YOUR SERVICE. IF YOU
27 WOULD GO TO THE JURY ASSEMBLY ROOM, PLEASE.

28 PROSPECTIVE JUROR BEAR: OKAY. THANK YOU.

1 THE COURT: AND IF WE COULD HAVE A JUROR FOR
2 ALTERNATE SEAT NO. 3 FOR MS. BEAR.

3 THE CLERK: JAMES DITTER. PLEASE TAKE ALTERNATE
4 SEAT NO. 3.

5 THE COURT: MR. DITTER, GOOD MORNING.

6 PROSPECTIVE JUROR DITTER: GOOD MORNING.

7 THE COURT: TELL US ABOUT YOUR WORK. IT -- YOU
8 WORK AT PASADA.

9 PROSPECTIVE JUROR DITTER: IT'S A RESIDENTIAL
10 FACILITY FOR SENIOR CITIZENS.

11 THE COURT: AS A RESIDENTIAL FACILITY FOR SENIOR
12 CITIZENS, WHAT DO YOU DO THERE?

13 PROSPECTIVE JUROR DITTER: I SERVE THE MEALS TO
14 THE RESIDENTS. I'M A SERVER.

15 THE COURT: AND YOU'VE BEEN THERE FOR A NUMBER OF
16 YEARS?

17 PROSPECTIVE JUROR DITTER: ACTUALLY, IT WILL BE
18 NINE YEARS IN JULY.

19 THE COURT: IS IT PART TIME OR FULL TIME?

20 PROSPECTIVE JUROR DITTER: PART TIME.

21 THE COURT: ABOUT HOW MANY HOURS?

22 PROSPECTIVE JUROR DITTER: I WOULD SAY, AVERAGE,
23 ABOUT 25 TO 30.

24 THE COURT: DO YOU HAVE ANY OTHER EMPLOYMENT?

25 PROSPECTIVE JUROR DITTER: NO.

26 THE COURT: YOU WERE -- IS IT -- IT WAS A
27 CROSSING GUARD?

28 PROSPECTIVE JUROR DITTER: I WAS A CROSSING GUARD

1 FOR A LITTLE WHILE.

2 THE COURT: FOR A COUPLE OF YEARS.

3 PROSPECTIVE JUROR DITTER: A YEAR AND A HALF.

4 THE COURT: OKAY. YOU LIKE TO READ THE

5 "LOS ANGELES TIMES" AND "PEOPLE" MAGAZINE?

6 PROSPECTIVE JUROR DITTER: YES. YES.

7 THE COURT: AND YOUR INTEREST IS IN MUSIC.

8 PROSPECTIVE JUROR DITTER: YES. YES.

9 THE COURT: AND THE FIGURE YOU ADMIRE MOST IS
10 EDDIE VAN HALEN.

11 PROSPECTIVE JUROR DITTER: YES. YES.

12 THE COURT: TELL US -- I KNOW WHO HE IS. TELL US
13 ABOUT THAT.

14 PROSPECTIVE JUROR DITTER: WELL, VAN HALEN HAS
15 ALWAYS -- ALWAYS BEEN MY FAVORITE ROCK BAND. I GREW UP
16 TO THEM WHEN I WAS A TEENAGER, HIGH SCHOOL YEARS, AND I
17 JUST GOT REALLY INTO THEM.

18 THE COURT: OKAY. LET ME GO OVER A COUPLE MORE
19 QUESTIONS.

20 DO YOU HAVE ANY TRAINING IN MEDICINE OR
21 ANYTHING LIKE THAT?

22 PROSPECTIVE JUROR DITTER: OH, NO. NO.

23 THE COURT: C.P.R.?

24 PROSPECTIVE JUROR DITTER: NO.

25 THE COURT: HAVE YOU EVER FILED A LAWSUIT?

26 PROSPECTIVE JUROR DITTER: NO.

27 THE COURT: HAS ANYONE EVER SUED YOU?

28 PROSPECTIVE JUROR DITTER: NO.

1 THE COURT: AND YOU'VE NEVER BEEN A JUROR BEFORE?

2 PROSPECTIVE JUROR DITTER: NO.

3 THE COURT: IT SAYS HERE YOU DON'T SUPPORT CAPS
4 OR LIMITS ON WHAT CAN BE RECOVERED IN A LAWSUIT; IS
5 THAT CORRECT?

6 PROSPECTIVE JUROR DITTER: YES. YES.

7 THE COURT: AND YOU WERE ASKED THESE QUESTIONS.
8 YOU WROTE "NO" TO ALL OF THEM. LET ME READ THEM. (AS
9 READ AND/OR REFLECTED):

10 DO YOU BELIEVE THERE ARE TOO MANY
11 LAWSUITS?

12 NO.

13 DO YOU BELIEVE JURY AWARDS ARE TOO
14 HIGH?

15 NO.

16 DO YOU BELIEVE PEOPLE ARE TOO READY TO
17 SUE?

18 NO.

19 DO YOU BELIEVE LAWSUITS ARE COSTING US
20 ALL TOO MUCH MONEY?

21 NO.

22 YOU WROTE "NO" TO ALL OF THOSE. TELL US
23 WHY.

24 PROSPECTIVE JUROR DITTER: WELL, I JUST DON'T
25 FEEL LIKE, YOU KNOW, A LOT OF THOSE THINGS ARE
26 HAPPENING WHEN I -- FOR MYSELF.

27 THE COURT: IS THIS BASED ON SOMETHING THAT
28 YOU'VE READ IN THE PAPER OR ON-LINE OR WHAT?

1 PROSPECTIVE JUROR DITTER: MORE OR LESS PAPER.

2 THE COURT: THIS IS THE "LOS ANGELES TIMES"?

3 PROSPECTIVE JUROR DITTER: YEAH. YEAH.

4 THE COURT: OKAY. THIS IS ANOTHER QUESTION. YOU
5 WERE ASKED THIS (AS READ AND/OR REFLECTED):

6 IS THERE ANYTHING ABOUT THIS CASE
7 THAT YOU FEEL WOULD MAKE IT DIFFICULT
8 FOR YOU TO SIT AS A JUROR?
9 AND YOU CHECKED "NO."

10 PROSPECTIVE JUROR DITTER: NO. NO.

11 THE COURT: DO YOU BELIEVE YOU CAN BE A JUROR IN
12 THIS CASE?

13 PROSPECTIVE JUROR DITTER: I THINK SO. YEAH.

14 THE COURT: ARE YOU WILLING TO BE A JUROR?

15 PROSPECTIVE JUROR DITTER: WILLING, YES.

16 THE COURT: DO YOU HAVE THE TIME TO BE A JUROR?

17 PROSPECTIVE JUROR DITTER: YEAH. YES.

18 THE COURT: AN ALTERNATE JUROR AT THIS POINT.

19 PROSPECTIVE JUROR DITTER: YES. YES.

20 THE COURT: ALL RIGHT. YOU WERE ASKED YOUR
21 OPINION ABOUT AWARDING MONEY DAMAGES; IN OTHER WORDS,
22 MEDICALS, LOSS OF EARNINGS, PAIN AND SUFFERING, THAT
23 TYPE OF THING.

24 PROSPECTIVE JUROR DITTER: UH-HUH.

25 THE COURT: AND YOU WROTE "POSITIVE."

26 WHAT DID YOU MEAN BY THAT WHEN YOU WROTE
27 "POSITIVE"?

28 PROSPECTIVE JUROR DITTER: I GUESS I WOULD BE

1 WILLING TO AWARD MONEY FOR DAMAGES IN A POSITIVE WAY.

2 THE COURT: ALL RIGHT. DO YOU HAVE ANY ETHICAL,
3 RELIGIOUS, OR POLITICAL, OR OTHER BELIEFS THAT WOULD
4 MAKE IT DIFFICULT FOR YOU TO BE A JUROR IN THIS CASE?

5 PROSPECTIVE JUROR DITTER: NO. NO.

6 THE COURT: NOW, LET ME ASK YOU A COUPLE OF OTHER
7 QUESTIONS, THEN I'LL TURN IT OVER TO THE ATTORNEYS.

8 YOU'VE BEEN HERE NOW FOR A NUMBER OF DAYS.

9 PROSPECTIVE JUROR DITTER: YES. YES.

10 THE COURT: YOU'VE HEARD A LOT OF QUESTIONS,
11 HAVEN'T YOU?

12 PROSPECTIVE JUROR DITTER: YES. YES.

13 THE COURT: BASED ON ALL OF THOSE QUESTIONS, IS
14 THERE ANYTHING YOU SAID "I WOULD LIKE TO BRING THIS UP
15 WHEN I GET CALLED IF THAT HAPPENS"?

16 PROSPECTIVE JUROR DITTER: NO. NO.

17 THE COURT: YOU HAVE A PLAINTIFF, AND YOU
18 UNDERSTAND THAT'S THE PLAINTIFF -- THAT'S THE PERSON
19 SUING.

20 PROSPECTIVE JUROR DITTER: YES. YES.

21 THE COURT: AND YOU HAVE A DEFENDANT, AND THAT'S
22 THE PERSON BEING SUED.

23 YOU UNDERSTAND THAT?

24 PROSPECTIVE JUROR DITTER: YES. YES.

25 THE COURT: HAVE YOU TAKEN SIDES IN THIS CASE
26 ALREADY?

27 PROSPECTIVE JUROR DITTER: OH, NO.

28 THE COURT: YOU HAVE AN OPEN MIND?

1 PROSPECTIVE JUROR DITTER: YES, I DO.

2 THE COURT: YOU'RE WILLING TO LISTEN TO THE
3 EVIDENCE?

4 PROSPECTIVE JUROR DITTER: YES, I AM.

5 THE COURT: ALL RIGHT. AND YOU BELIEVE YOU CAN
6 BE FAIR?

7 PROSPECTIVE JUROR DITTER: YES, I CAN.

8 THE COURT: ALL RIGHT.

9 MR. PARRIS.

10 MR. REX PARRIS: GOOD MORNING, MR. DITTER.

11 PROSPECTIVE JUROR DITTER: YES.

12 MR. REX PARRIS: THE COURT JUST ASKED YOU ABOUT
13 TAKING SIDES; RIGHT?

14 PROSPECTIVE JUROR DITTER: UH-HUH.

15 MR. REX PARRIS: NOW, THAT MEANS SOMETHING
16 DIFFERENT IN THIS CASE. THEY'VE ADMITTED EVERYTHING.

17 PROSPECTIVE JUROR DITTER: YES.

18 MR. REX PARRIS: RIGHT?

19 PROSPECTIVE JUROR DITTER: UH-HUH.

20 MR. REX PARRIS: THERE IS -- I MEAN, AT SOME
21 POINT YOU HAVE TO RENDER A VERDICT AND IT WILL INVOLVE
22 GIVING MONEY TO MR. TAYLOR.

23 PROSPECTIVE JUROR DITTER: YES. YES.

24 MR. REX PARRIS: OKAY? WHEN WE SAY "TAKING
25 SIDES," WHAT WE'RE TALKING ABOUT, CAN YOU DO THAT
26 FAIRLY AND WITHOUT REGARD TO SYMPATHY EITHER FOR THE
27 DEFENDANT OR FOR MR. TAYLOR?

28 PROSPECTIVE JUROR DITTER: YES, I COULD.

1 MR. REX PARRIS: OKAY. THE ONLY THING ABOUT YOUR
2 QUESTIONNAIRE THAT CONCERNED ME WAS THAT YOU SAID YOU
3 THOUGHT MOST TRAGIC -- YOU AGREED THAT MOST TRAGIC
4 ACCIDENTS ARE THE RESULT OF GOD'S WILL.

5 DO YOU REMEMBER THAT?

6 PROSPECTIVE JUROR DITTER: UH-HUH.

7 MR. REX PARRIS: COULD YOU TALK TO ME A LITTLE
8 BIT ABOUT THAT?

9 PROSPECTIVE JUROR DITTER: WELL, I GUESS BASED
10 ON -- WHAT I GUESS I MEAN IS I GUESS SOMETIMES THAT, I
11 GUESS, HAPPENS WITH -- BECAUSE I GUESS YOU GET -- YOU
12 NEVER KNOW WHEN THINGS ARE GOING TO HAPPEN, ONLY HE
13 DOES. ONLY THE GOOD LORD KNOWS WHEN THESE THINGS ARE
14 GOING TO HAPPEN.

15 MR. REX PARRIS: OKAY. LET'S DRILL DOWN A LITTLE
16 BIT MORE, OKAY.

17 PROSPECTIVE JUROR DITTER: UH-HUH.

18 MR. REX PARRIS: OKAY? I TAKE IT THAT YOU HAVE
19 RELIGIOUS BELIEFS ABOUT THESE SORT OF THINGS; RIGHT?

20 PROSPECTIVE JUROR DITTER: YEAH. YEAH. I GUESS,
21 YEAH.

22 MR. REX PARRIS: OKAY. IS THERE ANYTHING ABOUT
23 THOSE BELIEFS THAT MAKE -- THAT CAUSE YOU TO BELIEVE
24 PEOPLE SHOULD NOT BE 100 PERCENT ACCOUNTABLE IF THEY
25 COMMIT A NEGLIGENT ACT?

26 PROSPECTIVE JUROR DITTER: I GUESS NOT, NO.

27 MR. REX PARRIS: OKAY. YOU GUESS NOT?

28 PROSPECTIVE JUROR DITTER: OR I GUESS MAYBE -- I

1 DON'T --

2 MR. REX PARRIS: WHAT I'M ASKING YOU IS, IS THERE
3 ANY RESERVATION HOLDING PEOPLE 100 PERCENT ACCOUNTABLE
4 FOR WHAT THEY -- ANY NEGLIGENT ACT THEY PERFORM?

5 PROSPECTIVE JUROR DITTER: YEAH, I GUESS SO.
6 YEAH.

7 MR. REX PARRIS: OKAY. IS THAT FAIR TO YOU?

8 PROSPECTIVE JUROR DITTER: THAT'S FAIR TO ME,
9 YES.

10 MR. REX PARRIS: OKAY. NOW, YOU HEARD ABOUT, YOU
11 KNOW, MILLIONS OF DOLLARS IN THIS CASE.

12 PROSPECTIVE JUROR DITTER: UH-HUH.

13 MR. REX PARRIS: AND ARE YOU GOING TO BE ABLE TO
14 DO THAT, EVEN THOUGH YOUR ANSWER ABOUT GOD'S WILL?

15 PROSPECTIVE JUROR DITTER: YES, I COULD DO THAT.

16 MR. REX PARRIS: OKAY. IF THE -- IF ALL OF THE
17 FACTS SUPPORT IT; RIGHT?

18 PROSPECTIVE JUROR DITTER: YES. YES.

19 MR. REX PARRIS: GOOD. LET'S GO THROUGH THE --
20 THE --

21 THE COURT: YES, SIR.

22 PROSPECTIVE JUROR GALEANO: I HAVE A QUESTION.

23 WHY THIS BOARD UP HERE ONLY JUST TO THE
24 OVER HERE? NOT THE FIRST DAY THAT WE START THE
25 SELECTING -- WHEN YOU START SELECTING THE JURIES?

26 THE COURT: WELL, I DON'T KNOW THE ANSWER TO THE
27 QUESTION, BUT ONE OF THE LAWYERS DECIDED TO PUT IT UP
28 AT THAT POINT TO ASK QUESTIONS, WHICH IF THERE'S NO

1 OBJECTION, THEY CAN DO THAT. THEY CAN PUT THAT UP
2 THERE.

3 PROSPECTIVE JUROR GALEANO: NO. NO. NO. MY
4 POINT IS BECAUSE WHEN I GO THROUGH ALL OF THE POINTS,
5 MAYBE SOME WILL BE DIFFERENT, DIFFERENT OPINION.

6 THE COURT: I UNDERSTAND THAT. BUT THAT ISSUE
7 WAS NOT BROUGHT UP BY THE ATTORNEYS AT THAT POINT.

8 SO YOU'VE BEEN SWORN IN AS A JUROR. AND
9 YOU'VE BEEN PASSED FOR CAUSE. SO YOU'RE A JUROR IN
10 THIS CASE.

11 WE'RE NOT GOING TO QUESTION YOU ABOUT THAT
12 CHART. ALL RIGHT?

13 PROSPECTIVE JUROR GALEANO: DO YOU TREAT US
14 EQUALLY LIKE THE FIRST DAY THAT WE CLOSE THE DOOR AND
15 OVER HERE AND -- THIS IS SOMETHING DIFFERENT FOR ME.

16 THE COURT: I UNDERSTAND. AND WHAT WE'LL DO
17 IS --

18 PROSPECTIVE JUROR GALEANO: THERE'S SOMETHING --
19 LIKE, I SEE WHAT THE DATE IS, SOME THINGS ARE
20 QUALITATIVE AND CONFUSE ME.

21 THE COURT: AND WHAT WE'LL DO IS, IF NECESSARY,
22 I'LL TALK TO THE LAWYERS ABOUT IT, AND WE CAN TALK
23 ABOUT IT OUTSIDE THE PRESENCE OF THE OTHER JURORS. WE
24 CAN TAKE THAT UP.

25 BUT RIGHT NOW WE'RE QUESTIONING
26 MR. DITTER. SO WE'LL FINISH THAT UP, AND THEN WE CAN
27 COME BACK AND DISCUSS THAT, MR. GALEANO, WITH YOU
28 ALONE.

1 PROSPECTIVE JUROR GALEANO: OKAY.

2 THE COURT: ALL RIGHT. THANK YOU FOR RAISING
3 YOUR HAND.

4 ALL RIGHT. LET'S GO AHEAD, MR. PARRIS.

5 MR. REX PARRIS: MR. DITTER, COULD YOU ANSWER
6 THOSE -- WELL, WE DON'T HAVE TO GO THROUGH ALL OF THEM,
7 BUT IS THERE ANY OF THOSE TEN ITEMS THAT YOU HAVE A
8 NEGATIVE FEELING ABOUT?

9 PROSPECTIVE JUROR DITTER: NO, I DON'T.

10 MR. REX PARRIS: OKAY. YOU COULD LOOK -- LISTEN
11 TO THE FACTS AND IF WE SHOW THAT THERE'S NOTHING ABOUT
12 COMPENSATING SOMEBODY FOR THE LOSS OF THOSE -- YOU
13 CAN'T TOUCH THEM.

14 PROSPECTIVE JUROR DITTER: RIGHT. RIGHT.

15 MR. REX PARRIS: YOU CAN'T -- YOU KNOW, YOU CAN'T
16 HOLD THEM IN YOUR HAND; RIGHT?

17 PROSPECTIVE JUROR DITTER: YES. YES.

18 MR. REX PARRIS: IT'S NOT LIKE A MEDICAL
19 PROCEDURE THAT SOMEBODY DOES.

20 PROSPECTIVE JUROR DITTER: UH-HUH.

21 MR. REX PARRIS: RIGHT?

22 PROSPECTIVE JUROR DITTER: RIGHT.

23 MR. REX PARRIS: AND EVEN THOUGH YOU CAN'T HOLD
24 IT IN YOUR HAND --

25 PROSPECTIVE JUROR DITTER: YES.

26 MR. REX PARRIS: -- ARE YOU WILLING TO PUT A
27 VALUE ON IT?

28 PROSPECTIVE JUROR DITTER: YES. YES.

1 MR. REX PARRIS: OKAY. AND ONE OF THE THINGS
2 YOU'RE GOING TO BE ASKED TO DO IS BY THE PREPONDERANCE
3 OF THE EVIDENCE.

4 PROSPECTIVE JUROR DITTER: UH-HUH.

5 MR. REX PARRIS: THAT IT JUST HAS TO BE A LITTLE
6 BIT MORE.

7 PROSPECTIVE JUROR DITTER: YES. YES.

8 MR. REX PARRIS: RIGHT?

9 PROSPECTIVE JUROR DITTER: UH-HUH.

10 MR. REX PARRIS: NOW, THAT OFTENTIMES MEANS YOU
11 DON'T HAVE 100 PERCENT CONFIDENCE THAT THAT'S WHAT IT
12 IS.

13 PROSPECTIVE JUROR DITTER: RIGHT.

14 MR. REX PARRIS: YOU ONLY HAVE A 51 PERCENT
15 CONFIDENCE.

16 PROSPECTIVE JUROR DITTER: YES.

17 THE COURT: MR. PARRIS, I THINK WE'VE COVERED
18 THIS GROUND. SO IT'S ABOUT FIVE MINUTES AT THIS POINT,
19 WHY DON'T YOU WRAP UP, PLEASE.

20 MR. REX PARRIS: YES, SIR.

21 ARE YOU GOING TO HAVE ANY RESERVATIONS
22 ABOUT FIGURING OUT WHAT HE -- HOW LONG HE'S LIKELY TO
23 LIVE, HOW MANY YEARS HE'S BEEN DEPRIVED OF AS A RESULT
24 OF THE CRASH, AND THEN DECIDING ON A MONEY AMOUNT FOR
25 EACH ONE OF THOSE YEARS?

26 PROSPECTIVE JUROR DITTER: YEAH.

27 MR. REX PARRIS: CAN YOU DO THAT?

28 PROSPECTIVE JUROR DITTER: YES, I COULD.

1 MR. REX PARRIS: OKAY. THANK YOU.

2 THE COURT: THANK YOU, MR. PARRIS.

3 MR. BRAUN, PLEASE.

4 MR. BRAUN: THANK YOU, YOUR HONOR.

5 GOOD MORNING, MR. DITTER.

6 PROSPECTIVE JUROR DITTER: GOOD MORNING.

7 MR. BRAUN: SO I SAW THAT YOU WENT AND HAD SOME
8 COLLEGE STUDIES. WHAT DID YOU STUDY WHEN YOU WERE IN
9 SCHOOL?

10 PROSPECTIVE JUROR DITTER: OH, JUST GENERAL
11 EDUCATION.

12 MR. BRAUN: AND FOR HOW LONG WERE YOU IN COLLEGE?

13 PROSPECTIVE JUROR DITTER: I WOULD SAY MAYBE
14 YEAR -- MAYBE ONE OR TWO YEARS.

15 MR. BRAUN: WHAT LINE OF WORK WERE YOUR PARENTS
16 IN?

17 PROSPECTIVE JUROR DITTER: MY MOM WAS -- SHE
18 WORKED AS A BILLER FOR DIFFERENT COMPANIES.

19 MR. BRAUN: YOU SAID AS A BILLER?

20 PROSPECTIVE JUROR DITTER: YEAH. YEAH.

21 MR. BRAUN: DO YOU KNOW WHAT TYPE OF COMPANIES
22 SHE WORKED FOR?

23 PROSPECTIVE JUROR DITTER: I KNOW SHE WORKED FOR
24 SOUTHERN CALIFORNIA EDISON FOR A LITTLE WHILE.

25 MR. BRAUN: OKAY. AND WAS YOUR FATHER, WAS HE
26 WORKING AS WELL?

27 PROSPECTIVE JUROR DITTER: YES. HE WAS A
28 FORKLIFT MECHANIC.

1 MR. BRAUN: OKAY. AND ARE THEY STILL EMPLOYED?
2 ARE THEY STILL --

3 PROSPECTIVE JUROR DITTER: OH, NO, THEY'RE BOTH
4 RETIRED.

5 MR. BRAUN: OKAY. DO YOU CURRENTLY LIVE ALONE?

6 PROSPECTIVE JUROR DITTER: YES.

7 MR. BRAUN: IN THE TIME THAT YOU'VE SPENT OVER AT
8 PASADA, HAS IT ALWAYS BEEN IN THE KITCHEN, ESSENTIALLY?

9 PROSPECTIVE JUROR DITTER: YES, PRETTY MUCH --
10 DINING ROOM. DINING ROOM.

11 MR. BRAUN: AND IN YOUR WORK AS A SERVER, DO YOU
12 INTERACT WITH THE RESIDENTS THERE?

13 PROSPECTIVE JUROR DITTER: YES, I DO.

14 MR. BRAUN: AND ARE THESE MOSTLY RETIRED
15 CITIZENS?

16 PROSPECTIVE JUROR DITTER: YES, THEY ARE. YES,
17 THEY ARE.

18 MR. BRAUN: DO YOU DEAL WITH ANY INDIVIDUALS THAT
19 HAVE DISABILITIES?

20 PROSPECTIVE JUROR DITTER: NO.

21 MR. BRAUN: AND IN THE TIME THAT YOU'VE BEEN
22 THERE, IT'S BEEN STRICTLY AS A SERVER?

23 PROSPECTIVE JUROR DITTER: YES.

24 MR. BRAUN: I WANTED TO ASK YOU SOME QUESTIONS
25 ABOUT YOUR JUROR QUESTIONNAIRE. OKAY?

26 PROSPECTIVE JUROR DITTER: UH-HUH.

27 MR. BRAUN: ONE OF THE QUESTIONS ASKED YOU
28 WHETHER YOU WOULD FEEL SYMPATHY FOR SOMEONE WHO BECAME

1 A QUADRIPLAGIC AS A RESULT OF SOMEONE'S NEGLIGENCE, AND
2 YOU SAID "NO."

3 CAN YOU EXPLAIN YOUR ANSWER TO THAT FOR
4 ME.

5 PROSPECTIVE JUROR DITTER: WELL, I GUESS
6 BASICALLY I FEEL LIKE IT'S -- IF IT'S -- AN ACCIDENT
7 HAPPENS, IT HAPPENS. SO THAT'S HOW I LOOK AT IT. I
8 MEAN, IT HAPPENED.

9 MR. BRAUN: OKAY. THE NEXT QUESTION ASKED IF YOU
10 WOULD FAVOR THE PLAINTIFF BECAUSE -- NO. LET ME
11 REPHRASE IT. (AS READ AND/OR REFLECTED):

12 DO YOU THINK THAT SYMPATHY WOULD
13 MAKE YOU FAVOR THE PLAINTIFF WHO
14 BECAME PARALYZED AS A RESULT OF THE
15 DEFENDANT'S NEGLIGENCE?
16 AND YOU SAID "NO."

17 CAN YOU EXPLAIN THAT?

18 PROSPECTIVE JUROR DITTER: I GUESS -- I DON'T
19 KNOW. I GUESS I WOULD HAVE TO SEE MORE EVIDENCE, I
20 GUESS.

21 MR. BRAUN: SO IT SOUNDS LIKE YOU'RE COMING INTO
22 THIS CASE ON A LEVEL PLAYING FIELD. YOU JUST WANT TO
23 HEAR WHAT THE EVIDENCE BEARS OUT.

24 PROSPECTIVE JUROR DITTER: YES. YES.

25 MR. BRAUN: AND YOU'RE NOT REALLY FAVORING ONE
26 SIDE OR THE OTHER HERE?

27 PROSPECTIVE JUROR DITTER: NO, I'M NOT.

28 MR. BRAUN: YOU AGREED YOU WOULDN'T WANT TO

1 PUNISH THE DEFENDANT FOR HER NEGLIGENCE; RIGHT?

2 PROSPECTIVE JUROR DITTER: NO. NO. NO.

3 MR. BRAUN: AND THEN IT ASKED IF YOU WOULD FAVOR
4 THE PLAINTIFF IN A LAWSUIT FOR A MOTHER WHO'S HAD TO
5 CARE FOR HER DISABLED CHILD, AND YOU SAID "NO."

6 CAN YOU EXPLAIN THAT FOR ME?

7 PROSPECTIVE JUROR DITTER: NO. I GUESS I WOULD
8 HAVE TO SEE MORE EVIDENCE OF THAT TOO, I GUESS.

9 MR. BRAUN: OKAY. ONE OF THE QUESTIONS POSED TO
10 YOU WAS WHETHER OR NOT YOU THINK THERE ARE INSUFFICIENT
11 RESOURCES FOR PEOPLE WHO ARE CONFINED TO A WHEELCHAIR
12 WITH A SPINAL CORD INJURY, AND YOU SAID "NO."

13 DO YOU KNOW MUCH ABOUT WHAT RESOURCES
14 THERE ARE FOR THOSE PATIENTS THAT SUFFER FROM SPINAL
15 CORD INJURIES?

16 PROSPECTIVE JUROR DITTER: NOT TOO MUCH, NO.

17 MR. BRAUN: DO YOU FOLLOW UP ON MEDICINE AT ALL?
18 DO YOU READ IT ON THE INTERNET OR --

19 PROSPECTIVE JUROR DITTER: NOT REALLY, NO.

20 MR. BRAUN: OKAY. WHAT KIND OF THINGS DO YOU
21 LIKE TO READ ABOUT?

22 PROSPECTIVE JUROR DITTER: WELL, BASICALLY, I
23 LIKE TO READ ABOUT MUSIC OR AUTOBIOGRAPHIES OF
24 DIFFERENT, LIKE, ACTORS OR STUFF AND MUSICIANS.

25 MR. BRAUN: OKAY. SO ARE YOU A VAN HALEN FAN
26 FROM THE SAMMY HAGAR DAYS OR --

27 PROSPECTIVE JUROR DITTER: DAVID LEE ROTH.

28 MR. BRAUN: OKAY. THANK YOU.

1 NO FURTHER QUESTIONS.

2 THE COURT: DEFENSE PASS?

3 MR. BRAUN: YES, YOUR HONOR.

4 THE COURT: PLAINTIFF PASS?

5 MR. REX PARRIS: PASS, YOUR HONOR.

6 THE COURT: THIS WOULD BE THE FIRST PEREMPTORY.

7 SO IT WOULD BE PLAINTIFF'S PEREMPTORY ON THE

8 ALTERNATES.

9 MR. REX PARRIS: YES. IF WE CAN HAVE A SECOND.

10 YOUR HONOR, WE ACCEPT THE ALTERNATES.

11 THE COURT: THE PLAINTIFF ACCEPTS THE THREE

12 ALTERNATES AS CURRENTLY CONSTITUTED.

13 A PEREMPTORY IS WITH THE DEFENSE.

14 MR. BRAUN: ONE OR TWO MINUTES, YOUR HONOR.

15 THE COURT: YES.

16 MR. BRAUN: YOUR HONOR, THE DEFENSE WILL ACCEPT
17 THE PANEL AS CONSTITUTED.

18 THE COURT: ALL RIGHT. THE DEFENSE HAS ACCEPTED
19 THE -- ALSO ACCEPTED THE THREE ALTERNATES.

20 SO MS. VELAZQUEZ?

21 ALTERNATE JUROR VELAZQUEZ: YES.

22 THE COURT: MR. KIM?

23 ALTERNATE JUROR KIM: YES.

24 THE COURT: AND MR. DITTER?

25 ALTERNATE JUROR DITTER: YES.

26 THE COURT: YOU WILL BE THE THREE ALTERNATES IN
27 THIS CASE. AND IF IT BECOMES NECESSARY AT SOME POINT
28 BECAUSE WE LOSE A JUROR FOR ANY REASON, WE WILL

1 RANDOMLY SELECT ONE OF YOU TO TAKE THE PLACE OF THAT
2 JUROR. ALL RIGHT?

3 PROSPECTIVE JUROR DITTER: YES.

4 THE COURT: VERY GOOD. THANK YOU.

5 LET ME SEE COUNSEL JUST BRIEFLY ON THE
6 SIDEBAR ON SCHEDULING.

7 (OFF THE RECORD FROM 9:45 A.M. TO
8 9:46 A.M.)

9
10 THE COURT: LADIES AND GENTLEMEN, I'M GOING TO
11 TALK WITH YOU NOW ABOUT HOW YOU SHOULD CONDUCT YOURSELF
12 DURING THE TRIAL OVER THE NEXT FEW WEEKS.

13 I'M NOT INSTRUCTING YOU ON THE LAW AT THIS
14 POINT. THAT WILL OCCUR AT THE END OF THE CASE AFTER
15 ALL THE WITNESSES HAVE TESTIFIED. AT THAT TIME I'LL
16 TAKE ABOUT 40 MINUTES TO GO OVER THE LAW WITH YOU,
17 AFTER WHICH THE LAWYERS WILL MAKE THEIR FINAL
18 ARGUMENTS.

19 RIGHT NOW THIS IS TO EXPLAIN THE PROCESS
20 TO YOU, HOW YOU SHOULD PAY ATTENTION, ET CETERA. LET
21 ME ASK THE THREE ALTERNATES TO PLEASE RISE.

22 IF YOU WOULD RAISE YOUR RIGHT HAND.
23 MS. GONZALEZ WILL ADMINISTER THE OATH.

24 THE CLERK: DO YOU AND EACH OF YOU UNDERSTAND AND
25 AGREE THAT YOU WILL WELL AND TRULY TRY THE CAUSE NOW
26 PENDING BEFORE THIS COURT, AND THAT A TRUE VERDICT
27 RENDER ACCORDING ONLY TO THE EVIDENCE PRESENTED TO YOU
28 AND TO THE INSTRUCTIONS OF THE COURT?

1 IF YOU SO AGREE, PLEASE STATE, "I DO."

2 ALTERNATE JURORS: I DO.

3 THE CLERK: THANK YOU. PLEASE BE SEATED.

4 THE COURT: ALL RIGHT. ALL 12 JURORS AND THREE
5 ALTERNATES HAVE BEEN SWORN IN.

6 BEFORE I PRE-INSTRUCT, I DO WANT TO THANK
7 THE SECOND PANEL. YOU CAME HERE -- I'M TRYING TO
8 REMEMBER NOW WHAT DAY IT WAS. I BELIEVE IT WAS
9 THURSDAY. WEDNESDAY WAS THE FIRST GROUP AND THURSDAY
10 WAS THE SECOND GROUP.

11 ALL OF YOU HAVE BEEN HERE FOR DAYS. TODAY
12 IS TUESDAY OF THE SECOND WEEK. WE NEVER KNOW HOW LONG
13 IT'S GOING TO TAKE TO SELECT A JURY. WE DON'T KNOW HOW
14 MANY CHALLENGES THERE ARE GOING TO BE. IT CAN BE A
15 LENGTHY, IT CAN BE A TEDIOUS PROCESS, BUT IT DOESN'T
16 WORK IF WE DON'T HAVE PEOPLE IN THE AUDIENCE WHO CAN
17 REPLACE JURORS WHO ARE EXCUSED.

18 SO ON BEHALF OF THE ATTORNEYS AND THEIR
19 CLIENTS, AS THE TRIAL JUDGE, I WANT TO THANK YOU FOR A
20 COUPLE OF THINGS:

21 FIRST, I SCAN THE COURTROOM TO MAKE SURE
22 EVERYBODY'S PAYING ATTENTION, AND YOU WERE. YOU WERE
23 PAYING ATTENTION. YOU WERE LISTENING. YOU WERE READY
24 WHEN YOU WERE CALLED UP TO BE QUESTIONED. SO THAT WAS
25 HELPFUL AND I WANT TO THANK YOU.

26 I WANT TO THANK YOU, AS THE SECOND PANEL,
27 FOR BEING ON TIME. IT MAKES A DIFFERENCE SO WE CAN
28 START EACH DAY ON TIME. SO I THANK YOU FOR THAT.

1 AND LASTLY, I WANT TO THANK YOU FOR YOUR
2 SERVICE. YOU DID SERVE. YOU CAME DOWN. YOU MIGHT NOT
3 HAVE BEEN SELECTED AS A JUROR, BUT YOU DID SERVE. AND
4 BY SERVING, YOU UPHELD OUR DEMOCRACY, AS I SAID
5 EARLIER. SO I THANK YOU FOR THAT.

6 YOU'RE NOW EXCUSED. PLEASE, IF YOU WOULD
7 GO DOWN TO THE SECOND FLOOR, AND YOU WILL BE PROCESSED.
8 THANK YOU.

9 ALL RIGHT. (AS READ AND/OR REFLECTED):

10 LADIES AND GENTLEMEN, YOU'VE NOW
11 BEEN SWORN IN AS JURORS, AND THREE OF
12 YOU HAVE BEEN SWORN IN AS ALTERNATES.
13 IT'S MY DUTY, AS THE TRIAL JUDGE, IN
14 THESE NEXT FEW MOMENTS, TO IMPRESS
15 UPON YOU BOTH THE SERIOUSNESS AND THE
16 IMPORTANCE OF WHAT YOU'RE ABOUT TO DO,
17 SERVING ON A JURY.

18 AS WE'VE DISCUSSED, TRIAL BY JURY
19 IS A FUNDAMENTAL RIGHT IN OUR STATE OF
20 CALIFORNIA. THESE PARTIES, MR. TAYLOR
21 AND MS. SCHILLING, HAVE A RIGHT TO A
22 JURY THAT'S SELECTED FAIRLY, THAT
23 COMES TO THE CASE WITHOUT BIAS, AND
24 THAT WILL ATTEMPT TO REACH A VERDICT
25 BASED ON THE EVIDENCE PRESENTED. AND
26 THAT'S WHY WE SPENT ALL THAT TIME
27 QUESTIONING YOU ABOUT SO MANY THINGS.

28 WHEN YOU WALKED THROUGH THOSE

1 DOORS, THE LAWYERS DIDN'T KNOW
2 ANYTHING ABOUT YOU. YOU FILLED OUT A
3 QUESTIONNAIRE AND THEY LEARNED SOME
4 THINGS, AND THEY LEARNED A LOT MORE BY
5 ASKING YOU QUESTIONS. THAT'S WHY WE
6 FOLLOWED THAT PROCESS, SO THAT WE
7 COULD SEE IF YOU CAME TO THE CASE
8 WITHOUT A BIAS AND WE COULD SEE IF YOU
9 WOULD ATTEMPT TO REACH A VERDICT
10 WITHOUT BIAS.

11 NOW, AS TRIAL JURORS AND
12 ALTERNATES, DO NOT ALLOW ANYTHING THAT
13 HAPPENS OUTSIDE THE FOUR WALLS OF THIS
14 COURTROOM TO AFFECT YOUR DECISION.

15 I'LL SAY THAT AGAIN.

16 DO NOT ALLOW ANYTHING THAT HAPPENS
17 OUTSIDE THE FOUR WALLS OF THIS
18 COURTROOM TO AFFECT YOUR DECISION.

19 YOU WILL HEAR THE EVIDENCE
20 PRESENTED DURING THE TRIAL AND YOU
21 WILL MAKE YOUR DECISION BASED ON THE
22 EVIDENCE.

23 DURING THIS TRIAL, STARTING AT
24 THIS MOMENT, DO NOT TALK ABOUT THE
25 CASE OR THE PEOPLE INVOLVED IN IT WITH
26 ANYONE.

27 LET'S GO OVER WHO THAT INCLUDES.
28 EVERYONE. EVERYONE. IT INCLUDES YOUR

1 FELLOW JURORS. YOU WILL LIKELY SPEND
2 TIME OVER COFFEE OR TEA OR LUNCH, ET
3 CETERA, WITH EACH OTHER OVER THE NEXT
4 COUPLE OF WEEKS. AND THAT'S GOOD.
5 THAT'S FINE. BUT DON'T TALK ABOUT THE
6 WITNESSES. DON'T SAY TO EACH OTHER,
7 "WE'RE ALONE AND JUST TELL ME WHAT YOU
8 THINK ABOUT THAT WITNESS." DON'T DO
9 THAT. YOU WOULD VIOLATE YOUR OATH.

10 SO DON'T TALK TO YOUR FAMILY, THE
11 PEOPLE YOU LIVE WITH. ANYONE IN YOUR
12 HOUSEHOLD, DON'T TALK TO THEM ABOUT
13 IT, YOUR CHILDREN, YOUR SPOUSES, YOUR
14 PARTNERS, YOUR COWORKERS, EVEN YOUR
15 CLERGY OR YOUR THERAPIST OR ANY
16 ADVISORS.

17 WHAT YOU CAN SAY IS, "I'M GOING TO
18 BE ON A JURY FOR A COUPLE OF WEEKS"
19 `AND THAT'S ALL. YOU MUST NOT EVEN
20 TALK ABOUT THIS CASE, AS I SAID, WITH
21 EACH OTHER.

22 NOW, YEARS AGO, THESE PROHIBITIONS
23 ON COMMUNICATION WERE LIMITED TO
24 FACE-TO-FACE COMMUNICATION. WE DIDN'T
25 HAVE COMPUTERS AND WE DIDN'T HAVE
26 IPADS, IPHONES, ET CETERA. THINGS
27 HAVE CHANGED. SO THIS PROHIBITION
28 EXTENDS TO ALL FORMS OF ELECTRONIC

1 COMMUNICATION. ALL FORMS. YOU
2 PROBABLY KNOW MORE THAN I DO ABOUT IT.
3 BUT DON'T BLOG. DON'T SEND OUT A
4 TWEET, IF YOU USE TWITTER. DON'T POST
5 ON FACEBOOK, "I'M IN A JURY TRIAL," ET
6 CETERA, ET CETERA.

7 IF IT'S PUBLIC, SOMEONE'S GOING TO
8 FIND OUT ABOUT IT. IT COULD BE
9 BROUGHT TO OUR ATTENTION. YOU COULD
10 BE REMOVED FROM THE JURY, OR YOU COULD
11 CAUSE THE CASE TO BE RETRIED. IT'S
12 ONLY WHAT YOU HEAR IN THIS COURTROOM
13 THAT YOU CONSIDER.

14 DON'T HAVE ANY CONTACT WITH THE
15 ATTORNEYS. YOU DON'T HAVE TO NOD TO
16 THEM IF THEY'RE IN THE HALLWAY.
17 YOU'RE NOT BEING RUDE. THEY WON'T NOD
18 TO YOU BECAUSE THEY'RE UNDER AN
19 OBLIGATION NOT TO COMMUNICATE WITH
20 YOU.

21 DON'T TALK TO THE WITNESSES OR THE
22 PARTIES. IF YOU FEEL YOU ARE
23 OVERHEARING A CONVERSATION WITH THEM,
24 STEP AWAY. TAKE ANOTHER SEAT DOWN THE
25 HALL A LITTLE FURTHER SO THAT EACH OF
26 YOU HAVE YOUR PRIVACY.

27 NOW, SOMEONE IN THE HALLWAY, ET
28 CETERA, MAY TRY TO TALK TO YOU ABOUT

1 THE CASE. TELL THEM YOU CAN'T DO IT.
2 TELL THEM YOU CAN'T TALK ABOUT THE
3 CASE.

4 IF THEY PERSIST, WALK AWAY. IF
5 THEY CONTINUE TO TRY TO TALK TO YOU,
6 TELL MS. GONZALEZ. SHE WILL TELL ME.
7 AND I'LL TAKE IT UP WITH THE
8 ATTORNEYS.

9 AFTER THE TRIAL IS OVER, YOU'RE
10 RELEASED FROM THIS OBLIGATION. YOU
11 CAN TALK TO NO ONE OR YOU CAN TALK TO
12 ANYONE AFTER THE CASE IS OVER.

13 I DON'T HAVE ANY INDICATION THAT
14 THERE WILL BE NEWS REPORTS DURING THE
15 TRIAL ABOUT THIS CASE, BUT IF THERE
16 ARE ANY NEWS REPORTS ABOUT THIS CASE,
17 DO NOT LISTEN TO THEM. DO NOT READ
18 ABOUT THEM.

19 THIS PROHIBITION EXTENDS TO THE
20 INTERNET IN EVERY WAY THAT YOU USE IT.
21 WE USE IT TO LOOK UP WORDS. WE USE IT
22 TO STUDY SUBJECT MATTERS. WE USE IT
23 TO LEARN. EVERYTHING YOU NEED TO
24 LEARN ABOUT THIS CASE WILL BE
25 PRESENTED BY THE TRIAL LAWYERS DURING
26 THE TRIAL. THAT'S THE EVIDENCE.
27 YOU MUST BASE YOUR VERDICT ON THAT,
28 NOT ON THE INTERNET, NOT ON ANYTHING

1 YOU CAN GOOGLE OR SEARCH.

2 SO DON'T DO ANY RESEARCH ON YOUR
3 OWN ABOUT ANYTHING RELATED TO THIS
4 CASE. YOU'RE GOING TO USE YOUR
5 COMPUTERS. YOU'RE GOING TO USE YOUR
6 IPADS AND YOUR IPHONES, ET CETERA, BUT
7 DO THOSE FOR PERSONAL MATTERS OR WORK
8 MATTERS, NOT ANYTHING RELATED TO THIS
9 CASE.

10 A DIFFERENT SUBJECT. IT'S
11 IMPORTANT THAT YOU KEEP AN OPEN MIND
12 THROUGHOUT THE TRIAL. PLAINTIFF
13 PRESENTS EVIDENCE FIRST, FOLLOWED BY
14 THE DEFENSE EVIDENCE.

15 YOU MUST HEAR ALL THE EVIDENCE AND
16 THEN GO INTO THE JURY ROOM AND
17 DELIBERATE. KEEP AN OPEN MIND
18 THROUGHOUT THE TRIAL.

19 I'LL HAVE TO MAKE SOME RULINGS
20 DURING THE CASE. THERE WILL BE
21 OBJECTIONS BY THE LAWYERS. I'LL HAVE
22 SIDEBARS. NOW THAT WE HAVE 12 JURORS
23 AND THREE ALTERNATES, IF I THINK IT'S
24 GOING TO TAKE FIVE MINUTES OR SO TO
25 DISCUSS AN ISSUE, I'LL SEND YOU INTO
26 THE JURY ROOM. AND THERE ARE CHAIRS
27 AROUND THERE AND THAT YOU CAN RELAX
28 WHILE WE HAVE OUR DISCUSSION OUTSIDE

1 OF YOUR PRESENCE.

2 DON'T CONCERN YOURSELVES WITH THE
3 REASONS FOR THE RULINGS I WILL MAKE
4 DURING THE TRIAL. DON'T GUESS WHAT I
5 THINK YOUR VERDICT SHOULD BE FROM
6 ANYTHING I MIGHT SAY OR DO DURING THE
7 TRIAL.

8 IN A COUPLE OF WEEKS, WHEN YOU
9 BEGIN YOUR DELIBERATIONS IN THE JURY
10 ROOM, YOU MAY DISCUSS IT ONLY IN THE
11 JURY ROOM. NOT ON BREAK. NOT OVER
12 LUNCH. NOT IN THE EVENING. ONLY IN
13 THE JURY ROOM AND ONLY WHEN ALL 12
14 JURORS ARE PRESENT.

15 AS TRIAL JURORS, YOU MUST DECIDE
16 WHAT THE FACTS ARE IN THIS CASE. BUT
17 IN DOING SO, DO NOT LET BIAS,
18 SYMPATHY, PREJUDICE, OR PUBLIC OPINION
19 INFLUENCE YOUR VERDICT.

20 AT THE END OF THE TRIAL, I WILL
21 EXPLAIN TO YOU THE LAW THAT YOU MUST
22 FOLLOW TO REACH YOUR VERDICT. YOU
23 MUST FOLLOW THAT LAW AS I GIVE IT TO
24 YOU, EVEN IF YOU DISAGREE WITH THE
25 LAW.

26 ANOTHER SUBJECT NOW. OVERVIEW OF
27 THE TRIAL FOR THOSE OF YOU THAT HAVE
28 NOT PARTICIPATED IN A TRIAL.

1 SOMETIMES YOU WATCH THEM ON TELEVISION
2 AND THEY CAN FINISH IN 25 MINUTES OR
3 50 MINUTES, PLUS COMMERCIALS. THAT'S
4 NOT HOW LIFE WORKS.

5 SO TO ASSIST YOU IN YOUR TASK AS
6 JURORS, I'M GOING TO JUST BRIEFLY
7 EXPLAIN HOW THE PROCESS WORKS.
8 FIRST, EACH SIDE WILL MAKE AN OPENING
9 STATEMENT. THEY'RE NOT REQUIRED TO DO
10 SO, BUT I'VE BEEN ADVISED THAT BOTH
11 SIDES WILL MAKE AN OPENING STATEMENT
12 AT SOME TIME, STARTING IN THE MORNING.
13 PLEASE UNDERSTAND THAT AN OPENING
14 STATEMENT IS THAT. IT IS A STATEMENT.
15 IT IS NOT EVIDENCE. EVIDENCE IS WHAT
16 YOU HEAR FROM THE WITNESS STAND AND
17 DOCUMENTS THAT ARE RECEIVED INTO
18 EVIDENCE.

19 IT'S AN OUTLINE AND IT'S HELPFUL
20 SO THAT YOU CAN UNDERSTAND WHAT EACH
21 SIDE BELIEVES THE EVIDENCE WILL SHOW.
22 THEY MAY EVEN USE WORDS LIKE THAT,
23 "THE EVIDENCE WILL SHOW," AND THEN
24 THEY'LL OUTLINE IT FOR YOU.
25 THEY WILL NOT ARGUE. THEY WILL NOT
26 ARGUE. THERE IS A TIME AND PLACE FOR
27 THAT, BUT IT'S NOT TODAY. IT WILL LAY
28 OUT THE EVIDENCE FOR YOU.

1 AFTER THE OPENING STATEMENT, THEN
2 WE GO TO THE PLAINTIFF'S CASE AND WE
3 WILL HEAR THE EVIDENCE.

4 PLAINTIFF, THROUGH THE ATTORNEYS,
5 PRESENTS THE EVIDENCE FIRST BY CALLING
6 WITNESSES. EACH WITNESS IS CALLED.
7 THEY STEP FORWARD. THEY RAISE THEIR
8 RIGHT HAND AS THEY STAND BEHIND THE
9 COURT REPORTER. THEY TAKE THEIR SEAT,
10 AND THEY'RE QUESTIONED BY THE ATTORNEY
11 WHO CALLS THEM.

12 IF IT'S MR. PARRIS FOR THE
13 PLAINTIFF, THAT IS CALLED "DIRECT
14 EXAMINATION." HE WILL QUESTION, AND
15 THEN HE WILL TURN THE WITNESS OVER TO
16 EITHER MR. BRAUN OR MS. TROPP WHO WILL
17 CROSS-EXAMINE THE WITNESS.

18 EVENTUALLY, THE PLAINTIFF, THROUGH
19 MR. PARRIS AND MR. WHEELER, WILL HAVE
20 CALLED ALL THEIR WITNESSES AND THEY
21 WILL REST, AND THEN WE'LL GO OVER TO
22 THE DEFENSE CASE AND THEY WILL CALL
23 THEIR WITNESSES.

24 THOSE WITNESSES WILL BE QUESTIONED
25 BY THE DEFENSE ATTORNEYS ON DIRECT.
26 AND THEN PLAINTIFF'S COUNSEL WILL
27 CROSS-EXAMINE THE WITNESSES.

28 ONCE THE DEFENSE HAS CALLED ALL

1 THEIR WITNESSES, THEY WILL REST. IF
2 THERE'S NO REBUTTAL, THEN WE'LL GO TO
3 INSTRUCTION ON THE LAW AND FINAL
4 ARGUMENT.

5 YOU WILL SEE EXHIBITS THROUGHOUT
6 THE TRIAL. THEY WILL PROBABLY BE PUT
7 UP ON A SCREEN. COMPUTERS WILL BE
8 USED. ELMOS WILL BE USED. YOU'LL BE
9 ABLE TO ACCESS DOCUMENTS AND THE
10 LAWYERS WILL SEE WITH THEIR TECHNICAL
11 PEOPLE THAT YOU HAVE ACCESS TO THEM.
12 DOCUMENTS ARE NOT IN EVIDENCE UNTIL
13 THEY'RE RECEIVED IN EVIDENCE. THEY
14 CAN BE REFERRED TO, BUT THEY'RE NOT IN
15 EVIDENCE UNTIL THEY'RE MOVED INTO
16 EVIDENCE.

17 NOW, THERE ARE MANY RULES --
18 AND I'LL HOLD UP THE EVIDENCE CODE NOW.
19 THIS IS THE EVIDENCE CODE. SOME PEOPLE SAY, "YOU'RE
20 TRYING TO HIDE EVIDENCE."

21 NO. WE'RE TRYING TO FOLLOW THE LAW.
22 THIS IS THE EVIDENCE CODE AND IT SETS FORTH THE LAW
23 RELATED TO WHAT IS ADMISSIBLE. (AS READ AND/OR
24 REFLECTED):

25
26 AS ONE SIDE PRESENTS THEIR
27 EVIDENCE, THE OTHER SIDE MAY OBJECT.
28 USUALLY I'LL RULE ON THE OBJECTION

1 RIGHT AWAY. I'LL SAY "OVERRULED" OR
2 "SUSTAINED." AND THEN THEY WILL MOVE
3 ON.

4 BUT SOMETIMES I HAVE TO LOOK AT
5 THE SCREEN TO SEE WHAT THE QUESTION
6 AND ANSWER WAS. SO I'LL TAKE A
7 MOMENT, 10, 15 SECONDS, TO READ IT.
8 AND THEN I'LL RULE ON IT. SO WHEN YOU
9 SEE ME LOOK AT THE SCREEN, THAT'S WHAT
10 I'M DOING.

11 LET'S TALK ABOUT NOTES. YOU'RE
12 GOING TO BE GIVEN PADS AND PENS BY
13 MS. GONZALEZ. AND YOU MAY TAKE NOTES
14 THROUGHOUT THE TRIAL.

15 PLEASE DO NOT TAKE THE NOTEBOOKS
16 OUT OF THE COURTROOM ON BREAK OR AT
17 THE END OF THE DAY OR AT LUNCH. YOU
18 MAY TAKE YOUR NOTES WITH YOU INTO THE
19 JURY ROOM, AND YOU SHOULD DO SO DURING
20 DELIBERATIONS.

21 YOU SHOULD USE YOUR NOTES ONLY TO
22 REMIND YOURSELF OF WHAT HAPPENED
23 DURING THE TRIAL. DON'T LET YOUR
24 NOTE-TAKING INTERFERE WITH YOUR
25 ABILITY TO LISTEN CAREFULLY TO THE
26 TESTIMONY AND, ESPECIALLY, TO WATCH
27 THE WITNESSES AS THEY TESTIFY, NOR
28 SHOULD YOU ALLOW YOUR IMPRESSION OF A

1 WITNESS OR OTHER EVIDENCE TO BE
2 INFLUENCED BY WHETHER YOUR FELLOW
3 JURORS ARE TAKING NOTES.

4 SOME MAY CHOOSE TO TAKE MORE OR
5 LESS NOTES THAN YOU.

6 YOUR INDEPENDENT RECOLLECTION OF
7 THE EVIDENCE SHOULD GOVERN YOUR
8 VERDICT, AND YOU SHOULD NOT ALLOW
9 YOURSELF TO BE INFLUENCED BY THE NOTES
10 OF OTHER JURORS IF THEY DIFFER FROM
11 WHAT YOU REMEMBER.

12 AT THE END OF THE CASE,
13 MS. GONZALEZ GATHERS UP THE NOTEBOOKS,
14 DOESN'T READ THEM, HAS THEM SHREDDED
15 OR DESTROYED. SO THOSE ARE STRICTLY
16 ONLY YOUR NOTES.

17 FOR EACH BREAK AND AT THE END OF
18 THE DAY, LEAVE YOUR PAD AND PEN ON
19 YOUR CHAIR. IT WILL BE THERE WHEN YOU
20 RETURN IN THE MORNING.

21 YOU MUST CONSIDER -- I'M GOING TO
22 SKIP THAT ONE. LET ME GO TO THE NEXT
23 ONE.

24 YOU MUST NOT CONSIDER WHETHER ANY
25 OF THE PARTIES IN THIS CASE HAS
26 INSURANCE. THE PRESENCE OR ABSENCE OF
27 INSURANCE IS TOTALLY IRRELEVANT. YOU
28 MUST DECIDE THE CASE BASED ONLY ON THE

1 LAW AND THE EVIDENCE.

2 LET ME TALK TO YOU ABOUT EVIDENCE.
3 YOU MUST DECIDE WHAT THE FACTS ARE IN
4 THIS CASE FROM THE EVIDENCE YOU SEE OR
5 HEAR DURING THE TRIAL. SWORN
6 TESTIMONY FROM THE WITNESS STAND,
7 DOCUMENTS CALLED EXHIBITS OR ANYTHING
8 ELSE, MAY BE ADMITTED INTO EVIDENCE.

9 YOU MAY NOT CONSIDER AS EVIDENCE
10 ANYTHING YOU SEE OR YOU HEAR WHEN
11 COURT IS NOT IN SESSION, EVEN IF IT'S
12 DONE BY ONE OF THE PARTIES, THE
13 ATTORNEYS, OR A WITNESS.

14 NOW, WHAT THE ATTORNEYS SAY DURING
15 TRIAL IS NOT EVIDENCE. IN THEIR
16 OPENING STATEMENTS, AND LATER IN THEIR
17 CLOSING ARGUMENTS, THEY WILL TALK TO
18 YOU ABOUT, I BELIEVE, THE LAW AND THE
19 EVIDENCE. WHAT THEY SAY WILL HELP YOU
20 UNDERSTAND BOTH THE LAW AND THE
21 EVIDENCE, BUT THEIR STATEMENTS AND
22 THEIR ARGUMENTS ARE NOT EVIDENCE.
23 THE LAWYERS THROUGHOUT THE CASE WILL
24 ASK QUESTIONS. THEIR QUESTIONS ARE
25 NOT EVIDENCE. ONLY THE WITNESS'S
26 ANSWER IS EVIDENCE.

27 YOU SHOULD NOT THINK THAT
28 SOMETHING IS TRUE JUST BECAUSE AN

1 ATTORNEY'S QUESTION SUGGESTS THAT IT'S
2 TRUE. HOWEVER, IF BOTH SIDES AGREE
3 UPON A CERTAIN FACT, WHATEVER THAT
4 FACT IS, AND I'M INSTRUCTED, I WILL
5 ADVISE YOU THAT THEY'VE AGREED TO IT
6 AND YOU WON'T HAVE TO CONSIDER THAT
7 FACT.

8 NOW, EACH SIDE HAS THE RIGHT TO
9 OBJECT. "OBJECTION, YOUR HONOR." AND
10 THEY WILL TELL THE LEGAL REASON.
11 "LEADING." "ARGUMENTATIVE." "LACK OF
12 FOUNDATION." WHATEVER THE OBJECTION
13 IS.

14 IF I DO NOT AGREE WITH THE
15 OBJECTION, IF I DON'T AGREE, I WILL
16 SAY, "THE OBJECTION IS OVERRULED AND
17 THE WITNESS MAY ANSWER THE QUESTION."
18 AND YOU MAY CONSIDER THE ANSWER AS
19 EVIDENCE.

20 BUT IF I AGREE WITH THE OBJECTION,
21 I'LL SAY, "OBJECTION SUSTAINED." IF I
22 SUSTAIN AN OBJECTION, THAT'S BASICALLY
23 APPROVING OF THE OBJECTION. YOU MUST
24 IGNORE THE QUESTION.

25 IF THE WITNESS DID NOT ANSWER,
26 DON'T GUESS WHAT THEY MIGHT HAVE SAID.
27 AND IF THE WITNESS BLURTED OUT AN
28 ANSWER, DON'T CONSIDER THE ANSWER.

1 NOW, ATTORNEYS MAY SAY, "I OBJECT,
2 YOUR HONOR, AND I MOVE TO STRIKE. I
3 WANT THAT ANSWER STRICKEN FROM THE
4 RECORD." I WILL DEFINITELY GO OVER
5 AND READ THE QUESTION AND THE ANSWER
6 AND THEN I WILL RULE. EITHER IT WILL
7 BE STRICKEN OR IT WILL NOT BE
8 STRICKEN. I WILL ADVISE YOU.

9 IF I STRIKE THE TESTIMONY, YOU
10 MUST CONSIDER IT AS IF IT DID NOT
11 EXIST.

12 LET ME TALK TO YOU ABOUT
13 WITNESSES. WE'LL HAVE A NUMBER OF
14 WITNESSES IN THIS CASE.

15 A WITNESS IS A PERSON WHO HAS
16 KNOWLEDGE RELATED TO THIS CASE. AS
17 TRIAL JURORS, YOU WILL HAVE TO DECIDE
18 WHETHER YOU BELIEVE EACH WITNESS AND
19 HOW IMPORTANT EACH WITNESS'S TESTIMONY
20 IS TO THE CASE.

21 YOU MAY BELIEVE ALL, PART, OR NONE
22 OF A WITNESS'S TESTIMONY. IN DECIDING
23 WHETHER TO BELIEVE A WITNESS'S
24 TESTIMONY, YOU MAY CONSIDER, AMONG
25 OTHER FACTORS, THE FOLLOWING:
26 FIRST, HOW WELL DID THE WITNESS SEE,
27 HEAR, OR OTHERWISE SENSE WHAT THEY
28 DESCRIBED IN COURT?

1 HOW WELL DID THE WITNESS REMEMBER
2 AND DESCRIBE WHAT HAPPENED?

3 HOW DID THE WITNESS LOOK, ACT, AND
4 SPEAK WHILE TESTIFYING?

5 DID THE WITNESS HAVE ANY REASON TO
6 SAY SOMETHING THAT WAS NOT TRUE?
7 FOR EXAMPLE, DID THE WITNESS SHOW ANY
8 BIAS OR PREJUDICE OR HAVE A PERSONAL
9 RELATIONSHIP WITH ANY OF THE PARTIES
10 INVOLVED IN THE CASE OR HAVE A
11 PERSONAL STAKE IN HOW THE CASE IS
12 DECIDED?

13 AND WHAT WAS THE WITNESS'S
14 ATTITUDE TOWARDS THE CASE OR ABOUT
15 GIVING TESTIMONY?

16 SOMETIMES A WITNESS MAY SAY
17 SOMETHING THAT'S NOT CONSISTENT WITH
18 SOMETHING ELSE THAT THEY SAID.
19 SOMETIMES DIFFERENT WITNESSES WILL
20 GIVE DIFFERENT VERSIONS OF WHAT
21 HAPPENED. PEOPLE OFTEN FORGET THINGS
22 OR MAKE MISTAKES IN WHAT THEY
23 REMEMBER.

24 ALSO, TWO PEOPLE MAY SEE THE SAME
25 EVENT BUT REMEMBER THAT EVENT
26 DIFFERENTLY. YOU MAY CONSIDER THESE
27 DIFFERENCES, BUT DO NOT DECIDE THAT
28 TESTIMONY IS UNTRUE JUST BECAUSE IT

1 DIFFERS FROM OTHER TESTIMONY.

2 HOWEVER, IF YOU DECIDE THAT A
3 WITNESS HAS DELIBERATELY TESTIFIED
4 UNTRUTHFULLY ABOUT SOMETHING
5 IMPORTANT, YOU MAY CHOOSE NOT TO
6 BELIEVE ANYTHING THE WITNESS SAID.
7 ON THE OTHER HAND, IF YOU THINK THE
8 WITNESS TESTIFIED UNTRUTHFULLY ABOUT
9 SOME THINGS BUT TOLD THE TRUTH ABOUT
10 OTHERS, YOU MAY ACCEPT THE PART YOU
11 THINK IS TRUE AND IGNORE THE REST, BUT
12 DO NOT MAKE ANY DECISION SIMPLY
13 BECAUSE THERE ARE MORE WITNESSES ON
14 ONE SIDE THAN THE OTHER SIDE.

15 IF YOU BELIEVE IT IS TRUE, THE
16 TESTIMONY OF A SINGLE WITNESS IS
17 ENOUGH TO PROVE A FACT.

18 LET ME SPEAK TO OUR ALTERNATE JURORS. (AS
19 READ AND/OR REFLECTED):

20 AS ALTERNATE JURORS, YOU ARE BOUND
21 BY THE SAME RULES THAT GOVERN THE
22 CONDUCT OF THE JURORS WHO ARE SITTING
23 NEXT TO YOU IN THE JURY BOX. YOU WILL
24 SEE THE SAME TRIAL AND YOU SHOULD PAY
25 ATTENTION TO ALL OF MY INSTRUCTIONS
26 JUST AS IF YOU WERE ONE OF THE
27 12 JURORS.

28 AS I'VE INDICATED, SOMETIMES A

1 JUROR NEEDS TO BE EXCUSED DURING A
2 TRIAL FOR ILLNESS OR SOME OTHER
3 REASON. IF THAT HAPPENS, ONE OF YOU
4 WILL BE SELECTED TO TAKE THEIR PLACE.
5 NOW, LET ME TALK TO YOU ABOUT QUESTIONS
6 THAT YOU MAY WRITE UP ON THE PADS MS. GONZALEZ GIVES
7 YOU. SHE'S GOING TO GIVE YOU A PEN AND A PAD. (AS
8 READ AND/OR REFLECTED):

9 IF DURING THE TRIAL YOU HAVE A
10 QUESTION THAT YOU BELIEVE SHOULD BE
11 ASKED OF A WITNESS, OR YOU NEED A TERM
12 EXPLAINED TO YOU BECAUSE YOU DON'T
13 UNDERSTAND IT, YOU MAY WRITE OUT THE
14 QUESTION AND SEND IT TO ME. BUT NOT
15 DIRECTLY.

16 YOU RAISE IT UP, HOLD IT UP, PIECE
17 OF PAPER, MS. GONZALEZ WILL COME GET
18 IT, PHOTOCOPIES IT, GIVES A COPY TO
19 THE ATTORNEYS, GIVES A COPY TO ME.
20 SO THAT'S THE FIRST PROCESS IF YOU HAVE A
21 QUESTION. (AS READ AND/OR REFLECTED):

22 I WILL SHARE YOUR QUESTION WITH
23 THE ATTORNEYS, BUT I WILL DECIDE
24 WHETHER IT'S ASKED.

25 NOW, DO NOT FEEL DISAPPOINTED IF
26 YOUR QUESTION IS NOT ASKED. YOU MAY
27 ASK A QUESTION, BUT IT MAY NOT BE
28 ALLOWED UNDER THIS CODE, THE EVIDENCE

1 CODE. AND I HAVE TO INTERPRET THAT.

2 YOUR QUESTION MAY NOT BE ASKED FOR
3 A NUMBER OF REASONS. FOR EXAMPLE, THE
4 QUESTION MAY CALL FOR AN ANSWER THAT'S
5 SIMPLY NOT ALLOWED FOR LEGAL REASONS.

6 NOW, DON'T TRY TO GUESS THE REASON
7 WHY A QUESTION IS NOT ASKED OR
8 SPECULATE WHAT THE ANSWER MIGHT HAVE
9 BEEN.

10 AND, PLEASE, BECAUSE THE DECISION
11 WHETHER TO ALLOW THE QUESTION IS MINE
12 ALONE, DO NOT HOLD IT AGAINST ANY OF
13 THE ATTORNEYS OR THEIR CLIENTS IF YOUR
14 QUESTION IS NOT ASKED.

15 NOW, DURING THE NEXT FEW WEEKS,
16 REMEMBER THIS: YOU ARE NOT AN
17 ADVOCATE FOR ONE SIDE OR THE OTHER.
18 YOU ARE NOT AN ADVOCATE FOR ONE SIDE
19 OR THE OTHER. EACH OF YOU IS AN
20 IMPARTIAL JUDGE OF THE FACTS, SO YOUR
21 QUESTIONS SHOULD BE WRITTEN OR POSED
22 IN AS NEUTRAL A FASHION AS POSSIBLE.

23 DON'T DISCUSS YOUR QUESTIONS WITH
24 ANY OF YOUR FELLOW JURORS UNTIL YOU'RE
25 IN DELIBERATING.

26 LET ME TALK ABOUT THE SUBJECT OF BIAS. (AS
27 READ AND/OR REFLECTED):

28 EACH ONE OF US HAS BIASES ABOUT OR

1 CERTAIN PERCEPTIONS OR STEREOTYPES OF
2 OTHER PEOPLE. WE MAY BE AWARE OF SOME
3 OF OUR BIASES THOUGH WE MAY NOT SHARE
4 THEM WITH OTHERS. WE MAY NOT BE FULLY
5 AWARE OF SOME OF OUR OTHER BIASES.

6 OUR BIASES OFTEN AFFECT HOW WE
7 ACT, FAVORABLY OR UNFAVORABLY, TOWARDS
8 SOMEONE. BIAS CAN AFFECT OUR
9 THOUGHTS, HOW WE REMEMBER, WHAT WE SEE
10 AND HEAR. BIAS CAN AFFECT WHOM WE
11 BELIEVE OR DISBELIEVE AND HOW WE MAKE
12 IMPORTANT DECISIONS.

13 AS JURORS, YOU ARE BEING ASKED TO
14 MAKE IMPORTANT DECISIONS IN THIS CASE.
15 DO NOT LET BIAS, PREJUDICE, OR PUBLIC
16 OPINION INFLUENCE YOUR DECISION.

17 YOU MUST NOT BE BIASED IN FAVOR OF
18 OR AGAINST ANY WITNESS BECAUSE OF
19 THEIR DISABILITY, THEIR GENDER, THEIR
20 RACE, THEIR RELIGION, THEIR ETHNICITY,
21 THEIR SEXUAL ORIENTATION, THEIR AGE,
22 THEIR NATIONAL ORIGIN, OR THEIR
23 SOCIOECONOMIC STATUS.

24 YOUR VERDICT MUST BE BASED SOLELY
25 ON THE EVIDENCE PRESENTED. YOU MUST
26 CAREFULLY EVALUATE THE EVIDENCE AND
27 RESIST ANY URGE TO REACH A VERDICT
28 THAT IS INFLUENCED BY BIAS FOR OR

1 AGAINST ANY PARTY OR WITNESSES.

2 NOW, PERIODICALLY, I'LL HAVE WHAT
3 ARE CALLED SIDEBAR CONFERENCES. I'LL
4 SAY, "I'LL SEE COUNSEL AT SIDEBAR."
5 IF IT'S SIMPLY SCHEDULING, I'LL SAY,
6 "WE'RE NOT GOING TO BE ON THE RECORD."
7 THE RECORD IS WHAT THE COURT REPORTER
8 TAKES DOWN.

9 IF IT'S ON THE RECORD, THERE'S A
10 MICROPHONE AND WE SPEAK INTO THAT AND
11 SHE TAKES DOWN WHAT WE SAY.

12 IF I THINK IT'S GOING TO BE ABOUT
13 A FIVE-MINUTE-OR-MORE DISCUSSION WITH
14 THE LAWYERS, I'LL SIMPLY HAVE YOU GO
15 INTO THE JURY ROOM SO YOU CAN SIT AND
16 RELAX OR WALK AROUND IN THERE WHILE WE
17 HAVE OUR DISCUSSION.

18 I TRY TO LIMIT THE BENCH
19 CONFERENCES, IF AT ALL POSSIBLE, BUT
20 SOME WILL OCCUR.

21 AND THEN THE LAST INSTRUCTION IS
22 AGAIN TO REMIND YOU WHY ELECTRONIC
23 COMMUNICATION AND RESEARCH ARE
24 PROHIBITED.

25 ALL OF US, I BELIEVE, LEARN BY
26 ELECTRONIC COMMUNICATION AND RESEARCH.
27 HOWEVER, THERE ARE GOOD REASONS WHY
28 YOU MUST NOT ELECTRONICALLY

1 COMMUNICATE OR DO ANY RESEARCH ON
2 ANYTHING HAVING TO DO WITH THE TRIAL
3 OR ANY OF THE PARTIES.

4 IN COURT, AS JURORS, YOU MAKE
5 IMPORTANT DECISIONS THAT HAVE
6 CONSEQUENCES FOR THESE PARTIES. THOSE
7 DECISIONS, HOWEVER, MUST BE BASED ON
8 THE EVIDENCE YOU HEAR IN THE
9 COURTROOM.

10 WHY?

11 BECAUSE THE EVIDENCE THAT'S
12 PRESENTED IN COURT CAN BE TESTED
13 THROUGH CROSS-EXAMINATION. IT CAN BE
14 SHOWN TO BE RIGHT OR WRONG BY EITHER
15 SIDE. IT CAN BE QUESTIONED. IT CAN
16 BE CONTRADICTED BY OTHER EVIDENCE.

17 BUT WHAT YOU MIGHT READ OR HEAR ON
18 YOUR OWN COULD EASILY BE WRONG, OUT OF
19 DATE, OR INAPPLICABLE TO THIS CASE.

20 THESE PARTIES CAN RECEIVE A FAIR
21 TRIAL ONLY IF THE FACTS AND
22 INFORMATION ON WHICH YOU BASE YOUR
23 DECISIONS ARE PRESENTED TO YOU
24 TOGETHER AS A GROUP WITH EACH OF YOU
25 TOGETHER HAVING THE SAME OPPORTUNITY
26 TO SEE IT AND HEAR IT AND EVALUATE THE
27 EVIDENCE.

28 SO THOSE ARE THE PRE-INSTRUCTIONS ABOUT

1 HOW TO CONDUCT YOURSELF.

2 AND AS I SAID, I'M GOING TO TALK TO YOU AT
3 THE END OF THE TRIAL ABOUT THE LAW THAT YOU MUST FOLLOW
4 IN ARRIVING AT YOUR VERDICT.

5 WE'RE GOING TO TAKE TEN MINUTES AT THIS
6 POINT. I WANT TO HAVE THE LAWYERS HAVE A CHANCE TO SET
7 UP, ET CETERA.

8 LET ME REMIND YOU THAT YOU'RE WELCOME TO
9 BRING WATER. YOU SEE I DRINK THE WATER. THE LAWYERS
10 HAVE WATER. YOU CAN HAVE COFFEE OR TEA. ALL I ASK IS
11 THAT YOU HAVE A LID ON IT SO YOU DON'T KNOCK IT OVER
12 AND THEN WE HAVE TO STALL THE TRIAL WHILE WE CLEAN IT
13 UP.

14 SO YOU'RE WELCOME TO BRING IT.

15 LET ME ALSO REMIND YOU THAT IF YOU FEEL
16 IT'S TOO COLD, YOU CAN BRING A SWEATER OR JACKET.
17 YOU'RE WELCOME TO LEAVE IT HERE, IF YOU WOULD LIKE TO,
18 EACH DAY, OR YOU CAN BRING IT BACK EACH DAY. IT'S UP
19 TO YOU.

20 SO WE'LL TAKE TEN MINUTES, UNTIL 25 AFTER.

21 PLEASE DON'T DISCUSS THE CASE AMONGST
22 YOURSELVES OR WITH ANYONE ELSE OR ALLOW ANYONE ELSE TO
23 DISCUSS IT WITH YOU.

24 SEE YOU IN TEN MINUTES. THANK YOU.

25 (THE FOLLOWING PROCEEDINGS WERE HELD IN
26 OPEN COURT OUTSIDE THE PRESENCE OF THE
27 JURY:)

28 THE COURT: ALL RIGHT. NOW WE'RE OUTSIDE THE

1 PRESENCE OF THE JURY.

2 WE HAVE -- MS. TROPP, YOU HAVE SOMETHING
3 YOU OBJECT TO, AND, MR. WHEELER, YOU HAVE SOMETHING YOU
4 OBJECT TO.

5 MR. WHEELER: YES, YOUR HONOR.

6 THE COURT: LET'S START WITH THE PLAINTIFFS
7 BECAUSE THAT'S FIRST.

8 MR. WHEELER: YES, THE OBJECTIONS I HAVE ARE TO
9 TWO SLIDES.

10 THE COURT: NO. NO. WHAT SHE OBJECTS TO YOU
11 BECAUSE YOU'RE GOING TO GO FIRST.

12 MR. WHEELER: OH, I'M SORRY.

13 THE COURT: THAT'S ALL RIGHT.

14 MS. TROPP: YOU WERE GOING TO SHOW ME THE ONE YOU
15 REDID LAST NIGHT.

16 SO I HAVE THEM TABBED, YOUR HONOR, BUT I
17 MAY BE ABLE TO TAKE ONE OFF OF THE LIST.

18 DO YOU WANT THEM BROUGHT UP TO YOU WITH
19 THE TABS, SIR? HOW WOULD YOU LIKE TO HANDLE THAT?

20 THE COURT: THAT'S FINE. I HAVEN'T SEEN IT SO
21 LET ME JUST SEE WHAT IT IS.

22 IS THERE SETUP THAT HAS TO OCCUR FOR
23 YOURS?

24 MR. WHEELER: WE'VE GOT TO GET THE MONITOR UP.

25 THE COURT: IS THIS COMING DOWN NOW?

26 MR. REX PARRIS: YES. ABSOLUTELY.

27 YOUR HONOR, WHILE THEY'RE DOING THAT,
28 JUROR NO. 2, WE WOULD OBJECT TO HIM CONVEYING ANY

1 INFORMATION ABOUT WHAT HE --

2 THE COURT: ALL RIGHT. WE'LL DEAL WITH THAT
3 SEPARATELY.

4 MICHELLE, THEY HAVE A POWERPOINT THEY WANT TO
5 SHOW. IT'S GOT POST-ITS ON IT.

6 THE CLERK: OKAY.

7 MR. WHEELER: MAY I APPROACH, YOUR HONOR?

8 THE COURT: GIVE IT TO MICHELLE. LET ME JUST
9 TAKE A LOOK AT IT.

10 IS THIS BOTH SIDES OR JUST -- I JUST WANT
11 TO KNOW WHAT THE DEFENSE OBJECTS TO AND THE PLAINTIFFS.

12 MS. TROPP: THE ONE THAT HAS FOUR SLIDES ON THE
13 PAGE IS PLAINTIFF'S OPENING AND THE TABS.

14 THE COURT: THIS HERE IS PLAINTIFF'S OPENING?

15 MR. WHEELER: YES, YOUR HONOR.

16 THE COURT: LET ME SEE WHAT IT IS.

17 WHAT'S THE OTHER ONE?

18 MS. TROPP: THAT'S MINE.

19 THE COURT: OKAY. HOLD THAT.

20 IT LOOKS LIKE -- IS THERE JUST TWO? I
21 HAVE TWO POST-ITS AND THEN THE NEXT PAGE HAS A QUESTION
22 MARK IN RED.

23 MS. TROPP: I THOUGHT THERE WAS THREE POST-ITS.

24 THE COURT: THERE ARE THREE. THERE ARE THREE.
25 MY MISTAKE.

26 MS. TROPP: THERE ARE THREE.

27 THE COURT: 1, 2, 3.

28 OKAY. THE THREE I HAVE ARE -- THE FIRST

1 ONE, IT LOOKS LIKE IT'S AT THE BOTTOM RIGHT.

2 IF I COULD ASK EVERYBODY TO TRY NOT TO
3 MAKE TOO MUCH NOISE SO THE REPORTER CAN HEAR WHAT'S
4 BEING SAID.

5 ALL RIGHT. WE'RE ON THE POWERPOINT OF THE
6 PLAINTIFF THAT MR. WHEELER WANTS TO USE AND IT SAYS
7 DR. FARRUKH, F-A-R-R-U-K-H, NEUROSURGEON, AND IT
8 SHOWS -- IS THAT -- IT'S NOT THE PLAINTIFF. IT'S AN
9 EXEMPLAR.

10 MR. WHEELER: THAT IS A PICTURE OF THE PLAINTIFF,
11 YOUR HONOR.

12 THE COURT: OH, THAT IS A PICTURE OF THE
13 PLAINTIFF.

14 MR. WHEELER: YEAH. IF I MAY, YOUR HONOR, IT'S A
15 MEDICAL ILLUSTRATION.

16 WHAT YOU SEE BEFORE YOU HAS A PICTURE ALL
17 THE WAY OVER ON THE LEFT AND IT HAS SOME SCREWS GOING
18 INTO THE SKULL. THE DEFENSE, LAST NIGHT, TOLD ME THEY
19 OBJECTED TO THAT. SO I'VE TAKEN THAT SLIDE, THAT
20 PICTURE OUT. AND I THINK THAT ALLEVIATES ALL OF YOUR
21 CONCERNS ABOUT THAT.

22 MS. TROPP: NO. MY OTHER COMMENT LAST NIGHT TO
23 MR. WHEELER WAS, THIS IS A MEDICAL ILLUSTRATION BUT
24 THEY HAVE SUPERIMPOSED MR. TAYLOR'S FACE ONTO THE
25 ILLUSTRATIONS, WHICH I THINK IS NOT ONLY PREJUDICIAL,
26 BUT MISLEADING.

27 THE VERY NEXT SLIDE IS ACTUALLY A PICTURE,
28 WHICH I DON'T THINK YOUR HONOR HAS, THEY'VE ADDED IT.

1 BUT THERE'S ACTUALLY A SLIDE OF MR. TAYLOR HIMSELF, A
2 PHOTO OF HIM WITH THE HALO ON, WHICH WE FEEL THEN WOULD
3 ALSO MAKE THIS CUMULATIVE.

4 I DON'T HAVE A PROBLEM WITH THE MEDICAL
5 ILLUSTRATION OF THE HALO AND HOW IT'S PLACED AND EVEN
6 THE VEST. BUT WITH MR. TAYLOR'S SUPERIMPOSED FACE ON
7 IT, I THINK IT'S PREJUDICIAL AND CUMULATIVE WITH THE
8 NEXT ONE.

9 THE COURT: LET ME MAKE SURE I UNDERSTAND. WHAT
10 YOU'RE SAYING IS THE BODY IS NOT HIS BUT THE HEAD IS
11 HIS.

12 MR. WHEELER: THE HEAD IS A RECREATION OF HIM,
13 YOUR HONOR, AND IT'S A FAIR AND ACCURATE REPRESENTATION
14 OF WHAT HE LOOKS LIKE.

15 THE COURT: NO. NO. I DON'T WANT YOU TO ARGUE
16 IT YET. I WANT TO GET THE FACTS.

17 MR. WHEELER: FAIR ENOUGH.

18 THE COURT: NOW, AS I UNDERSTAND, HERE'S HIS
19 UPPER BODY. IS THAT MR. TAYLOR'S UPPER BODY?

20 MR. WHEELER: NO, THAT'S NOT.

21 THE COURT: THAT'S A MODEL.

22 MR. WHEELER: THAT'S A MODEL.

23 THE COURT: AND THEN ON TOP OF THAT HIS HEAD IS
24 SUPERIMPOSED.

25 MR. WHEELER: IT'S AN ILLUSTRATION OF HIM. SO
26 NONE OF THAT IS HIM, IF THAT'S THE ANSWER TO THE
27 COURT'S QUESTION.

28 THE COURT: OKAY.

1 MR. WHEELER: IT'S AN ILLUSTRATION THAT OUR
2 ILLUSTRATOR DID USING PHOTOGRAPHS OF MR. TAYLOR.

3 THE COURT: ALL RIGHT. LET'S GO TO THE NEXT ONE.

4 I HAVE HERE, IT LOOKS LIKE A QUESTION MARK
5 AND THEN IT HAS ARROWS TO TWO OF THEM.

6 MS. TROPP: WE WOULD JUST OBJECT TO THE TWO
7 SLIDES AT THE TOP OF THAT; ONE BEING THE SURGERY TO THE
8 CERVICAL SPINE, AND THE OTHER BEING THE TRACHEOSTOMY,
9 THE MEDICAL ILLUSTRATIONS, JUST AS BEING GRAPHIC AND
10 PREJUDICIAL AT THIS TIME.

11 THE COURT: I WOULD ALLOW THOSE. WE'LL COME BACK
12 TO NO. 1, BUT I WOULD ALLOW THOSE MEDICAL
13 ILLUSTRATIONS. IT'S A GRAPHIC INJURY AND IT'S A
14 SERIOUS INJURY, AND I THINK THE JURY IS PREPARED FOR
15 THAT.

16 MS. TROPP: VERY WELL.

17 THE COURT: SO I'LL ALLOW -- I CALL IT NO. 2.
18 THEY'RE NOT NUMBERED, BUT YOU KNOW WHAT I'M TALKING
19 ABOUT.

20 MR. WHEELER: I DO, YOUR HONOR.

21 THE COURT: IT SAYS, "CERVICAL SPINE REDUCTION
22 AND INTERSPINOUS CABLE FIXATION," AND THEN TO THE RIGHT
23 IT SAYS "TRACHEOSTOMY."

24 MR. WHEELER: YES, YOUR HONOR.

25 THE COURT: OKAY. SO THAT'S -- I'LL PUT OKAY.

26 AND THEN THERE'S AN OBJECTION TO SHARON
27 TAYLOR'S HOME FOR SIX-AND-A-HALF MONTHS. IS THAT WHAT
28 THE OBJECTION IS?

1 MS. TROPP: YES, YOUR HONOR, AND THAT'S JUST
2 BASED ON DISCUSSIONS THAT WE'VE ALREADY HAD WITH THE
3 COURT REGARDING ANY DAMAGES THAT POTENTIALLY WERE
4 SUFFERED BY MS. TAYLOR, OR ARE RELEVANT IN THE CASE.
5 AND WHETHER SHE CAN EVEN TESTIFY AS TO WHERE SHE LIVED
6 AT THAT TIME IS QUESTIONABLE, BUT I CERTAINLY WOULD
7 NOT -- CERTAINLY WOULD LIKE IT TAKEN OUT OF OPENING
8 UNTIL THE COURT MAKES A DECISION ON THAT.

9 BUT WHERE SHE LIVED IS NOT RELEVANT TO
10 MR. TAYLOR'S DAMAGES.

11 MR. WHEELER: YOUR HONOR, IT'S ABSOLUTELY
12 RELEVANT TO THE STORY. I'M NOT GOING TO BE ARGUING ANY
13 DAMAGES. IT'S OPENING STATEMENT.

14 PART OF THE PLAINTIFF'S STORY IS WHERE HIS
15 CAREGIVER AND THE GUARDIAN AD LITEM IN THIS CASE WAS
16 LIVING WHILE HE WAS RECEIVING HIS CARE BECAUSE SHE
17 HELPED HIM NAVIGATE HIS CARE. SHE WAS WITH HIM THROUGH
18 EVERY STEP OF THIS.

19 SO WHAT THIS SLIDE SHOWS IS WHERE HIS
20 MOTHER WAS LIVING THROUGH THE PENDENCY OF ALL OF HIS
21 TREATMENT. I THINK THAT'S CERTAINLY RELEVANT, AND IT
22 CERTAINLY TELLS THE JURY THE STORY OF EVERYTHING THIS
23 YOUNG MAN WENT THROUGH.

24 THE COURT: IS THIS A TRAILER? WHAT IS THIS?

25 MR. WHEELER: YES, THAT'S HER TRAILER.

26 THE COURT: OKAY. WHERE IS IT IN RELATION TO
27 WHERE HE WAS?

28 MR. WHEELER: SO WHAT HAPPENS IS HE'S IN ANTELOPE

1 VALLEY HOSPITAL FOR A MONTH. HE GETS TRANSFERRED TO
2 PACIFICA, WHICH IS A SUBACUTE CENTER, WHERE HE IS FOR
3 SIX-AND-A-HALF MONTHS.

4 WHEN HE MOVED DOWN TO THE SAN FERNANDO
5 VALLEY FROM LANCASTER, HIS MOTHER HAD TO LIVE IN THE
6 TRAILER BECAUSE IT WAS TOO LONG TO DO THE COMMUTE. IT
7 WAS IN A TRAILER PARK AS CLOSE TO PACIFICA AS SHE COULD
8 GET.

9 THE COURT: ANYTHING FURTHER?

10 MS. TROPP: OBVIOUSLY MR. TAYLOR NEVER LIVED IN
11 THIS TRAILER.

12 THAT'S HARD TO SAY: TAYLOR, TRAILER.
13 SORRY.

14 MS. TAYLOR DID LIVE THERE WHILE SHE WAS IN
15 THE HOSPITAL, BUT SHOWING WHERE HE LIVED OR WHERE HIS
16 CARE WAS BEING MANAGED IS CERTAINLY RELEVANT, BUT WHERE
17 SHE WAS SLEEPING AT NIGHT IS NOT.

18 THE COURT: THIS IS WHAT I'LL --

19 ANYTHING FURTHER?

20 MR. WHEELER: NOTHING, YOUR HONOR.

21 THE COURT: WELL, I'M GOING TO ALLOW YOU TO SAY
22 THAT SHE LIVED IN A TRAILER NEARBY. DON'T SHOW THE
23 PICTURE. I THINK IT'S A 352 ISSUE WITH THE TRAILER.
24 BUT YOU CAN TELL THEM SHE LIVED IN A TRAILER NEARBY HER
25 SON AND WAS MONITORING HIS MEDICAL CONDITION.

26 THE FIRST ONE, THE ONLY WAY I'M GOING TO
27 LET YOU USE IT IS IF YOU TELL THE JURY, "WE
28 SUPERIMPOSED HIS HEAD ON THAT." I WANT FULL DISCLOSURE

1 ON WHAT HAPPENED.

2 IF YOU DON'T WANT TO USE IT, THAT'S FINE.
3 OTHERWISE, YOU HAVE TO TELL THEM IT WAS SUPERIMPOSED
4 BECAUSE IT WOULD BE A MISREPRESENTATION OTHERWISE.

5 THE OTHER ONE I ALLOWED, THOSE ARE
6 STANDARD MEDICAL ILLUSTRATIONS AND THEY'RE APPROPRIATE.

7 MR. WHEELER: I UNDERSTAND THE COURT'S RULING.
8 THANK YOU.

9 MS. TROPP: IF THE COURT IS GOING TO ALLOW THAT
10 FIRST SLIDE IN, AS LONG AS THEY TELL THE STORY THEY'VE
11 SUPERIMPOSED ON IT, THEN WOULD THE NEXT SLIDE BE
12 CUMULATIVE? BECAUSE I KNOW YOU DON'T HAVE IT IN YOUR
13 STACK BECAUSE IT WAS ADDED LAST NIGHT, THE NEXT SLIDE
14 IS OF MR. TAYLOR ACTUALLY IN THE HOSPITAL WEARING THE
15 HALO.

16 MR. WHEELER: AND JUST SO THE COURT KNOWS, I
17 DIDN'T SNEAK IT IN.

18 MS. TROPP: I KNOW YOU DIDN'T.

19 MR. WHEELER: I KNOW.

20 BUT JUST SO THE COURT KNOWS, WE HAD A
21 CONVERSATION, WE WERE MEETING AND CONFERRING ABOUT THIS
22 LAST NIGHT, AND MS. TROPP SAID, IF YOU HAVE A PICTURE
23 OF HIM IN THE HALO, WE WOULDN'T OBJECT TO THAT. I HAVE
24 IT IN THERE.

25 THE COURT: I MISUNDERSTOOD.

26 IF YOU HAVE A PICTURE OF HIM WITH A HALO,
27 SHOW THAT TO THE JURY. THAT WAY YOU TAKE AWAY THE
28 ISSUE OF SUPERIMPOSING.

1 JURORS SEE THAT. YOU CAN SEE THAT IN
2 PHOTOGRAPHS. I DON'T WANT TO HAVE ANY SUGGESTION OF
3 ANY PHOTOSHOPPING BECAUSE YOU DIDN'T DO THAT.

4 MR. WHEELER: NO, I DID NOT.

5 THE COURT: I THINK IT WOULD MISLED HIM. JUST
6 SHOW THE ONE WITH HIM IN THE HALO.

7 MR. WHEELER: YOUR HONOR, BACK TO THE
8 ILLUSTRATION. THAT'S WHAT SHOWS THE MEDICAL PROCEDURE
9 THAT WAS DONE. HAVING MR. TAYLOR IN THE HALO ITSELF,
10 THAT DOESN'T ILLUSTRATE THE PROCEDURE HE WENT THROUGH,
11 TO HAVE THE HALO AND THE JACKET PUT ON. THAT'S WHY I
12 WOULD LIKE TO USE THE ILLUSTRATION. I HAVE BOTH IN
13 CASE I NEEDED TO CHANGE THINGS ON THE FLY.

14 THE COURT: DO YOU HAVE A COPY OF THE OTHER ONE?

15 MR. WHEELER: I CAN SHOW IT TO YOU. I DON'T HAVE
16 A COPY BECAUSE I MADE THE CHANGE THIS MORNING.

17 THE COURT: JUST HOLD IT UP.

18 MR. WHEELER: HERE'S THE SLIDE THAT WE'RE TALKING
19 ABOUT, THE ILLUSTRATION.

20 THE COURT: THIS IS THE ILLUSTRATION WITH HIM
21 SUPERIMPOSED?

22 MR. WHEELER: YES. AND I DELETED THE ONE WITH
23 THE SCREWS GOING INTO THE HEAD.

24 SO IT'S NOT SUPERIMPOSED, YOUR HONOR.
25 WHAT IT IS IS AN ILLUSTRATION. IT'S NOT LIKE WE TOOK
26 SOMEBODY ELSE'S BODY AND PUT MR. TAYLOR'S HEAD ON
27 THERE. IT'S NOT A SUPERIMPOSITION, IT'S AN
28 ILLUSTRATION. IT'S A MEDICAL ILLUSTRATION. THAT'S

1 WHAT THE WHOLE THING IS.

2 THE COURT: ALL RIGHT.

3 MR. WHEELER: BUT I REMOVED THAT ONE PART OF IT
4 THAT COUNSEL OBJECTED TO YESTERDAY.

5 AND THEN THIS IS -- THE NEXT SLIDE IS A
6 PICTURE OF MR. TAYLOR IN THE HOSPITAL WITH THE HALO ON.
7 AND THIS IS ACTUALLY QUITE A WHILE AFTER HE HAD THE
8 PROCEDURE.

9 THE COURT: AND WHAT -- NOW THAT I UNDERSTAND,
10 IT'S A MEDICAL ILLUSTRATION WHERE IT WASN'T A
11 SUPERIMPOSED SITUATION, IT WAS SIMPLY AN ILLUSTRATION
12 WITH HIS HEAD THERE.

13 WHAT'S THE OBJECTION THERE?

14 MS. TROPP: FIRST OF ALL, IT WAS A MEDICAL
15 ILLUSTRATION OF THE PROCEDURE. BUT WHEN MR. WHEELER
16 TOOK THAT LEFT SIDE OF THE SLIDE OUT WHICH SHOWED THE
17 SCREWS ACTUALLY GOING IN, WHAT HE HAS LEFT IS PHOTOS
18 OF -- OR AN ILLUSTRATION OF SOMEBODY SCREWING THE HALO
19 INTO THE OUTER PART OF MR. TAYLOR'S HEAD, WHICH IS
20 NOT -- I MEAN, THAT SURGERY HAPPENS IN THE OPERATING
21 ROOM, NOT WHILE THE PATIENT IS SEATED. AND SO I DON'T
22 EVEN KNOW THAT IT'S A MEDICAL ILLUSTRATION ANYMORE NOW
23 THAT THEY TOOK THAT LEFT SIDE OF THE SCREEN OUT.

24 I DON'T HAVE A PROBLEM WITH THE
25 EXPLANATION OF THE PROCEDURE. THE DOCTOR THAT'S GOING
26 TO BE TESTIFYING WILL TALK ABOUT HOW HE DID THE
27 PROCEDURE. AND CERTAINLY NOT A PROBLEM WITH THE PHOTO
28 OF MR. TAYLOR WEARING IT, BUT I DON'T THINK THIS IS A

1 MEDICAL ILLUSTRATION ANYMORE.

2 MR. WHEELER: IT ABSOLUTELY IS, YOUR HONOR. IT
3 SHOWS HOW THE HALO IS PLACED ON THE HEAD. IT SHOWS THE
4 BARS THAT CONNECT THE HALO TO THE JACKET. IT'S A FAIR
5 AND ACCURATE REPRESENTATION OF THE SURGERY THAT'S DONE.

6 AND DR. FARRUKH WILL TELL THE JURY THAT
7 WHEN HE GETS HERE TOMORROW MORNING.

8 THE COURT: ALL RIGHT. WHAT I'LL DO IS, IS I'M
9 NOT GOING TO HAVE YOU DO IT DURING OPENING STATEMENT
10 BUT YOU CAN POSSIBLY USE IT WITH DR. FARRUKH WHO CAN
11 EXPLAIN WHAT IT IS.

12 IT'S A MEDICAL ILLUSTRATION. I DON'T WANT
13 ANY CONFUSION OF THE JURY.

14 SO YOU CAN USE THE PHOTOGRAPH OF HIM IN
15 THE BED THAT SHOWS HIM. YOU CAN SHOW THAT TO THE JURY
16 TODAY.

17 AND THE MEDICAL ILLUSTRATION, IF YOU WANT
18 TO SHOW IT TO DR. FARRUKH AND THERE'S NO OBJECTION, I
19 THINK THAT'S APPROPRIATE. HE CAN EXPLAIN THE WHOLE
20 PROCESS. I THINK IT NEEDS EXPERT TESTIMONY.

21 MR. WHEELER: UNDERSTOOD, YOUR HONOR.

22 THE COURT: ALL RIGHT. AND I'LL TAKE THIS UP. I
23 DON'T WANT TO HOLD THE JURY UP.

24 IT SAYS -- LOOKS LIKE THERE'S THREE OF
25 THESE, MR. WHEELER?

26 MR. WHEELER: THERE ARE -- I THINK THERE ARE
27 THREE, YES, YOUR HONOR.

28 THE COURT: SO IT'S DR. SUZY KIM. THERE'S A

1 YOUTUBE, AND THERE'S THE BURDEN OF PROOF. SO WE'LL
2 TAKE THOSE UP WHEN WE TAKE A BREAK.

3 MS. TROPP: THANK YOU, YOUR HONOR.

4 MR. WHEELER: UNDERSTOOD, YOUR HONOR.

5 MR. REX PARRIS: YOUR HONOR, CAN I INTERJECT.

6 MS. TROPP: DO WE HAVE TWO ATTORNEYS ARGUING NOW?

7 THE COURT: NO. WE HAVE ONE ATTORNEY.

8 MR. WHEELER.

9 MR. REX PARRIS: MR. WHEELER, EXPLAIN TO HIM WHY
10 THAT'S IMPORTANT.

11 MR. WHEELER: OKAY. I JUST WANT TO REVISIT THE
12 ILLUSTRATION BECAUSE IT ABSOLUTELY IS A MEDICAL
13 ILLUSTRATION.

14 THE SLIDE OVER ON THE FAR RIGHT HAS THE
15 HALO JACKET, WHICH YOU CAN'T SEE IN THE OTHER PICTURE
16 OF MR. TAYLOR. AND THE HALO JACKET IS A BIG PART OF
17 WHY MR. TAYLOR DEVELOPED SOME COMPLICATIONS IN HIS
18 THORACIC SPINE, WHICH YOU'LL HEAR ABOUT IN MY OPENING,
19 BUT HE HAD A METAL ROD AND SCREWS IN HIS BACK. AND
20 WHEN HE BECOMES A QUADRIPLAGIC, THE METAL GETS INFECTED
21 BY PUSHING THROUGH HIS BACK.

22 SO EXPLAINING WHY THE HALO JACKET IS THERE
23 AND SHOWING THE JACKET ITSELF IS A KEY COMPONENT TO THE
24 STORY.

25 THERE'S NOTHING INACCURATE ABOUT THIS
26 DRAWING. THE HALO GOES INTO THE HEAD AND THE JACKET
27 GOES AROUND THE BODY.

28 AND I'M HAPPY TO TELL THE JURY THAT IT'S

1 AN ILLUSTRATION. IT'S NOT AN ACTUAL PHOTO OF
2 MR. TAYLOR. AND I THINK THAT WOULD CURE ANY ALLEGED
3 PROBLEM WITH THE SLIDE IN THE FIRST PLACE.

4 MS. TROPP: THEY WOULD SOLVE THIS WHOLE PROBLEM
5 IF AFTER LAST -- OUR CONVERSATION LAST NIGHT THEY
6 ENTERED A SLIDE OF THE HALO EQUIPMENT OR THE VEST OR OF
7 SOMEBODY OTHER THAN MR. TAYLOR HAVING THE MEDICAL
8 PROCEDURE DONE.

9 I AGREE THE HALO VEST IS AN IMPORTANT PART
10 OF THIS CASE. I DON'T HAVE A PROBLEM WITH THEM
11 ACTUALLY BRINGING A VEST IN AND HAVING DR. FARRUKH
12 TESTIFY TO IT.

13 BUT THIS SLIDE IS MISLEADING. AND JUST
14 BECAUSE IT SHOWS A VEST SIMILAR TO THAT OR NEARLY LIKE
15 THAT THAT MR. TAYLOR WORE DOESN'T MAKE THE SLIDE IN AND
16 OF ITSELF ALL OF A SUDDEN NOT MISLEADING.

17 THE COURT: ALL RIGHT. WELL, ANYTHING FURTHER?

18 MR. WHEELER: I DON'T THINK -- THERE'S NOTHING
19 THAT'S BEEN POINTED OUT THAT SHOWS HOW IT'S MISLEADING.
20 IT'S THE EXACT PROCEDURE THAT HE WENT THROUGH.

21 I MEAN, THERE'S NOTHING EVEN -- EVEN
22 RISQUE ABOUT IT. THERE'S SOME SCREWS GOING INTO HIS
23 HEAD AND THEN HE'S WEARING THE VEST. THERE'S NOT ANY
24 BLOOD ANYWHERE. IT'S NOT GRAPHIC.

25 IF I TELL THE JURY, "THIS IS AN
26 ILLUSTRATION OF MY CLIENT. HERE'S AN ILLUSTRATION OF
27 THE PROCEDURE THAT IT TOOK TO GET THE HALO ON," THAT'S
28 IT. I MEAN, IT'S NOT LIKE THESE ARE GORY PHOTOGRAPHS.

1 I WOULD UNDERSTAND THAT.

2 THE COURT: UNDERSTAND. ALL RIGHT. ANYTHING
3 FURTHER?

4 MS. TROPP: NO, YOUR HONOR.

5 THE COURT: VERY GOOD.

6 ALL RIGHT. MY RULING WILL STAND. WHAT
7 YOU CAN DO IS YOU CAN EXPLAIN IT TO THE JURY. YOU HAVE
8 THIS WITNESS COMING IN TOMORROW. THE WITNESS WILL BE
9 ABLE TO GO THROUGH THE ILLUSTRATION, AND SO I THINK THE
10 JURY IS GOING TO HEAR THE INFORMATION. I DON'T FIND
11 ANY PREJUDICE.

12 ALSO, DO ME A FAVOR. IF YOU HAVE ANYTHING
13 FURTHER LIKE THIS, MAKE SURE THAT YOU GIVE IT TO
14 MICHELLE AT 8:30 SO I CAN TAKE A LOOK AT IT.

15 MR. WHEELER: ABSOLUTELY, YOUR HONOR. THANK YOU.

16 THE COURT: ALL RIGHT. AND THEN WE'LL TAKE UP
17 THE OTHER ONE SINCE WE WON'T HAVE THE OTHER -- I THINK
18 YOU SAID AN HOUR AND 15?

19 MR. WHEELER: YES, YOUR HONOR.

20 THE COURT: DOES IT GO AN HOUR AND 15?

21 MR. WHEELER: IT DOES.

22 THE COURT: ALL RIGHT. WE'LL FINISH IT BY NOON,
23 AND THEN WE TAKE UP -- GIVE ME THE READER'S DIGEST
24 VERSION OF WHAT THE ISSUE IS SO I CAN LOOK AT THESE.

25 IT SAYS DR. SUZY KIM. IT HAS SOME WRITING
26 ON IT. WHAT'S THE OBJECTIVE?

27 MR. WHEELER: VERY NARROW, YOUR HONOR. ONE IS A
28 YOUTUBE VIDEO, BUT THAT ONE IS AN OBJECTION TO SUZY KIM

1 IN HER WHEELCHAIR ASSISTING SOMEBODY WHO IS STANDING
2 UP.

3 SO A VERY ABLE-BODIED PERSON WHICH IS VERY
4 DIFFERENT FROM THIS CASE.

5 THE COURT: OKAY. SO SHE -- DR. KIM IS IN A
6 WHEELCHAIR?

7 MR. WHEELER: YES, YOUR HONOR.

8 THE COURT: YOU DON'T WANT TO HAVE THAT SHOWN?

9 MR. WHEELER: THAT'S CORRECT. THE OTHER PART I
10 DON'T HAVE ANY OBJECTION TO.

11 THE COURT: OKAY. THEN THE YOUTUBE. WHAT'S THE
12 YOUTUBE VIDEO?

13 MR. WHEELER: IT'S INADMISSIBLE HEARSAY.

14 THE COURT: WHAT IS IT? THIS IS WHAT I HAVE, IS
15 A BLANK PIECE OF --

16 MR. WHEELER: I UNDERSTAND. I'LL BACK UP, YOUR
17 HONOR.

18 THE COURT: FACTS ARE A COMPELLING THING WITH ME.
19 I TRY TO CONVEY THAT. I WANT TO HEAR YOUR ARGUMENT BUT
20 I WANT THE FACTS.

21 MR. WHEELER: I ALWAYS RUSH RIGHT TO THE
22 ARGUMENT.

23 LET ME BACK UP, YOUR HONOR, AND TALK ABOUT
24 THE FACTS.

25 THE COURT: OKAY.

26 MR. WHEELER: IT'S A YOUTUBE VIDEO THAT
27 ILLUSTRATES AN ITEM OF MEDICAL EQUIPMENT THAT'S IN THE
28 LIFE CARE PLAN.

1 THE COURT: OKAY.

2 MR. WHEELER: BUT IF --

3 THE COURT: HOW LONG IS IT?

4 MS. TROPP: ONE MINUTE AND 30 SECONDS.

5 THE COURT: ALL RIGHT. I HAVE TO SEE IT.

6 MS. TROPP: I'M GOING TO ACTUALLY E-MAIL IT TO --
7 NOW THAT IT'S DOWNLOADED, I CAN E-MAIL IT TO MICHELLE
8 AND THAT WAY YOU CAN VIEW IT.

9 THE COURT: ALL RIGHT. THEN IT SAYS, "BURDEN OF
10 PROOF MORE LIKELY THAN NOT."

11 AND YOU OBJECT TO THE BURDEN OF PROOFS?

12 MR. WHEELER: THERE ARE SOME --

13 YOUR HONOR, AND I WILL BE HEARD ON THE
14 SPECIFIC OBJECTIONS TO THE YOUTUBE VIDEO LATER?

15 THE COURT: OF COURSE. I HAVEN'T SEEN IT.

16 MR. WHEELER: THANK YOU.

17 THE THIRD SLIDE IS THE BURDEN OF PROOF.
18 YEAH, I THINK THERE IS SOME ARGUMENTATIVE PHRASING IN
19 THERE. THERE'S SOME ARGUING OF THE LAW.

20 THE COURT: OKAY. GO OVER THAT. YOU MIGHT BE
21 ABLE TO SOLVE THE BURDEN OF PROOF ISSUE.

22 YOU CAN SIMPLIFY IT FOR THE JURY. I'M
23 GOING TO INSTRUCT THEM ON THE LAW. SEE IF YOU CAN GET
24 AN AGREEMENT ON THAT. SEE IF YOU CAN GET AN AGREEMENT
25 ON REMOVING THE WHEELCHAIR ITSELF.

26 AND THEN IT COMES DOWN AND YOU HAVE AN
27 AGREEMENT TO THE YOUTUBE VIDEO, THEN I'LL TAKE A LOOK
28 AT THAT AND SEND IT IN.

1 MR. WHEELER: THANK YOU, YOUR HONOR.

2 THE COURT: IS EVERYTHING SET UP FOR YOUR
3 OPENING?

4 MR. WHEELER: WE NEED A FEW MINUTES TO GET THE
5 T.V. IN RIGHT HERE.

6 THE COURT: WE'LL TAKE A COUPLE MINUTES.

7 MR. REX PARRIS: YOUR HONOR, JUST SO THE COURT
8 ISN'T SURPRISED, THE PLAINTIFF, ANTHONY TAYLOR, WILL BE
9 BROUGHT IN TOWARDS THE VERY END OF MR. WHEELER'S
10 OPENING.

11 THE REASON FOR THAT IS NOT THEATRICALS, IT'S
12 BECAUSE WE DO NOT THINK IT'S BENEFICIAL FOR HIM TO HEAR
13 ALL OF THE OPENING.

14 MS. TROPP: I'M SORRY. I MISSED THAT.

15 THE COURT: WHERE IS HE GOING TO SIT?

16 MR. REX PARRIS: WE'RE GOING TO PUT HIM RIGHT
17 OVER HERE -- NO. NO. FOR THE OPENING WE'RE GOING TO
18 PUT HIM AT THE TABLE.

19 THE COURT: HIS WHEELCHAIR WILL BE WHEELED UP AND
20 HE'S GOING TO BE TO THE RIGHT OF YOU?

21 MR. REX PARRIS: I'M SORRY?

22 THE COURT: HE'S GOING TO SIT TO THE RIGHT OF YOU
23 THERE?

24 MR. REX PARRIS: THAT'S CORRECT, YOUR HONOR.

25 MS. TROPP: I MISSED WHEN THAT WAS ALL HAPPENING.

26 THE COURT: WHAT I HEARD WAS MR. PARRIS SAYS HIS
27 CLIENT, MR. TAYLOR'S, GOING TO COME IN TOWARDS THE END.
28 HE SAID IT'S NOT FOR THEATRICALS, IT'S THAT THEY DON'T

1 WANT HIM TO HEAR THE ENTIRE OPENING STATEMENT.

2 MS. TROPP: ALL RIGHT. WELL, I WOULD HAVE AN
3 OBJECTION TO THAT HAPPENING, PAUSING EVERYTHING FOR
4 MR. TAYLOR TO COME IN.

5 AND LET'S ALL ACKNOWLEDGE THAT'S GOING TO
6 BE A SIGNIFICANT MOMENT FOR THIS JURY WHETHER IT'S IN
7 THE HALLWAY AND EVEN FOR OUR CLIENT. I THINK IT IS
8 THEATRICALS.

9 AND THEN I WOULD LIKE TO KNOW, THEN, SO
10 THAT I'M NOT LIMITED, HE'S NOT GOING TO BE HERE DURING
11 MY OPENING? I DON'T WANT TO SAY ANYTHING THAT WILL
12 UPSET HIM.

13 MR. REX PARRIS: I'M NOT TRADING HERE, YOUR
14 HONOR. I HAVE A VERY -- I HAVE A YOUNG MAN --

15 THE COURT: LET ME STOP YOU, MR. PARRIS.

16 MR. REX PARRIS: OKAY.

17 THE COURT: I KNOW YOU WANT TO ARGUE IT. I'LL
18 LET YOU ARGUE IT. OF COURSE I TOLD THE JURY 10:25.

19 IT'S A VERY SIMPLE ISSUE. THERE WAS A
20 QUESTION ASKED. SO LET'S GO BACK TO THE QUESTION.

21 MR. REX PARRIS: YES.

22 THE COURT: THAT'S THE KEY THING.

23 MS. TROPP SAID, IS HE GOING TO BE HERE FOR
24 MINE BECAUSE IF HE IS -- THEN YOU SAID YOU DON'T WANT
25 HIM TO HEAR WHAT MR. WHEELER SAYS. I ASSUME YOU DON'T
26 WANT HIM TO HEAR WHAT MS. TROPP SAYS.

27 MR. REX PARRIS: I DON'T CARE IF HE HEARS WHAT
28 MS. TROPP SAYS BECAUSE HE DOESN'T LIKE HER AND HE

1 DOESN'T BELIEVE HER, BUT HE DOES BELIEVE MR. WHEELER
2 AND MR. WHEELER IS HIS FRIEND.

3 THE COURT: ALL RIGHT.

4 MR. REX PARRIS: AND MR. WHEELER HAS GUIDED HIM
5 NOW FOR TWO YEARS. AND IF MR. WHEELER SAYS, "YOU'RE
6 GOING TO DIE 16 YEARS EARLY," THAT'S GOING TO BE VERY
7 UPSETTING FOR HIM. AND THERE IS ABSOLUTELY NO LEGAL
8 REASON WHY HE CANNOT COME IN LATE DURING AN OPENING.

9 THE COURT: ALL RIGHT. MR. WHEELER, THIS IS
10 PROBABLY SOMETHING YOU SHOULD HAVE ARGUED. AND I'M
11 GOING TO REMIND BOTH SIDES THAT YOU CAN SPEAK TO EACH
12 OTHER AND DISCUSS ISSUES, BUT IF YOU CALL A WITNESS,
13 YOU OBJECT. IF YOU MAKE AN OPENING, YOU OBJECT. IT'S
14 ONE LAWYER PER WITNESS PER ARGUMENT, ET CETERA. IF
15 MR. PARRIS HAS A COMMENT HE WANTS TO MAKE, HE CAN MAKE
16 IT TO MR. WHEELER WHO CAN ARGUE IT.

17 I ASSUME YOU WOULD ADOPT HIS ARGUMENT.

18 MR. WHEELER: I DO, YOUR HONOR.

19 THE COURT: OKAY. SO WHAT'S YOUR POSITION?

20 MS. TROPP: I REALLY THOUGHT THE GOAL HERE WAS TO
21 PROTECT ANTHONY FROM HEARING THINGS REGARDLESS OF WHO
22 IS SAYING THEM. AND THAT'S REALLY SAD THAT APPARENTLY
23 THAT'S NOT THE ISSUE.

24 IF MR. WHEELER DOESN'T WANT MR. TAYLOR IN
25 THE ROOM WHEN HE SAYS THAT THERE IS A REDUCED LIFE
26 EXPECTANCY BECAUSE THAT WILL BE HARD FOR HIM TO HEAR,
27 IT IS CERTAINLY PREJUDICIAL FOR ME TO STATE THAT IN MY
28 OPENING AND HAVE THE JURY SEE MR. TAYLOR'S REACTION TO

1 IT WHETHER HE BELIEVES ME OR NOT. I THINK HE NEEDS TO
2 BE HERE FOR ALL OF THE OPENINGS OR NONE OF THE
3 OPENINGS.

4 THE COURT: ALL RIGHT.

5 I ASSUME THERE'S NO AUTHORITY FOR THAT.
6 IT WOULD JUST BE BASICALLY A 352 ISSUE.

7 MS. TROPP: IT WOULD BE.

8 MR. WHEELER: AND, YOUR HONOR, JUST TO ADDRESS
9 THAT, IT'S NOT ABOUT THE EFFECT ON MR. TAYLOR. IT'S
10 THE EFFECT ON THE ATTORNEY-CLIENT RELATIONSHIP. THAT'S
11 WHAT MR. PARRIS WAS GETTING AT.

12 I HAVE A RELATIONSHIP WITH MR. TAYLOR.
13 WORDS MEAN AND HAVE DIFFERENT EFFECTS ON DIFFERENT
14 PEOPLE GIVEN WHO THE SPEAKER IS. AND AS MR. PARRIS
15 NOTED, WE'VE BEEN DOING THIS CASE WITH HIM FOR OVER TWO
16 YEARS. IF HE HEARS ME SAY CERTAIN THINGS, IT CERTAINLY
17 HAS A DIFFERENT EFFECT THAN IF HE HEARS THE PERSON HE
18 UNDERSTANDS TO BE DEFENDING THE DEFENDANT IN THE CASE
19 SAY THEM, IT GOES IN A VERY DIFFERENT EFFECT ON THAT
20 LISTENER.

21 THE COURT: ANYTHING FURTHER?

22 MR. WHEELER: NOTHING, YOUR HONOR.

23 THE COURT: ANYTHING FURTHER.

24 MS. TROPP: NO.

25 THE COURT: ALL RIGHT. WHAT I'M GOING TO DO IS
26 I'M GOING TO ALLOW YOU TO BRING HIM IN. I AM GOING TO
27 TELL THE JURY THAT BEFORE YOU MAKE YOUR OPENING
28 STATEMENT THAT MR. TAYLOR WILL BE ARRIVING AT SOME

1 POINT DURING THE OPENING STATEMENT. WE'RE GOING TO
2 PAUSE. HE'S GOING TO BE SEATED NEXT TO MR. PARRIS, AND
3 THEN WE'LL CONTINUE WITH THE OPENING.

4 BUT I'M GOING TO TELL THEM THAT. ALL
5 RIGHT?

6 WE'LL TAKE FIVE MINUTES WHILE YOU FINISH
7 YOUR SETUP AND THEN WE'LL START.

8 MS. TROPP: YOUR HONOR, IF THE L.V.N. IS COMING
9 IN WITH MR. TAYLOR, I KNOW YOU HAVEN'T RULED ON WHETHER
10 SHE IS GOING TO BE TESTIFYING, I'M JUST CONCERNED ABOUT
11 OUR WITNESS EXCLUSION RULE. AND WE MAY -- IF THE
12 L.V.N. THAT THEY STILL WANT TO HAVE COME TESTIFY, WHICH
13 WE DO OBJECT TO, IS COMING IN WITH HIM --

14 MR. REX PARRIS: SHE'LL BE IN THE HALLWAY, YOUR
15 HONOR. I'M AWARE OF THE COURT'S RULING.

16 MS. TROPP: OKAY. THANK YOU.

17 THE COURT: ALL RIGHT. NOW WE HAVE FIVE MINUTES.

18 (RECESS TAKEN FROM 10:39 A.M. TO
19 10:47 A.M.)

20 THE COURT: OKAY. VERY GOOD. WE'RE READY TO GO.

21 (THE FOLLOWING PROCEEDINGS WERE HELD IN
22 OPEN COURT IN THE PRESENCE OF THE
23 JURY:)

24 THE COURT: LADIES AND GENTLEMEN, WE'LL NOW HEAR
25 THE OPENING STATEMENTS FROM BOTH ATTORNEYS. BEFORE
26 LUNCH, WE'LL HEAR FROM MR. WHEELER ON BEHALF OF THE
27 PLAINTIFF. AFTER LUNCH, WE'LL HEAR FROM MS. TROPP ON
28 BEHALF OF THE DEFENDANT.

1 I WANT TO ADVISE YOU THAT DURING THE
2 OPENING STATEMENT, MR. TAYLOR WILL ARRIVE. WHEN HE
3 ARRIVES, HE WILL BE BROUGHT FORWARD TO COUNSEL TABLE.
4 SO THERE WILL BE A SLIGHT PAUSE IN MR. WHEELER'S
5 PRESENTATION UNTIL HE'S SET UP, AND THEN WE'LL CONTINUE
6 AT THAT POINT.

7 MR. WHEELER, ARE YOU READY TO PROCEED?

8 MR. WHEELER: I AM, YOUR HONOR, THANK YOU.

9 THE COURT: THANK YOU.

10
11 OPENING STATEMENT BY MR. WHEELER

12 MR. WHEELER: GOOD MORNING, EVERYONE.

13 THE JURY: GOOD MORNING.

14 MR. WHEELER: WE FINALLY GET TO TELL YOU ABOUT
15 WHAT THE CASE IS ABOUT.

16 AND THE FIRST WORDS THAT YOU HEARD FROM
17 THE COURT ABOUT WHAT THIS CASE IS ABOUT IS IT'S A CASE
18 ABOUT 100 PERCENT RESPONSIBILITY BECAUSE MS. SCHILLING,
19 SHE ADMITS THAT SHE'S 100 PERCENT RESPONSIBLE FOR
20 CAUSING THE CAR CRASH.

21 AND IT'S ALSO A CASE ABOUT 100 PERCENT
22 ACCOUNTABILITY, THE NEXT PHASE. SHE'S ALSO 100 PERCENT
23 ACCOUNTABLE FOR ALL OF THE INJURIES THAT SHE CAUSED TO
24 MR. TAYLOR.

25 SO AS YOU HEAR ALL THE FACTS IN THIS CASE,
26 I ASK YOU TO KEEP THAT IN MIND; THAT THIS IS A CASE
27 ABOUT RESPONSIBILITY AND NOW IT'S A CASE ABOUT
28 ACCOUNTABILITY.

1 I WOULD LIKE TO TELL YOU THE STORY OF WHAT
2 HAPPENED IN THIS CASE. IN ORDER TO DO THAT, WE'VE GOT
3 TO GO BACK TO DECEMBER 19TH OF 2015. IT'S A SATURDAY,
4 JUST BEFORE 5:00 P.M. WE'RE IN THE ANTELOPE VALLEY.
5 IT'S A CLOUDY, COLD DAY IN THE HIGH DESERT, AND IT'S
6 JUST STARTING TO RAIN. AND THE DEFENDANT,
7 MS. SCHILLING, SHE LEAVES THE ANTELOPE VALLEY MALL.

8 YOUR HONOR, MAY I APPROACH THE SCREEN TO
9 ORIENT THE JURY?

10 THE COURT: YES.

11 MR. WHEELER: THANK YOU, YOUR HONOR.

12 FOR THOSE OF YOU WHO HAVEN'T BEEN TO THE
13 ANTELOPE VALLEY, IT'S LAID OUT LIKE A GRID. AND THE
14 NUMBERED STREETS GO NORTH AND SOUTH LIKE THIS, AND THE
15 LETTERED STREETS GO EAST AND WEST ACROSS.

16 WHEN MS. SCHILLING LEAVES THE ANTELOPE
17 VALLEY MALL, SHE DRIVES NORTHBOUND ON THIS STREET RIGHT
18 HERE (INDICATING). HERE'S AN EXTERIOR SHOT OF THE
19 MALL. SHE'S DRIVING THIS DIRECTION ON 15TH STREET
20 WEST.

21 AND AS SHE'S DRIVING -- THAT'S ONE OF THE
22 THINGS YOU REALLY DON'T WANT TO HAVE HAPPEN WHEN YOU'RE
23 GIVING AN OPENING STATEMENT, IS YOUR THROAT TO GET ALL
24 CLOGGED UP.

25 BUT SHE HITS THIS INTERSECTION AS SHE'S
26 DRIVING NORTHBOUND ON 15TH STREET WEST. THIS IS WHERE
27 MS. SCHILLING IS DRIVING. SHE'S DRIVING NORTHBOUND.
28 SO UP FROM THE BOTTOM OF THE SCREEN, AND SHE COMES TO

1 THIS INTERSECTION WITH AVENUE O.

2 SO AVENUE O IS EAST AND WEST AND THE
3 DRIVER'S GOING IN THIS DIRECTION. THEY DON'T HAVE A
4 STOP SIGN.

5 MS. SCHILLING, SHE HAS A STOP SIGN. AND
6 THE STOP SIGN HAS SOMETHING BENEATH IT THAT SAYS "CROSS
7 TRAFFIC DOES NOT STOP." SO THAT TELLS HER THAT THIS IS
8 A TWO-WAY STOP; MEANING, SHE'S GOT THE STOP SIGN AND
9 THE OTHER TRAFFIC DOES NOT.

10 SO HERE SHE IS ON 15TH STREET WEST. SHE
11 HITS THE STOP SIGN. SHE STOPS FOR A MOMENT, AND THEN
12 SHE HITS THE GAS AND SHE DARTS OUT INTO ONCOMING
13 TRAFFIC.

14 MS. TROPP: OBJECTION, YOUR HONOR. ARGUMENTATIVE
15 AND RELEVANCE.

16 THE COURT: WELL, IT'S BACKGROUND FOR THE -- HOW
17 THE ACCIDENT HAPPENED. SO I'LL ALLOW IT.

18 OVERRULED.

19 MR. WHEELER: AS SOON AS MS. SCHILLING DARTS OUT
20 INTO ONCOMING TRAFFIC, THE TRAFFIC SHE DARTS OUT IN
21 FRONT OF IS A CAR DRIVEN BY CAROL BAKER. CAROL BAKER,
22 SHE'S DRIVING EASTBOUND ON AVENUE O. SHE'S GOING 40
23 MILES AN HOUR IN A 45-MILE-AN-HOUR ZONE BECAUSE IT'S
24 STARTING TO RAIN. AND SHE'S GOT TWO PASSENGERS IN HER
25 CAR. SHE'S GOT COURTNEY BAKER, WHO IS HER DAUGHTER,
26 SITTING BEHIND THE PASSENGER, AND NEXT TO COURTNEY
27 BAKER IS HER BOYFRIEND, ANTHONY TAYLOR.

28 ANTHONY TAYLOR IS 25 YEARS OLD AT THE

1 TIME. THE TWO OF THEM, COURTNEY AND ANTHONY TAYLOR,
2 THEY'RE SITTING IN THE BACKSEAT WHILE CAROL BAKER IS
3 DRIVING. THEY'RE LISTENING TO MUSIC ON COURTNEY'S
4 PHONE AND THEY'RE HOLDING HANDS.

5 THIS IS A PICTURE OF CAROL BAKER'S
6 BACKSEAT. HERE IS WHERE ANTHONY TAYLOR IS SITTING
7 (INDICATING). HERE'S WHERE COURTNEY IS SITTING
8 (INDICATING). CAROL BAKER, UP HERE, IS DRIVING.

9 WHEN SHE GETS TO THE INTERSECTION, SHE
10 SEES MS. SCHILLING STOPPED AT THAT INTERSECTION. SHE'S
11 GOING TO GO THROUGH THE INTERSECTION BECAUSE SHE
12 DOESN'T HAVE THAT STOP SIGN, BUT SHE SEES MS. SCHILLING
13 DART OUT RIGHT IN FRONT OF HER.

14 SHE SLAMS ON HER BRAKES. SHE DOES
15 EVERYTHING SHE CAN TO STOP IN TIME, BUT THERE'S NOT
16 ENOUGH ROOM IN FRONT OF HER TO STOP AND THERE'S NOT
17 ENOUGH TIME. SO THERE'S A CRASH.

18 AND IT'S A HUGE CRASH. HERE'S SOME
19 PICTURES OF THE CARS. THIS IS MS. BAKER'S LINCOLN.
20 YOU CAN SEE THE DAMAGE IS TO THE FRONT OF MS. BAKER'S
21 CAR BECAUSE IT WAS A T-BONE. MS. SCHILLING DRIVES OUT
22 IN FRONT OF MS. BAKER SO IT WAS A T-BONE ACCIDENT, LIKE
23 THIS.

24 THERE'S THE DAMAGE TO MS. BAKER'S VEHICLE,
25 THE INSIDE OF MS. BAKER'S CAR. THE AIRBAGS GO OFF.

26 HERE'S THE SIDE OF MS. SCHILLING'S HONDA
27 CIVIC WHEN SHE DARTS OUT IN FRONT OF TRAFFIC. THIS IS
28 WHERE THE BAKER CAR MAKES CONTACT IN THE CRASH.

1 NOW, IN THE CRASH, MR. TAYLOR IS IN THE
2 BACKSEAT AND HE'S WEARING HIS SEAT BELT. AND IN THE
3 IMPACT, ALL OF THE FORCE IN THE CRASH, THEY GO FORWARD
4 THIS WAY BECAUSE IT'S THAT T-BONE ACCIDENT.

5 SO MR. TAYLOR, HE'S SITTING IN THE
6 BACKSEAT. HE'S GOT HIS SEATBELT ON. HIS BODY FLIES
7 FORWARD BUT HIS NECK ISN'T STOPPED BY THE SEATBELT. SO
8 THE SEATBELT STOPS HIS BODY, BUT HIS NECK GOES FORWARD
9 AND IT SNAPS. THAT'S WHAT YOU'RE GOING TO HEAR, IS HIS
10 NECK WAS BROKEN.

11 THE CARS, THEY SKID AND THEY SWERVE. IT'S
12 A HIGH-SPEED CRASH SO THEY END UP IN DIFFERENT PLACES.
13 AND WHEN EVERYTHING RESTS AFTER THE CARS COME TO A
14 STOP, YOU'LL HEAR THAT MR. TAYLOR KEEPS SAYING THE SAME
15 THING OVER AND OVER AGAIN IN THAT BACKSEAT IN THE
16 SECONDS AFTER THE IMPACT.

17 HE SAYS TO CAROL BAKER AND COURTNEY BAKER,
18 "I CAN'T FEEL MY LEGS. I CAN'T FEEL MY LEGS. I DON'T
19 WANT TO DIE."

20 COURTNEY BAKER, HIS GIRLFRIEND, IN THE
21 SECONDS AFTER THE ACCIDENT, SHE PANICS AND SHE RUNS OUT
22 OF THE CAR TO GET MR. TAYLOR HELP.

23 SHE'S WAVING CARS DOWN. SHE'S LOOKING FOR
24 HELP. AND THEN SHE SEES THERE ARE SOME OTHER WITNESSES
25 WHO SAW HAPPENED. THEY'RE ON THE PHONE CALLING 911 SO
26 SHE KNOWS HELP IS ON THE WAY.

27 SHE GETS BACK IN THE CAR. SHE SITS DOWN
28 NEXT TO ANTHONY TAYLOR. SHE LAYS ON HIS CHEST. SHE

1 SAYS, "ANTHONY, HELP IS ON THE WAY. I'M SO SORRY.
2 HELP IS ON THE WAY."

3 AND, THANKFULLY, HELP WAS ON THE WAY AND
4 IT'S GETTING THERE QUICKLY.

5 YOU'RE GOING TO HEAR ONE OF THE FIRST
6 WITNESSES TO GO UP ON THE WITNESS BOX AND GIVE YOU THE
7 FACTS OF THIS CASE IS GOING TO BE MR. AGUILAR. HE'S AN
8 L.A. FIRE DEPARTMENT MEDIC.

9 HE WASN'T THE FIRST PERSON ON THE SCENE,
10 BUT HE WAS ONE OF THE FIRST COUPLE PEOPLE ON THE SCENE.

11 AND WHAT HE DOES IS HE GOES RIGHT UP TO
12 MR. TAYLOR, TAKES HIM OUT OF THAT CAR, PUTS HIM ON A
13 GURNEY AND HE PUTS SOMETHING CALLED A "CERVICAL COLLAR"
14 ON HIS NECK. WHAT THE CERVICAL COLLAR DOES IS MAKE
15 SURE HIS HEAD AND HIS NECK DON'T MOVE.

16 THE PARAMEDICS HAD HEARD THAT SOMEBODY IN
17 THE ACCIDENT WAS COMPLAINING THAT THEY CAN'T FEEL THEIR
18 LEGS SO THEY'RE SUSPICIOUS OF A SPINAL CORD INJURY.
19 THAT'S WHY THEY DO THE CERVICAL COLLAR.

20 SO THEN THEY PUT HIM IN THE AMBULANCE.
21 THEY RUSH HIM TO ANTELOPE VALLEY HOSPITAL WHERE THE
22 NURSES AND THE DOCTORS, THEY'RE WAITING FOR HIM. HE'S
23 A TIER 1 TRAUMA PATIENT SO THE LIGHTS AND THE SIREN ARE
24 GOING. THEY'RE GETTING THERE AS FAST AS I CAN.

25 BEFORE I GO ANY FURTHER, I WANT TO TALK TO
26 YOU ABOUT WHO WE'RE SUING IN THIS CASE AND WHY WE'RE
27 SUING. YOU'VE ALREADY PROBABLY FIGURED IT OUT.

28 IN THIS CASE, IT'S A PRETTY SIMPLE ONE.

1 THERE'S ONE DEFENDANT, MS. SCHILLING. AND WE'RE SUING
2 HER BECAUSE SHE ADMITS TO RESPONSIBILITY AND
3 ACCOUNTABILITY. WHICH BRINGS US TO WHAT WE DO ABOUT
4 THAT.

5 YOUR JOB, AS JURORS, IS GOING TO BE TO
6 EVEN THINGS OUT, TO COMPENSATE MR. TAYLOR FOR THE HARMS
7 AND THE LOSSES THAT HE SUFFERED EVER SINCE HE BROKE HIS
8 NECK IN THAT INTERSECTION IN DECEMBER OF 2015. THAT'S
9 WHAT WE'RE GOING TO ASK YOU TO DO WHEN YOU GET YOUR
10 VERDICT FORM AT THE END OF THE CASE.

11 YOUR VERDICT FORM IN THIS CASE WILL BE
12 VERY SIMPLE. IT'S GOING TO HAVE SOME QUESTIONS, BUT
13 MAINLY IT'S GOING TO HAVE DOLLAR SIGNS AND BLANK LINES.
14 AND THERE WILL BE LOTS OF THEM. AND THAT'S WHERE YOU
15 TELL US THE VALUE OF THOSE HARMS AND THE LOSSES.

16 SO FOR YOU TO UNDERSTAND WHAT THE VALUE
17 IS, FOR YOU TO APPRAISE THEM, I NEED TO TELL YOU WHAT
18 MR. TAYLOR WENT THROUGH: THE MEDICAL TREATMENT HE HAD,
19 WHAT HIS SPECIFIC INJURIES ARE, WHAT HE CAN DO NOW --
20 PARDON ME -- WHAT HE CAN'T DO NOW THAT HE WAS -- THAT
21 HE WAS ABLE TO DO BEFORE, AND THE EFFECT THAT'S HAD ON
22 HIS LIFE.

23 I NEED YOU TO UNDERSTAND THAT BECAUSE IT
24 WILL FORM THE BASIS OF YOUR VERDICT.

25 SO THAT ALLOWS ME TO PICK THE STORY BACK
26 UP IN ANTELOPE VALLEY HOSPITAL.

27 TIER 1 TRAUMA PATIENT. THEY'RE RACING TO
28 GET HIM THERE. EVERYBODY'S WAITING FOR HIS ARRIVAL.

1 WHEN HE GETS TO ANTELOPE VALLEY HOSPITAL,
2 THE DOCTORS HAVE HEARD, JUST LIKE THE PARAMEDICS HEARD,
3 THAT THERE'S A POTENTIAL SPINAL CORD INJURY. SO THE
4 FIRST THING THEY DO IS THEY TAKE MEDICAL PICTURES OF
5 HIS NECK AND HIS BACK. THEY WANT TO SEE WHAT PART OF
6 HIS SPINE WAS HURT. SO THEY TAKE M.R.I.S AND C.T.S AND
7 WHAT COMES BACK -- ACTUALLY, BEFORE I GO THERE, THIS IS
8 A TIMELINE OF HIS MEDICAL TREATMENT THAT YOU'LL SEE
9 THROUGHOUT MY OPENING STATEMENT.

10 HE'S IN ANTELOPE VALLEY HOSPITAL FOR ONE
11 MONTH, FROM DECEMBER 19TH THROUGH JANUARY 18TH. AND HE
12 HAS A NUMBER OF PROCEDURES WHEN HE'S THERE THAT I WILL
13 TALK TO YOU ABOUT.

14 BUT THIS IS THE RESULTS OF THOSE MEDICAL
15 PICTURES WHEN THEY COME BACK. AND WHAT IT SHOWS IS
16 THAT ANTHONY TAYLOR HAD SOMETHING CALLED "BILATERAL
17 JUMPED FACETS." BASICALLY WHAT THAT MEANS IS THE
18 FACETS ON HIS SPINE ARE FRACTURED.

19 AND IN ORDER FOR YOU TO UNDERSTAND A
20 LITTLE BIT MORE ABOUT WHAT THAT MEANS, I WANT TO BACK
21 UP AND TALK ABOUT JUST A LITTLE BIT ABOUT HOW THE SPINE
22 WORKS. THESE ARE TWO VERTEBRAE. THESE ARE IN ALL OF
23 OUR NECKS, OUR BACKS, AND THE LOWER BACK AS WELL.

24 AND THE PART OF ANTHONY'S BACK THAT WAS
25 BROKEN ARE THE FACET JOINTS, WHICH ARE RIGHT BACK HERE
26 (INDICATING). HERE'S THE FRONT AND THIS IS SOMEBODY'S
27 BACK.

28 AND THE FACET JOINTS ARE HERE TO PROTECT

1 THE VERTEBRAE. HERE ARE THE VERTEBRAE RIGHT HERE
2 (INDICATING). HERE'S THE DISC IN BETWEEN THE
3 VERTEBRAE. AND THE PART OF ANTHONY'S SPINE THAT WAS
4 BROKEN IS RIGHT BACK HERE, AND IT EXISTS TO PROTECT THE
5 SPINE AND TO GIVE THE SPINE FLEXIBILITY.

6 SO THE WHOLE REASON WE CAN BEND OUR NECK
7 AND OUR BACK AT ALL IS BECAUSE OF THESE FACET JOINTS.

8 SO THE FACETS ARE SEVERED AND THEY'RE
9 BROKEN AND THEY FLIP OUT OF PLACE. THEY'RE CALLED
10 JUMPED FACETS BECAUSE THEY JUMPED POSITION.

11 THE VERTEBRAE AND EVERYTHING IS SUPPOSED
12 TO BE LINED UP REALLY NICELY IN THE SPINE. AND WHEN
13 SOMETHING HAPPENS WHERE THE ANATOMY IN THE SPINE FLIPS
14 OR JUMPS, THAT'S A PROBLEM FOR THE SPINAL CORD BECAUSE
15 THAT BONE IN THE SPINE STARTS PUSHING INTO THE SPINAL
16 CORD AND THAT'S WHAT YOU CAN SEE RIGHT HERE
17 (INDICATING).

18 THE PART OF MR. TAYLOR'S SPINE THAT WAS
19 BROKEN IS AT C5-C6. AND THAT'S A LEVEL IN YOUR NECK
20 WHICH IS RIGHT ABOUT HERE (INDICATING), SORT OF THE
21 LOWER END. SO THE WAY THAT WORKS IS C1 IS UP HERE
22 (INDICATING), WHICH IS NOT ON THE SCREEN, BUT C1 IS
23 WHAT KIND OF CONNECTS WITH THE LOWER PART OF THE BRAIN.
24 AND C7 IS THE END OF YOUR NECK AND THE BEGINNING OF
25 YOUR UPPER BACK.

26 SO MR. TAYLOR IS HURT RIGHT HERE
27 (INDICATING), BETWEEN C5 AND C6. AND HE'S A
28 QUADRIPLEGIC IN THE ACCIDENT. AND THEY REFER TO

1 SOMEBODY AS A C5 OR A C6 QUADRIPLEGIC WHEN THEY HAVE
2 THE INJURY RIGHT HERE (INDICATING).

3 WITH CHRISTOPHER REED, FOR EXAMPLE, WHEN
4 HE FELL OFF THAT HORSE, HE WAS A C1 QUAD. THAT MEANT
5 HE WASN'T ABLE TO MOVE ANY PART OF HIS BODY BECAUSE THE
6 HIGHER UP YOU GO ON THE SPINE, THE MORE SEVERE THE
7 INJURY IS.

8 SO THE ONLY POSITIVE THING FOR MR. TAYLOR
9 IN ALL OF THIS WAS HIS INJURY WAS A LITTLE BIT LOWER
10 DOWN THAN THAT. AND WHAT IT MEANS FOR HIM IS THE
11 BEST-CASE SCENARIO IS HE HAS SOME ABILITY TO MOVE HIS
12 ARMS AND HIS BICEPS AND TRICEPS.

13 SO THERE'S THE PICTURE OF THE MEDICAL
14 IMAGES (INDICATING). HE'S GOT THOSE BROKEN FACETS
15 (INDICATING). HERE'S THE FACET JOINT (INDICATING).
16 THERE THEY ARE RIGHT THERE (INDICATING). HERE ARE THE
17 TWO VERTEBRAE (INDICATING). HERE'S THE FACET JOINTS
18 (INDICATING). THAT'S WHERE THEY JUMP AND FLIP.

19 AND YOU CAN SEE THEM BACK HERE WHEN THEY
20 JUMP AND THEY FLIP, THEY'RE PUSHING INTO THE SPINAL
21 CORD.

22 SO WHEN THE RADIOLOGISTS AT ANTELOPE
23 VALLEY HOSPITAL SEE THIS, THEY CALL DR. FARRUKH
24 IMMEDIATELY.

25 DR. FARRUKH IS THE ON-CALL NEUROSURGEON AT
26 ANTELOPE VALLEY HOSPITAL. YOU'LL HEAR FROM HIM
27 TOMORROW MORNING. THAT'S WHEN WE PLAN TO HAVE HIM
28 TESTIFY. HE'S A SPINAL SURGERY SPECIALIST. HE'S A

1 BRAIN SURGEON, AND HE ALSO OPERATES ON THE SPINE.

2 THEY CALL HIM BECAUSE OF MR. TAYLOR'S
3 SEVERE SPINAL CORD INJURIES.

4 AND DR. FARRUKH DOES TWO SURGERIES WITHIN
5 24 HOURS OF HIS CAR CRASH.

6 THE FIRST SURGERY THAT HE DOES IS HE PUTS
7 THIS HALO ON. THIS IS A PICTURE OF MR. TAYLOR SEVERAL
8 MONTHS AFTER THE ACCIDENT HAPPENED (INDICATING). SO
9 THIS IS NOT A PICTURE OF HIM RIGHT AFTER THE HALO BEING
10 PUT ON, BUT I HAVE IT UP HERE SO YOU ALL CAN SEE WHAT
11 THE HALO IS. BECAUSE HE HAD IT ON FOR NINE MONTHS
12 AFTER IT GETS INSTALLED ON THE DAY AFTER THE CRASH.

13 BUT WHAT A HALO IS, IT'S CALLED A HALO
14 BECAUSE IT'S A METAL RING THAT GOES AROUND YOUR HEAD.
15 IT'S SCREWED INTO YOUR HEAD. YOU CAN SEE MR. TAYLOR
16 RIGHT THERE (INDICATING) HAS SCREWS GOING DIRECTLY INTO
17 HIS HEAD. IT'S FOUR SCREWS: UP BY THE EYES AND TWO
18 BACK BY THE EARS.

19 AND THEN IT CONNECTS UP WITH THE BODY BY
20 THESE RODS. AND YOU CAN JUST SEE A LITTLE BIT OF THE
21 HALO JACKET RIGHT THERE (INDICATING). THE HALO JACKET
22 IS LAMBSKIN, AND IT'S THE WAY THAT YOU GET
23 STABILIZATION. SO THE RODS CONNECT WITH THE BODY BY
24 THE HALO VEST.

25 AND WHEN IT'S ALL IN PLACE, YOU CAN'T MOVE
26 YOUR HEAD OR YOUR NECK AT ALL. AND THAT'S IMPORTANT,
27 JUST LIKE IT WAS IN THE INTERSECTION WHEN MR. AGUILAR
28 DOES THE C-COLLAR, THAT'S IMPORTANT BECAUSE ANY FURTHER

1 MOVEMENT OF SOMEBODY'S HEAD OR NECK WHEN THEY HAVE A
2 SPINAL CORD INJURY COULD MEAN FURTHER INJURY TO THE
3 SPINAL CORD. SO IT'S REALLY IMPORTANT TO KEEP
4 EVERYTHING STRAIGHT AND IN LINE.

5 AND MR. TAYLOR WEARS THIS HALO VEST FOR
6 BETWEEN EIGHT AND NINE MONTHS.

7 DR. FARRUKH'S SECOND SURGERY THAT HE DOES
8 IS THE DAY AFTER THE ACCIDENT. AND HE DOES THIS
9 CERVICAL SPINE REDUCTION AND CABLE FIXATION.

10 AND BASICALLY WHAT THAT MEANS IS HE CUTS
11 INTO MR. TAYLOR'S NECK. AND THE FIRST PART OF THE
12 SURGERY IS GOING TO BE -- THAT HE DOES IS THIS ENTRY
13 FROM THE BACK OF HIS NECK. BUT IT'S A TWO-STEP
14 PROCESS. THE IDEA IS TO DO A FUSION FROM SEVERAL
15 DIFFERENT ANGLES.

16 THE FIRST REDUCTION AND FUSION THAT HE'S
17 GOING TO DO IS THE ONE THAT HE DOES HERE (INDICATING).
18 AND THEN IN A COUPLE DAYS, DR. FARRUKH PLANS TO DO
19 ANOTHER ONE UP HERE (INDICATING) BY THE FRONT, UP HERE
20 BY THE NECK. THAT'S THE PLAN.

21 BUT HE DOES THIS SURGERY THE DAY AFTER THE
22 ACCIDENT. HE CUTS INTO THE NECK. HE SEPARATES THE
23 TISSUE AND THE MUSCLE. HE GOES INTO THE SPINAL CORD
24 AND HE DOES HIS BEST TO REPAIR THE ANATOMY BECAUSE
25 THERE'S BROKEN BONES. THERE'S BONES PUSHING ON THE
26 CORD. HE TAKES OUT PART OF THE BONE. HE LINES BACK UP
27 C5 AND C6. BECAUSE WHEN THEY'RE JUMPED, THEY'RE
28 FLIPPED OUT OF ORDER.

1 WHAT DR. FARRUKH'S JOB IS TO DO HERE IS
2 PUT THEM BACK IN ORDER. AND HE DOES IT AS BEST HE CAN.
3 HE PUTS A WIRE BETWEEN C5 AND C6 SO THAT WHEN THE
4 VERTEBRAE ARE LINED BACK UP, THE WIRE WILL ALLOW THEM
5 TO STAY THERE AS THEY HEAL OVER THE COMING MONTHS.

6 HE ALSO DOES SOMETHING CALLED A MORSELIZED
7 BONE GRAFT, WHICH MEANS HE TAKES A PIECE OF
8 MR. TAYLOR'S HIP BONE, WHICH IS A REALLY STRONG BONE,
9 AND THEN THEY GRIND IT UP. THIS WAS SOMETHING THAT WAS
10 DEVELOPED AT U.C.L.A. MEDICAL SCHOOL. THEY GRIND UP
11 THAT HIP BONE, AND THEN THEY PUT THE ADDITIONAL
12 GROUND-UP BONE INTO THE CERVICAL SPINE SO THAT THERE'S
13 ADDITIONAL BONE MATTER TO FUSE WHEN THE TWO VERTEBRAE
14 GO BACK TOGETHER.

15 SO THAT'S THE SURGERY THAT HE HAS DONE THE
16 DAY AFTER THE CAR CRASH. AND, AGAIN, THE PLAN WAS TO
17 DO ANOTHER ONE SHORTLY AFTER. HE'S GOT TO RECOVER FROM
18 THAT SURGERY. YOU KNOW, HE'S A QUADRIPLEGIC. THESE
19 ARE SERIOUS INJURIES, SO HE'S IN AND OUT OF
20 CONSCIOUSNESS BUT HE'S STILL -- DR. FARRUKH STILL WANTS
21 TO DO THAT SECOND SURGERY, BUT HE'S NEVER ABLE TO
22 BECAUSE ANTHONY TAYLOR, HE GETS PNEUMONIA. HE GETS A
23 BLOOD INFECTION. AND HE GOES INTO RESPIRATORY FAILURE,
24 WHICH MEANS HIS LUNGS STOPPED WORKING.

25 HE'S STILL GOT ABDOMINAL MUSCLES. BECAUSE
26 OF THE PLACE OF HIS NECK WHERE HE'S -- WHERE HE'S
27 PARALYZED, HE CAN STILL USE HIS ABDOMINALS, BUT HE LOST
28 THE MUSCLES UP HERE (INDICATING) IN HIS CHEST THAT

1 ALLOW HIM TO BREATHE IN -- PARDON ME, TO BREATHE OUT.
2 YOU BREATHE IN WITH YOUR BELLY MUSCLES,
3 YOU BREATHE OUT WITH YOUR CHEST MUSCLES. HE LOSES
4 THOSE CHEST MUSCLES AND HE GETS SOME INFECTION IN HIS
5 LUNGS, GOES INTO RESPIRATORY FAILURE.

6 AND SO 12, 13 DAYS -- ACTUALLY, IT'S 13
7 DAYS AFTER THE -- THE ACCIDENT, THEY HAVE TO DO THIS.
8 THEY HAVE TO DO A TRACHEOSTOMY.

9 AND THEY PUT IN A NEW HOLE INTO HIS NECK
10 TO GIVE HIM AN ADDITIONAL ACCESS TO HIS AIRWAYS.
11 THAT'S THE POINT OF THE TRACHEOSTOMY. THEY CUT A HOLE
12 IN YOUR NECK. THEY PULL APART THE TISSUE, AND THEN
13 THEY HAVE THIS HOLE AND A TUBE THAT GOES IN IT AND IT
14 ALLOWS SOMEBODY TO BREATHE BETTER AND ALSO TO CLEAR THE
15 FLUID IN THEIR LUNGS.

16 THE TRACHEOSTOMY IS STILL IN TODAY. HE
17 STILL USES IT DAILY. AND IT'S A BIG ISSUE IN THIS
18 CASE. SO YOU'LL HEAR US TALK A LOT ABOUT IT.

19 BUT IT GOES IN, IN ANTELOPE VALLEY
20 HOSPITAL, TEN OR SO DAYS AFTER THE ACCIDENT, AND IT'S
21 STILL IN TODAY.

22 AND THEN ON JANUARY 7TH OF 2016, THEY PUT
23 IN A G-TUBE BECAUSE MR. TAYLOR WAS GETTING I.V. FLUIDS
24 UP TO THIS POINT. HE'S NOT ABLE TO EAT ON HIS OWN. IN
25 ORDER TO GET HIM MORE NUTRITION AND MEDICINE, THEY PUT
26 THE G-TUBE, THE FEEDING TUBE, DIRECTLY INTO HIS
27 STOMACH. THAT'S ABOUT THREE WEEKS AFTER THE ACCIDENT,
28 WHEN HE'S STILL IN ANTELOPE VALLEY HOSPITAL.

1 HERE'S THE TIMELINE AGAIN. HE'S RELEASED
2 FROM ANTELOPE VALLEY HOSPITAL ON JANUARY 18TH OF 2016.
3 AND YOU'RE GOING TO HEAR FROM ANTHONY TAYLOR'S MOTHER,
4 SHARON, WHO IS HERE IN THE COURTROOM --

5 I WANT TO INTRODUCE YOU ALL TO SHARON
6 TAYLOR GRAFFT. SHE'S BEEN TAKING CARE OF ANTHONY EVER
7 SINCE A FEW DAYS AFTER THAT ACCIDENT.

8 WHEN THE ACCIDENT HAPPENED, SHE'S UP IN
9 OREGON WHERE SHE HAD JUST MOVED THREE WEEKS BEFORE THE
10 CRASH TO RETIRE WITH HER HUSBAND, ANTHONY'S STEPFATHER,
11 GEORGE, WHO YOU'LL ALSO HEAR FROM.

12 BUT SHARON TAYLOR WILL TELL YOU THAT SHE
13 DIDN'T THINK ANTHONY TAYLOR WAS READY TO LEAVE ANTELOPE
14 VALLEY HOSPITAL, BUT THE COORDINATORS THERE TOLD THEM
15 IT'S TIME FOR ANTHONY TO GO. THERE'S NOTHING MORE THE
16 TRAUMA PEOPLE CAN DO FOR HIM HERE SO HE NEEDS SOMEPLACE
17 ELSE TO GO. AND WHERE THEY SEND HIM IS PACIFICA
18 HOSPITAL.

19 IT'S A SUBACUTE CENTER IN THE SAN FERNANDO
20 VALLEY.

21 THERE WAS SOME TALK DURING JURY SELECTION
22 WITH ONE OF THE POTENTIAL JURORS ABOUT WHAT A SUBACUTE
23 CENTER IS. IT'S A PLACE WHERE PEOPLE GO WHEN THEY HAVE
24 SERIOUS INJURIES. YOU KNOW, WHEN SOMEBODY ELSE GETS
25 RELEASED FROM THE HOSPITAL, IF THEY'RE HEALTHY ENOUGH,
26 THEY GO HOME. BUT IF YOU HAVE THE KIND OF INJURIES
27 THAT MR. TAYLOR HAD, YOU CAN'T GO HOME. YOU HAVE TO GO
28 TO A PLACE LIKE THIS.

1 AND SUBACUTE PLACES LIKE THIS ARE OFTEN
2 WHERE PEOPLE GO TO DIE.

3 HE SPENDS SIX-AND-A-HALF MONTHS -- I'M
4 GOING TO GO BACK. SOMETIMES I GET AHEAD OF MYSELF WITH
5 THESE SLIDES.

6 HE SPENDS SIX-AND-A-HALF MONTHS IN
7 PACIFICA. THERE ARE DOCTORS. THERE ARE SOME NURSES
8 THERE. MR. TAYLOR STARTS PHYSICAL THERAPY,
9 OCCUPATIONAL THERAPY. THEY SEE HOW MUCH HE CAN DO
10 AFTER HIS PARALYSIS. THEY START WORKING WITH HIM.

11 AND IN THE SUMMER OF 2016 WHILE HE'S IN
12 PACIFICA, HE STARTS TO REGAIN SOME FEELING IN HIS BODY,
13 SOME OF THE SENSATION. AND HE ALSO STARTS TO BE ABLE
14 TO USE HIS ARMS, HIS BICEPS, TRICEPS, AND SOME OF HIS
15 SHOULDER MUSCLES. HE GETS SOME OF THAT FEELING AND
16 USAGE BACK.

17 BECAUSE HE GETS SOME OF THE FEELING BACK,
18 IN THE MIDDLE OF THE YEAR, IN THE SUMMER, WHILE HE'S IN
19 PACIFICA, HE STARTS TO COMPLAIN THAT HIS BACK IS REALLY
20 ITCHING HIM. AND HE ALSO STARTS TO DEVELOP ULCERS ON
21 HIS SKIN.

22 SEE, THE PROBLEM WHEN SOMEBODY IS
23 PARALYZED IS THEY'RE LYING DOWN 24 HOURS A DAY, SEVEN
24 DAYS A WEEK. ALL OF US, WE GET UP AND WE MOVE. AND
25 WHEN WE SLEEP, WE'RE MOVING ALL THE TIME. SO THERE'S
26 NEVER ONE PART OF OUR BODY THAT IS ALWAYS MAINTAINING
27 CONTACT WITH A BED OR A SURFACE. BUT WHEN SOMEBODY'S
28 PARALYZED, THAT'S WHAT HAPPENS, IS YOUR SKIN WEARS OUT

1 AND IT DEVELOPS ULCERS FROM THAT GRAVITY PUSHING DOWN
2 ON THE BODY.

3 MR. TAYLOR DEVELOPS THOSE BED SORE ULCERS
4 WHEN HE'S IN PACIFICA HOSPITAL.

5 HE ALSO COMPLAINS MORE SPECIFIC ABOUT HIS
6 BACK REALLY ITCHING. AND THE NURSES AND HIS MOTHER,
7 THEY FINALLY TAKE A LOOK. AND SHARON TAYLOR WILL TELL
8 YOU THAT WHEN THEY -- REMEMBER, HE STILL HAS HIS HALO
9 VEST ON AT THIS POINT. HE'S STILL GOT THE HALO SCREWED
10 INTO HIS HEAD. HE'S STILL GOT THAT LAMBSKIN HALO VEST.

11 WHEN ANTHONY SAYS HIS BACK ITCHES, THE
12 NURSES PEER BEHIND THAT HALO VEST AND SHARON TAYLOR
13 WILL TELL YOU THAT THAT FLUID AND THAT SMELL WAS REALLY
14 CONCERNING.

15 AND THEY BROUGHT THE NURSES IN. THE
16 DOCTORS AT PACIFICA TAKE A LOOK AND THEY SEE THAT
17 THERE'S METAL STICKING OUT OF MR. TAYLOR'S BACK AND
18 IT'S INFECTED.

19 AND THIS IS SOMETHING THAT THE FOLKS AT
20 PACIFICA CAN'T DEAL WITH. IT'S TOO MUCH OF A MEDICAL
21 EMERGENCY.

22 SO THEY TAKE HIM IMMEDIATELY TO
23 CEDARS-SINAI.

24 SO BACK HERE TO THE TIMELINE. AUGUST 6TH
25 THROUGH 19TH, MR. TAYLOR IS IN CEDARS-SINAI.

26 BUT TO TELL WHAT YOU THAT METAL IS THAT'S
27 NOW STICKING OUT OF HIS BACK, I'VE GOT TO GO BACK TO
28 WHEN ANTHONY IS 16 YEARS OLD.

1 ANTHONY, WHEN HE'S 16, HE HAS SOMETHING
2 CALLED SCOLIOSIS. AND SCOLIOSIS IS CURVATURE OF THE
3 SPINE. THE WAY ANTHONY DESCRIBES IT IS HE WAS A
4 HUMPBACK. WHEN I ASKED HIM ABOUT IT, THAT'S WHAT HE
5 SAID. "WHEN I WAS A KID, I WAS A HUMPBACK." WHAT HE
6 MEANS BY THAT IS HE WAS BENT OVER.

7 AND ANTHONY IS 5 FEET TALL. SO EVERY INCH
8 TO ANTHONY MATTERED. AND WHEN HE'S A KID, HE REALLY
9 WANTS THIS SURGERY.

10 AND WHAT IT IS, IT'S A ROD AND SCREWS THAT
11 GO ON THE THORACIC SPINE. SO THE CERVICAL SPINE IS
12 WHERE HE BREAKS HIS NECK. THE THORACIC SPINE IS WHERE
13 THE CURVATURE IN HIS SPINE WAS THAT THEY FIX WHEN HE'S
14 16 YEARS OLD.

15 HE HAS THAT SURGERY DONE. IT WORKS WELL.
16 HE RECOVERS FOR ABOUT A MONTH. AND WHEN IT'S OVER, HE
17 STANDS UP AS TALL AS HE POSSIBLY CAN. HE GOES BACK TO
18 LIVING HIS LIFE. HE CAN RIDE HIS BIKE. HE CAN DANCE.
19 HE CAN DO EVERYTHING HE COULD DO BEFORE THAT SURGERY
20 EXCEPT HE WAS TALLER.

21 THE PROBLEM IS WHEN HE'S A QUADRIPLÉGIC,
22 WHEN HE'S PARALYZED, THE ROD AND THE SCREWS IN HIS
23 BACK, THEY START TO PUSH THROUGH. SO IT'S THE SAME
24 PROBLEM WITH THOSE BED SORES, BUT THIS IS THE HARDWARE
25 ACTUALLY PUSHING THROUGH HIS BACK.

26 SO THAT'S WHAT THE DOCTORS AT CEDARS SEE.
27 WHEN HE GETS RUSHED FROM PACIFICA TO
28 CEDARS, THEY DO THE SAME THING THEY DID AT ANTELOPE

1 VALLEY HOSPITAL. THEY TAKE THE MEDICAL PICTURES OF HIS
2 BACK TO FIGURE OUT WHAT THE PROBLEM IS. AND THOSE C.T.
3 SCANS, THEY SHOW THAT INFECTED HARDWARE.

4 SO YOU'LL HEAR -- THAT'S AN EXTERIOR SHOT
5 OF CEDARS (INDICATING). HE GOES TO THE NEUROSCIENCE
6 I.C.U., AND THIS DR. PERRY, WHO'S A NEUROSURGEON AT
7 CEDARS, IS THE ONE THAT TENDS TO ANTHONY WHILE HE'S
8 THERE.

9 SHE'S HIS SURGEON. AND WHAT SHE DOES, SHE
10 DOES TWO THINGS FOR ANTHONY IN THE TWO WEEKS HE'S AT
11 CEDARS. THE FIRST THING IS SHE TAKES OFF THE HALO.
12 SHE WAS CONFIDENT AFTER SHE LOOKED AT SOME M.R.I.
13 IMAGES THAT THE FUSION THAT DR. FARRUKH DID AT C5-C6 IS
14 WORKING. SHE CALLS IT A "SOLID FUSION."

15 SO BECAUSE IT WAS A SOLID FUSION, THE HALO
16 CAN NOW COME OFF.

17 SO SHE ALSO NEEDS TO TAKE THE HALO OFF
18 BECAUSE SHE'S GOING TO OPERATE ON HIS BACK. AND
19 OPERATING ON HIS BACK MEANS SHE NEEDS TO TAKE THE VEST
20 OFF.

21 SO THE HALO ON HIS HEAD, THE HALO VEST,
22 THOSE RODS THAT CONNECT THEM, THEY ALL COME OFF.
23 DR. PERRY DOES THAT.

24 AND THEN SHE TAKES THE HARDWARE OUT OF HIS
25 BACK. AND HERE'S A MEDICAL ILLUSTRATION OF THAT
26 PROCEDURE (INDICATING).

27 IN ORDER TO TAKE THAT HARDWARE OUT, SHE'S
28 GOT TO SLICE INTO HIS BACK PRETTY MUCH THE LENGTH OF

1 HIS THORACIC SPINE. SO PRETTY MUCH THE LENGTH OF HIS
2 ENTIRE UPPER AND SOME OF HIS LOWER BACK.

3 AND THEN SHE GETS ACCESS TO WHERE THAT ROD
4 AND SCREWS ARE, TAKES THEM OUT. SHE CLEARS OUT THE
5 INFECTED TISSUE ALSO. THAT'S ONE OF THE KEY THINGS TO
6 THIS PROCEDURE, IS THAT HARDWARE -- PARDON ME, THE
7 HARDWARE WAS INFECTING HIS BACK SO SHE PULLS OUT THE
8 INFECTED TISSUE.

9 SHE SEWS HIM BACK UP, AND HE STAYS AT
10 CEDARS FOR TWO WEEKS WHILE HE RECOVERS FROM THAT.

11 WHEN HE'S ABOUT READY TO LEAVE CEDARS, THE
12 FOLKS AT CEDARS DON'T WANT TO SEND HIM BACK TO
13 PACIFICA. SHARON TAYLOR DIDN'T WANT HIM TO GO BACK TO
14 PACIFICA EITHER. SHE WASN'T CRAZY ABOUT THE CARE HE
15 WAS GETTING THERE. HE WAS DEVELOPING ULCERS WHEN HE
16 WAS THERE. THEY DIDN'T NOTICE THAT INFECTED HARDWARE
17 QUICK ENOUGH.

18 SO THEY FIND A NEW PLACE TO TAKE HIM.
19 MOUNTAIN VIEW CONVALESCENT, ANOTHER SUBACUTE CENTER IN
20 THE SAN FERNANDO VALLEY HERE IN LOS ANGELES. AND HE'S
21 THERE FOR TWO MONTHS.

22 MAINLY WHAT HE DOES AT MOUNTAIN VIEW IS
23 RECOVER FROM THESE INFECTIONS AND THIS SURGERY THAT HE
24 HAD AT CEDARS.

25 AND SHARON TAYLOR WILL ALSO TELL YOU THAT
26 SHE WOULD HAVE DONE ANYTHING TO GET ANTHONY OUT OF
27 MOUNTAIN VIEW CONVALESCENT.

28 SHE ACTUALLY TOLD ME THE OTHER DAY, "IF I

1 HAD TO CARRY ANTHONY OUT ON MY BACK, I WOULD DO IT."

2 SO SHE TELLS THE DOCTORS AND THE NURSES,
3 "I'M TAKING ANTHONY HOME." THEY EVENTUALLY AGREE. AND
4 IN OCTOBER, OCTOBER 24TH OF 2016, HE LEAVES MOUNTAIN
5 VIEW CONVALESCENT AND HE GETS TO GO TO HIS AUNT'S HOME.

6 AS I TOLD YOU, SHARON HAD MOVED UP TO
7 OREGON THREE WEEKS BEFORE THE CRASH. BUT HER AUNT --
8 BUT HER SISTER, ANTHONY'S AUNT JANICE, STILL LIVES IN
9 LANCASTER.

10 SO THAT'S WHERE HE GOES TO LIVE FOR
11 THREE-AND-A-HALF MONTHS. IT'S THE FIRST TIME HE'S BEEN
12 OUT OF THE HOSPITAL FOR OVER TEN MONTHS AT THIS POINT.

13 AND HE GOES TO HIS AUNT'S HOME. HE HAS
14 IN-HOME LICENSED VOCATIONAL NURSE CARE. AND SHARON
15 TAYLOR IS FINALLY HAPPY TO BE LIVING SOMEWHERE OTHER
16 THAN A HOSPITAL OR THE R.V. HOME SHE HAD BEEN LIVING IN
17 FOR OVER SEVEN MONTHS AT THIS POINT.

18 SHE WAS LIVING IN AN R.V. HOME BECAUSE
19 WHEN HE WAS IN ANTELOPE VALLEY HOSPITAL, SHE COULD STAY
20 WITH HER SISTER. BUT WHEN HE'S DOWN IN THE
21 SAN FERNANDO VALLEY, THAT'S TOO MUCH OF A DAILY DRIVE
22 SO SHE LIVES IN HER R.V. HOME. SHE SPENDS 18 HOURS A
23 DAY TENDING TO HIM, AND GOES BACK TO THE R.V. TO SLEEP.

24 IN FEBRUARY OF 2017, THAT'S WHEN SHARON
25 TAYLOR AND HER HUSBAND, GEORGE, TAKE ANTHONY UP TO
26 OREGON. THEY WERE BUILDING THEIR HOME UP THERE. THIS
27 IS THEIR RETIREMENT HOME. ANTHONY, AS I'LL TELL YOU IN
28 A LITTLE BIT, HE WASN'T SURE WHETHER OR NOT HE WAS

1 GOING TO COME WITH SHARON. HE LOVED BEING DOWN IN
2 SOUTHERN CALIFORNIA WITH COURTNEY. BUT AFTER THE
3 CRASH, AFTER HIS PARALYSIS, HE'S GOT TO MOVE UP
4 WHEREVER SHARON IS.

5 SO THEY TAKE ANTHONY TAYLOR UP TO OREGON.
6 THEY GET THERE ON FEBRUARY 8TH, 2017. AND THAT'S WHERE
7 THEY ARE TO THIS DAY. NOW THEY'RE HERE IN LOS ANGELES
8 IN THE COURT WITH US, BUT WHEN THIS IS OVER, THIS IS
9 THE HOUSE THEY'LL GO BACK TO.

10 HERE IS ANTHONY'S BEDROOM WINDOW RIGHT
11 THERE (INDICATING). AND THIS IS A RAMP THAT GEORGE
12 BUILT SO THAT HE CAN WHEEL INTO THE HOUSE (INDICATING).

13 AND THIS IS A PICTURE OF MR. TAYLOR AS HE
14 LOOKS TODAY (INDICATING).

15 MR. TAYLOR HAS THE -- YOU CAN SEE THE
16 TRACHEOSTOMY RIGHT THERE (INDICATING). HE'S GOT A
17 DIAPER ON. IN THE CRASH HE LOST THE ABILITY TO CONTROL
18 HIS BOWELS. SO ANY TIME HE NEEDS TO GO NO. 2, HE'S GOT
19 TO DO IT IN A DIAPER THAT EITHER HIS MOTHER OR HIS
20 CAREGIVERS CHANGE FOR HIM.

21 WHEN HE WENT UP TO OREGON, SOME OF HIS
22 TREATING PHYSICIANS PUT IN SOMETHING CALLED A
23 SUPRAPUBIC CATHETER. AND THAT'S BASICALLY A HOLE INTO
24 YOUR BLADDER THAT DRAINS URINE FOR YOU. AND THE REASON
25 THEY DID THAT IS MR. TAYLOR KEPT GETTING URINARY TRACT
26 INFECTIONS. HE GOT SEVERAL OF THEM. AND THE DOCTORS
27 EVENTUALLY JUST PUT THE CATHETER IN SO HE COULD GO
28 EASIER.

1 SO EVERY BOWEL MOVEMENT HE MAKES IS EITHER
2 INTO THAT DIAPER OR INTO A BAG. AND YOU CAN SEE
3 HE'S -- HE CAN BRING HIS HANDS TO HIS FACE. HE'S GOT
4 THE MOVEMENT OF THE SHOULDERS AND THE ARMS. THE
5 FINGERS, THOUGH, HE'S GOT NO GRIP THERE.

6 HE CAN USE HIS IPHONE, WHICH IS A REAL
7 BLESSING BECAUSE THAT, AS HE CALLS IT, ANTHONY TAYLOR
8 CALLS IT, THAT'S HIS WINDOW TO THE WORLD, YOU KNOW.
9 THAT IS HIS EVERYTHING, OTHER THAN HIS FAMILY. IT'S
10 MOST OF OUR EVERYTHING, TOO, WHICH IS A DIFFERENT
11 CONVERSATION.

12 BUT HE CAN SCROLL USING HIS FINGERS AND HE
13 CAN KIND OF GRIP THE IPHONE LIKE THIS (INDICATING).

14 MR. TAYLOR'S LEGS, YOU'LL NOTICE, ARE
15 CURVED. AND THEY'RE NOT CURVED LIKE THAT BECAUSE
16 SOMEBODY PLACED THEM THAT WAY. HE CAN'T MOVE THEM BUT
17 THEY'RE CURVED LIKE THAT BECAUSE THAT'S THE WAY THEY'RE
18 STUCK.

19 ONE OF THE BIG PROBLEMS WITH QUADRIPLEGICS
20 IS MUSCLE, SPECIFICALLY LEG SPASTICITY AND
21 CONTRACTURES.

22 SO YOU'LL HEAR THAT ANTHONY'S -- ANTHONY
23 TAYLOR'S LEGS ARE ALMOST IMPOSSIBLE TO MOVE FROM THAT
24 POSITION.

25 YOU CAN BE REALLY STRONG. YOU CAN TRY AS
26 HARD AS YOU WANT, AND YOU CAN'T MOVE THEM FROM THE WAY
27 THAT THEY ARE LIKE THAT.

28 HE TAKES SOME MEDICINE THAT HELPS LOOSEN

1 UP THE LEGS, BUT IT'S A PERSISTENT PROBLEM AND IT
2 REALLY PREVENTS ANTHONY FROM BEING ABLE TO MOVE HIMSELF
3 AT ALL AND BEING ABLE TO TRANSFER FROM A BED TO A
4 CHAIR. THAT'S A SIGNIFICANT MEDICAL ISSUE FOR HIS
5 FUTURE THAT I'LL TALK TO YOU ABOUT IN A LITTLE BIT.

6 BUT BEFORE I GO THERE, I DO WANT TO TELL
7 YOU WHAT MR. TAYLOR WAS LIKE, WHAT HIS FAMILY SITUATION
8 WAS LIKE, WHO HE WAS BEFORE ALL OF THIS HAPPENED TO
9 HIM, BEFORE ALL THESE THINGS WERE TAKEN AWAY. THIS IS
10 WHO MR. TAYLOR WAS.

11 ANTHONY TAYLOR WAS BORN ON OCTOBER 16TH OF
12 1990. HE WAS BORN IN ANTELOPE VALLEY HOSPITAL, THE
13 SAME HOSPITAL HE WAS RUSHED TO AFTER THAT CRASH ONLY 25
14 YEARS EARLIER.

15 HE WAS BORN TO YOUNG PARENTS THAT COULD
16 NOT TAKE CARE OF HIM. THEY LOVED HIM, BUT THEY
17 COULDN'T CARE FOR HIM. SO THREE DAYS AFTER HIS BIRTH,
18 HE ENTERS THE FOSTER CARE SYSTEM AND HE FINDS A FAMILY
19 WITHIN THREE DAYS OF BEING BORN. THE SCHWARTZ FAMILY
20 IS A -- THEY'RE A COUPLE IN LANCASTER. THEY COULDN'T
21 HAVE CHILDREN OF THEIR OWN. THEY HAD ALREADY ADOPTED
22 TWO BOYS. THEY WERE ONE AND TWO YEARS OLD AT THE TIME
23 THEY GET THE CALL ABOUT ANTHONY. AND THEY AGREE
24 IMMEDIATELY TO TAKE HIM IN.

25 SO THE SCHWARTZ FAMILY, THEY TAKE
26 MR. TAYLOR IN WHEN HE'S THREE DAYS OLD. THEY BRING HIM
27 BACK FROM THE HOSPITAL AND THEY HAVE HIM UNTIL HE'S
28 FOUR.

1 AND YOU'LL HEAR THAT ANTHONY, HE DOESN'T
2 DEVELOP THE SAME WAY A LOT OF CHILDREN DO. YOU KNOW,
3 YOU HEAR ABOUT MILESTONES THAT CHILDREN HIT. YOU KNOW,
4 THEY START TALKING BY A CERTAIN AGE, THEY START EATING
5 SOLID FOODS BY A CERTAIN AGE, THINGS OF THAT NATURE.

6 WITH MR. TAYLOR, HE HAD SOME MILD
7 DEVELOPMENTAL DISABILITIES. SO WHEN HE'S FOUR YEARS
8 OLD, LIVING WITH THE SCHWARTZES, HE'S NOT EATING SOLID
9 FOODS. HE'S NOT TALKING AS MUCH AS HE SHOULD. AND
10 HE'S ACTUALLY NOT POTTY-TRAINED AT THAT POINT.

11 SO THEY'RE A LITTLE WORRIED ABOUT HIM AND
12 THE SCHWARTZES ARE STRESSED. THEY DON'T QUITE HAVE THE
13 RESOURCES TO DEAL WITH ANTHONY TAYLOR.

14 SO HE GOES BACK INTO -- THEY STILL LOVE
15 HIM. AND YOU MIGHT EVEN HEAR FROM RUTH SCHWARTZ WHO
16 WAS HIS FOSTER MOTHER FOR FOUR YEARS. THEY LOVE HIM
17 DEARLY, BUT THEY JUST CAN'T TAKE CARE OF HIM THE WAY
18 SOMEBODY THAT HAS THE RESOURCES AND KNOW-HOW WOULD BE
19 ABLE TO.

20 SO HE GOES BACK INTO THE FOSTER CARE
21 SYSTEM AND VERY QUICKLY AFTER THAT HE FINDS A NEW HOME.
22 AND THIS IS WHERE ANTHONY'S LIFE TAKES A REAL -- IT
23 REALLY TAKES OFF WHEN HE MEETS SHARON TAYLOR.

24 HE'S FIVE YEARS OLD. THERE'S A PICTURE OF
25 THEM AT A BEACH. THERE'S A PICTURE OF THEM AT A
26 MOUNTAIN VACATION. HERE'S A PICTURE OF ANTHONY WITH
27 FRIENDS AND FAMILY.

28 WHEN ANTHONY MEETS -- WHEN ANTHONY TAYLOR

1 MEETS SHARON TAYLOR, THEY REALLY FALL IN LOVE.

2 AND THE REASON SHARON IS THE PERFECT
3 MOTHER FOR ANTHONY IS BECAUSE SHE OWNS A SET OF
4 DAYCARES.

5 MS. TROPP: OBJECTION, YOUR HONOR.

6 THE COURT: I'M SORRY?

7 MS. TROPP: OBJECTION, YOUR HONOR.

8 THE COURT: THE OBJECTION?

9 MS. TROPP: RELEVANCE.

10 THE COURT: I'M SORRY?

11 MS. TROPP: RELEVANCE.

12 THE COURT: OVERRULED.

13 MR. WHEELER: THE REASON THAT SHARON TAYLOR IS
14 THE PERFECT MOTHER FOR ANTHONY TAYLOR IS BECAUSE SHE
15 OWNS A CHAIN -- WELL, IT'S NOT A CHAIN. SHE OWNS --
16 SHE'S SHAKING HER HEAD. SHE OWNS THREE DAYCARE CENTERS
17 IN LANCASTER THAT CARE FOR DEVELOPMENTALLY DISABLED
18 CHILDREN.

19 SO SHARON TAYLOR DIDN'T HAVE ANY OF HER
20 OWN KIDS, BUT SHE KNOWS HOW TO TAKE CARE OF SOMEBODY
21 LIKE ANTHONY.

22 WITHIN A FEW MONTHS OF BEING WITH SHARON
23 TAYLOR, ANTHONY TAYLOR IS POTTY-TRAINED, HE'S TALKING,
24 HE'S USING HIS WORDS, HE'S WELL ADJUSTED. HE'S HAPPY
25 TO BE PART OF A FAMILY THAT HE INTEGRATES WITH
26 PERFECTLY.

27 SO IT'S A WONDERFUL STORY AND SHARON
28 TAYLOR AND ANTHONY TAYLOR HAVE BEEN BY EACH OTHER'S

1 SIDE EVER SINCE THEN.

2 SHE RAISES HIM TO BE A RESPONSIBLE YOUNG
3 MAN. HE LOVES DANCING. HE LOVES GOING TO PARTIES. HE
4 LOVES RIDING HIS BIKE.

5 WHEN YOU ASK ANTHONY TAYLOR, "WHAT DID YOU
6 LOVE DOING WHEN YOU WERE GROWING UP?" HE TALKS ABOUT
7 HIS MONGOOSE BIKE. THAT WAS EVERYTHING TO ANTHONY
8 TAYLOR.

9 AND SHARON TAYLOR WILL SAY THAT ANTHONY
10 TAYLOR DIDN'T REALLY ACT OUT. HE WASN'T A DISCIPLINE
11 PROBLEM AT ALL, BUT IF HE EVER DID ANYTHING THAT SHARON
12 TAYLOR DIDN'T LIKE, ALL SHE HAD TO DO WAS TAKE AWAY
13 THAT BIKE AND HE WOULD DIRECTLY, IMMEDIATELY, DO
14 WHATEVER SHE WANTED.

15 SO WHEN HE'S 19, HE GETS HIS HIGH SCHOOL
16 DIPLOMA. HE GOES TO PUBLIC SCHOOL, I THINK, UNTIL
17 ABOUT THIRD GRADE, AND THEN HE STARTS HOME SCHOOL. BUT
18 HE GETS HIS HIGH SCHOOL DIPLOMA AT 19.

19 AND IN HIS EARLY 20S, HE GETS HIS FIRST
20 JOB. HIS FIRST JOB IS AT A PLACE CALLED DESERT HAVEN
21 ENTERPRISES UP IN LANCASTER. DESERT HAVEN IS A
22 COMPANY, IT'S A -- I THINK IT'S AN ORGANIZATION,
23 ACTUALLY, THAT PLACES PEOPLE WITH MILD DEVELOPMENTAL
24 DISABILITIES WITH EMPLOYERS THAT HELP TRAIN THEM.

25 HIS FIRST JOB AT DESERT HAVEN IS AS A
26 CUSTODIAN AND HE WORKS AT LOCKHEED MARTIN. AND HE
27 LOVED THAT JOB.

28 AND I'VE ASKED ANTHONY, "WHY DID YOU LOVE

1 YOUR JOB SO MUCH? DID YOU LOVE, YOU KNOW, ORGANIZING
2 AND CLEANING? WHAT WAS IT ABOUT THAT?"

3 AND WHAT HE'LL TELL YOU IS THAT HE LOVED
4 HAVING A COMMUNITY TO BE A PART OF. HE LOVED HAVING
5 COWORKERS. HE LOVED HAVING BOSSES. YOU KNOW, HE HAD
6 BEEN HOME-SCHOOLED FOR A LONG TIME BECAUSE OF SOME OF
7 HIS SPECIAL NEEDS. BUT WHEN HE GETS TO WORK, NOW HE'S
8 PART OF SOMETHING.

9 SO HE WORKS FOUR DAYS A WEEK. HE
10 ABSOLUTELY LOVES HIS JOB. BUT THERE WAS ONE PROBLEM.
11 THERE WAS ONE ISSUE WITH HIS JOB. AND IN THE
12 EMPLOYMENT RECORDS, IT COMES UP. AND THE ISSUE IS
13 COURTNEY. COURTNEY IS HIS COWORKER AND HE'S A LITTLE
14 BIT TOO INTERESTED IN COURTNEY. AND HIS BOSSES MAKE
15 SOME MENTION OF THAT.

16 BUT THERE'S A GOOD ENDING TO THIS BECAUSE
17 COURTNEY IS INTERESTED BACK AND THE TWO OF THEM START
18 DATING IMMEDIATELY.

19 AND I ASKED ANTHONY TAYLOR HOW HE -- HOW
20 THIS RELATIONSHIP STARTED. YOU KNOW, "HOW DID YOU ASK
21 HER OUT? HOW DID YOU FIRST GO OUT WITH HER?"

22 AND HE LOOKED AT ME LIKE I WAS CRAZY. HE
23 SAID, "I WENT UP TO HER, I ASKED HER OUT, AND SHE SAID
24 YES."

25 AND I GUESS SOMETIMES IT IS THAT SIMPLE.
26 BUT THAT'S WHAT HAPPENED WITH ANTHONY
27 TAYLOR AND COURTNEY. THEY START DATING IMMEDIATELY.

28 THEIR FIRST DATE IS A RESTAURANT. AND

1 THEN THEY GO OUT DANCING AFTERWARDS. AND THAT'S WHAT
2 THEY LIKE TO DO. THEY LIKE TO GO TO MOVIES. THEY LIKE
3 TO GO DANCING. THEY LIKE TO DO ANYTHING OUTDOORS.

4 AND ANTHONY, AT THE TIME THAT THIS CRASH
5 HAPPENED -- I'M GOING TO GO BACK TO THIS FOR A MOMENT.

6 ANTHONY, AT THE TIME THIS CRASH HAPPENED,
7 WAS LIVING TRULY HIS BEST LIFE. HE HAD A JOB THAT HE
8 LOVED. HE HAD A GIRLFRIEND THAT HE WAS CRAZY ABOUT.
9 THEY HAD EVEN STARTED TO TALK POTENTIALLY ABOUT GETTING
10 MARRIED. AND HE HAD A FAMILY THAT LOVED HIM. HE COULD
11 DO PRETTY MUCH ANYTHING HE WANTED WHENEVER HE WANTED.

12 AND, OF COURSE, THAT BRINGS US TO WHY
13 WE'RE HERE IN THIS COURTROOM. WE ALL KNOW WHAT'S
14 HAPPENED TO MR. TAYLOR. AND THAT'S WHERE DAMAGES COME
15 IN. BECAUSE IN THAT INTERSECTION, ON DECEMBER 19TH OF
16 2015, A DEBT WAS CREATED. AND WE'RE HERE TO EVEN THE
17 SCALES. AND THE WAY THAT YOU DO THAT IS, THE JURY IN
18 MR. TAYLOR'S CASE, IS YOU AWARD DAMAGES.

19 WE'VE TALKED A LOT ABOUT THIS TOPIC IN
20 JURY SELECTION, BUT HERE'S THE CATEGORIES OF DAMAGES
21 THAT ARE AVAILABLE TO MR. TAYLOR IN A CASE LIKE THIS.

22 THERE ARE ECONOMIC DAMAGES, IS THE FIRST
23 CATEGORY. AND THE ECONOMIC DAMAGES ARE WHAT I CALL THE
24 POCKETBOOK DAMAGES. THEY'RE THE POCKETBOOK DAMAGES
25 BECAUSE THEY HAVE A PRICE TAG ON THEM. THEY PAY
26 MR. TAYLOR BACK FOR PAST LOST WAGES AND FUTURE LOST
27 WAGES. THAT'S THE MONEY MR. TAYLOR WOULD HAVE MADE IF
28 HE HAD CONTINUED TO BE WORKING FOR THE REST OF HIS

1 LIFE. HE WAS WORKING AT THE TIME OF THE ACCIDENT. SO
2 THAT MONEY PAYS HIM BACK FOR LOST EARNINGS.

3 THE REST OF THESE POCKETBOOK LOSSES, THEY
4 COMPENSATE HIM FOR FUTURE MEDICAL EXPENSES. I'M GOING
5 TO GET INTO THAT IN A LITTLE BIT.

6 BUT WHAT I WANT YOU TO KEEP IN MIND AS YOU
7 HEAR TESTIMONY ABOUT THESE ECONOMIC POCKETBOOK LOSSES
8 IS THAT THIS MONEY GOES TO OTHER PEOPLE. THEY GO TO
9 HEALTH CARE PROVIDERS. THEY GO TO NURSES. THEY GO TO
10 MEDICAL EQUIPMENT. THEY GO FOR HOME RENOVATIONS TO
11 MAKE ANTHONY'S HOME ACCESSIBLE, GIVEN HIS DISABILITIES.

12 THIS MONEY DOES NOT GO TO ANTHONY, IT GOES
13 TO OTHER PEOPLE.

14 THE COMPENSATION THAT GOES TO MR. TAYLOR
15 IS THE NONECONOMIC DAMAGES. THE HUMAN LOSSES IN THIS
16 CASE. THE MONEY, THE COMPENSATION THAT GOES TO ANTHONY
17 FOR ALL THOSE CATEGORIES THAT SOME OF YOU ARE PROBABLY
18 A LITTLE SICK ABOUT HEARING AT THIS POINT, BECAUSE WE
19 WENT THROUGH THEM SO MANY TIMES, BUT WE DID THAT
20 BECAUSE THEY ARE OF THE UTMOST IMPORTANCE IN THIS CASE.

21 THE HUMAN LOSSES ARE THE REAL LOSSES IN
22 THE CASE. WE'LL SHOW YOU, THE FACTS WILL SHOW YOU, THE
23 MEDICAL EQUIPMENT, THAT'S GOING TO KEEP HIM ALIVE.
24 THAT'S CRUCIAL. THAT'S EXTREMELY NECESSARY. BUT THE
25 HUMAN LOSSES, THEY RECOVER FOR EVERYTHING THAT'S BEEN
26 TAKEN FROM ANTHONY. AND I'LL GO THROUGH THOSE
27 CATEGORIES AGAIN.

28 FIRST I WANT TO TALK ABOUT THE ECONOMIC

1 DAMAGES, THE LOST EARNINGS.

2 WE HAVE AN EXPERT WITNESS, DR. SARKISIAN.
3 HE'S A VOCATIONAL REHABILITATION EXPERT UP IN FRESNO.
4 HE'S GOT A PH.D. FROM U.C. BERKELEY.

5 WHAT HE DOES IS HE EVALUATES PEOPLE LIKE
6 MR. TAYLOR THAT ARE INJURED IN AN ACCIDENT, THEY HAVE
7 AN EMPLOYMENT HISTORY, AND THE QUESTION IS, WHAT ARE
8 THEIR EARNINGS -- WHAT WOULD THEIR EARNINGS HAVE BEEN
9 IF THEY HADN'T GOTTEN HURT SO WE CAN PUT A DOLLAR
10 NUMBER ON THAT. BECAUSE THAT'S A TYPE OF DAMAGE THAT'S
11 AVAILABLE IN A CASE LIKE THIS.

12 SO DR. SARKISIAN DOES THAT ANALYSIS FOR
13 US.

14 AND, YOUR HONOR, MAY I APPROACH THE T.V.?

15 THE COURT: YES.

16 MR. WHEELER: THANK YOU, YOUR HONOR.

17 THESE ARE THE NUMBERS THAT COME OUT FOR
18 THE LOST EARNINGS: \$151,983. THAT'S ON ONE SIDE.
19 WE'VE GOT A RANGE FOR YOU HERE.

20 ON THE OTHER SIDE IT'S \$756,759.

21 AND THE REASON THERE'S A RANGE IS BECAUSE
22 THE \$151,000 NUMBER, THAT'S WHAT MR. TAYLOR WOULD HAVE
23 MADE IF HE HAD CONTINUED TO WORK ALL OF HIS LIFE AT
24 DESERT HAVEN.

25 WE HAVE THIS OTHER NUMBER BECAUSE THAT
26 NUMBER ASSUMES THAT MR. TAYLOR WOULD HAVE EVENTUALLY
27 BEEN ABLE TO GET ANOTHER JOB IN THE PRIVATE MARKET AS A
28 CUSTODIAN. HE WAS 25 AT THE TIME THAT HE WAS AT DESERT

1 HAVEN. SO IF HE'S ABLE TO GET TRAINED UP AND GET A JOB
2 IN THE PRIVATE SECTOR, THAT'S THE MONEY THAT HE WOULD
3 HAVE MADE.

4 AND THAT NUMBER IS THE BOTTOM 10 PERCENT
5 OF EARNINGS FOR A CUSTODIAN. SO IT'S THE LOWEST
6 POSSIBLE PERCENTILE THAT WE PROVIDE TO YOU. AND YOU,
7 AS THE JURY, ARE GOING TO DECIDE WHICH NUMBER HE'LL GET
8 FOR THAT CATEGORY OF DAMAGES.

9 FOR THE FUTURE MEDICAL CARE, WE HAVE
10 MS. ROUGHAN. SHE'S A LIFE CARE PLANNER. SHE'S A
11 REGISTERED NURSE. WE HIRED HER IN THIS CASE TO MEET
12 ANTHONY. SHE FLEW UP TO OREGON TO MEET HIM, TO
13 EVALUATE MR. TAYLOR, TO LOOK AT HIS MEDICAL RECORDS, TO
14 TALK TO SOME OF THE OTHER EXPERTS THAT WE'D HIRED.

15 AND WHAT SHE DOES WITH ALL THAT
16 INFORMATION, AFTER SHE DOES THAT WORKUP, IS SHE PUTS
17 TOGETHER THIS LIFE CARE PLAN.

18 SO WHAT A LIFE CARE PLAN IS, IS IT'S USED
19 IN A CASE LIKE THIS WHERE SOMEBODY IS INJURED AND THEY
20 COME INTO COURT SO THAT THE JURY HAS THE INFORMATION
21 ABOUT EVERYTHING SOMEBODY'S GOING TO NEED IN THEIR
22 FUTURE.

23 SHE DOES THIS LIFE CARE PLAN, AND IT LISTS
24 ALL OF THE CARE THAT MR. TAYLOR'S GOING TO NEED.

25 MR. -- PARDON ME.

26 DR. MILLER IS ANOTHER EXPERT THAT WE
27 HIRED. HE'S AN EXPERT IN SPINAL CORD INJURY
28 REHABILITATION. HE SPENT SEVERAL DECADES RUNNING A

1 SPINAL CORD INJURY CLINIC TREATING PEOPLE LIKE
2 MR. TAYLOR. AND NOW HE MAINLY TREATS PATIENTS AND
3 TRAINS RESIDENTS AT THE V.A. THROUGH U.C.L.A. MEDICAL
4 SCHOOL, AND HE DOES A LOT OF WORK ON CASES LIKE THIS,
5 COURTROOM CASES.

6 SO DR. MILLER AND MS. ROUGHAN AND SOME
7 OTHER EXPERTS THAT I'LL TALK ABOUT IN A BIT, THEY COME
8 UP WITH A LIST OF FUTURE CARE THAT THEY WILL TALK TO
9 YOU ABOUT.

10 AND A LOT OF THE FUTURE CARE ARE
11 PROCEDURES, REHABILITATION, NURSING AND ATTENDANT CARE,
12 PRESCRIPTION MEDICINE. THIS CONTRACTURE RELEASE IS A
13 POTENTIAL SURGERY TO HELP HIS LEGS FROM BEING STUCK IN
14 THAT POSITION.

15 THOSE ARE SOME OF THE THINGS WE'LL TALK TO
16 YOU ABOUT, SOME OF THE FUTURE MEDICAL CARE THAT HE
17 NEEDS.

18 AND THEN THIS WOMAN, TAMORAH HUNT, IS AN
19 ECONOMIST. SHE'S AN EXPERT WITNESS THAT WE'VE HIRED
20 ALSO. SHE'S GOING TO PUT A PRICE TAG. I CALL THEM
21 POCKETBOOK LOSSES. DR. HUNT PUTS THE PRICE TAG ON THE
22 POCKETBOOK LOSSES.

23 AND THE REASON SHE'S IN THE CASE IS
24 BECAUSE WHEN YOU HAVE A DOLLAR AMOUNT THAT'S AWARDED IN
25 A COURTROOM, IT'S AN AMOUNT OF MONEY THAT'S AWARDED IN
26 A CERTAIN DAY, BUT IT'S SUPPOSED TO LAST FOR DECADES.

27 AND WHEN YOU HAVE A STREAM OF MONEY THAT
28 GOES OUT THAT FAR, YOU HAVE TO BRING THAT INTO WHAT'S

1 CALLED PRESENT VALUE.

2 WHEN YOU HAVE A STREAM OF MONEY THAT'S
3 AWARDED IN ONE DAY, IT'S SUPPOSED TO LAST FOR A LONG
4 TIME. YOU BRING IT BACK INTO PRESENT VALUE BECAUSE YOU
5 ASSUME THAT MONEY WOULD MAKE MONEY THROUGH INVESTMENTS.
6 THAT'S SOMETHING THAT THE LAW REQUIRES.

7 SO DR. HUNT PUTS THE FUTURE MEDICAL
8 COSTS -- THIS DOESN'T INCLUDE THOSE LOST EARNING
9 NUMBERS. THIS IS THE HIGHEST NUMBER IN THE JAN ROUGHAN
10 LIFE CARE PLAN, \$17,916, -- I ALWAYS DO THAT.

11 LET ME START OVER.

12 \$17,916,377. THAT'S FROM MS. ROUGHAN'S
13 LIFE CARE PLAN.

14 THE DEFENSE HAS THEIR OWN LIFE CARE PLAN,
15 AND THEIR LIFE CARE PLANNER IS STACEY HELVIN. AND HER
16 LIFE CARE PLAN, THE TOP NUMBER, I SHOULD SAY, FOR HER
17 LIFE CARE PLAN IS AROUND \$8 MILLION.

18 SO THAT'S ABOUT A \$10 MILLION DIFFERENCE.
19 IT'S A HUGE DIFFERENCE. SO WE HAD TO ASK OURSELVES,
20 WHY IS THERE SUCH A BIG DIFFERENCE BETWEEN THE
21 PLAINTIFF'S LIFE CARE PLAN AND THE DEFENSE LIFE CARE
22 PLAN?

23 AND IT TURNS OUT THERE ARE TWO MAIN
24 REASONS WHY THE DEFENSE LIFE CARE PLAN IS \$10 MILLION
25 LESS. AND THE MAIN ONE HAS TO DO WITH THIS QUESTION.
26 YOU'LL HEAR A LOT OF TESTIMONY ON THIS QUESTION. WHAT
27 LEVEL OF CARE DOES ANTHONY TAYLOR NEED?

28 AND WHAT THAT'S GETTING AT IS, DOES HE

1 NEED A LICENSED VOCATIONAL NURSE TO CARE FOR HIM 24
2 HOURS A DAY, SEVEN DAYS A WEEK? BECAUSE BOTH SIDES
3 AGREE THAT HE DOES NEED CARE 24/7. 24/7, 24 HOURS A
4 DAY, SEVEN DAYS A WEEK. THERE'S NO DISPUTE ABOUT THAT.
5 BOTH SIDES ADMIT THAT HE NEEDS THAT CARE.

6 THE QUESTION IS, WHAT LEVEL OF CARE?

7 AND IT MAKES A BIG DIFFERENCE IN THE
8 OVERALL COSTS. AND THAT'S THE BULK OF WHAT MAKES UP
9 THE DIFFERENCE OF OUR DISPUTE ABOUT THESE LIFE CARE
10 PLANS.

11 SO BOTH SIDES ALSO AGREE THAT AS LONG AS
12 ANTHONY TAYLOR HAS THAT TRACH, THAT HOLE IN HIS THROAT,
13 HE NEEDS A LICENSED VOCATIONAL NURSE TO CARE FOR HIM.
14 THAT'S THE LAW AND THAT'S WHAT'S REQUIRED. SOMEBODY
15 THAT HAS A TRACHEOSTOMY AND NEEDS SPECIALIZED CARE.
16 AND THAT'S WHAT AN L.V.N. DOES.

17 BUT IF HE DOESN'T HAVE THAT TRACHEOSTOMY
18 IN, HE CAN GET BY WITH A LOWER-SKILLED CAREGIVER.

19 SO THE DEFENSE WENT AND HIRED DR. KLEIN.
20 HE'S A DEFENSE EXPERT. HE'S A PULMONOLOGIST. HE'S IN
21 NEWPORT BEACH, CALIFORNIA. HE DOES FORENSIC WORK ON
22 CASES LIKE THIS. HE'S WORKED FOR THE DEFENSE LAWYERS
23 BEFORE.

24 AND DR. KLEIN WILL TELL YOU, HE WILL
25 TESTIFY -- WE WILL SHOW YOU HIS TESTIMONY IN OUR CASE
26 BY VIDEO, AND THEN THE DEFENSE WILL CALL HIM IN THEIR
27 CASE.

28 WHAT DR. KLEIN SAYS IS THAT MR. TAYLOR --

1 ACTUALLY, BEFORE I TELL YOU WHAT HE SAYS, DR. KLEIN HAS
2 NEVER SEEN ANTHONY TAYLOR IN HIS LIFE. HE'S READ SOME
3 OF HIS MEDICAL RECORDS, BUT HE'S NEVER SEEN HIM IN HIS
4 ENTIRE LIFE. HE'S NEVER EVALUATED HIM. HE'S NEVER MET
5 HIM.

6 BUT I TOOK HIS DEPOSITION. BEFORE WE GET
7 TO TRIAL, WE TAKE DEPOSITIONS SO THAT WHEN WE GET HERE,
8 WE'RE NOT SURPRISED ABOUT WHAT PEOPLE SAY ON THAT
9 STAND. THAT'S WHY WE DO DEPOSITIONS.

10 IT WAS ABOUT FIVE OR SIX WEEKS AGO THAT I
11 TOOK DR. KLEIN'S DEPOSITION. HIS TESTIMONY IS
12 MR. TAYLOR CAN HAVE THAT TRACHEOSTOMY REMOVED TODAY.
13 HE SAYS IT DOESN'T EVEN HAVE TO BE A SURGICAL
14 PROCEDURE. YOU CAN DO IT BEDSIDE AND HE CAN HAVE IT
15 DONE TODAY.

16 SO WE WANTED TO KNOW IF THAT WAS CORRECT.
17 WE TALKED TO SHARON TAYLOR ABOUT THAT AND I'LL TELL YOU
18 WHY SHE SAYS ABSOLUTELY NOT.

19 BUT WE WENT UP TO OREGON AND WE TOOK THE
20 DEPOSITION OF ONE OF MR. TAYLOR'S TREATING PHYSICIANS.

21 HE LIVES -- OR HE PRACTICES, PARDON ME,
22 CLOSE TO WHERE MR. TAYLOR LIVES. HE'S AN
23 OTOLARYNGOLOGIST. WHAT HE CALLS IT IS HE'S AN AIRWAY
24 MANAGEMENT SPECIALIST.

25 BECAUSE IT'S A TRACHEOSTOMY THAT HELPS
26 MR. TAYLOR BREATHE AND CLEAR THE FLUID FROM HIS LUNGS,
27 THIS IS THE SPECIALIST THAT YOU SEE WHEN YOU HAVE A
28 QUESTION ABOUT THIS KIND OF MEDICAL EQUIPMENT.

1 DR. WEBSTER WILL TESTIFY THAT HE DISAGREES
2 WITH THE DEFENSE EXPERT, DR. KLEIN. HE SAYS
3 MR. TAYLOR'S TRACHEOSTOMY CANNOT COME OUT RIGHT NOW.

4 IN FACT, I ASKED HIM SPECIFICALLY:
5 "THERE'S A DOCTOR FOR THE DEFENSE THAT SAYS
6 MR. TAYLOR'S TRACHEOSTOMY CAN COME OUT TODAY. DO YOU
7 AGREE WITH THAT?"

8 DR. WEBSTER SAYS, "WELL, YOU COULD DO
9 THAT, BUT MR. TAYLOR MIGHT DIE."

10 AND DR. WEBSTER SAYS, "YOU COULD DO THAT,
11 BUT IT WOULD BE GAMBLING WITH HIS LIFE."

12 NOW, DR. WEBSTER GOES ON TO SAY SOME
13 THINGS ABOUT HOW MR. TAYLOR COULD POTENTIALLY, MAYBE
14 SOME DAY, HAVE THAT TRACHEOSTOMY CAPPED. HE'D HAVE TO
15 TOLERATE 24 HOURS WITH IT CAPPED.

16 AND LET ME BACK UP. TRACHEOSTOMY IS A
17 HOLE IN THE THROAT. THERE'S THAT TUBE, AND ONE WAY YOU
18 CAN SIMULATE HAVING IT TAKEN OUT IS BY CAPPING IT.
19 THAT'S HOW YOU ASSESS WHETHER OR NOT SOMEBODY IS READY
20 TO HAVE IT OUT, IS YOU PUT THE CAP IN.

21 WHAT DR. WEBSTER SAYS IS "MR. TAYLOR, WHEN
22 HE CAME TO SEE ME, I TOLD HIM, YOU MUST BE ABLE TO
23 TOLERATE 24 HOURS BEFORE YOU CAN HAVE IT CAPPED" -- I'M
24 SORRY. "YOU MUST BE ABLE TO TOLERATE 24 HOURS OF IT
25 CAPPED BEFORE IT CAN COME OUT."

26 AND SHARON TAYLOR, ANTHONY TAYLOR WILL
27 TELL YOU THAT THE MOST THEY'VE BEEN ABLE -- THE MOST
28 ANTHONY TAYLOR HAS BEEN ABLE TO TOLERATE IS 12 HOURS.

1 AND SHARON TAYLOR WILL TELL YOU THAT WHEN
2 ANTHONY TAYLOR HAS HAD THAT TRACHEOSTOMY IN FOR 12
3 HOURS, THAT HE STARTS BEGGING FOR THAT PLUG TO COME
4 OUT. FLUID STARTS TO BUILD UP IN HIS LUNGS. HE GETS
5 REALLY SCARED AND ANXIOUS AND HE CAN'T KEEP GOING WITH
6 IT.

7 THAT'S WHY HE HASN'T BEEN BACK TO SEE
8 DR. WEBSTER, BECAUSE DR. WEBSTER TOLD HIM, "IF YOU CAN
9 DO 24 HOURS, LET'S TALK ABOUT HAVING THE TRACHEOSTOMY
10 OUT." HE WASN'T ABLE TO EVEN DO 12.

11 SO THAT'S DR. WEBSTER.

12 WE ALSO HIRED DR. CAPLAN. HE'S AN EXPERT
13 WITNESS THAT WE HIRED. WE HIRED HIM FOR THE SOLE
14 PURPOSE OF FINDING OUT WHETHER OR NOT DR. KLEIN WAS
15 CORRECT.

16 SO HE'S WHAT WE CALL A "REBUTTAL." HE
17 REBUTS DR. KLEIN'S TESTIMONY. AND THAT'S EXACTLY WHAT
18 HE DOES. HE DISAGREES WITH THE DEFENSE, DR. KLEIN. HE
19 SAYS THAT TRACHEOSTOMY CANNOT COME OUT NOW LIKE
20 DR. KLEIN SAYS IT CAN. AND DR. CAPLAN IS PRETTY
21 STRAIGHT UP. HE SAYS, "I DON'T KNOW IF IT CAN EVER
22 COME OUT. THAT'S NOT SOMETHING -- I DON'T HAVE A
23 CRYSTAL BALL. THAT'S NOT SOMETHING I KNOW, BUT I DO
24 KNOW IT CANNOT COME OUT NOW."

25 DR. CAPLAN SAYS HE'D WANT A THREE-WEEK
26 CAPPING TRIAL. SO THREE WEEKS OF HAVING IT CAPPED
27 BEFORE HE'D BE COMFORTABLE WITH THAT TRACH COMING OUT.
28 BUT THE MAIN THING HE DOES IS HE DISAGREES WITH

1 DR. KLEIN. AND HE'S A SPECIALIST IN PULMONARY MEDICINE
2 AT CEDARS HERE IN LOS ANGELES.

3 DR. MILLER, WHO I'VE TALKED TO YOU ABOUT
4 EARLIER, HE'S OUR SPINAL CORD INJURY REHABILITATION
5 DOCTOR. HE'S OF THE OPINION THAT MR. TAYLOR WILL NEVER
6 HAVE THAT TRACHEOSTOMY OUT. AND HE'LL TELL YOU THE
7 REASONING BEHIND THAT OPINION.

8 "IF IT'S BEEN IN OVER TWO YEARS AND AT
9 THIS POINT HE CAN'T TOLERATE CAPPING FOR 12 HOURS, I
10 DON'T THINK IT'S EVER COMING OUT."

11 THAT'S ALSO WHAT DR. WEBSTER SAYS.
12 DR. WEBSTER, HIS OREGON DOCTOR, SAYS, "IF IT'S BEEN
13 OVER TWO YEARS AND HE CAN'T TOLERATE CAPPING OF 12
14 HOURS, I DON'T THINK HE'S EVER GOING TO BE ABLE TO HAVE
15 IT OUT."

16 AND WHAT DR. CAPLAN SAYS IS EVEN IF IT
17 DOES COME OUT, MORE LIKELY THAN NOT, HE'LL HAVE TO HAVE
18 THE TRACHEOSTOMY PUT BACK IN AT SOME POINT BECAUSE OF
19 COMPLICATIONS.

20 SHARON TAYLOR WILL TELL YOU THAT WHEN --
21 WELL, WHAT SHE'LL TELL YOU IS THAT MR. TAYLOR IS
22 FRAGILE. HIS IMMUNE SYSTEM IS FRAGILE. HE GETS SICK
23 REALLY EASILY.

24 BECAUSE OF HIS SPINAL CORD INJURIES, HIS
25 BODY SOMETIMES REELS ATTACKS. SO HE GETS SICK EARLIER.
26 AND WHEN HE GETS SICK IS WHEN HE REALLY NEEDS THAT
27 TRACHEOSTOMY. THAT'S WHEN HE STARTS HAVING TO HAVE
28 LOTS OF SECRETIONS COME OUT.

1 BUT EVEN IF HE'S NOT SICK, HE SOMETIMES
2 CAN BE SECRETED, WHICH MEANS SOMEBODY HAS TO SUCTION
3 THAT FLUID OUT OF HIS LUNGS SEVERAL TIMES, EVEN, AN
4 HOUR.

5 AND THEN THERE ARE TIMES WHEN HE'LL GO
6 SEVERAL DAYS WHERE HE DOESN'T NEED IT. IT'S NOT LIKE
7 IT'S A CONSTANT THING. IT GOES UP AND IT GOES DOWN.

8 BUT AS YOU HEAR THE EVIDENCE, AS YOU HEAR
9 THE FACTS ABOUT THIS TRACHEOSTOMY ISSUE, I WANT YOU TO
10 KEEP IN MIND THAT THE ONLY DOCTOR WHO SAYS THAT
11 TRACHEOSTOMY CAN COME OUT NOW IS DR. KLEIN WHO THE
12 DEFENSE HIRED TO SAY THAT.

13 AND IT ALLOWS THEM TO SAVE ALMOST \$10
14 MILLION BY HAVING THAT OPINION.

15 THE SECOND QUESTION ABOUT WHY THERE'S A
16 HUGE DIFFERENCE BETWEEN THE TWO LIFE CARE PLANS, WHY
17 THAT DIFFERENCE IS ALMOST \$10 MILLION DOLLARS, IS THIS
18 QUESTION: HOW LONG DO WE PLAN FOR MR. TAYLOR TO LIVE?

19 IT'S A SENSITIVE SUBJECT, HOW LONG
20 SOMEBODY IS GOING TO LIVE, BUT IT'S IMPORTANT FOR YOU
21 AS THE JURY. IT'S IMPORTANT FOR YOU, AS THE JURY,
22 BECAUSE YOU ARE GOING TO MAKE A DECISION. IT'S THE
23 JURY'S DECISION HOW LONG SOMEBODY'S GOING TO LIVE IN A
24 CASE LIKE THIS BECAUSE THE MONEY THAT YOU COMPENSATE
25 FOR MR. TAYLOR, THIS IS FOR THE POCKETBOOK LOSSES AND
26 THE HUMAN LOSSES, FOR BOTH OF THOSE, HOW LONG
27 MR. TAYLOR IS GOING TO LIVE IS IMPORTANT BECAUSE IT
28 CARRIES OUT TO HOW LONG YOU THINK HE'LL BE WITH US.

1 NOW, THE EXPERTS IN THIS CASE, THEY AGREE
2 THAT THERE'S A MATH EQUATION. THERE'S A UNIVERSITY IN
3 ALABAMA THAT HAS AN ALGORITHM, A COMPUTER EQUATION THAT
4 IF YOU TYPE IN WHERE SOMEBODY'S INJURED IN THEIR SPINAL
5 CORD AND YOU TELL THEM A LITTLE BIT MORE FACTS ABOUT
6 THE INJURY AND THE PERSON, IT WILL GIVE YOU AN ESTIMATE
7 ABOUT HOW LONG THEY WILL LIVE.

8 AND BOTH EXPERTS AGREE THAT IN
9 MR. TAYLOR'S CASE, HE MAY LIVE 16 YEARS LESS BECAUSE OF
10 THE INJURIES THAT SAMANTHA SCHILLING ADMITS TO CAUSING.
11 16 YEARS LESS OF LIFE, DYING 16 YEARS EARLIER. THAT'S
12 WHAT THAT MATH EQUATION AT THE UNIVERSITY OF ALABAMA
13 SHOWS.

14 WE'RE GOING TO ASK YOU TO AWARD TO
15 MR. TAYLOR DAMAGES ASSUMING THAT HE WILL LIVE A FULL
16 LIFE, THE KIND OF LIFE HE WOULD LIVE IF SHE'D NEVER
17 DARTED OUT INTO ONCOMING TRAFFIC THAT SATURDAY BACK IN
18 DECEMBER OF 2015.

19 WE'RE GOING TO ASK FOR THAT BECAUSE --
20 I ALSO TOOK DR. SUZY KIM'S DEPOSITION.
21 SHE'S ANOTHER DEFENSE EXPERT. AND DR. SUZY KIM
22 TESTIFIED, WHEN I ASKED HER ABOUT THIS LIFE EXPECTANCY
23 ISSUE, SHE TESTIFIED THAT "IT'S A GUESSTIMATE." THOSE
24 ARE HER WORDS, NOT MINE.

25 SHE SAID, "YES, IT'S LIKELY THAT SOMEBODY
26 WITH MR. TAYLOR'S INJURIES IS GOING TO LIVE A SHORTER
27 PERIOD OF TIME. BUT IT'S A GUESSTIMATE." AND SUZY KIM
28 WILL TELL YOU THAT SHE'S GOT LOTS OF PATIENTS WITH

1 SPINAL CORD INJURIES THAT HAVE OUTLIVED THAT ESTIMATE
2 AS LONG AS THEY GET EXCELLENT MEDICAL CARE.

3 AND YOU KNOW STEPHEN HAWKING DIED JUST A
4 FEW WEEKS AGO, AGE 76.

5 LANCE CHEUNG IS ONE OF MR. TAYLOR'S
6 TREATING PHYSICIANS UP IN OREGON EVER SINCE HE MOVED UP
7 THERE. HE'S GOT SEVERAL OF THEM. BECAUSE THEY LIVE
8 OUT OF STATE, WE HAVE TO SHOW YOU THEIR VIDEOTAPED
9 DEPOSITIONS. WE CAN'T BRING THEM DOWN TO COURT HERE IN
10 CALIFORNIA. SO WE'LL SHOW YOU THEIR VIDEOTAPED
11 DEPOSITIONS.

12 LANCE CHEUNG IS HIS PHYSICAL MEDICINE AND
13 REHABILITATION DOCTOR. AND DR. CHEUNG WILL TELL YOU --
14 HE'LL TELL YOU A LOT OF THINGS ABOUT HOW HE'S DOING
15 NOW, BUT WHEN YOU WATCH DR. CHEUNG'S DEPOSITION, WHAT I
16 WOULD LIKE YOU TO FOCUS ON IS AT THE END OF IT, THERE'S
17 A COINCIDENCE THAT COMES UP.

18 IT TURNS OUT THAT DR. CHEUNG WAS TRAINED
19 BY SUZY KIM, THE DEFENSE EXPERT. JUST TOTALLY RANDOM.
20 HE WAS TRAINED AT A SPINAL CORD REHABILITATION CENTER
21 WHERE SUZY KIM WORKED. SHE WAS HIS, WHAT THEY CALL,
22 HIS ATTENDANT. SO SHE'D WATCH OVER HIS MEDICAL
23 TREATMENT -- I'M SORRY, HIS MEDICAL TRAINING.

24 AND AT THE END OF DR. CHEUNG'S DEPOSITION,
25 HE ADMITS THAT ANYTHING SUZY KIM RECOMMENDS FOR
26 MR. TAYLOR, HE'LL GO ALONG WITH. IN FACT, I JUST ASKED
27 DR. CHEUNG, I SAID, "IF SUZY KIM RECOMMENDS 24/7 CARE
28 FOR MR. TAYLOR, DO YOU AGREE WITH THAT?"

1 AND HE SAYS, "YES, IF SUZY KIM RECOMMENDS
2 IT, I GO ALONG WITH IT. SHE WAS MY ATTENDING. SHE'S A
3 GREAT DOCTOR AND I TRUST WHAT SHE HAS TO SAY ON THAT."

4 NONECONOMIC DAMAGES, PHYSICAL PAIN, MENTAL
5 SUFFERING. I WANT TO STOP AT THESE TWO.

6 WHAT PEOPLE -- THE PHRASE PEOPLE USE WHEN
7 THEY TALK ABOUT THESE DAMAGES IN REGULAR LIFE ARE THESE
8 TWO. THEY CALL THEM "PAIN AND SUFFERING." YOU HEAR
9 THAT TERM ALL THE TIME.

10 THAT LEAVES OUT EIGHT SPECIFIC ITEMS OF
11 COMPENSABLE HARM TO SOMEBODY LIKE MR. TAYLOR. SO WHEN
12 YOU HEAR THAT PHRASE, "PAIN AND SUFFERING," THAT'S NOT
13 EVEN A FRACTION OF THE HUMAN LOSSES THAT ARE AVAILABLE
14 TO MR. TAYLOR IN A CASE LIKE THIS.

15 AND WE'RE GOING TO PROVE TO YOU, THROUGH
16 WITNESSES ON THAT STAND, THROUGH THE PEOPLE WHO TALK
17 ABOUT WHO ANTHONY TAYLOR IS, WAS, AND WHAT WAS TAKEN
18 FROM HIM, WE'RE GOING TO PROVE TO YOU THAT
19 MR. TAYLOR'S -- EVERY DAY OF HIS LIFE, EVERY SINGLE DAY
20 OF HIS LIFE, ONE OF THESE ITEMS OF HARM HAS A PROFOUND
21 TOUCH ON HIS LIFE.

22 PAIN, SUFFERING.

23 LOSS OF ENJOYMENT OF LIFE IS A REALLY BIG
24 ONE FOR MR. TAYLOR. YOU THINK ABOUT WHAT HE HAD,
25 LIVING HIS BEST LIFE BEFORE THAT MOMENT ON THAT
26 INTERSECTION, AND YOU THINK ABOUT WHAT HE'S LIKE NOW.
27 LOSS OF ENJOYMENT OF LIFE IS HUGE FOR HIM. YOU'RE
28 GOING TO HEAR HOW.

1 DISFIGUREMENT. HIS BODY DOESN'T WORK
2 ANYMORE.

3 PHYSICAL IMPAIRMENT. HIS LEGS ARE AS
4 STIFF AS IRON AND HE CANNOT MOVE THEM.

5 ANXIETY. SOME PEOPLE HAD A TOUGH TIME
6 WITH THIS IN JURY SELECTION. ARE YOU KIDDING? ANXIETY
7 IS SOMETHING YOU CAN COME TO A COURTROOM WITH?

8 WELL, IT IS, AND FOR GOOD REASON.

9 WHEN I FIRST MET MR. TAYLOR, HE HAD A
10 MANUAL WHEELCHAIR. NOW HE'S GOT A MOTORIZED CHAIR AND
11 HE LOVES IT. HE CAN SPIN AROUND. I WENT TO DINNER
12 WITH HIM. HE SHOWED ME HOW FAST HE CAN GO. HE
13 ABSOLUTELY LOVES THAT CHAIR.

14 BUT WHEN I FIRST MET HIM, HE HAD A MANUAL
15 CHAIR. AND BEHIND THAT MANUAL CHAIR THERE WAS A BAG
16 THAT COLLECTED HIS URINE.

17 AND I WANTED HIM TO GO OUT TO DINNER WITH
18 ME ABOUT A YEAR AGO. AND HE DIDN'T WANT TO BECAUSE HE
19 SAID -- HE JUST DIDN'T WANT TO. HE WASN'T REALLY BEING
20 HONEST WITH ME, I THOUGHT. NOT BEING HONEST, BUT HE
21 WASN'T BEING STRAIGHT UP.

22 AND HIS MOM TOLD ME THE REASON HE DIDN'T
23 WANT TO LEAVE THE HOUSE IS BECAUSE HE'S SO EMBARRASSED
24 ABOUT PEOPLE SEEING THAT BAG WITH HIS URINE AS HE WOULD
25 KIND OF GO ALONG.

26 AND NOW THE POWER WHEELCHAIR THAT HE HAS,
27 HE'S GOT A BATMAN BAG THAT COVERS IT SO NOBODY CAN SEE
28 IT.

1 BUT THAT'S JUST ONE EXAMPLE OF HOW
2 SOMEBODY WITH MR. TAYLOR'S INJURIES LIVES WITH ANXIETY
3 ON A DAILY BASIS.

4 SO WHEN YOU'RE AS INJURED AS MR. TAYLOR
5 IS, THAT'S A BIG FACTOR.

6 HUMILIATION. SIMILAR. HE'S HUMILIATED
7 DAILY.

8 EMOTIONAL DISTRESS. THIS IS A BIG ONE.
9 MR. TAYLOR ISN'T REALLY GOOD ABOUT TALKING ABOUT HIS
10 EMOTIONAL DISTRESS. SHARON TAYLOR, HIS MOM, WILL TELL
11 YOU ABOUT THAT. IT'S SOMETHING HE STRUGGLES WITH. HE
12 DOESN'T QUITE HAVE THE VOCABULARY TO EXPRESS IT. AND A
13 LOT OF PEOPLE ARE LIKE THAT. THAT'S WHY WE HAVE AN
14 EXPERT TO TALK ABOUT THAT. AND I'LL GET TO HIM IN A
15 MOMENT.

16 INCONVENIENCE. ANOTHER THING WHERE YOU
17 MIGHT THINK, WELL, GEE, YOU CAN COME INTO COURT AND SUE
18 OVER INCONVENIENCE?

19 WHEN YOU'RE NO LONGER ABLE TO MOVE YOUR
20 BODY, AT LEAST YOUR LOWER BODY, WHEN YOU'RE NOT ABLE TO
21 MOVE ON YOUR OWN AND YOU'VE GOT TO ASK SOMEBODY TO DO
22 EVERYTHING, INCLUDING CHANGE YOUR DIAPER FOR YOU AT AGE
23 27, INCONVENIENCE IS A HUGE CATEGORY OF COMPENSABLE
24 DAMAGES.

25 GRIEF. AND POTENTIALLY DYING EARLY.

26 THOSE ARE ALL CATEGORIES OF DAMAGES THAT
27 WE WILL PROVE TO YOU ARE APPLICABLE IN MR. TAYLOR'S
28 CASE.

1 AND THESE NONECONOMIC DAMAGES, THESE HUMAN
2 LOSSES THAT WE WILL ASK YOU TO COMPENSATE MR. TAYLOR
3 FOR, THEY ARE THE REAL DAMAGES IN THIS CASE. THEY MAKE
4 THE POCKETBOOK LOSSES, THEY MAKE THAT NUMBER I SHOWED
5 YOU FOR THE MEDICAL COSTS, THEY MAKE THAT NUMBER LOOK
6 TINY IN COMPARISON TO WHAT WE WILL PROVE TO YOU
7 MR. TAYLOR'S HUMAN LOSSES ARE WORTH.

8 ANTHONY READING IS AN EXPERT WE HIRED TO
9 TALK ABOUT SOME OF THOSE HUMAN LOSSES. HE'S A
10 PSYCHOLOGIST. HE'S ON THE FACULTY AT U.C.L.A. AND
11 HE'S GOING TO HELP DESCRIBE MR. TAYLOR'S INJURIES.
12 HE'S AN EXPERT AT TALKING TO SOMEONE, UNDERSTANDING
13 THEIR EMOTIONAL DISTRESS AND THEIR EMOTIONAL PAIN, AND
14 HE'LL COME UP ON THE STAND AND HE'LL GIVE YOU A BETTER
15 IDEA OF WHAT MR. TAYLOR IS GOING THROUGH. HE'S GOING
16 TO BE MR. TAYLOR'S MOUTHPIECE, IN CERTAIN WAYS, FOR HIS
17 EMOTIONAL DAMAGES.

18 NOW, DR. READING WASN'T ABLE TO GO UP TO
19 OREGON AND MEET MR. TAYLOR. THEY DID AN INTERVIEW
20 THROUGH SKYPE. REMEMBER I TOLD YOU, MR. TAYLOR'S LIFE
21 IS THAT IPHONE. THAT'S THE WAY THAT DR. READING WAS
22 ABLE TO EVALUATE MR. TAYLOR. AND HE WAS ALSO ABLE TO
23 LOOK AT A LOT OF HIS MEDICAL RECORDS.

24 AND DR. READING IS AN EXPERT AT TELLING
25 YOU WHAT'S GOING ON WITH SOMEBODY'S PSYCHOLOGICAL
26 ISSUES. HE'S GOING TO DO THAT IN THIS CASE.

27 SO ON THE HUMAN LOSSES, AS I CLOSE, I JUST
28 ASK YOU TO THINK ABOUT WHEN YOU'RE TOTALING THOSE

1 NUMBERS UP, THE TEN ITEMS OF HARM, WHEN YOU'RE
2 EXAMINING THEM AND TOTALING THEM UP, THE NUMBER AT THE
3 END IS GOING TO SEEM LARGE. IT'S LIKE WHEN YOU GO TO
4 THE GROCERY STORE AND YOU'VE GOT YOGURT, YOU'VE GOT
5 MILK, YOU'VE GOT ALL THESE THINGS THAT YOU NEEDED, BUT
6 YOU GET TO THE CASHIER AND THE TOTAL KIND OF HITS YOU;
7 LIKE, WHOA, DID I REALLY JUST BUY ALL THAT STUFF?

8 IT'S KIND OF SIMILAR HERE BECAUSE THERE
9 ARE SO MANY ITEMS OF HARM. BUT I ASK YOU, WHEN YOU'RE
10 THINKING ABOUT THE DAMAGES, WHEN YOU'RE DELIBERATING
11 AND TALKING ABOUT ALL THAT, THINK ABOUT WHAT WAS TAKEN
12 FROM MR. TAYLOR. THINK ABOUT WHAT HIS LIFE WAS LIKE,
13 HOW HE WAS LIVING AT THE TIME AND WHAT IT'S LIKE NOW.

14 THE COURT: ALL RIGHT, LADIES AND GENTLEMEN,
15 MR. TAYLOR'S GOING TO COME IN NOW AT COUNSEL TABLE.

16 WHEN HE ARRIVES, MR. WHEELER, IF YOU WOULD
17 INTRODUCE HIM TO THE JURY, PLEASE.

18 MR. WHEELER: YES, YOUR HONOR, I WILL.

19 IT IS MY ABSOLUTE PLEASURE TO INTRODUCE
20 ANTHONY TAYLOR TO YOU.

21 ANTHONY, YOU CAME IN AT THE VERY END.

22 AND I ACTUALLY DON'T HAVE MUCH MORE TO
23 SAY. OTHER THAN WHEN YOU THINK ABOUT MR. TAYLOR'S
24 DAMAGES, THAT'S WHAT I WANT YOU TO PICTURE, HIS BEST
25 LIFE THAT HE WAS LIVING AND HOW HE LIVES NOW.

26 THANK YOU FOR LISTENING.

27 THE COURT: MR. WHEELER, THANK YOU.

28 LADIES AND GENTLEMEN, WE ARE A COUPLE OF

1 MINUTES BEFORE THE NOON HOUR. SO WHAT WE'LL DO IS
2 WE'LL HAVE MS. TROPP'S CLOSING -- EXCUSE ME, HER
3 OPENING STATEMENT AFTER LUNCH AT 1:30. IT MAY BE 1:35
4 BUT GATHER OUTSIDE AT 1:30. I HAVE TO LOOK AT A COUPLE
5 OF THINGS BEFORE WE GET STARTED.

6 PLEASE REMEMBER THE ADMONITION NOW.
7 YOU'VE HEARD AN OPENING STATEMENT. YOU'LL HEAR ANOTHER
8 AND THEN WITNESSES. DON'T DISCUSS THE OPENING
9 STATEMENT WITH EACH OTHER. YOU'RE WELCOME TO GET
10 TOGETHER AND TALK WITH EACH OTHER, ABOUT ANYTHING, BUT
11 NOT ABOUT THE CASE.

12 AND EVERYONE UNDERSTANDS THAT, BUT I HAVE
13 TO ADMONISH YOU EACH TIME: DON'T DISCUSS THE CASE
14 AMONGST YOURSELVES OR WITH ANYONE ELSE.

15 WE WILL BREAK FOR LUNCH.

16 IS THERE ROOM BEHIND MR. TAYLOR FOR THE
17 JURY TO LEAVE?

18 MR. RUTGER PARRIS: I'M SORRY, YOUR HONOR, WE'LL
19 STEP RIGHT OVER THERE AND THEY'LL BE ABLE TO MOVE RIGHT
20 ON OUT.

21 THE COURT: OKAY. AND MR. TAYLOR WILL BE ABLE TO
22 REMAIN THERE?

23 MR. RUTGER PARRIS: HE WILL BE JUST FINE.

24 THE COURT: OKAY. VERY GOOD. THANK YOU.

25 LADIES AND GENTLEMEN, IF YOU CAN STEP
26 OUTSIDE NOW, THANK YOU.

27 ///

28 ///

1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT OUTSIDE THE PRESENCE OF THE
3 JURY:)

4 THE COURT: ALL RIGHT. WE'RE OUTSIDE THE
5 PRESENCE OF THE JURY. I THINK THE ISSUE IS THE --
6 YOU'RE GOING TO TALK ABOUT THE OTHER TWO. AND THEN THE
7 THIRD ISSUE IS THE YOUTUBE AND YOU'RE GOING TO E-MAIL
8 THAT TO MICHELLE.

9 MS. TROPP: MICHELLE SUGGESTED THAT WHEN YOU --
10 IF YOU WANT TO WAIT UNTIL YOU COME BACK, I CAN JUST
11 PLAY IT FOR YOU RIGHT UP THERE.

12 THE COURT: THAT'S FINE.

13 MS. TROPP: WE'LL BE HERE, I THINK, 1:15. YOU'LL
14 OPEN AND WE'LL BE HERE.

15 THE CLERK: I USUALLY OPEN AT 1:20. DID YOU NEED
16 ME?

17 MS. TROPP: NO. THAT'S FINE.

18 THE COURT: 1:20 IS FINE.

19 MR. WHEELER, IF YOU WILL JUST HAVE A TALK
20 WITH MS. TROPP ABOUT THE DR. SUZY KIM VIDEO -- EXCUSE
21 ME, THE DR. SUZY KIM ONE AND THE BURDEN OF PROOF.

22 MS. TROPP: I ALREADY REMOVED DR. KIM'S PHOTO SO
23 WE'LL JUST TALK ABOUT THE BURDEN OF PROOF.

24 THE COURT: OKAY. TALK ABOUT THE BURDEN OF
25 PROOF. TELL HER EXACTLY WHAT YOU OBJECT TO, SEE IF
26 THERE'S AN AGREEMENT ON THAT, AND THEN I'LL LOOK AT THE
27 YOUTUBE.

28 MS. TROPP: THANK YOU, YOUR HONOR.

1 MR. WHEELER: THANK YOU, YOUR HONOR.

2 THE COURT: IS THE YOUTUBE YOU OBJECTED THE
3 ENTIRE YOUTUBE OR JUST PART OF IT?

4 MR. WHEELER: THE ENTIRE THING.

5 THE COURT: I'LL TAKE A LOOK AT IT, THEN, ABOUT
6 1:20, 1:25.

7 MS. TROPP: THANK YOU, YOUR HONOR.

8 (AT 11:57 A.M., THE PROCEEDINGS WERE
9 ADJOURNED FOR NOON RECESS.)

10 ///

11 ///

12 (AT 1:31 P.M., THE PROCEEDINGS WERE
13 RECONVENED.)

14 (THE FOLLOWING PROCEEDINGS WERE HELD IN
15 OPEN COURT OUTSIDE THE PRESENCE OF THE
16 JURY:)

17 THE COURT: BACK ON THE RECORD.

18 ALL SET TO SHOW THE VIDEO.

19 (VIDEO PLAYED AS FOLLOWS:)

20 THE F5 CORPUS IS A POWERED
21 WHEELCHAIR CREATED BY PERMOBIL.
22 THE DESIGN EXTENDS CAPABILITIES OF THE
23 USER BY ALLOWING THEM TO TRANSFORM
24 THEIR SEATING POSITION.

25 BEING ABLE TO CHANGE THEIR
26 POSITION HELPS USERS TO MORE EASILY
27 ADAPT TO SOCIAL SITUATIONS, AND IT
28 ALSO PROVIDES THEM WITH SEVERAL

1 MEDICAL BENEFITS.

2 IN ADDITION TO ITS ADVANCED
3 SEATING MECHANISM, THE F5 CORPUS HAS
4 MANY MORE FEATURES.

5 ITS FOUR-WHEEL SUSPENSION
6 MINIMIZES VIBRATIONS AND HELPS
7 MANEUVERING OVER UNEVEN SURFACES.

8 IT CAN BE WIDELY CUSTOMIZED TO FIT
9 SPECIFIC CONDITIONS AND PROVIDES A
10 HIGH LEVEL OF COMFORT FOR BOTH PRIMARY
11 AND SECONDARY USERS.

12 THE CONTROL INTERFACE IS SIMPLE
13 AND EFFICIENT WITH MANY OPTIONS
14 AVAILABLE.

15 THE CHAIR'S HIGH LEVEL OF
16 FLEXIBILITY GIVES ITS USERS GREATER
17 FREEDOM AND INDEPENDENCE. THIS IS A
18 BIG DIFFERENCE FOR ANYONE WITH A
19 DISABILITY WHO DESERVES TO LIVE LIFE
20 AT ITS FULLEST.

21 THE F5 CORPUS HAS BEEN A MAJOR
22 SUCCESS FOR PERMOBIL AND IT CONTINUES
23 TO IMPROVE THE QUALITY OF LIFE FOR
24 USERS EVERYWHERE.

25 THE COURT: IS THAT THE CONCLUSION?

26 MS. TROPP: YES.

27 THE COURT: ALL RIGHT. AND YOU WANT TO SHOW THAT
28 FOR WHAT PURPOSE?

1 MS. TROPP: WELL, THAT IS THE PRECISE CHAIR THAT
2 IS BEING -- THAT IS PART OF OUR LIFE CARE PLAN THAT
3 DR. KIM WILL BE TESTIFYING TO AS WHAT SHE RECOMMENDS,
4 AND FOR ALL OF THE REASONS IDENTIFIED IN THAT ARE THE
5 REASONS SHE RECOMMENDS IT.

6 THE VERSATILITY, THE REDUCED VIBRATION,
7 THE FACT IT CAN TILT AND IT WOULD BE HIS OWN --
8 MR. TAYLOR WOULD HAVE HIS OWN ABILITY TO RELIEVE
9 PRESSURE IN ORDER TO MINIMIZE ANY PRESSURE SORES, AND
10 THE FACT THAT IT HAS THE STANDING ABILITY, WHICH WOULD
11 IMPROVE, NOT JUST HIS CIRCULATION, BUT ANY OF HIS CHEST
12 SECRETION ISSUES AS WELL.

13 THE COURT: ALL RIGHT. MR. WHEELER.

14 MR. WHEELER: YES, YOUR HONOR.

15 IT'S AN INFOMERCIAL. THERE'S NO WAY THIS
16 THING GETS INTO EVIDENCE. IT'S PUT ON BY THE
17 MANUFACTURER AS AN ADVERTISEMENT. IT'S RIDDLED WITH
18 HEARSAY AND IT'S MISLEADING.

19 IF MR. TAYLOR WERE TO USE THAT CHAIR AND
20 GO ALL THE WAY UP LIKE IT SHOWS IN THAT VIDEO, HE'D
21 FALL OUT. HIS LEGS ARE CONTRACTED. THEY DON'T BEND.
22 SO IT'S MISLEADING. IT'S RIDDLED WITH HEARSAY.

23 AND THERE'S NO CHANCE OF IT EVER COMING
24 INTO EVIDENCE, SO WHY WOULD WE SHOW IT IN OPENING?

25 MY UNDERSTANDING OF OPENING IS THAT AT THE
26 VERY MOST YOU CAN SHOW THINGS THAT HAVE A REASONABLE
27 CHANCE OF BEING ENTERED IN AS EVIDENCE, AND I DON'T SEE
28 THAT BEING ENTERED IN AS EVIDENCE TO GO BACK INTO THE

1 JURY ROOM.

2 THE COURT: ALL RIGHT. ANYTHING FURTHER?

3 MS. TROPP: A COUPLE THINGS, YOUR HONOR.

4 FIRST OF ALL, WE'RE NOT SUGGESTING THAT
5 MR. TAYLOR CAN STAND IN A WHEELCHAIR. BOTH SIDES LIFE
6 CARE PLANS HAVE A STANDING FRAME WHEELCHAIR IN THEIR
7 LIFE CARE PLANS. THERE ARE STRAPS THAT KEEP THE
8 PATIENTS IN THAT POSITION. SO IT'S CERTAINLY NOT
9 ANYTHING HE WOULD FALL OUT OF.

10 BUT REGARDLESS, HOW ELSE CAN WE SHOW THE
11 JURY WHAT IT IS WE'RE TRYING TO DO FOR MR. TAYLOR IN
12 TERMS OF FUTURE CARE, INDEPENDENCE, AND QUALITY OF
13 LIFE?

14 SHORT OF ME ACTUALLY BRINGING THIS
15 WHEELCHAIR TO THE COURTROOM, HOW ELSE CAN IT BE
16 DEMONSTRATED?

17 IF THE COURT FEELS THAT IT IS OF AN
18 INFOMERCIAL NATURE AND THE VERBIAGE IN IT IS HEARSAY,
19 THEN WE WOULD AGREE TO SHOW IT WITHOUT SOUND, BUT TO
20 SHOW WHAT IT DOES, I HAVE NO OTHER WAY OF SHOWING THAT
21 TO A JURY EITHER -- UNLESS I ACTUALLY BRING THE CHAIR
22 IN HERE.

23 THE COURT: MR. WHEELER.

24 MR. WHEELER: ALL OF THAT CAN BE SHOWN THROUGH
25 STILL PHOTOGRAPHS. I THINK THERE WERE A FEW STILL
26 PHOTOGRAPHS. I WOULDN'T OBJECT TO A STILL PHOTOGRAPH,
27 BUT THE VIDEO IS -- IT IS MISLEADING BECAUSE EVEN IF
28 THERE WAS A STANDING WHEELCHAIR MR. TAYLOR COULD USE IN

1 A MANNER THAT HE WOULDN'T FALL OUT OF, THE WAY IT'S
2 DEPICTED HERE IS NOT A REASONABLE USE FOR MR. TAYLOR TO
3 EMPLOY. THAT'S WHY IT'S MISLEADING AND --

4 THE COURT: WOULD YOU SHOW ABOUT THE FIRST
5 15 SECONDS AGAIN. JUST PLAY IT AGAIN. FOR ABOUT THE
6 FIRST 15 SECONDS, PLUS OR MINUS.

7 THIS IS HOW IT STARTS?

8 MS. TROPP: YES.

9 THE COURT: WITH THE SOUND OFF, PLEASE.

10 MS. TROPP: SORRY.

11 THE COURT: THAT'S ALL RIGHT.

12 JUST GO AHEAD AND PLAY IT.

13 IF YOU HAVE TO PLAY IT WITH SOUND, JUST
14 PLAY IT, I'LL WATCH IT.

15 (VIDEO PLAYED AS FOLLOWS:)

16 THE F5 CORPUS IS A POWER
17 WHEELCHAIR CREATED BY PERMOBIL.
18 THE DESIGN EXTENDS CAPABILITIES OF THE
19 USER BY ALLOWING THEM TO TRANSFORM
20 THEIR SEATING POSITION.

21 BEING ABLE TO CHANGE POSITIONS
22 HELPS USERS TO MORE EASILY ADAPT TO
23 SOCIAL SITUATIONS, AND IT ALSO
24 PROVIDES THEM WITH SEVERAL MECHANICAL
25 BENEFITS.

26 THE COURT: ALL RIGHT. I'VE SEEN ENOUGH. THANK
27 YOU.

28 DO YOU HAVE A STILL PHOTOGRAPH?

1 MS. TROPP: I HAVE THOSE.

2 MR. WHEELER: NO OBJECTION TO THOSE, YOUR HONOR.

3 THE COURT: ALL RIGHT. THIS IS ARGUED AS IT'S
4 BEING AN INFOMERCIAL, THAT IT'S MISLEADING, THAT IT'S
5 HEARSAY. IT DOES CONTAIN HEARSAY.

6 I WON'T COMMENT ON THE MISLEADING PORTION
7 BECAUSE I HAVEN'T HEARD THE TESTIMONY. IT IS
8 APPARENTLY AN INFOMERCIAL.

9 I WAS INITIALLY INCLINED TO ORDER THE
10 FIRST 15 SECONDS WITH NO AUDIO, AND THEN ALLOW
11 MS. TROPP TO EXPLAIN THAT DR. KIM WILL TESTIFY ON THIS
12 SUBJECT, BUT HAVING SEEN IT NOW, I THINK WHAT I'LL DO
13 IS ALLOW YOU TO SHOW THE PHOTOGRAPHS, THE STILL
14 PHOTOGRAPHS, AND YOU CAN ATTEMPT TO GET THIS IN THROUGH
15 DR. KIM IF IT'S SOMETHING SHE'S RELIED UPON, OR IF YOU
16 WANT TO PEAR IT DOWN TO SOME DEGREE SO THAT IT IS
17 CONSISTENT WITH THE TESTIMONY IN THE CASE.

18 I THINK IT'S RELEVANT TO THE CASE, BUT --
19 AND IN ITS PRESENT STATUS, I THINK IT NEEDS TESTIMONY
20 FROM AN EXPERT, SUCH AS DR. KIM.

21 SO I'LL ALLOW YOU TO SHOW THE PHOTOGRAPHS
22 AND YOU CAN EXPLAIN WHAT IT IS THAT YOU WANT TO
23 ACCOMPLISH THROUGH THE PLAINTIFF USING THIS TYPE OF
24 WHEELCHAIR.

25 AND YOU CAN TALK ABOUT THE FACT THAT
26 DR. KIM WILL COME IN TO TESTIFY, YOU BELIEVE, ON THE
27 SUBJECT MATTER. THAT'S PERMISSIBLE BECAUSE THAT'S WHAT
28 YOU BELIEVE THE EVIDENCE WILL SHOW, BUT NOTHING BEYOND

1 THAT.

2 MS. TROPP: OKAY.

3 THE COURT: ALL RIGHT. HAVE WE COVERED
4 EVERYTHING?

5 MR. REX PARRIS: NO, YOUR HONOR.

6 THE COURT: MR. WHEELER. EXCUSE ME.

7 MR. WHEELER: YOUR HONOR, THERE IS ONE SLIDE
8 WHERE THERE'S LANGUAGE FROM A JURY INSTRUCTION AND
9 COUNSEL PLANS TO ARGUE THE INSTRUCTION TO THE JURY.
10 THAT'S THE OTHER OBJECTION.

11 MS. TROPP: I TOOK IT OUT.

12 MR. WHEELER: IT'S OUT?

13 MS. TROPP: YEAH.

14 MR. WHEELER: I APOLOGIZE.

15 THE COURT: HAVE WE COVERED ALL OF THE
16 OBJECTIONS? THERE WERE THREE OF THEM, MR. WHEELER.

17 YOU WANTED THE WHEELCHAIR OUT WITH
18 DR. KIM. THAT'S OUT.

19 MR. WHEELER: YES.

20 THE COURT: YOU DID WANT THE YOUTUBE. I'VE RULED
21 ON THAT. AND THE BURDEN OF PROOF SLIDE IS OUT, SO
22 WE'VE COVERED ALL THAT.

23 MS. TROPP: THE SLIDE'S NOT OUT JUST THE LANGUAGE
24 THEY WERE HAVING ISSUES WITH.

25 THE COURT: VERY GOOD. YEAH.

26 MR. REX PARRIS: YOUR HONOR, I DISCUSSED THE
27 ISSUE OF HAVING MR. TAYLOR IN DURING HER OPENING. I
28 THINK SHE'S RIGHT. I THINK FAIRNESS DOES REQUIRE HIM

1 TO STAY OUT, AND WE'VE AGREED THAT IF YOU WOULD EXPLAIN
2 TO THE JURY THAT THINGS ARE GOING TO BE SAID THAT
3 PROBABLY HE SHOULDN'T HEAR, AND WE HAVE AGREED TO HAVE
4 HIM STAY OUT DURING HER OPENING.

5 MS. TROPP: I WOULD APPRECIATE THAT.

6 THE COURT: SO BASICALLY I'LL INDICATE THAT THERE
7 MAY BE SOME COMMENTS CONCERNING HIS HEALTH THAT MIGHT
8 BE DIFFICULT TO HEAR, SO HE WON'T BE PRESENT FOR YOUR
9 DISCUSSION.

10 MR. WHEELER: AND THEN WE --

11 THE COURT: LET ME JUST SEE IF THIS IS WHAT SHE'S
12 AGREED TO.

13 MS. TROPP, IS THAT WHAT YOU AGREED TO?

14 MS. TROPP: WELL, I WOULD LIKE THE JURY TO
15 UNDERSTAND THAT HE WAS ABSENT FOR A GOOD PART OF
16 PLAINTIFF'S OPENING DUE TO THINGS THAT MIGHT BE HARD
17 FOR HIM TO HEAR, AND THAT WE'VE AGREED TO EXTEND THE
18 DEFENSE THE SAME.

19 MR. REX PARRIS: OKAY.

20 MS. TROPP: I DON'T WANT IT TO JUST SOUND LIKE I
21 ASKED FOR HIM TO BE EXCLUDED.

22 MR. REX PARRIS: FAIR ENOUGH.

23 THE COURT: ALL RIGHT. HE DID NOT SEE THE
24 MAJORITY OF THE PLAINTIFF'S OPENING. CAME IN AT THE
25 LAST MOMENT. AND HE WILL NOT SEE YOUR OPENING
26 STATEMENT FOR THE SAME REASON.

27 MS. TROPP: THANK YOU.

28 THE COURT: ALL RIGHT. VERY GOOD.

1 IS THAT AGREED TO, MR. PARRIS?

2 MR. REX PARRIS: NO. THAT WE HAVE AGREED TO KEEP
3 HIM OUT BECAUSE OF THAT. I DON'T WANT IT TO SEEM LIKE
4 THAT WE WERE COMPELLED TO, YOU KNOW, WE'VE AGREED TO
5 IT.

6 THE COURT: THAT WAS MY UNDERSTANDING THAT IT'S
7 AN AGREEMENT BETWEEN THE TWO SIDES.

8 MR. REX PARRIS: YES. THANK YOU.

9 THE COURT: YOU STATED THAT. IT'S NOT AN ORDER
10 I'M MAKING, IT'S JUST REITERATING YOUR STIPULATION.

11 MR. REX PARRIS: YES, YOUR HONOR.

12 THE COURT: ANYTHING ELSE, MR. BRAUN?

13 MR. BRAUN: (NO AUDIBLE RESPONSE.)

14 THE COURT: ALL RIGHT. MS. TROPP, ARE YOU READY
15 TO GO OR DO YOU NEED A MINUTE?

16 MR. BRAUN: ARE YOU READY TO GO?

17 MS. TROPP: IN A SECOND.

18 THE COURT: MR. WHEELER OR MR. PARRIS, WHO IS
19 GOING TO COVER THE REST OF THE AFTERNOON? WHAT WITNESS
20 THIS AFTERNOON?

21 MR. REX PARRIS: WE HAVE THE POLICE OFFICER. WE
22 HAVE THE FIRE DEPARTMENT, AND WE HAVE CAROLE BAKER, THE
23 MOTHER OF COURTNEY, AND WE HAVE COURTNEY.

24 THE COURT: ALL RIGHT. VERY GOOD. THANK YOU.

25 IF WE GET TO ALL OF THOSE.

26 MR. REX PARRIS: I THINK WE CAN GET THROUGH THEM.

27 THE COURT: VERY GOOD. OKAY.

28 LET ME JUST MAKE SURE. ARE YOU READY TO

1 GO?

2 MS. TROPP: WE'RE JUST CHECKING ON THE REMOTE.
3 SORRY, YOUR HONOR.

4 MR. REX PARRIS: I THINK THIS IS GOING TO GO
5 REALLY FAST, THE REST OF IT.

6 THE COURT: IT USUALLY DOES.

7 MR. REX PARRIS: I HOPE. YEAH.

8 THE COURT: DO WE HAVE STUDENTS FROM
9 SOUTHWESTERN?

10 WELCOME. WE HAD -- IS ONE OF YOUR
11 PROFESSORS HERE?

12 GOOD AFTERNOON. WHAT'S YOUR NAME?

13 MR. MC MADDEN: PROFESSOR MC MADDEN. THANK YOU.

14 THE COURT: PROFESSOR MC MADDEN. THANK YOU.

15 WELCOME TO THE STUDENTS. LET ME JUST TELL
16 YOU BRIEFLY WHAT'S HAPPENING -- WE CAN GO OFF THE
17 RECORD.

18 (OFF THE RECORD FROM 1:42 P.M. TO
19 1:43 P.M.)

20 THE COURT: OKAY. YOU CAN BRING THEM IN.

21 (THE FOLLOWING PROCEEDINGS WERE HELD IN
22 OPEN COURT IN THE PRESENCE OF THE
23 JURY:)

24 THE CLERK: PLEASE COME TO ORDER. DEPARTMENT 41
25 IS AGAIN IN SESSION.

26 THE COURT: ALL RIGHT. ALL JURORS AND ALTERNATES
27 ARE PRESENT.

28 IN A MOMENT WE'RE GOING TO HAVE THE

1 OPENING STATEMENT ON BEHALF OF THE DEFENDANT BY
2 MS. TROPP.

3 THERE'S AN AGREEMENT I WANT TO TELL YOU
4 ABOUT IN THIS CASE. YOU DID NOT SEE OR MEET MR. TAYLOR
5 UNTIL ALMOST THE CONCLUSION OF MR. WHEELER'S OPENING
6 STATEMENT. THERE WAS A REASON FOR THAT.

7 THERE WERE THINGS THAT WOULD HAVE BEEN
8 DIFFICULT FOR MR. TAYLOR TO HEAR. SO THE LAWYERS HAVE
9 AGREED THAT SINCE MR. TAYLOR WAS NOT HERE FOR THE
10 PLAINTIFF'S OPENING STATEMENT, THE SAME THING APPLIES
11 TO THE DEFENDANT'S OPENING STATEMENT.

12 THERE WILL BE THINGS THAT WILL BE
13 DIFFICULT TO HEAR, SO HE WILL NOT BE HERE FOR THAT.
14 AND THAT'S BEEN AGREED TO BY BOTH SIDES.

15 ARE WE READY TO PROCEED?

16 MS. TROPP: YES, YOUR HONOR.

17 THE COURT: MS. TROPP, PLEASE.

18 MS. TROPP: THANK YOU, YOUR HONOR.

19
20 OPENING STATEMENT BY MS. TROPP

21 MS. TROPP: GOOD AFTERNOON.

22 JURY PANEL: GOOD AFTERNOON.

23 MS. TROPP: I HOPE YOU ALL HAD A NICE LUNCH ON A
24 BEAUTIFUL SUNNY DAY TODAY. BETTER THAN LAST WEEK.

25 I WANT TO START BY ACKNOWLEDGING AND
26 TELLING YOU THAT THIS CASE IS MOST CERTAINLY ABOUT
27 MR. TAYLOR AND WHAT HE'S GONE THROUGH AND HIS INJURIES
28 AND HIS FUTURE.

1 I'M GOING TO ASK YOU TO INDULGE ME FOR A
2 MOMENT AND JUST LET ME TELL YOU A COUPLE OF THINGS
3 ABOUT OUR CLIENT, SAMANTHA SCHILLING.

4 MS. SCHILLING GRADUATED HIGH SCHOOL IN
5 2010. SHE LIVES ON HER OWN IN LANCASTER, AND HAS LIVED
6 THERE FOR A LITTLE OVER FOUR YEARS. SHE WAS LIVING
7 THERE AT THE TIME OF THE ACCIDENT.

8 SHE ATTENDED MOJAVE COMMUNITY COLLEGE FOR
9 ONE YEAR, AND SUCCESSFULLY TRANSFERRED TO ARIZONA
10 STATE, WHERE SHE STUDIED FOR TWO YEARS AND GRADUATED
11 WITH A BACHELOR'S DEGREE IN POLITICAL SCIENCE IN 2013.

12 AFTER COMPLETING COLLEGE IN THREE YEARS,
13 SHE BEGAN WORKING AS A FINANCIAL ANALYST AT NORTHROP
14 GRUMMAN IN LANCASTER, AND SHE STILL WORKS THERE.

15 BEFORE I SPEND THE ENTIRE OPENING
16 STATEMENT, THE REST OF IT, SPEAKING ABOUT MR. TAYLOR, I
17 JUST WANT TO MAKE ONE COMMENT TO YOU. THERE WAS SOME
18 COMMENTARY DURING MR. WHEELER'S OPENING STATEMENT ABOUT
19 MS. SCHILLING DARTING OUT INTO THE INTERSECTION.

20 AND I JUST WANT TO TELL YOU THAT THERE ARE
21 A COUPLE OF WITNESSES ON THE PLAINTIFF'S WITNESS LIST
22 THAT WILL TESTIFY IN COURT, WE ANTICIPATE THEY WILL.
23 AND THEIR TESTIMONY WAS THAT MS. SCHILLING STOPPED AT
24 THE STOP SIGN AND PULLED OUT AT A NORMAL SPEED INTO THE
25 INTERSECTION.

26 THIS CASE IS ABOUT ANTHONY, MR. TAYLOR'S
27 TOMORROW AND ALL OF THE TOMORROWS THAT HE'S GOING TO
28 HAVE. AND THE DEFENSE IN THIS CASE REALLY WISHES THREE

1 THINGS FOR MR. TAYLOR: GOOD HEALTH, QUALITY CARE, GOOD
2 HEALTH, INDEPENDENCE, AND INCREASED INDEPENDENCE THAT
3 HE -- THAT WE BELIEVE WE CAN PROVIDE FOR HIM FOR FUTURE
4 MEDICAL CARE, AND AN INCREASED QUALITY OF LIFE.

5 WE NOT ONLY WANT TO PROVIDE THE QUALITY
6 MEDICAL CARE THAT WE BELIEVE HE NEEDS FOR THE REST OF
7 HIS LIFE, BUT THE GOAL OF IMPROVING HIS INDEPENDENCE
8 AND HIS QUALITY OF LIFE IS FIRST AND FOREMOST IN THIS
9 CASE.

10 YOU WILL SEE US PUT ON WITNESS AFTER
11 WITNESS OF WAYS IN WHICH PHYSICIANS, TREATING
12 PHYSICIANS, EXPERTS, WAYS IN WHICH WE BELIEVE THAT WE
13 CAN GIVE MR. TAYLOR A BETTER LIFE.

14 NOW, YOU HEARD MR. WHEELER SAY -- SHOW YOU
15 TWO PICTURES AND TELL YOU THAT THIS WAS HIS BEST LIFE,
16 THAT PICTURE WITH MR. TAYLOR AND COURTNEY, THAT THAT
17 WAS HIS BEST LIFE AND THIS IS HIS LIFE NOW. AGREED.
18 THAT WAS HIS BEST LIFE FOR HIM TO DATE. AND THIS IS
19 HIS LIFE NOW, BUT WE DO BELIEVE THERE IS A BETTER LIFE
20 STILL TO COME FOR MR. TAYLOR.

21 YOU SAW PHOTOGRAPHS OF MR. TAYLOR IN THE
22 HOSPITAL.

23 AND YOU SAW HIM TODAY. AND MAYBE YOU
24 WOULD AGREE WITH ME, THERE'S BEEN PROGRESS MADE.
25 MR. TAYLOR CERTAINLY LOOKS BETTER TODAY THAN HE DID IN
26 THAT HOSPITAL PHOTO. AND WE BELIEVE PROGRESS HAS BEEN
27 MADE, AND THAT THERE IS MORE PROGRESS TO MAKE AND WE
28 WANT TO HELP HIM MAKE THAT PROGRESS.

1 BECAUSE I'VE JUST SAID THAT THIS CASE IS
2 ABOUT MR. TAYLOR'S TOMORROWS, I WANT YOU TO KNOW THAT
3 WE BY NO MEANS MEAN TO BELITTLE WHAT MR. TAYLOR HAS
4 GONE THROUGH FROM THE DATE OF THIS ACCIDENT UNTIL
5 TODAY.

6 ALL OF IT IS RELEVANT. ALL OF IT WAS
7 NECESSARY MEDICAL CARE. AND ALL OF IT WAS, I'M SURE,
8 EXTREMELY -- I CAN'T EVEN BEGIN TO IMAGINE HOW
9 DIFFICULT FOR MR. TAYLOR, BUT I -- THEY'RE GOING -- THE
10 PLAINTIFFS ARE GOING TO DO AN EXCELLENT JOB, AS YOU SAW
11 FROM THEIR OPENING STATEMENT, GOING INTO FOR YOU ALL OF
12 THE CARE THAT MR. TAYLOR HAS HAD TO DATE, THE
13 SURGERIES, AND WHAT HE'S HAD TO GO THROUGH.

14 AND IT'S NOT THAT WE DON'T THINK THAT'S
15 IMPORTANT AT ALL, BUT WE DON'T NEED TO TELL YOU THAT
16 TWICE, AND OUR CASE WILL LIKELY LARGELY FOCUS ON
17 TOMORROW, BUT I JUST DON'T WANT YOU TO THINK THAT IT
18 DOESN'T MATTER TO US WHAT HE'S GONE THROUGH. IT MOST
19 CERTAINLY DOES.

20 AND THERE IS NO DISPUTE ABOUT THE CARE
21 THAT HE HAD OR WHAT HE WENT THROUGH, THE SURGERIES, THE
22 TREATING PHYSICIANS, THE TIMELINE THAT MR. WHEELER
23 SHOWED YOU. ALL OF THAT IS UNDISPUTED.

24 BEFORE WE TALK ABOUT WHAT WE BELIEVE MIGHT
25 BE PROGRESS FOR MR. TAYLOR FROM HERE ON OUT, I WANT TO
26 SHOW YOU EXACTLY, TALK ABOUT EXACTLY WHAT MR. TAYLOR'S
27 INJURY IS.

28 EVERY SPINAL CORD INJURY IS DIFFERENT.

1 MR. TAYLOR IS AN INCOMPLETE C6 QUADRIPLEGIC. AND WHAT
2 THAT MEANS IS INJURIES CAN BE CLASSIFIED AS EITHER
3 COMPLETE OR INCOMPLETE.

4 AND THE EVIDENCE WILL SHOW THAT COMPLETE
5 INJURIES RESULT IN A TOTAL LOSS OF MOVEMENT IN
6 SENSATION BELOW THE POINT OF INJURY.

7 BUT AN INCOMPLETE INJURY CAN SHOW THAT
8 THERE IS SOME FUNCTION BENEATH THE LEVEL OF INJURY.
9 YOU SAW WHERE MR. WHEELER SHOWED YOU EXACTLY WHERE
10 MR. TAYLOR'S INJURY WAS AT C6.

11 AND WHAT'S RELEVANT ABOUT WHERE THE ACTUAL
12 LEVEL IS, AND THE FACT THAT HE IS AN INCOMPLETE
13 QUADRIPLEGIC IS THAT HE HAS SOME WRIST CONTROL AND SOME
14 HAND CONTROL. HE CAN GRASP A PHONE, BUT NOT FINGER
15 DEXTERITY.

16 MR. TAYLOR HAS ROTATIONAL MOVEMENT OF HIS
17 NECK. HE CAN TURN HIS NECK FROM SIDE TO SIDE. HE HAS
18 ARM MOVEMENT AND USE OF TRICEPS AND BICEPS, AND I WANT
19 TO STOP THERE FOR A SECOND AND HIGHLIGHT JUST HOW VERY
20 IMPORTANT THAT IS.

21 THE USE OF MR. TAYLOR'S TRICEPS IS BECAUSE
22 HE IS AN INCOMPLETE QUADRIPLEGIC BECAUSE THAT LARGELY
23 COMES FROM C7, WHICH IS BELOW C6, BUT HE HAS THE
24 ABILITY TO STRENGTHEN AND MOVE AND BUILD MUSCLE IN HIS
25 BICEPS AND TRICEPS.

26 AND FOR A PERSON THAT IS PARALYZED, THAT
27 IS EXTREMELY IMPORTANT BECAUSE THEIR ARM STRENGTH WILL
28 DETERMINE WHETHER THEY CAN ASSIST IN REPOSITIONING

1 THEIR BODY IN BED, FOR EXAMPLE.

2 YOU HEARD BOTH -- MANY PEOPLE HAVE ALREADY
3 TALKED ABOUT THE BED SORES THAT SPINAL CORD INJURY
4 PATIENTS CAN GET AND HOW THAT'S A RISK.

5 AND WHAT ELIMINATES THAT RISK OR REDUCES
6 IT IS THE INABILITY TO MOVE YOUR BODY SO YOU'RE NOT IN
7 ONE PLACE AT ONE TIME -- THE WHOLE TIME, AND THAT
8 TRICEP OR BICEP MOVEMENT WILL NOT ONLY HELP MR. TAYLOR
9 MAKE HIS BODY MOVE, HE CAN ALREADY REPOSITION HIS BODY
10 IN BED. YOU'LL HEAR THAT.

11 BUT IT WILL ALSO HELP HIM ASSIST HIS
12 CAREGIVERS WITH TRANSFERS.

13 SO THERE'S TWO TERMS THAT I JUST USED THAT
14 YOU'RE GOING TO HEAR THROUGHOUT THIS TRIAL. ONE IS
15 REPOSITIONING. AND REPOSITIONING IS, FOR EXAMPLE,
16 YOU'RE SITTING OR YOU'RE LYING IN BED AND YOU'RE MOVING
17 YOUR BODY OVER A LITTLE BIT TO ALLEVIATE WHERE THE
18 PRESSURE ON IT IS.

19 BUT A TRANSFER IS A DIFFERENT THING. A
20 TRANSFER IS WHEN A PATIENT WHO IS PARALYZED NEEDS TO
21 TRANSFER FROM BED TO WHEELCHAIR OR WHEELCHAIR BACK TO
22 BED OR TO BEDSIDE COMMUNE, A PLACE TO GO TO THE
23 BATHROOM NEAR YOUR BED. THOSE ARE TRANSFERS.

24 AND THE EVIDENCE WILL SHOW THAT MR. TAYLOR
25 LIKELY WILL NOT BE ABLE TO TRANSFER ON HIS OWN, IF
26 EVER, BUT SERIOUSLY FOR SOME TIME. BUT HE IS CAPABLE
27 OF HELPING WITH THE TRANSFERS. AND THAT'S A
28 SIGNIFICANT IMPORTANT PART OF THIS CASE YOU'LL HEAR

1 MANY THINGS ABOUT.

2 NOW, IN ADDITION TO THE TRICEPS AND BICEPS
3 WE SAY ALTHOUGH HE CAN'T GRIP WITH HIS FINGERS, HE DOES
4 HAVE DEXTERITY AND HE CAN HOLD THINGS. YOU'LL HEAR
5 ANTHONY CAN PLAY VIDEO GAMES ON AN IPAD. HE HAS THAT
6 MOVEMENT AND ABILITY AND HE PROBABLY WILL TELL YOU HE'S
7 QUITE A TECHIE. HE ENJOYS DOING THAT.

8 NOW, HOW DO WE GO ABOUT MAKING SURE THAT
9 OUR GOALS FOR MR. TAYLOR ARE BROUGHT TO FRUITION?
10 THOSE GOALS WERE TO PROVIDE HIM WITH THE BEST MEDICAL
11 CARE POSSIBLE FOR THE REST OF HIS LIFE, INCREASE HIS
12 INDEPENDENCE AND HIS QUALITY OF LIFE. AND THE WAY THAT
13 WE DO THAT IN A COURTROOM LIKE THIS FOR YOU IS TO
14 PRESENT FOR YOU WHAT WE CALL A LIFE CARE PLAN.

15 AND IT IS EXACTLY WHAT IT SOUNDS LIKE. IT
16 IS A PLAN FOR MR. TAYLOR'S FUTURE. I THINK MR. WHEELER
17 USED THE WORD POCKET BOOK MONEY OR POCKET BOOK DAMAGES.

18 A LIFE CARE PLAN TELLS -- WILL TELL YOU
19 EVERYTHING THAT OUR PHYSICAL MEDICINE REHAB EXPERT,
20 DR. KIM, BELIEVES MR. TAYLOR WILL NEED FOR THE REST OF
21 HIS LIFE TO REACH THOSE THREE GOALS THAT WE HAVE, AND
22 THEN THAT GETS GIVEN TO AN ECONOMIST WHO THEN -- LIFE
23 CARE PLANNER AND ECONOMIST, CALCULATE IT FOR YOU SO
24 THAT THERE'S A NUMBER TO THAT POCKET BOOK NUMBER.

25 NOW, PHYSICAL MEDICINE REHAB IS DR. KIM.
26 I'M JUST GOING TO TELL YOU VERY QUICKLY
27 THE EXPERTS THAT YOU'LL SEE IN THIS CASE.

28 WE HAVE AN ORTHOPEDIST, DR. WEINSTEIN, A

1 PULMONOLOGIST.

2 ALL OF THESE PEOPLE HAVE COMMENTED ON,
3 ADDED TO, PARTICIPATED, AND HELPED PRODUCE THIS LIFE
4 CARE PLAN FOR MR. TAYLOR THAT YOU'LL SEE FROM THE
5 DEFENSE.

6 NOW, DR. KIM, HER NAME IS DR. SUZY KIM.
7 AND I'LL TALK MORE ABOUT HER IN A MINUTE, BUT I WANT
8 YOU TO KNOW THAT SHE'S A PHYSICAL MEDICINE REHAB EXPERT
9 WHO FLEW TO OREGON TO SPEND ABOUT THREE HOURS WITH
10 MR. TAYLOR AND HIS MOM IN THEIR HOME.

11 BECAUSE IT WAS IMPORTANT FOR HER NOT JUST
12 TO MEET THEM AND EXAMINE MR. TAYLOR, BUT TO SEE HIS
13 PHYSICAL SURROUNDINGS. WHAT DOES HE NEED IN THE HOME?
14 WHAT DID HE ALREADY HAVE TO REALLY PUT THAT LIFE CARE
15 PLAN TOGETHER SO THAT IT WAS THOROUGH.

16 NOW, MR. TAYLOR HAS CURRENT TREATING
17 PHYSICIANS. YOU HEARD THAT MR. TAYLOR LIVES IN OREGON
18 NOW. MR. WHEELER AND I SPENT THE BETTER PART OF A FEW
19 DAYS TRAVELING TO COOS BAY, OREGON TO MEET WITH AND
20 TAKE THE DEPOSITION OF MR. TAYLOR'S TREATING DOCTORS.

21 AND THAT'S VERY IMPORTANT IN THIS CASE.
22 AND I'M GOING TO ASK YOU TO SPECIFICALLY PAY ATTENTION
23 TO WHEN YOU HEAR TESTIMONY, WHICH YOU WILL HEAR IN
24 VIDEO FORMAT, OF HIS TREATING PHYSICIANS.

25 AND THE REASON THAT WE BELIEVE THAT IS SO
26 IMPORTANT IS THEY HAVE ANTHONY IN THEIR CARE RIGHT NOW,
27 IN THEIR TRUST. THEY ARE TAKING CARE OF HIM. THEY'RE
28 SEEING HIM EVERY FEW MONTHS AND PLANNING THIS FUTURE

1 FOR HIM.

2 AND SO THEIR OPINIONS ON WHAT ANTHONY CAN
3 DO OR WHAT CAN BE EXPECTED OF HIM ARE VERY IMPORTANT.
4 AND THAT WAS WHY WE WENT TO TAKE THOSE DEPOSITIONS.

5 THE LIFE CARE PLAN WILL HAVE EVERYTHING WE
6 BELIEVE THAT MR. TAYLOR WILL NEED FOR THE THREE GOALS
7 THAT WE HAVE, HOW OFTEN HE WILL NEED IT.

8 FOR EXAMPLE, THERE'S THINGS IN THAT LIFE
9 CARE PLAN, LIKE DOCTOR VISITS WITH A PODIATRIST, A
10 DENTIST, AN ORTHOPEDIST. AND IT INDICATES IN THERE
11 WHAT DOCTORS HE NEEDS, HOW OFTEN CAN WE ANTICIPATE
12 HE'LL NEED THEM? IS IT A VISIT EVERY THREE MONTHS? A
13 VISIT EVERY YEAR? AND THEN THAT GETS TAKEN OUT ALL THE
14 WAY TO WHAT IS BELIEVED TO BE MR. TAYLOR'S LIFE
15 EXPECTANCY.

16 SO WHAT HE'LL NEED, HOW OFTEN HE'LL NEED
17 IT, AND FOR HOW LONG HE WILL NEED IT. THAT'S WHAT
18 YOU'LL SEE CONTAINED IN THE LIFE CARE PLAN FROM THE
19 DEFENDANTS.

20 AND THEN AS I SAID, THE ECONOMIST PRICED
21 IT OUT. NOW, IT'S APPROXIMATELY -- YOU WILL HEAR
22 TESTIMONY FROM ALL OF OUR EXPERTS, INCLUDING THE
23 ECONOMIST. AND THE CURRENT LIFE CARE PLAN IS
24 APPROXIMATELY 7, 7 AND A HALF MILLION DOLLARS. THERE
25 IS SOME RANGE IN THERE AND YOU WILL HEAR TESTIMONY AS
26 TO WHAT CREATES THAT RANGE.

27 I WANT TO STOP HERE FOR A MINUTE. YOU
28 HEARD IN MR. WHEELER'S OPENING STATEMENT THAT THE

1 DEFENSE WANTS TO TAKE MR. TAYLOR'S TRACHEOSTOMY OUT
2 TODAY. AND BY TAKING IT OUT, WE ARE SAVING \$10
3 MILLION. THAT IS NOT WHAT THE EVIDENCE WILL SHOW.

4 I'LL GET TO THE TRACH IN A MINUTE, BUT
5 PLEASE KNOW THAT THE NUMBER YOU WERE PROVIDED IN
6 PLAINTIFF'S OPENING STATEMENT, I BELIEVE IT WAS 17
7 MILLION, IS THEIR LIFE CARE PLAN TAKEN OUT ALL THE WAY
8 AS IF MR. TAYLOR WAS GOING TO LIVE A NORMAL LIFE
9 EXPECTANCY.

10 I DON'T GET ANY JOY TALKING ABOUT A
11 REDUCED LIFE EXPECTANCY, BUT WHEN YOU COME TO COURT, AS
12 A JURY, YOU ARE GOING TO HEAR EXPERT TESTIMONY. AND I
13 NEED TO TELL YOU THAT EVERY EXPERT IN THIS CASE
14 BELIEVES THAT ANTHONY HAS -- AGREES THAT ANTHONY HAS A
15 REDUCED LIFE EXPECTANCY.

16 THAT HE WILL LIVE AN ADDITIONAL, FROM
17 TODAY, 35 YEARS. AND THAT'S 16 YEARS THAT A NORMAL
18 HEALTHY PERSON -- 16 YEARS LESS THAN A NORMAL HEALTHY
19 PERSON WOULD LIVE.

20 THOSE ARE THE STATISTICS, I THINK YOU
21 HEARD, FROM THE UNIVERSITY OF ALABAMA.

22 IF YOU ASSUME FOR THE MOMENT THAT ALL
23 EXPERTS AGREE ON THAT, WHICH THE EVIDENCE WILL SHOW,
24 THAT THERE ARE 35 YEARS LEFT IN MR. TAYLOR'S LIFE, GIVE
25 OR TAKE, BUT THERE'S A REASON FOR THAT SCIENTIFIC
26 STUDY.

27 NOW, THE 17 MILLION THAT YOU HEARD
28 MR. WHEELER SAY IS BECAUSE THEY ADDED 16 YEARS TO THE

1 LIFE CARE PLAN. THEY GAVE YOU THAT NUMBER AS IF HE WAS
2 GOING TO LIVE A NORMAL LIFE EXPECTANCY. AND THERE'S
3 SOMETHING REALLY IMPORTANT I WANT TO ADD TO THAT.

4 MR. TAYLOR -- THE PLAINTIFFS HAVE THEIR
5 OWN PHYSICAL MEDICINE REHAB EXPERT. WE TALKED TO YOU
6 ABOUT DR. SUZY KIM. THEY HAVE DR. MILLER. DR. MILLER
7 AGREES, THERE IS A REDUCED LIFE EXPECTANCY AND THAT HE
8 WILL LIVE 35 YEARS.

9 BUT THE PLAINTIFFS TOOK IT UPON
10 THEMSELVES, AND YOU'LL HEAR THIS EVIDENCE, AND THEY
11 ASKED THEIR ECONOMIST, WELL, GO AHEAD AND CALCULATE
12 THAT NUMBER, BUT THEN GO AHEAD AND CALCULATE IT 16 PLUS
13 MORE YEARS. AND THAT'S THE NUMBER YOU SAW.

14 THERE'S -- THAT'S THE DISCREPANCY THAT THE
15 MILLIONS OF DOLLARS DISCREPANCY IS IN THE LIFE CARE
16 PLAN OR THE LIFE EXPECTANCY. AND I WANTED THAT TO BE
17 CLEAR FOR YOU.

18 SO THAT'S ABOUT WHAT YOU'LL SEE OUR NUMBER
19 IS FOR HIS LIFE EXPECTANCY OF 35 MORE YEARS. THAT IS
20 JUST FOR HIS CARE, EQUIPMENT, ET CETERA.

21 IT'S REALLY -- IT'S REALLY IMPORTANT THAT
22 YOU HEAR THAT DR. SUZY KIM, OUR PHYSICAL MEDICINE REHAB
23 EXPERT IS IN A WHEELCHAIR. IN HER FIRST YEAR OF
24 MEDICAL SCHOOL SHE SUFFERED A SPINAL CORD INJURY.

25 SHE IS BY -- SHE HAS USE OF HER ARMS AND
26 HER HANDS. IT'S NOT THE SAME LEVEL AS MR. TAYLOR OR
27 ANYTHING LIKE THAT, BUT HER EXPERIENCE IS -- HER
28 KNOWLEDGE ABOUT SPINAL CORD INJURIES, THE ABILITY TO

1 PROGRESS, THE EQUIPMENT, THE TECHNIQUES, THE THINGS
2 THAT WE CAN GIVE MR. TAYLOR TO IMPROVE AND PROGRESS AND
3 IMPROVE HIS QUALITY OF LIFE, SHE KNOWS ABOUT THEM
4 INTIMATELY, EXQUISITELY BECAUSE SHE USES THEM. SHE
5 WILL COME IN AND TELL YOU ALL OF THE THINGS THAT SHE'S
6 RECOMMENDED IN OUR LIFE CARE PLAN.

7 ONE OF THE THINGS YOU'LL FIND WHEN YOU GO
8 THROUGH THIS CASE IS THAT BOTH SIDES HAVE A LIFE CARE
9 PLAN AND, HONESTLY, 80, 90 PERCENT OF THAT LIFE CARE
10 PLAN WE AGREE ON. WE AGREE ON BECAUSE OBVIOUSLY;
11 RIGHT, I MEAN, THERE ARE THINGS THAT MR. TAYLOR NEEDS
12 AND MUCH OF THAT IS AGREED TO. THERE ARE A FEW THINGS
13 IN DISPUTE.

14 ONE OF THE THINGS THAT I ACTUALLY LOVE
15 THAT BOTH SIDES AGREE ON IS THAT ANTHONY --
16 MR. TAYLOR -- SORRY -- MR. TAYLOR, WE ALL BELIEVE
17 MR. TAYLOR NEEDS NOW ACUTE INPATIENT REHABILITATION,
18 LIKE, GO NOW SOMEWHERE -- AND I'LL TELL YOU WHERE --
19 NOT ONLY DO BOTH SIDES AGREE THAT HE NEEDS THIS. THEY
20 ACTUALLY AGREE ON WHERE WE SHOULD BE SENDING HIM.

21 AND THIS IS AN IMPORTANT OPINION OF
22 DR. KIM'S. THE SIMILARITIES IN THE LIFE CARE PLAN
23 YOU'LL SEE IS EVERYBODY BELIEVES MR. TAYLOR NEEDS
24 CERTAIN PHYSICIANS FOR THE REST OF HIS LIFE.

25 WE BOTH AGREE HE NEEDS ACUTE INPATIENT
26 REHAB AND THE SAME LOCATION IS BEING RECOMMENDED.

27 MR. WHEELER EXPLAINED TO YOU HOW
28 MR. TAYLOR'S EXTREMITIES, HIS LOWER EXTREMITIES, ARE

1 BENT. IT'S CALLED CONTRACTURES AND HE ALSO HAS SOME
2 SPASTICITY IN THEM.

3 BOTH SIDES ARE RECOMMENDING IN THEIR LIFE
4 CARE PLAN, A CONTRACTURE SURGERY OR SOMETHING ALSO
5 KNOWN AS A TENDON RELEASE SURGERY WHERE THE TENDONS ARE
6 STRETCHED, LENGTHENED OR IN SOME CASES, RELEASED SO
7 THAT HE CAN STRETCH HIS LEGS OUT NORMALLY.

8 THE REASON YOU'RE GOING TO FIND THE
9 EVIDENCE WILL SHOW WHY THAT'S AN IMPORTANT ASPECT IN
10 MR. TAYLOR'S CARE IS BECAUSE TRANSFERRING HIMSELF, OR
11 EVEN WITH ASSISTANCE, FROM BED TO WHEELCHAIR, IF HIS
12 LEGS CAN MOVE FREELY, MEANING THEY'RE NOT CRAMPED IN A
13 CERTAIN POSITION, IT'S MUCH EASIER TO GIVE HIM THAT
14 CARE AND TRANSFER HIM. IT'S ALSO EASIER FOR HIM TO
15 REPOSITION HIMSELF.

16 AND BOTH SIDES AGREE THAT MR. TAYLOR WILL
17 REQUIRE 24/7 CARE.

18 I NEED TO STOP FOR A SECOND HERE. THERE
19 ARE SOME WITNESSES THAT YOU WILL HEAR FROM, ONE OF THEM
20 EVEN MR. TAYLOR'S TREATING PHYSICIAN IN OREGON, THAT
21 DOES NOT BELIEVE MR. TAYLOR WILL NEED 24/7 CARE.

22 IN FACT, DR. CHUNG, WHO IS HIS TREATING
23 PHYSICIAN IN OREGON, SAID IF HE CAN REPOSITION HIMSELF,
24 HE PROBABLY ONLY NEEDS ABOUT 16 HOURS OF CARE A DAY.

25 BUT WE ARE NOT -- WE APPRECIATE
26 DR. CHUNG'S OPINION, BUT THIS IS OUR OPPORTUNITY TO
27 GIVE ANTHONY ALL THAT WE THINK HE MAY NEED IN THE
28 FUTURE. AND SO REGARDLESS OF THAT OPINION, OUR LIFE

1 CARE PLAN DOES PROVIDE 24/7 CARE FOR THE REST OF HIS
2 LIFE.

3 AND THERE ARE MULTIPLE PIECES OF
4 EQUIPMENT, DURABLE EQUIPMENT, WHEELCHAIRS, ET CETERA,
5 AND I'LL SHOW YOU SOME PICTURES, THAT WE ALSO BELIEVE
6 MR. TAYLOR NEEDS. AND BOTH SIDES AGREE ON THAT
7 EQUIPMENT.

8 THIS IS THE LOCATION WHERE BOTH SIDES
9 BELIEVE MR. TAYLOR WOULD MOST BENEFIT FROM IF HE WENT
10 THERE NOW FOR ONE MONTH.

11 YOU WILL HEAR THAT MR. TAYLOR DID NOT GET
12 WHAT WE REALLY CONSIDER AGGRESSIVE ACUTE INPATIENT
13 REHAB WHEN THIS ACCIDENT HAPPENED. AND ALTHOUGH THAT
14 IS CERTAINLY NOT THE BEST WAY THINGS COULD HAVE GONE
15 FOR HIM, DR. KIM IS THE FIRST TO TELL YOU, IT IS NOT
16 TOO LATE.

17 HE NEEDS TO GO THERE NOW FOR A MONTH. AND
18 SHE KNOWS THAT BECAUSE SHE USED TO BE THE MEDICAL
19 DIRECTOR THERE. SHE'S NOT ANYMORE. SHE'S NOW
20 AFFILIATED WITH UCI AND ST. JUDE'S, BUT THIS IS A WORLD
21 RENOWNED FACILITY WHERE EVERY REHAB PATIENT THAT GOES
22 THERE -- AND I BELIEVE THEIR REHAB UNIT, YOU'LL HEAR,
23 IS LIMITED TO 32 PATIENTS AT A TIME. THAT'S HOW
24 SIGNIFICANTLY TAILORED IT IS TO THEIR INDIVIDUAL
25 PATIENTS.

26 THE PATIENTS THAT GO HERE FOR REHAB HAVE A
27 TEAM OF DOCTORS FROM THE MINUTE THEY ARE IN THERE.
28 THEY NOT ONLY HAVE AN INTERNIST, HE'LL HAVE -- HE COULD

1 HAVE HIS CONTRACTURE SURGERY HERE. HE WILL, IF YOU
2 LISTEN TO THE EVIDENCE, HAVE ALL OF THE RESPIRATORY
3 SUPPORT THAT HE NEEDS AND PULMONOLOGISTS THAT HE NEEDS
4 TO REMOVE THAT TRACH, WHICH HE NEEDS. AND WE'LL GO
5 INTO THAT IN A MINUTE.

6 BUT THIS IS THE FACILITY WHERE MR. TAYLOR
7 NEEDS TO GO AND IN OUR LIFE CARE PLAN, YOU'LL SEE THAT
8 WE'RE SENDING HIM THERE FOR A MONTH AND OBVIOUSLY WITH
9 HIS FAMILY AND PROVIDING TRANSPORTATION AND LODGING FOR
10 THEM TO GO THERE AND BE THERE WITH HIM FOR THAT MONTH.

11 THIS IS THE -- YOU'LL HEAR DR. KIM TELL
12 YOU THE KIND OF ADVANCES THAT CAN BE MADE IN THAT MONTH
13 AT THAT LOCATION.

14 THE LIFE CARE PLAN HAS SEVERAL PIECES OF
15 MOBILE EQUIPMENT THAT WE ARE WANTING TO MAKE SURE
16 MR. TAYLOR HAS.

17 NOW, YOU MIGHT NOTICE MR. TAYLOR TODAY
18 ACTUALLY HAS A POWER WHEELCHAIR AND EVERYBODY'S VERY
19 HAPPY ABOUT THAT BECAUSE IT TOOK HIM A WHILE TO GET
20 THAT. HE'S ONLY HAD THAT, I THINK, FOR A COUPLE OF
21 MONTHS AND IT'S MADE A SIGNIFICANT DIFFERENCE WHERE HE
22 CAN USE THE JOY STICK AND MANEUVER HIMSELF.

23 THAT INDEPENDENCE IS HUGE FOR HIM. NOBODY
24 HAS TO PUSH HIS WHEELCHAIR NOW. BUT WE DON'T WANT TO
25 JUST STOP THERE.

26 THERE ARE WHEELCHAIRS OUT THERE, FOR
27 EXAMPLE, THIS PARTICULAR MODEL, THAT DR. KIM, THE
28 PERMOBIL -- AND I HAVE TO TELL YOU, I DON'T PRONOUNCE

1 THAT RIGHT. IT'S FRENCH AND I DON'T PRONOUNCE IT
2 RIGHT.

3 BUT ANYWAY, THE F5 VS, DR. KIM WILL TALK
4 TO YOU ABOUT THIS PARTICULAR WHEELCHAIR BECAUSE YOU'LL
5 SEE THAT IT CAN TILT BACK. AND IT ACTUALLY RECLINES
6 ALL THE WAY WHERE THE LEGS GO FORWARD AND THE BACK GOES
7 ALL THE WAY BACK.

8 AND THEN IT CAN GO TO A STANDING POSITION.

9 AND THE REASON THAT THIS TYPE OF
10 WHEELCHAIR OR ANYTHING SIMILAR TO THIS IS SO IMPORTANT
11 IS NOT JUST BECAUSE IT'S COOL LOOKING AND, LIKE MY
12 PARTNER SAID, LOOKS LIKE A TRANSFORMER, IT ACTUALLY
13 IMPROVES AND BENEFITS SO MUCH FOR ANTHONY'S HEALTH.

14 SO YOU HEARD US SAY THAT HE NEEDS TO MOVE;
15 RIGHT? WHEN ANTHONY SITS IN A WHEELCHAIR, HE NEEDS TO
16 BE ABLE TO EVEN REPOSITION HIMSELF IN THE WHEELCHAIR
17 BECAUSE OF PRESSURE SORES.

18 THIS IS WHAT'S CALLED A PRESSURE RELEASE
19 OR RELIEF WHEELCHAIR WHERE THE PERSON IN THE WHEELCHAIR
20 CAN DO IT FOR THEMSELVES; RIGHT? YOU TIP BACK OR YOU
21 TIP FORWARD TO RELIEVE THAT PRESSURE THAT YOUR BODY OR
22 YOUR SKIN IS HAVING.

23 AND THEN THE STANDING PART OF THIS IS
24 EXCEPTIONALLY IMPORTANT.

25 SO THERE'S A STRAP, YOU'LL HEAR FROM
26 DR. KIM, THERE'S A STRAP THAT GOES ACROSS THE FRONT OF
27 THE PATIENT. AND THERE'S KNEE BRACES IN FRONT TO KEEP
28 THE PATIENT IN THE STANDING POSITION EVEN THOUGH

1 THEY'RE PARALYZED.

2 THIS IMPROVES CIRCULATION, BONE DENSITY,
3 ANY AIRWAY, LUNG SECRETION PROBLEMS, BREATHING, ALL OF
4 THESE THINGS ARE IMPROVED.

5 NOT TO MENTION SOCIALLY THE IMPROVEMENT
6 THAT IT WOULD MAKE FOR SOMEBODY LIKE MR. TAYLOR TO BE
7 ABLE TO GO FROM A SITTING TO A LEANING TO A RECLINING
8 TO A STANDING POSITION. THE INDEPENDENCE THAT IT
9 OFFERS.

10 IN ADDITION TO THIS WHEELCHAIR, WE ARE
11 ALSO INCLUDING IN OUR LIFE CARE PLAN A MANUAL
12 WHEELCHAIR BECAUSE THE STRENGTHENING OF YOUR ARMS CAN
13 ALSO BE DONE BY -- AND EVEN THOUGH ANTHONY -- EVEN
14 THOUGH MR. TAYLOR DOESN'T HAVE FULL USE OF HIS FINGERS,
15 THERE ARE GLOVES THAT CAN BE USED TO PUSH A MANUAL
16 WHEELCHAIR AND THAT WILL HELP HIM STRENGTHEN HIS ARMS,
17 WHICH AS YOU HEARD, WILL HELP WITH REPOSITIONING AND
18 TRANSFERS.

19 AND YOU HEARD THAT MR. TAYLOR LOVES TO
20 RIDE HIS BIKE. AND WE'VE HEARD THAT TOO FROM HIS MOM,
21 THAT THAT WAS, YOU KNOW, IF YOU WANTED TO GET
22 MR. TAYLOR TO PAY ATTENTION TO YOU WHEN HE WAS A CHILD,
23 YOU TOOK HIS BIKE AWAY.

24 WELL, DR. KIM WILL TELL YOU, SHE ACTUALLY
25 CYCLES IN MARATHONS. THIS IS CERTAINLY SOMETHING THAT
26 MR. TAYLOR CAN WORK HIS WAY TO.

27 EVEN THOUGH HE DOESN'T HAVE THE ABILITY TO
28 MOVE HIS FINGERS, THESE SPECIAL HANDLEBARS AND GLOVES

1 CAN BE USED WHERE HE CAN ACTUALLY GO BACK TO CYCLING,
2 NOT JUST FOR THE EXERCISE, BUT CLEARLY, IT WAS ONE OF
3 HIS BIG ENJOYMENTS IN LIFE.

4 SO WHEN WE TALK ABOUT QUALITY OF LIFE,
5 THESE ARE THE TYPES OF THINGS THAT WE'VE INTENTIONALLY
6 INCLUDED IN OUR LIFE CARE PLAN.

7 IN ADDITION TO THAT, MR. TAYLOR NEEDS
8 ASSISTANCE WITH THESE TRANSFERS STILL. AND WE'VE
9 TALKED ABOUT THAT.

10 SO THIS OVER HERE IS CALLED A HOYER LIFT.
11 AND IT'S A PORTABLE LIFT. THESE WHEELS ACTUALLY GO
12 UNDER THE BED AND IT'S A SLING-TYPE SITUATION WHERE YOU
13 PLACE THE SLING -- IT'S JUST FABRIC -- UNDERNEATH THE
14 PATIENT, AND THEN IT'S ACTUALLY RAISED BY A FOOT PEDAL.

15 SO SOMEBODY THAT MAYBE DOESN'T HAVE A LOT
16 OF UPPER BODY STRENGTH AND CAN'T LIFT THE PATIENT, WITH
17 THE FOOT PEDAL, CAN GET THIS SLING TO LIFT THEM.

18 NOW, THIS IS HOW THE HOYER LIFT FOLDS UP.
19 SO YOU GO ON A TRIP. YOU GO TO A HOTEL; IT CAN BE PUT
20 IN THE CAR.

21 AND WHAT'S EXCEPTIONAL ABOUT THIS IS THAT
22 IT'S HOW MR. TAYLOR CAN GET TO THE WHEELCHAIR, CAN GET
23 TO A CAR, CAN GET TO A TOILET SEAT. THESE ARE THE
24 TYPES OF THINGS THAT THE PORTABLE HOYER LIFT WILL DO.

25 BUT OUR LIFE CARE PLAN ALSO INCLUDES
26 MAKING SURE THAT WE SET UP A CEILING TRACK IN
27 MR. TAYLOR'S ROOM. SO THERE'S ALSO AN AUTOMATIC LIFT
28 THAT WOULD DO IT FOR HIM BASED IN THE ROOM.

1 QUALITY OF LIFE, IMPROVED INDEPENDENCE.

2 ALL OF THIS IS THE THREE GOALS WE'RE GOING TOWARDS AND
3 THIS IS SOME OF THE EQUIPMENT THAT'S IN THERE.

4 WE ALSO HAVE AN ENTIRE AMOUNT OF MONEY SET
5 ASIDE IN THE LIFE CARE PLAN TO GO HELP RENOVATE THE
6 HOME IN OREGON.

7 YOU HEARD HOW GREAT IT WAS THAT
8 MR. TAYLOR'S STEPFATHER, YOU SAW THE RAMP THAT HE
9 BUILT. WELL, WE WILL PUT IN RAMPS. AND THERE'S
10 PORTABLE RAMPS THAT YOU CAN REMOVE FOR WHEN YOU DON'T
11 NEED IT, PUT IT BACK WHEN YOU DO NEED IT, WIDEN THE
12 DOORWAYS AND THE HALLWAYS, IF NECESSARY, FOR ANTHONY TO
13 ASSIST WITH -- TO BE ABLE TO GET THROUGH IN THE
14 WHEELCHAIR.

15 A HANDICAP VAN IS INCLUDED IN THE LIFE
16 CARE PLAN.

17 AND I'M NOT JUST TALKING ABOUT ONE
18 HANDICAP VAN FOR THE NEXT 35 YEARS. I TOLD YOU THAT WE
19 INCLUDED IN THIS PLAN HOW OFTEN THEY WOULD NEED IT AND
20 FOR HOW LONG. THERE'S REPLACEMENTS FOR THAT VAN,
21 HOWEVER MANY TIMES. I THINK IT'S EVERY EIGHT YEARS OR
22 SO THAT THEY WOULD NEED A NEW ONE.

23 A SHOWER CHAIR. YOU'LL HEAR THAT
24 MR. TAYLOR STILL REALLY HAS TO BE BATHED IN BED AND
25 THAT'S BECAUSE TRANSFERRING HIM TO A SHOWER CHAIR HAS
26 BEEN DIFFICULT, AS WELL AS THE FACT THAT HE MIGHT LEAN
27 FORWARD TOO FAR IN IT AND HIS MOM HAS FELT IT'S UNSAFE.

28 THIS EQUIPMENT IS WHAT HE NEEDS. HE NEEDS

1 THE LIFT TO GET OUT OF BED, PUT HIM IN THE SHOWER CHAIR
2 AND IT'S GOT -- THE CHAIR THAT WE'RE RECOMMENDING HAS
3 THE PROTECTION THAT HE CAN STAY IN THE CHAIR. HE'S NOT
4 GOING TO FALL FORWARD AND HE CAN TAKE A SHOWER.

5 AND A BEDSIDE COMMUNE SO HE CAN HOPEFULLY,
6 AS HE WORKS ON HIS BOWEL PROTOCOLS, BE ABLE TO GO TO
7 THE REST ROOM BY HIS BED, NEAR A TOILET AND NOT WHILE
8 IN BED.

9 IT PROVIDES FOR A HOSPITAL BED IN HIS ROOM
10 THAT IS FULLY ELECTRIC WITH THAT PROTECTIVE AIR FLOW
11 MATTRESS TO MAKE SURE THOSE BED SORES DON'T OCCUR.

12 HE HAS ONE OF THOSE NOW. WE'RE NOT SURE
13 IF IT'S EXACTLY THE BEST QUALITY THAT HE CAN HAVE.
14 IT'S IN YOUR LIFE CARE PLAN TO GET HIM A NEW ONE, TOP
15 OF THE LINE, THAT WE THINK IS NECESSARY.

16 SO WE'VE TALKED ABOUT SOME OF THE
17 SIMILARITIES BETWEEN THE PLAINTIFF AND THE DEFENSE LIFE
18 CARE PLAN.

19 SO THEN YOU'RE PROBABLY LOOKING AT ME
20 GOING, WHAT ARE WE HERE FOR?

21 WELL, THERE ARE SOME DIFFERENCES IN THAT
22 LIFE CARE PLAN AND THAT'S WHERE WE REALLY NEED YOUR
23 HELP.

24 SOME OF THE DIFFERENCES ARE, THE
25 PLAINTIFFS WILL TELL YOU THAT MR. TAYLOR REQUIRES A
26 TRACHEOSTOMY. AND THE DEFENSE WILL TELL YOU THAT WE
27 BELIEVE THAT TRACHEOSTOMY CAN BE REMOVED. AND YOU WILL
28 HEAR SIGNIFICANT AMOUNT OF EXPERT TESTIMONY ABOUT THAT.

1 AND I'M GOING TO BITE MY TONGUE FOR NOW
2 AND WAIT A COUPLE SLIDES TO TALK TO YOU SPECIFICALLY
3 ABOUT DR. KLEIN, WHO I KNOW WAS MENTIONED IN
4 PLAINTIFF'S OPENING STATEMENT.

5 BUT WHAT -- THE OTHER THING I WANT TO TELL
6 YOU IS OUR LIFE CARE PLAN, ALTHOUGH WE CERTAINLY
7 BELIEVE THAT MR. TAYLOR CAN BE OFF OF THAT TRACH PRETTY
8 MUCH NOW OR VERY, VERY SOON, WE UNDERSTAND THERE IS A
9 SENSE OF ANXIETY WHEN A PATIENT HAS A TRACHEOSTOMY
10 REMOVED AND THERE'S A DEPENDENCE ON IT.

11 OUR LIFE CARE PLAN PROVIDES NOT JUST FOR
12 THAT MONTH AT SANTA CLARA FOR THAT RESPIRATORY
13 PULMONOLOGY HELP TO GET HIM OFF THE TRACH, BUT WE SAY
14 YOU KNOW WHAT, MAYBE IT TAKES HIM SIX MONTHS TO A YEAR
15 TO GET OFF THE TRACH AND WE'VE ALLOWED FOR THAT IN THE
16 LIFE CARE PLAN.

17 I HEARD -- THERE WAS COMMENTARY FROM
18 COUNSEL THROUGHOUT THE LAST WEEK ABOUT A G-TUBE, WHICH
19 IS A GASTROSTOMY TUBE, WHICH IS WHAT FEEDS THE PATIENT.

20 AND I WANT YOU TO KNOW THAT EVERY EXPERT
21 THAT WILL TESTIFY IN COURT WILL TELL YOU THAT
22 MR. TAYLOR NO LONGER NEEDS A G-TUBE.

23 MR. TAYLOR HAS BEEN CLEARED TO TAKE ALL
24 MEDICATION BY MOUTH. HE EATS NORMALLY BY MOUTH, DRINKS
25 FLUIDS BY MOUTH. THERE'S NO RESTRICTIONS ON WHAT HE
26 CAN SWALLOW, AND THERE IS NO NEED FOR A G-TUBE ANYMORE.
27 THE EXPERTS WILL TELL YOU THAT.

28 IN FACT, THE EXPERTS WILL TELL YOU THAT

1 IT'S A RISK FOR HIM TO STILL HAVE IT. BECAUSE EVERY
2 HOLE IN YOUR BODY, EVERY TUBE THAT WE PUT IN YOUR BODY,
3 HAS A RISK OF INFECTION.

4 SO -- AND NOT ONLY IS ANTHONY GETTING --
5 IS MR. TAYLOR GETTING ALL OF THE NUTRITION THAT HE
6 NEEDS ORALLY, HE'S PUT ON 30 POUNDS IN THE LAST SIX
7 MONTHS. IT'S OBVIOUS. THE PHYSICAL EVIDENCE IS THERE.
8 HE CAN TAKE EVERYTHING BY MOUTH.

9 ALTHOUGH WE AGREE THAT MR. TAYLOR REQUIRES
10 24/7 CARE FOR THE REST OF HIS LIFE, YOU HEARD
11 MR. WHEELER SAY THE LEVEL OF CARE IS A DIFFERENCE IN
12 THE TWO LIFE CARE PLANS.

13 NOW, I JUST GOT DONE TELLING YOU THAT WE
14 HAVE INCLUDED IN THE LIFE CARE PLAN SIX MONTHS TO A
15 YEAR FOR MR. TAYLOR TO GET OFF OF THE TRACH. AND WHILE
16 HE HAS THAT TRACHEOSTOMY, WE ARE PROVIDING FOR LICENSED
17 VOCATIONAL NURSING CARE 24/7.

18 BUT AFTER THAT YEAR, WE BELIEVE, AS DO THE
19 EXPERTS, THAT CERTIFIED HOME HEALTH AIDE IS THE LEVEL
20 OF CARE THAT MR. TAYLOR NEEDS AND THERE'S A DIFFERENCE
21 IN THAT COST AND IT'S IMPORTANT THAT YOU UNDERSTAND
22 THAT.

23 YOU KNOW, I'LL TELL YOU SOMETHING,
24 DR. CAPLAN IS A DOCTOR ON THE PLAINTIFF'S SIDE. HE'S A
25 PULMONOLOGIST. I THINK YOU HEARD MR. WHEELER SAY HE
26 WAS A REBUTTAL WITNESS.

27 I TOOK THE DEPOSITION OF DR. CAPLAN AND I
28 ASKED DR. CAPLAN IF ANTHONY -- IF MR. TAYLOR STILL HAS

1 THE TRACHEOSTOMY, DOES HE NEED A LICENSED VOCATIONAL
2 NURSE?

3 AND HIS ANSWER, AS WELL AS SEVERAL OTHER
4 DOCTORS WHO YOU'LL HEAR TESTIFY, SAID NO. SO LONG AS
5 SOMEBODY THAT'S CERTIFIED THAT CAN -- THAT KNOWS, THAT
6 HAS TRACH TRAINING THAT CAN TAKE OUT OR CLEAN THE
7 TRACH, THAT'S SUFFICIENT.

8 BUT, STILL, OUR LIFE CARE PLAN GIVES
9 MR. TAYLOR A LICENSED VOCATIONAL NURSE FOR SIX MONTHS
10 TO A YEAR UNTIL HE'S OFF THE TRACH, AND THEN A
11 CERTIFIED HOME HEALTH AIDE.

12 BECAUSE THEN HE HAS NO G-TUBE. HE HAS NO
13 TRACHEOSTOMY. HE HAS A SUPRAPUBIC CATHETER FOR HIS
14 BLADDER AND NEEDS PHYSICAL ASSISTANCE, TRANSFERRING,
15 MOVING HIM, BUT IN TERMS OF LICENSED MEDICAL CARE, THE
16 NEEDS WON'T BE THERE AT THAT TIME.

17 THE PLAINTIFFS WILL TELL YOU THAT
18 MR. TAYLOR MAY REQUIRE FUTURE ORTHOPEDIC SURGERY. WHEN
19 YOU HAVE A SPINAL CORD INJURY, THERE IS THE CHANCE THAT
20 LEVELS -- THE LEVEL ABOVE AND THE LEVEL BELOW WHERE THE
21 INJURY OCCURRED, CAN SUFFER INJURY AS YOU GO FORWARD IN
22 LIFE. AND SOMETIMES THOSE NEED TO BE OPERATED ON.

23 I WILL TELL YOU THAT THERE ARE TWO
24 ORTHOPEDIC SURGEONS TESTIFYING IN THIS CASE. AND I
25 WILL TELL YOU THAT IT IS OUR POSITION THAT ALTHOUGH
26 THAT IS POSSIBLE, IT IS NOT REASONABLY LIKELY.

27 AND THOSE WORDS, REASONABLY LIKELY, OR
28 REASONABLY CERTAIN, MIGHT NOT SOUND LIKE MUCH TO YOU

1 NOW, BUT THEY WILL MATTER TO YOU WHEN THE JUDGE GIVES
2 YOU YOUR INSTRUCTIONS AT THE END OF THE CASE.

3 THESE ARE THE DIFFERENCES IN THE LIFE CARE
4 PLAN. THE LAST BEING THE LENGTH OF THE LIFE CARE PLAN.

5 WE TALKED ABOUT HOW OUR LIFE CARE PLAN
6 TAKES MR. TAYLOR OUT 35 YEARS, WHICH IS WHERE ALL OF
7 THE PHYSICIANS AGREE IS WHEN HIS REASONABLE LIFE
8 EXPECTANCY ENDS. THAT'S THE LAST OF THE DIFFERENCES.

9 NOW, THE WITNESSES THAT YOU'RE GOING TO
10 SEE ARE DR. KIM, WE TALKED ABOUT HER. DR. KLEIN, OUR
11 PULMONOLOGY EXPERT, WE'LL TALK ABOUT HIM IN A SECOND.

12 DR. WEINSTEIN IS OUR ORTHOPEDIC SURGEON
13 THAT I JUST MENTIONED. WE'LL TALK ABOUT THE DAMAGE,
14 WHETHER OR NOT THE SURGERY WOULD BE NEEDED ABOVE OR
15 BELOW THE LEVEL.

16 WE JUST TALKED ABOUT DR. CAPLAN,
17 PLAINTIFF'S EXPERT PULMONOLOGIST AND HE HAD A LOT OF
18 GOOD THINGS TO SAY THAT SHOW THAT HE, TOO, BELIEVES
19 MR. TAYLOR HAS SIGNIFICANT ROOM FOR PROGRESS FROM A
20 PULMONOLOGY STANDPOINT IN TERMS OF THE TRACHEOSTOMY.

21 AND I ASK YOU TO PAY SPECIFIC ATTENTION TO
22 DR. WEBSTER AND DR. CHUNG.

23 IT'S GOING TO BE WEIRD; RIGHT? BECAUSE
24 THEY'RE TESTIFYING BY VIDEO. SO MR. WHEELER OR
25 MR. PARRIS ARE GOING TO PLAY THE PORTIONS OF THE VIDEO
26 THEY WANT, AND THEN WE'RE GOING TO PLAY THE PORTIONS OF
27 THE VIDEO THAT WE THINK ARE SIGNIFICANT AND IMPORTANT
28 FOR YOU TO HEAR.

1 SO JUST BARE WITH THAT PROCESS AS IT
2 HAPPENS, BUT PLEASE LISTEN VERY CAREFULLY TO WHAT THEY
3 HAVE TO SAY, BECAUSE WE BELIEVE THOSE ARE THE
4 PHYSICIANS THAT ARE CARING FOR ANTHONY NOW, AND THEY
5 KNOW WHAT HE NEEDS.

6 OUR LIFE CARE PLANNER IS STACEY HELVIN.
7 AND OUR ECONOMIST IS TED VAVOULIS.

8 YOU WILL MEET ALL OF THESE PEOPLE LATER
9 WHEN IT BECOMES OUR CASE IN CHIEF. WE'RE THE SECOND TO
10 GO. WE'LL PUT OUR CASE IN CHIEF ON AFTER THEY DO. AND
11 THIS WILL BE WHEN OUR WITNESSES ARE CALLED.

12 OKAY. LET'S TALK ABOUT THE TRACHEOSTOMY.

13 FIRST AND FOREMOST, LET ME TELL YOU THAT
14 THE REASON DR. KLEIN -- DR. RYAN KLEIN IS A
15 PULMONOLOGIST AT HOAG HOSPITAL. HE PRACTICES IN ORANGE
16 COUNTY. HE HAS SPECIFIC -- HE HAS DONE SPECIFIC
17 RESEARCH AND HAS SPECIFIC TRAINING IN TRACHEOSTOMIES,
18 ESPECIALLY IN TERMS OF THE EFFECT THAT A TRACHEOSTOMY
19 OR AN ENDOTRACHEAL TUBE HAS ON A PERSON'S ABILITY TO
20 BREATHE. HE DID A STUDY DURING HIS STUDY AT A
21 FELLOWSHIP AT UCI AND WE'LL TALK ABOUT THAT.

22 DR. KLEIN IS -- AND HE'LL TELL YOU --
23 WORRIED ABOUT MR. TAYLOR KEEPING THIS TRACH.

24 NOW, LET'S ALL UNDERSTAND ONE THING FIRST.
25 MR. TAYLOR HAS A TRACHEOSTOMY THAT PROVIDES HIM ZERO
26 OXYGEN. HE DOES NOT HAVE A TRACHEOSTOMY THAT'S
27 CONNECTED TO OXYGEN, THAT'S CONNECTED TO A VENTILATOR.
28 IT IS NOT ASSISTING HIS BREATHING IN ANY WAY.

1 MR. TAYLOR CAN BREATHE ON HIS OWN. HIS
2 PULSE OP LEVELS ARE GOOD, NORMAL ON HIS OWN.

3 MR. TAYLOR NEEDED THAT TRACHEOSTOMY WHEN
4 THE ACCIDENT HAPPENED. HE WAS CONNECTED TO A
5 VENTILATOR FOR A PERIOD OF TIME THROUGH AN ENDOTRACHEAL
6 TUBE. MAYBE SOME OF YOU KNOW, BUT BEING ON A
7 VENTILATOR BEYOND A TWO-WEEK PERIOD OF TIME HAS ITS OWN
8 DANGERS.

9 AND WHAT PHYSICIANS DO WHEN YOU HAVE AN
10 ENDOTRACHEAL TUBE AND YOU'RE ON THE VENTILATOR FOR TWO
11 LONG, THEY SWAP YOU OUT TO A TRACHEOSTOMY AND THEY
12 MIGHT PUT YOU ON THE VENTILATOR THROUGH THE
13 TRACHEOSTOMY OR OTHER OXYGEN METHODS ARE PROVIDED.
14 THAT'S WHEN MR. TAYLOR NEEDED THE TRACHEOSTOMY.

15 IT'S BEEN OVER A YEAR MORE THAT MR. TAYLOR
16 HAS NOT REQUIRED OXYGEN SUPPLEMENTATION. SO WHY IS THE
17 TRACHEOSTOMY THERE?

18 TRACHEOSTOMY IS THERE FOR THE PURPOSE OF
19 ASSISTING MR. TAYLOR WITH SECRETIONS. SO MUCUS-TYPE
20 SALIVA WILL BUILD IN HIS THROAT, AND THERE ARE TIMES HE
21 NEEDS TO BE SUCTIONED.

22 SO THERE IS GOING TO BE A LOT OF EVIDENCE
23 IN THIS CASE ABOUT WHEN DOES HE NEED TO BE SUCTIONED?
24 HOW OFTEN DOES HE NEED TO BE SUCTIONED?

25 AND LET ME TELL YOU SOMETHING ELSE ABOUT
26 MR. TAYLOR. MR. TAYLOR MAY HAVE LOST THE USE OF HIS
27 INTRACOSTAL MUSCLES IN THIS INCIDENT, BUT HE HAS USE OF
28 HIS DIAPHRAGM AND THE ACCESSORY MUSCLES.

1 MR. TAYLOR, THE RECORDS SHOW, HAS A STRONG
2 PRODUCTIVE COUGH. MR. TAYLOR CAN COUGH. AND THAT IS
3 IMPORTANT BECAUSE THAT'S HOW MOST OF US GET OUT THOSE
4 SECRETIONS.

5 NOW, YOU KNOW, YOU'VE -- I'M SURE YOU KNOW
6 PEOPLE THAT HAVE ASTHMA, AND WHEN IT'S BAD AND THEY GET
7 A COLD, THEY MIGHT DO A BREATHING TREATMENT TO LOOSEN
8 THOSE SECRETIONS.

9 THERE ARE A LOT OF THINGS THAT CAN BE DONE
10 FOR MR. TAYLOR IF THIS TRACHEOSTOMY IS REMOVED AND HE
11 HAS INCREASED SECRETIONS. AND WE'LL TALK ABOUT THAT IN
12 A MINUTE.

13 BUT UNDERSTAND THAT WHILE HE HAS THAT
14 TRACHEOSTOMY -- AND IT'S NOT BEING USED, IT'S A DANGER
15 TO HIM. DR. KLEIN WILL TELL YOU IT IS A DANGER
16 BECAUSE, NO. 1, IT'S A POTENTIAL INFECTION. IT'S AN
17 OPEN HOLE IN HIS THROAT. POTENTIAL INFECTION.

18 NO. 2, IT'S ACTUALLY MAKING HIM HAVE MORE
19 DIFFICULTY BREATHING.

20 WHEN YOU HAVE A TRACHEOSTOMY, THERE IS A
21 CANNULA IN IT, A LITTLE TUBE.

22 NOW, WHEN MR. TAYLOR WAS FIRST IN THE
23 HOSPITAL AND NEEDED THAT TRACHEOSTOMY TO BREATHE, THE
24 TUBE THAT WAS IN IT WAS LARGER THAN IT IS NOW BECAUSE
25 IT WAS NEEDED FOR BREATHING. IT'S BEEN REDUCED OVER
26 TIME. THE DIAMETER OF THE TUBE IN MR. TAYLOR'S THROAT
27 IS 4 MILLIMETERS. THAT'S THE DIAMETER OF IT. AND IT'S
28 ABOUT 6 INCHES LONG.

1 AND DR. KLEIN WILL TELL YOU IT'S ACTUALLY
2 INTERFERING WITH HIS BREATHING BECAUSE IT'S LIKE
3 BREATHING THROUGH A STRAW. IT'S JUST IN THE WAY RIGHT
4 NOW. AND IT'S CAUSING HIM TO FEEL -- ACCORDING TO
5 DR. KLEIN, DR. KIM, DR. CAPLAN, AND EVEN DR. WEBSTER IN
6 OREGON -- IT CAN MAKE YOU FEEL, WHEN YOU HAVE SOMETHING
7 IN YOUR THROAT LIKE THAT, LIKE YOU HAVE SOMETHING THAT
8 NEEDS TO BE SUCTIONED.

9 ONE OF THE THINGS THAT I WANT YOU TO KNOW
10 IS WE'RE GOING TO SHOW YOU THROUGHOUT THIS TRIAL SOME
11 REALLY IMPORTANT RECORDS FROM HOME HEALTH CARE NURSES
12 THAT HAVE GONE TO MR. TAYLOR'S HOME OVER THE LAST
13 SEVERAL MONTHS, ALMOST A YEAR, TO CARE FOR HIM.

14 AND THOSE HOME HEALTH RECORDS WILL TELL
15 YOU A VERY CLEAR PICTURE. THEY WILL SHOW YOU THAT
16 MR. TAYLOR MAY ASK TO BE SUCTIONED VERY FREQUENTLY, BUT
17 WHEN HE IS SUCTIONED, NO SECRETIONS ARE THERE. IT'S
18 MORE OF AN ANXIETY TICKLE FEELING THAT SOMETHING IS
19 THERE.

20 NOW, THAT'S NOT TO SAY THAT HAPPENS EVERY
21 TIME. THERE ARE CERTAINLY TIMES THAT MR. TAYLOR DOES
22 NEED TO BE SUCTIONED, BUT IN THE LAST SIX TO EIGHT
23 MONTHS, THOSE NURSING NOTES SAY THAT HE GOES A COUPLE
24 DAYS WITHOUT NEEDING SUCTIONING AT ALL, AND THEN HE'LL
25 ASK FOR SUCTION AND THERE'S NOTHING THERE.

26 WHATEVER THE REASON MAY BE, THERE IS ROOM
27 FOR PROGRESS THERE. AND WHEN YOU DO -- WHEN YOU HAVE
28 SOMETHING IN YOUR BODY TO -- THAT HELPED YOU WHEN YOU

1 HAD SOMETHING LIKE A -- MAYBE YOU BROKE YOUR ANKLE AND
2 YOU WORE A BOOT, WHEN IT'S NO LONGER NEEDED, YOU DON'T
3 KEEP IT THERE IN CASE YOU NEED IT AGAIN.

4 IT CAN BE REMOVED BECAUSE THE DOCTORS THAT
5 TESTIFY WILL TELL YOU THE RISK MANAGEMENT ANALYSIS OF
6 KEEPING THAT TRACH IN, IT'S MORE OF A RISK THAN IT
7 IS -- IT'S BETTER TO JUST TAKE IT OUT.

8 AND WHEN I SAY "TAKE IT OUT," THAT MIGHT
9 SOUND HARSH. IT REALLY IS A BEDSIDE PROCEDURE. IT
10 TAKES ALL OF -- IT REALLY JUST COMES RIGHT OUT.

11 NOW, UNDERSTAND THAT IF MR. TAYLOR HAS
12 THAT TRACHEOSTOMY REMOVED, WHICH WE BELIEVE IS WHAT HE
13 NEEDS, AND THERE ARE SEVERAL DOCTORS THAT WILL AGREE
14 WITH YOU OR AGREE WITH ME THAT THAT'S WHAT SHOULD
15 HAPPEN, EVEN IF IT TAKES SIX MONTHS TO A YEAR, ALTHOUGH
16 DR. KIM WILL TELL YOU IT WILL HAPPEN IN THE NEXT MONTH
17 IF HE GOES TO SANTA CLARA, LET'S SAY MR. TAYLOR GETS
18 SICK, GETS A COLD, GETS PNEUMONIA, AND THEN YOU GO,
19 WELL, THEN WHAT HAPPENS?

20 WELL, NO. 1, THERE ARE SEVERAL TREATMENTS
21 THAT CAN BE DONE FOR A PATIENT LIKE MR. -- THAT ARE
22 DONE FOR PATIENTS LIKE MR. TAYLOR WHO DON'T HAVE A
23 TRACH, BUT NEED ASSISTANCE IN GETTING THOSE SECRETIONS
24 OUT.

25 THEY'RE CALLED CHEST PERCUSSION THERAPY,
26 POSTURE THERAPY. THERE IS BREATHING TREATMENTS. AND
27 ALL OF THESE THINGS IS CHEST PERCUSSION, POSTURE --
28 THEY WILL BE DISCUSSED BY OUR EXPERTS, WAYS IN WHICH --

1 METHODS THAT CAN ASSIST A PARAPLEGIC OR QUADRIPLEGIC IN
2 LOOSENING THE MUCUS TO HELP HIM EXPECTORATE IT.

3 REMEMBER, HE HAS A COUGH AND THESE
4 THERAPIES CAN ASSIST TO LOOSEN THEM TO THE POINT THAT
5 HE CAN BRING THEM UP.

6 NOW, I'M SURE YOU'VE ALL BEEN TO THE
7 DENTIST WHERE THERE'S SUCTION PLACED IN THE BACK OF
8 YOUR THROAT WHEN SALIVA COLLECTS, AND THEY'RE TRYING TO
9 CLEAN YOUR TEETH OR DO A FILLING OR WHATEVER. THAT
10 TYPE OF SUCTION, IT'S A YANKAUER SUCTION, THAT CAN BE
11 USED OBVIOUSLY WITHOUT A TRACH.

12 SO IF MR. TAYLOR GETS A COLD AND THESE
13 THERAPIES WORK TO LOOSEN HIS MUCUS, THEY WILL BE IN HIS
14 THROAT. IF HE CAN'T GET THEM ALL THE WAY OUT, THAT'S
15 ANOTHER OPTION.

16 NOW, THE DOCTORS WILL TELL YOU THERE IS
17 ALWAYS A RISK THAT MR. TAYLOR GETS SIGNIFICANTLY SICK
18 AND NEEDS OXYGEN SUPPORT. THEN, OF COURSE, YES, THAT
19 TRACH'S GOING TO HAVE TO GO BACK IN, OR HE GETS PUT ON
20 A VENTILATOR, BUT THE CHANCES OF THAT HAPPENING ARE NOT
21 CERTAIN ENOUGH OR NEAR IN TIME ENOUGH TO JUSTIFY
22 KEEPING THE TRACH IN RIGHT NOW THAT HAS SIGNIFICANT
23 RISKS FOR HIM.

24 NOW, THIS IS WHAT HAPPENS. I TALK AND I
25 FORGET TO CLICK, AND SO NOW I'VE ALREADY TOLD YOU ALL
26 OF THIS.

27 ASPIRATION. SO ASPIRATION IS WHEN YOU
28 SWALLOW YOUR OWN VOMIT OR FOOD.

1 EVERY ONE OF YOU RIGHT NOW COULD MAKE THAT
2 MOVEMENT IN YOUR THROAT WHERE YOU CLOSE OFF THE BACK OF
3 YOUR THROAT; RIGHT? CAN'T YOU DO THAT?

4 WELL, MR. TAYLOR HAS NOTHING ANATOMICALLY
5 WRONG WITH HIS THROAT. HE HAS NO NEUROLOGICAL DAMAGE
6 IN HIS THROAT. HE HAS THE ABILITY TO CLOSE OFF THE
7 BACK OF HIS THROAT. YOU DO THAT WITH YOUR VOCAL CORDS.
8 SO HE IS AT NO MORE OF A RISK ASPIRATING ANYTHING THAN
9 YOU OR I ARE.

10 SO ANATOMICALLY -- AND HIS OWN DOCTOR IN
11 OREGON WILL TELL YOU, DR. WEBSTER, ANATOMICALLY,
12 THERE'S NO REASON THAT HE NEEDS THE TRACHEOSTOMY. HE
13 CAN PROTECT HIS OWN AIRWAY.

14 WE TALKED ABOUT THE LEVEL OF ANXIETY AND
15 HAVING THAT TRACH REMOVED.

16 NOW, WE NEED TO TALK ABOUT CAPPING FOR A
17 MINUTE. I THINK YOU HEARD IT IN MR. WHEELER'S OPENING.

18 CAPPING A TRACH IS, SERIOUSLY, LIKE, A
19 WATER BOTTLE CAP. IT JUST LOOKS LIKE THAT. IT'S A CAP
20 THAT YOU PUT ON THE HOLE OF THE TRACH.

21 NOW, BEFORE YOU PUT IT THERE, YOU REMOVE
22 THE INNER CANNULA, THE 4 MILLIMETER CANNULA, AND YOU
23 PUT THE CAP ON.

24 WHY WOULD YOU PUT THE CAP ON? WELL, HE'S
25 NOT USING THE TRACH FOR OXYGEN. AND SO CAPPING IT IS
26 VERY IMPORTANT. AND WE DO WHAT'S CALLED CAPPING TRIALS
27 WHERE THE DOCTORS SAY, IT'S TIME TO GET THIS OUT, BUT
28 RATHER THAN TAKE IT OUT RIGHT NOW, LET'S START CAPPING

1 YOU.

2 NOW, MR. TAYLOR'S DOCTOR IN OREGON SAID
3 ONCE YOU CAN CAP THAT FOR 24 HOURS, WE CAN TAKE YOUR
4 TRACH OUT. AND HE SAID 24 HOURS IS JUST -- THAT WAS
5 JUST THE NUMBER I GAVE. IT'S NOT THAT THERE'S
6 SOMETHING MAGIC ABOUT 24 HOURS, BUT THE REASON HE
7 RECOMMENDED IT IS BECAUSE MR. TAYLOR'S OWN SPEECH
8 THERAPIST WHO TREATS HIM AT HOME FOR HIS VOCAL, TRACH
9 ISSUES, SAID, IT'S TIME TO START CAPPING THIS, LET'S
10 GET THE DOCTOR TO AGREE.

11 THESE HOME HEALTH RECORDS THAT I'M GOING
12 TO SHOW YOU THROUGHOUT THIS TRIAL WILL SHOW THAT
13 MR. TAYLOR WASN'T DOING THOSE CAPPING TRIALS AS THE
14 DOCTOR -- AS DR. WEBSTER, HIS DOCTOR, HAD INTENDED.

15 I ASKED DR. WEBSTER, OKAY, SO IF WE CAP
16 THE TRACH AND MR. TAYLOR FEELS THE NEED FOR SECRETIONS
17 TO BE SUCTIONED OUT, DO WE TAKE OFF THE CAP, SUCTION
18 HIM AND THEN PUT THE CAP BACK ON?

19 AND HE SAID, YES, THAT'S HOW YOU DO A
20 CAPPING TRIAL. FOR WHATEVER REASON, THAT HASN'T
21 HAPPENED THAT WAY. I WILL SHOW YOU HOME HEALTH RECORDS
22 ALL THE WAY TO JUST A FEW MONTHS AGO WHERE I THINK THAT
23 MR. TAYLOR, THE EVIDENCE WILL SHOW, WAS ANXIOUS ABOUT
24 DOING THIS. AND ONCE HE WANTED TO BE SUCTIONED, THEY
25 TOOK IT OFF, SUCTIONED HIM AND THE CAP DIDN'T GO BACK
26 ON.

27 CAPPING TRIALS ARE IMPORTANT BECAUSE IT
28 TAKES TIME TO DEAL WITH THAT ANXIETY. OH, I REALLY

1 DON'T NEED THE TRACH OR, OKAY, I REALLY DON'T NEED TO
2 BE SUCTIONED.

3 BUT ASK YOURSELF THIS: IF THERE ARE HOME
4 HEALTH RECORDS THAT SAY MR. TAYLOR HASN'T NEEDED
5 SUCTIONING FOR TWO DAYS, WELL, THEN WHAT HAS THAT TRACH
6 BEEN USED FOR FOR THOSE TWO DAYS? AND THEN DIDN'T WE
7 GO TO THE 24 HOURS?

8 THE CAPPING TRIALS ARE IMPORTANT. WE
9 DON'T BELIEVE THEY'VE BEEN DONE LIKE THEY NEED TO BE
10 DONE. WE UNDERSTAND THE DIFFICULTY IN IT. IT'S WHY WE
11 HAVE THE SIX MONTHS TO A YEAR BUILT INTO THE LIFE CARE
12 PLAN.

13 AND IT'S WHY, IF HE GOES TO SANTA CLARA,
14 THERE WILL BE PEOPLE THERE TO HELP HIM WITH THAT
15 ANXIETY, WITH KNOWING EXACTLY HOW TO DO THOSE CAPPING
16 TRIALS, AND HE'LL GET THERE LIKE THAT (INDICATING).

17 I MENTIONED HOW HE WOULD BE SO MUCH BETTER
18 OFF WITHOUT IT DUE TO THE INFECTION.

19 THERE ARE THE DOCTORS, DR. KLEIN, DR. KIM,
20 DR. CAPLAN, AND DR. WEBSTER THAT YOU NEED TO PAY
21 ATTENTION TO WHEN DISCUSSING THE TRACH ISSUE.

22 AND THE REASON THE TRACH ISSUE IS
23 RELEVANT, REMEMBER, THERE'S A MONEY DIFFERENCE HERE
24 BECAUSE THE PLAINTIFFS WILL TELL YOU THE ONLY REASON
25 THAT MR. TAYLOR NEEDS AN L.V.N. TO CARE FOR HIM, A
26 LICENSED VOCATIONAL NURSE, IS BECAUSE OF THE TRACH.

27 AND YOU KNOW WHAT, THAT'S JUST -- THAT'S
28 JUST REALITY. HIGHER LEVEL OF CARE COSTS MORE MONEY.

1 AND WE WANT TO PROVIDE EVERYTHING THAT ANTHONY NEEDS ,
2 THAT ANTHONY NEEDS.

3 WE TALKED ABOUT THE G-TUBE. I JUST WANTED
4 TO POINT OUT, DR. MILLER IS THE PLAINTIFF'S MEDICAL --
5 THEIR PHYSICAL MEDICINE REHAB DOCTOR, AND IN DEPOSITION
6 HE WAS ASKED -- THIS IS THE QUESTION (AS READ AND/OR
7 REFLECTED):

8 YOU MENTIONED YOU BELIEVE THAT THE
9 G-TUBE CAN COME OUT. WHAT NEEDS TO
10 HAPPEN BEFORE THAT G-TUBE COMES OUT?
11 REMEMBER THIS ISN'T OUR EXPERT, BUT
12 THEIRS.

13 AND HIS ANSWER WAS (AS READ AND/OR
14 REFLECTED):

15 APPARENTLY, HE'S EATING AND
16 DRINKING WELL AND CAN TAKE PILLS. SO
17 I DON'T SEE WHY HE STILL NEEDS IT.
18 THAT NEEDS TO COME OUT NOW. EVERY DOCTOR
19 AGREES.

20 WE TALKED ABOUT THE LIFE EXPECTANCY AND
21 HOW EVERY SPINAL CORD INJURY IS DIFFERENT, BUT THAT
22 THERE ARE RESEARCH STUDIES ON WHAT THE LIFE EXPECTANCY
23 IS. AND WE BELIEVE THAT ANTHONY WILL SURVIVE FOR
24 ANOTHER 35 YEARS, AND THAT'S WHERE WE TAKE OUR LIFE
25 CARE PLAN OUT TO. AND THERE IS NO EXPERT TESTIMONY
26 THAT WILL TELL YOU THAT HE WILL LIVE A NORMAL LIFE. AS
27 HARD AS THAT IS TO HEAR, THERE ISN'T EXPERT TESTIMONY
28 FOR THAT.

1 THESE ISSUES THAT WE'VE TALKED ABOUT THAT
2 ARE IN DISPUTE, WILL HE NEED A TRACHEOSTOMY FOR THE
3 REST OF HIS LIFE? DOES HE NEED L.V.N. CARE? WILL HE
4 LIVE A NORMAL LIFE EXPECTANCY FOR 35 YEARS? BECAUSE
5 THESE QUESTIONS ARE THE ONES THAT ARE IN DISPUTE, THIS
6 IS WHERE THE BURDEN OF PROOF IS GOING TO COME IN FOR
7 YOU.

8 YOU'VE HEARD US TALK ABOUT HOW THE BURDEN
9 OF PROOF IS HOW YOU DETERMINE WHO HAS MET THEIR BURDEN.

10 NOW, THE PLAINTIFF, MR. TAYLOR, HAS THE
11 BURDEN OF PROOF IN THIS CASE WHEN IT COMES TO HIS
12 MEDICAL CARE AND TREATMENT THAT HE WILL REQUIRE IN THE
13 FUTURE.

14 AND ALTHOUGH THIS HAS BEEN TOUCHED ON, LET
15 ME JUST GIVE YOU MY TWO-SECOND, MAYBE TWO-MINUTE,
16 SPIEL.

17 YOU ALL KNOW THE SCALES OF JUSTICE. IN
18 ORDER FOR SOMEBODY TO MEET THEIR BURDEN OF PROOF, THEY
19 MUST TIP THE SCALES IN THEIR FAVOR.

20 NOW, IT COULD BE BY 0.01. IT COULD BE BY
21 THE WEIGHT OF A FEATHER AS WAS MENTIONED.

22 SO ON THESE ISSUES THAT ARE IN DISPUTE,
23 WHEREVER THAT SCALE TIPS -- IF IT TIPS IN THE FAVOR OF
24 MR. TAYLOR, THEY'VE MET THEIR BURDEN OF PROOF. IF IT
25 DOESN'T, IF IT'S EVEN, EXACTLY EVEN, OR TIPS IN THE
26 DEFENDANT'S FAVOR, THEN THEY HAVE NOT MET THEIR BURDEN
27 OF PROOF.

28 THAT'S WHAT YOU'LL BE INSTRUCTED ON AT THE

1 END. AND THAT'S REALLY GOING TO COME INTO PLAY ON
2 THESE ISSUES THAT ARE IN DISPUTE.

3 THIS IS WHAT WE WANT TO DO. ALL THE
4 QUALITY MEDICAL CARE THAT HE'LL NEED FOR THE REST OF
5 HIS LIFE, EVERY DOCTOR'S APPOINTMENT, PROSPECTIVE
6 HOSPITALIZATION, EVERY COMPLICATION IS ACCOUNTED FOR IN
7 OUR LIFE CARE PLAN.

8 THE EXCEPTIONAL EQUIPMENT THAT I SHOWED
9 YOU AND ALL OF THE EQUIPMENT COSTS BECAUSE THESE ARE
10 OUR GOALS, QUALITY MEDICAL CARE THAT HE'LL REQUIRE,
11 INDEPENDENCE, AND AN IMPROVED QUALITY OF LIFE.

12 I THANK YOU FOR YOUR ATTENTION. AND WE
13 LOOK FORWARD TO SHOWING YOU HOW WE'RE GOING TO HELP
14 MR. TAYLOR MEET THOSE THREE GOALS.

15 THE COURT: MS. TROPP, THANK YOU.

16 ARE YOU READY TO CALL YOUR FIRST WITNESS?

17 MR. WHEELER: YES, YOUR HONOR.

18 THE COURT: THANK YOU.

19 MR. WHEELER: IT WILL BE OFFICER SHIELDS.

20 MR. REX PARRIS: HOLD ON A SECOND.

21 MR. RUTGER PARRIS: DO YOU WANT TO DO AGUILAR OR
22 SHIELDS?

23 MR. REX PARRIS: IS SHIELDS OUT THERE?

24 MR. RUTGER PARRIS: I BELIEVE BOTH ARE.

25 MR. REX PARRIS: LET'S FIGURE OUT WHICH ONE.

26 MR. WHEELER: WE'RE GOING TO SEE WHO IS IN THE
27 HALLWAY AND READY.

28 THE COURT: LADIES AND GENTLEMEN, LET'S TAKE TEN

1 MINUTES AND THEN WE'LL COME BACK AFTER THAT, AND WE'LL
2 TAKE THE FIRST WITNESS. JUST TAKE TEN MINUTES. YOU
3 CAN BRING BACK COFFEE OR ANYTHING ELSE THAT YOU WANT.
4 JUST TEN MINUTES.

5 MEET OUTSIDE ABOUT 2:47. THAT'S A FULL
6 TEN MINUTES. WE'LL SEE YOU IN TEN MINUTES.

7 THANK YOU.

8 (THE FOLLOWING PROCEEDINGS WERE HELD IN
9 OPEN COURT OUTSIDE THE PRESENCE OF THE
10 JURY:)

11 THE COURT: THE STUDENTS FROM SOUTHWESTERN, WE
12 HAVE A TEN-MINUTE BREAK NOW. WE HAVE A COUPLE OF THE
13 LAWYERS HERE, MR. WHEELER, MR. BRAUN, AND MS. TROPP.
14 IF YOU WANT TO JUST SPEAK TO THEM FOR A MOMENT OR SO,
15 THEY HAVE A BREAK RIGHT AT THIS POINT.

16 DON'T ASK THEM ABOUT THE CASE OR THEIR
17 OPENING STATEMENT, BUT YOU CAN ASK THEM ABOUT OPENING
18 STATEMENTS, YOU CAN ASK THEM ABOUT LAW SCHOOL, IF YOU
19 WOULD LIKE TO SPEAK WITH THEM. THEY'RE HERE.

20 THANK YOU.

21 (OFF THE RECORD FROM 2:37 P.M. TO
22 2:46 P.M.)

23 (THE FOLLOWING PROCEEDINGS WERE HELD IN
24 OPEN COURT OUTSIDE THE PRESENCE OF THE
25 JURY:)

26 THE COURT: WE'RE BACK ON THE RECORD.

27 JUST A MINUTE, MR. PARRIS.

28 ALL RIGHT. WE'RE BACK ON THE RECORD, AND

1 I HAVE RUTGER PARRIS IS GOING TO CALL THE OFFICER.

2 WHAT IS THE OFFICER'S NAME?

3 MR. WHEELER: SHIELDS.

4 THE COURT: OFFICER SHIELDS.

5 MR. WHEELER: TIMOTHY SHIELDS, YOUR HONOR.

6 THE COURT: ALL RIGHT. AND THEN MR. DOUGLASS IS
7 GOING TO CALL THE MEDIC, AND HIS NAME IS?

8 MR. WHEELER: MR. AGUILAR.

9 THE COURT: MR. AGUILAR, THANK YOU.

10 AND THEN MR. PARRIS IS GOING TO HANDLE THE
11 DEFENDANT.

12 AND ARE THERE ANY OTHER WITNESSES
13 SCHEDULED THIS AFTERNOON?

14 MR. WHEELER: YES, YOUR HONOR. THERE'S CAROLE
15 BAKER.

16 THE COURT: MS. BAKER.

17 MR. WHEELER: I WILL BE EXAMINING MS. BAKER --
18 ACTUALLY BOTH BAKERS. HER DAUGHTER, COURTNEY, IS HERE
19 AS WELL, YOUR HONOR, IF WE GET THAT FAR.

20 THE COURT: MOTHER AND DAUGHTER. OKAY. AND
21 MR. WHEELER.

22 ALL RIGHT. VERY GOOD.

23 ALL RIGHT. SO THE ISSUE IS THE SCOPE OF
24 THE TESTIMONY OF THE DEFENDANT MS. SCHILLING.

25 MR. PARRIS.

26 MR. REX PARRIS: WELL, YOUR HONOR, I DON'T KNOW
27 WHY I HAVE TO SAY ANYTHING. I'M AWARE OF THE COURT'S
28 RULING. I'M NOT GOING TO GO INTO THE ISSUE OF TEXTING.

1 AND I KNOW WHAT'S RELEVANT AND WHAT'S NOT
2 RELEVANT, BUT I DON'T KNOW WHY I SHOULD HAVE TO GIVE UP
3 MY WORK PRODUCT. SHE'S THE DEFENDANT IN THIS CASE.

4 THEY ARE INSISTING ON CALLING HER. WHY DO
5 I HAVE TO GET CLEARANCE AS TO WHAT I'M GOING TO ASK
6 HER?

7 THE COURT: WELL, WE'VE HAD SOME DISCUSSIONS
8 ABOUT CERTAIN THINGS THAT CAN AND CANNOT BE COVERED.
9 WE TALKED ABOUT THIS YESTERDAY.

10 IF YOU'RE GOING TO GO INTO THE FACTS OF
11 THE ACCIDENT, IT WOULD BE AS TO THE FORCE OF THE
12 IMPACT, WHICH WOULD BE APPROPRIATE UNDER THE
13 CIRCUMSTANCES, BUT I'LL HAVE TO JUST WAIT FOR
14 OBJECTIONS BY THE DEFENDANT.

15 MR. BRAUN, ARE YOU GOING TO BE HANDLING
16 THESE WITNESSES OR MS. TROPP?

17 MR. BRAUN: NOT ALL OF THEM. LET ME SUGGEST
18 MS. SCHILLING --

19 THE COURT: LET ME KNOW WHO IS GOING BE HANDING
20 THEM, THOUGH, FOR THE DEFENSE.

21 MR. BRAUN: SURE. THE OFFICER AND THE PARAMEDIC
22 WILL BE HANDLED BY MS. BREUER.

23 THE COURT: MS. BREUER. JUST ONE MOMENT.

24 ALL RIGHT. AND THEN IF THE DEFENDANT IS
25 CALLED.

26 MR. BRAUN: MYSELF, AND I'LL ALSO HANDLE THE
27 BAKERS, IF THEY'RE CALLED.

28 THE COURT: ALL RIGHT. MR. BRAUN.

1 ALL RIGHT. GO AHEAD.

2 MR. BRAUN: SHE HAS NO MEMORY OF THE ACCIDENT.
3 SO TO INQUIRE ABOUT ANYTHING WITH RESPECT TO THE
4 ACCIDENT, WHETHER IT BE THE FORCES OR WHAT TRANSPIRED
5 BEFORE, IF HE WANTS TO ASK HER, DO YOU REMEMBER THE
6 ACCIDENT? HER ANSWER IS GOING TO BE, "NO, I HAVE NO
7 MEMORY OF THE ACCIDENT."

8 AND SO FOR THAT REASON WE'RE ONLY
9 ADDRESSING THAT WHICH MS. TROPP COVERED IN HER OPENING
10 STATEMENT.

11 THE COURT: ALL RIGHT. ANYTHING FURTHER,
12 MR. PARRIS?

13 MR. REX PARRIS: NO, YOUR HONOR.

14 THE COURT: ALL RIGHT. VERY GOOD.

15 I'LL MONITOR THE QUESTIONING BASED ON THE
16 MOTIONS IN LIMINE, AND THEN WE'LL PROCEED.

17 ALL RIGHT. WE CAN BRING THE JURY BACK.

18 (THE FOLLOWING PROCEEDINGS WERE HELD IN
19 OPEN COURT IN THE PRESENCE OF THE
20 JURY:)

21 THE CLERK: PLEASE COME TO ORDER. DEPARTMENT 41
22 IS AGAIN IN SESSION.

23 THE COURT: ALL JURORS AND ALTERNATES ARE PRESENT
24 AND, AS I UNDERSTAND IT, MR. RUTGER PARRIS, YOU WILL
25 CALL THE FIRST WITNESS?

26 MR. RUTGER PARRIS: YES, YOUR HONOR.

27 PLAINTIFF CALLS OFFICER SHIELDS TO THE
28 STAND.

1 THE COURT: IF YOU COULD REMAIN THERE TO BE
2 SWORN, PLEASE.

3 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

4 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
5 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
6 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
7 THE TRUTH, SO HELP YOU GOD?

8 THE WITNESS: YES, I DO.

9 THE CLERK: THANK YOU.

10 PLEASE TAKE THE WITNESS SEAT.

11 WOULD YOU PLEASE STATE AND SPELL YOUR NAME
12 FOR THE RECORD.

13 THE WITNESS: OFFICER TIMOTHY SHIELDS,
14 S-H-I-E-L-D-S.

15 THE CLERK: THANK YOU.

16 THE COURT: PLEASE.

17
18 OFFICER TIMOTHY SHIELDS,
19 CALLED AS A WITNESS BY THE PLAINTIFF,
20 WAS SWORN AND TESTIFIED AS FOLLOWS:
21

22 DIRECT EXAMINATION

23 BY MR. RUTGER PARRIS:

24 Q GOOD AFTERNOON, OFFICER.

25 A GOOD AFTERNOON.

26 Q I WOULD LIKE TO TALK ABOUT WHY YOU'RE
27 HERE.

28 WHY ARE YOU HERE?

1 A I WAS SUBPOENAED.

2 Q SUBPOENAED FOR WHAT?

3 A AS A WITNESS, I'M THE OFFICER THAT
4 INVESTIGATED THE TRAFFIC COLLISION.

5 Q OKAY. NOW, BEFORE WE GO -- IS THAT THE
6 COLLISION ON DECEMBER 19TH --

7 A I BELIEVE SO, YES.

8 Q -- 2015?

9 THE COURT: COULD YOU -- JUST ONE MOMENT.

10 PLEASE DON'T SPEAK OVER EACH OTHER FOR THE
11 SAKE OF OUR REPORTER.

12 THANK YOU.

13 THE WITNESS: APOLOGIES.

14 MR. RUTGER PARRIS: I APOLOGIZE. I WILL SLOW
15 DOWN AS WELL. IT WILL PROBABLY BE MUCH EASIER.

16 Q LET'S STEP BACK REAL QUICK BEFORE THE
17 ACCIDENT AND TALK ABOUT YOUR CREDENTIALS.

18 YOU WORK FOR THE C.H.P.?

19 A THAT IS CORRECT.

20 Q HOW LONG HAVE YOU BEEN A C.H.P. OFFICER?

21 A TO THIS DATE, 15 YEARS, FIVE MONTHS.

22 Q DID YOU ATTEND A POLICE ACADEMY BEFORE
23 THAT?

24 A THE ONE IN SACRAMENTO, YES.

25 Q DID YOU -- WHAT CLASSES DID YOU TAKE
26 THERE?

27 A IT WAS BASIC LAW ENFORCEMENT. IT WAS THE
28 ACADEMY FOR THE HIGHWAY PATROL.

1 Q DID YOU TAKE ANY ACCIDENT RECONSTRUCTION
2 CLASSES?

3 A NOT RECONSTRUCTION, NO.

4 Q DID YOU TAKE ANY ADVANCED COURSES OF ANY
5 KIND?

6 A JUST THE ONES THAT WERE PROVIDED BY THE
7 STATE.

8 Q OKAY. ARE THOSE OPTIONAL OR REQUIRED?

9 A THEY'RE OPTIONAL NOW.

10 Q BUT AT THE TIME, THEY WERE ALL REQUIRED
11 FOR YOU?

12 A THAT'S CORRECT.

13 Q HAVE YOU EVER TESTIFIED -- I'M SORRY.
14 BEFORE I GO INTO THAT, HOW MANY
15 INVESTIGATIONS HAVE YOU DONE?

16 A ABOUT 1100.

17 Q WOW. AND YOU KNOW THE NUMBER. I RESPECT.
18 HOW MANY HAVE YOU ACTUALLY WRITTEN? YOU
19 WROTE THE T.C.R., THE TRAFFIC COLLISION REPORT FOR?

20 A 1100, THE ONES I PERSONALLY HAVE
21 INVESTIGATED. I CAN'T EVEN BEGIN TO RECALL HOW MANY
22 I'VE ACTUALLY BEEN TO.

23 Q I APOLOGIZE.

24 SO THE INVESTIGATED ONES ARE ALSO THE ONES
25 YOU ACTUALLY DRAFTED OR WROTE THE T.C.R.?

26 A THAT'S CORRECT.

27 Q OKAY. I APOLOGIZE. THAT WAS MY
28 MISUNDERSTANDING.

1 HAVE YOU EVER TESTIFIED BEFORE?

2 A YES.

3 Q IN WHAT CAPACITY? WAS IT CRIMINAL?
4 CIVIL?

5 A CIVIL DEPOSITIONS, SEVERAL CRIMINAL
6 TRIALS. MOSTLY A LOT OF TRAFFIC MATTERS.

7 Q AND SO IT WAS IN YOUR CAPACITY AS A POLICE
8 OFFICER -- I'M SORRY -- AS A TRAFFIC OFFICER?

9 A THAT'S CORRECT.

10 A THAT IS CORRECT.

11 Q WERE YOU EVER DESIGNATED AS AN EXPERT OF
12 ANY KIND?

13 A YES.

14 Q WHAT KIND OF EXPERT WAS THAT?

15 A D.U.I.-RELATED INCIDENTS AS EXPERTS.

16 Q GOT YOU. THANK YOU.

17 SO BACK TO YOUR INVESTIGATION STRATEGIES,
18 WHAT DO YOU DO? PLEASE TELL THE JURY WHAT YOUR
19 CHECKLIST IS, WHAT YOU DO FOR YOUR INVESTIGATION.

20 A UPON MY ARRIVAL, FIRST OF ALL, I MAKE SURE
21 THE SCENE IS SAFE AND SECURE, THAT MYSELF AND THE FIRE
22 DEPARTMENT DON'T HAVE TO WORRY ABOUT GETTING RUN OVER
23 BY ADDITIONAL CARS.

24 AFTER THAT, I BEGIN TO IDENTIFY THE
25 DRIVERS OF THE VEHICLES. IF THEY'RE STILL ON SCENE, I
26 TRY TO GET AS MUCH INFORMATION FROM THEM AS I CAN,
27 THEIR PERSONAL INFORMATION, THEIR REGISTRATION,
28 INSURANCE, AND A QUICK STATEMENT.

1 Q OKAY. SO DO YOU TAKE MEASUREMENTS?

2 A AFTER I GET DONE WITH EVERYTHING USUALLY,
3 YES.

4 Q DO YOU TAKE PHOTOS OCCASIONALLY? ALL THE
5 TIME?

6 A ONLY WHEN THERE'S A FATALITY INVOLVED.

7 Q OKAY. SO NOW LET'S GET TO THE ACCIDENT,
8 ALL RIGHT.

9 TELL ME WHAT HAPPENED.

10 MS. BREUER: OBJECTION.

11 THE COURT: WELL, I'M CONCERNED IT MAY VIOLATE
12 THE MOTION IN LIMINE.

13 IF YOU COULD JUST REPHRASE. SUBJECT
14 MATTER IS APPROPRIATE.

15 MR. RUTGER PARRIS: LET ME REPHRASE, YOUR HONOR.

16 Q WHAT HAPPENED WHEN YOU ARRIVED?

17 A WELL, I WAS DISCHARGED TO A TWO-VEHICLE
18 TRAFFIC COLLISION IN THE INTERSECTION OF 15TH STREET
19 WEST AND AVENUE O.

20 Q HAVE YOU VISITED THAT INTERSECTION OFTEN?

21 A IT'S A SCENE OF SEVERAL ACCIDENTS, YES.

22 Q DO YOU ALSO -- YOU LIVE IN THE AREA;
23 CORRECT?

24 A I'M FAMILIAR WITH THE AREA, YES.

25 Q AND IN YOUR PRIVATE CAPACITY AS A CITIZEN,
26 HAVE YOU DRIVEN THE AREA AS WELL?

27 A I TRY TO AVOID THAT PARTICULAR
28 INTERSECTION.

1 Q THANK YOU.

2 WHAT DOES IT LOOK LIKE? ARE THERE ANY
3 OBSTRUCTIONS OR ANYTHING LIKE THAT?

4 A IT'S PRETTY MUCH A RESIDENTIAL AREA. I
5 WOULDN'T SAY FULL RESIDENTIAL. THERE'S MAYBE 15,
6 20 HOUSES IN THE VICINITY. IT'S A BASIC INTERSECTION,
7 TWO -- ONE LANE EACH DIRECTION, BOTH NORTH, SOUTH, EAST
8 AND WEST. THE STOP SIGNS CONTROL THE INTERSECTION AT
9 15TH STREET WEST AT THE INTERSECTION OF AVENUE O.

10 Q LET'S TALK ABOUT THAT.

11 IN YOUR REPORT UP THERE, DO YOU HAVE --
12 I'M SORRY. DO YOU HAVE THE T.C.R., THE TRAFFIC
13 COLLISION --

14 A YES, I DO.

15 Q DO YOU HAVE YOUR DIAGRAMS?

16 A YES, I DO.

17 Q IT'S EXHIBIT 14 AND 15.

18 THE COURT: IS THAT EXHIBIT 14 AND 15?

19 MR. RUTGER PARRIS: EXHIBIT 1-4 AND 1-5, YOUR
20 HONOR. I APOLOGIZE.

21 THE COURT: THANK YOU. EXHIBIT 1-4 AND 1-5.

22 BY MR. RUTGER PARRIS:

23 Q THIS IS A DIAGRAM OF THE SCENE?

24 A YES, SIR.

25 Q DID YOU CREATE THIS DIAGRAM?

26 A YES, I DID.

27 Q HOW WAS IT CREATED?

28 A USING A VIZIO DRAWING PROGRAM.

1 Q SO IT'S A SOFTWARE PROGRAM?

2 A IT'S A COMPUTER PROGRAM, YES.

3 Q YOU PUT IN NUMBERS AND IT SHOOTS SOMETHING
4 OUT?

5 A NO. I USE A MOUSE AND PRETTY MUCH DRAW
6 THIS ENTIRE INTERSECTION.

7 Q GOTCHA. OKAY.

8 AND ARE THEY APPROXIMATIONS?

9 A YES, SIR.

10 MR. RUTGER PARRIS: ALL RIGHT. YOUR HONOR, MAY I
11 ENTER THIS INTO EXHIBIT 1 -- EXHIBIT 1 FOR THE
12 PLAINTIFF, PLEASE.

13 THE COURT: IT WILL BE MARKED FOR IDENTIFICATION.
14 IS IT EXHIBIT 1-4 AND 1-5?

15 MR. RUTGER PARRIS: YES, IT IS YOUR HONOR.

16 THE COURT: THEY'LL BOTH BE MARKED FOR
17 IDENTIFICATION.

18 (WHEREUPON EXHIBIT NO. 1-4 WAS MARKED
19 FOR IDENTIFICATION.)

20 (WHEREUPON EXHIBIT NO. 1-5 WAS MARKED
21 FOR IDENTIFICATION.)

22 MR. RUTGER PARRIS: YOUR HONOR, MAY WE PLEASE
23 DISPLAY IT ON THE SCREENS TO THE JURY.

24 THE COURT: ANY OBJECTION?

25 MS. BREUER: NOT TO 1-4 AND 1-5.

26 THE COURT: NO OBJECTION. YOU MAY PUBLISH THEM.

27 LADIES AND GENTLEMEN, "PUBLISH THEM" JUST
28 MEANS SHOW TO THE JURY.

1 MR. RUTGER PARRIS: YOUR HONOR, IS IT ACCEPTABLE
2 IF OFFICER SHIELDS GETS UP AND USES THE DEPICTION?

3 THE COURT: YES.

4 BY MR. RUTGER PARRIS:

5 Q OFFICER SHIELDS, DO YOU MIND STEPPING OUT
6 AND JUST GIVING A BETTER EXPLANATION OF THE ACCIDENT,
7 WHO VEHICLE 1 IS, WHO V-2 IS, WHAT THE WHITE CIRCLE IS.

8 A THE WHITE CIRCLE IS REPRESENTED AS AREA OF
9 IMPACT. VEHICLE 1 IS LABELED V-1. V-2 OBVIOUSLY THE
10 SAME AS VEHICLE NO. 2. PROCEEDING NORTH -- VEHICLE 1
11 IS PROCEEDING NORTHBOUND AT AVENUE O.

12 Q REAL QUICK, OFFICER SHIELDS, LET ME STOP
13 YOU FOR A SECOND.

14 WHO WAS VEHICLE 1 IF YOU REMEMBER, OR DO
15 YOU NEED TO REFRESH YOUR RECOLLECTION?

16 A I BELIEVE VEHICLE NO. 1 IS BEING DRIVEN BY
17 THE LAST NAME OF SCHILLING.

18 Q OKAY. MS. SCHILLING DROVE VEHICLE NO. 1?

19 A THAT IS CORRECT.

20 Q AND SHE WAS HEADING -- WHAT DIRECTION WAS
21 SHE HEADING?

22 A NORTH ON 15TH STREET WEST.

23 Q WAS THAT THE INTERSECTION, OR WAS THAT THE
24 DIRECTION THAT HAD THE STOP SIGNS?

25 A YES, IT WAS.

26 Q AND VEHICLE 2, WHO IS THAT?

27 A I WOULD HAVE TO LOOK AT THE REPORT.

28 Q MAY I REPRESENT IT'S MS. BAKER? DOES THAT

1 SOUND CORRECT?

2 A YES.

3 Q DID SHE -- DOES SHE HAVE A STOP SIGN?

4 A NO, SHE DOES NOT.

5 Q DID SHE HAVE ANYONE IN THE CAR WITH HER?

6 A I BELIEVE SHE HAD TWO ADDITIONAL
7 PASSENGERS.

8 Q TWO ADDITIONAL PASSENGERS.

9 DO YOU REMEMBER WHO THAT IS?

10 A I BELIEVE ONE WAS HER DAUGHTER, AND THE
11 OTHER ONE WAS ANTHONY TAYLOR.

12 Q THANK YOU. OKAY. PLEASE CONTINUE.

13 LET ME GIVE YOU SOMETHING TO WORK WITH.

14 SO WHAT IS THAT SAYING? WHAT DID

15 VEHICLE 1 -- WHAT DID MS. SCHILLING DO TO CAUSE THE
16 ACCIDENT TO OCCUR IN THE MIDDLE OF THE INTERSECTION?

17 A SHE PROCEEDED INTO THE INTERSECTION
18 DIRECTLY IN FRONT OF VEHICLE NO. 2.

19 Q DID ANY VIOLATIONS OR DO ANY -- WERE THERE
20 ANY CITES OF ANY KIND, CITATIONS OF ANY KIND?

21 A WE DON'T USUALLY CITE OUT OF A TRAFFIC
22 COLLISION.

23 Q THERE WAS NO CITATION FOR RUNNING THE STOP
24 SIGN?

25 A NO, SIR, THERE WAS NOT.

26 Q OKAY. THANK YOU.

27 IF YOU CAN PLEASE TAKE A SEAT, IF YOU
28 WOULD LIKE.

1 A OKAY.

2 Q ALL RIGHT. LAST LITTLE BIT. SO WHO DID
3 YOU INTERVIEW?

4 A I SPOKE TO MS. SCHILLING AT THE HOSPITAL.

5 Q DID YOU INTERVIEW HER AT THE SCENE AT ALL?

6 A I BELIEVE I JUST GOT HER INFORMATION. SHE
7 WAS IN THE BACK OF AN AMBULANCE.

8 Q AND HOW LONG WOULD THAT HAVE TAKEN JUST AT
9 THE SCENE?

10 WE'LL MOVE TO THE HOSPITAL IN A SECOND.

11 A JUST A COUPLE MINUTES TO GATHER HER
12 INFORMATION.

13 Q AND HOW DID SHE SEEM? WHAT WAS HER
14 DEMEANOR?

15 MS. BREUER: OBJECTION. RELEVANCE.

16 THE COURT: WELL, I'LL ALLOW IT AS FOUNDATIONAL.
17 OVERRULED.

18 YOU MAY ANSWER.

19 THE WITNESS: I DON'T RECALL.

20 BY MR. RUTGER PARRIS:

21 Q YOU DON'T RECALL. ALL RIGHT.

22 WHO ELSE -- DID YOU INTERVIEW ANYONE ELSE
23 AT THE SCENE?

24 A NO, I DID NOT.

25 Q YOU DID NOT. OKAY.

26 NOW, LET'S GO TO THE HOSPITAL. HOW SOON
27 AFTER THE INITIAL INTERVIEW AT THE SCENE WITH
28 MS. SCHILLING, HOW SOON AFTER DID YOU INTERVIEW HER AT

1 THE HOSPITAL?

2 A I'M NOT EXACTLY SURE.

3 Q WAS IT -- WAS IT WITHIN THE DAY?

4 A YES, MAYBE WITHIN A HALF HOUR TO AN HOUR
5 AFTER.

6 Q SO MAXIMUM AN HOUR?

7 A YES, SIR.

8 Q ALL RIGHT. THANK YOU.

9 OKAY. AT THE HOSPITAL LESS THAN AN HOUR
10 LATER, DO YOU REMEMBER HOW LONG YOU MAY HAVE
11 INTERVIEWED HER?

12 A JUST A COUPLE MINUTES.

13 Q OKAY.

14 MR. RUTGER PARRIS: YOUR HONOR, FIRST TIME. IF I
15 WANTED TO SHOW HIM HIS DEPOSITION TO SHOW -- TO HELP
16 REFRESH HIS RECOLLECTION, HOW WOULD I DO THAT?

17 THE COURT: WELL, I GOT OUT OF THE LEGAL ADVICE
18 BUSINESS WHEN I TOOK THE BENCH, SO I CAN'T DO THAT.

19 MR. RUTGER PARRIS: YOUR HONOR, MAY I CONFER WITH
20 MY FATHER?

21 THE COURT: YES.

22 MR. RUTGER PARRIS: THANK YOU.

23 YOUR HONOR, MAY I HAVE 30 SECONDS TO PULL
24 IT UP? I APOLOGIZE. I SHOULD HAVE HAD IT READY. I'M
25 SORRY.

26 WOULD IT -- I'M NOT SURE IF I CAN SAY THIS
27 ONE, SO I'M SURE SHE'LL OBJECT IF I CAN'T.

28 Q CAN I REPRESENT TO YOU THAT IT MAY HAVE

1 BEEN 15 TO 20 MINUTES, NOT ONE TO TWO?

2 A THAT CAN BE MORE ACCURATE, YES.

3 Q AND THEN MAYBE IT WAS MS. BERG THAT WAS
4 THE 1 TO 2 MINUTES?

5 A POSSIBLY.

6 Q OKAY. DO YOU RECALL SPEAKING -- YOU
7 RECALL SPEAKING TO MS. SCHILLING AT THE HOSPITAL?

8 A I BELIEVE SO.

9 Q OKAY. DO YOU REMEMBER HER Demeanor?

10 A AS FAR AS?

11 Q WAS SHE CONSCIOUS?

12 A YES, SHE WAS.

13 Q WAS SHE COHERENT?

14 A TO THE BEST OF MY ABILITY, YES.

15 Q COULD -- SO YOU COULD UNDERSTAND HER?

16 A THAT'S CORRECT.

17 Q AND SHE COULD UNDERSTAND YOU?

18 A YES.

19 Q AND YOU HAD A CONVERSATION FOR 15 TO
20 20 MINUTES?

21 A ROUGHLY, YES.

22 Q ALL RIGHT. WITHOUT TELLING US WHAT SHE
23 SAID, DID SHE EXPLAIN HOW THE ACCIDENT OCCURRED?

24 A NO, SHE DID NOT.

25 Q LAST THING. I FORGOT TO COVER THIS.

26 WHAT WAS THE WEATHER LIKE?

27 A IT WAS RAINING OUT.

28 Q WAS IT HARD RAIN? FLOODING?

1 A I DON'T RECALL THE EXTENT OF THE RAIN ON
2 THE ROADWAY. IT WAS WET. I CAN'T REMEMBER IF IT WAS A
3 MIST OR A DECENT DOWNPOUR.

4 Q IF IT WAS FLOODING, WOULD YOU HAVE MARKED
5 THAT IN THE POLICE REPORT?

6 A IF THE ROADWAY WAS FLOODED AND IT WAS --
7 CONTRIBUTED TO THE ACCIDENT, ABSOLUTELY.

8 Q AND THERE WAS NO MARK -- WAS THERE A MARK
9 IN THE POLICE REPORT?

10 A I DON'T BELIEVE SO, NO.

11 Q ALL RIGHT. LAST -- TWO QUESTIONS.

12 DID SHE TELL YOU WHAT -- WITHOUT TELLING
13 ME WHAT SHE SAID, DID SHE TELL YOU WHAT SHE WAS DOING
14 RIGHT BEFORE THE COLLISION?

15 MS. BREUER: OBJECTION. RELEVANCE.

16 THE COURT: I THINK YOU'RE JUST INVITING A
17 VIOLATION OF THE MOTION IN LIMINE.

18 SO, PLEASE REPHRASE.

19 MR. RUTGER PARRIS: IT'S TOO CLOSE. I APOLOGIZE,
20 YOUR HONOR. WE'LL LET THAT ONE GO.

21 Q LAST QUESTION.

22 THE COURT: I'M GOING TO CAUTION COUNSEL. I'VE
23 EXPLAINED THE COURT'S RULING. JUST PLEASE FOLLOW THE
24 RULINGS.

25 MR. RUTGER PARRIS: I APOLOGIZE, YOUR HONOR.

26 Q LAST QUESTION. THE WEATHER. YOU SAID IT
27 WAS RAINING. IF IT WAS FLOODING, YOU WOULD HAVE PUT IT
28 IN THERE. IT'S NOT IN THE POLICE REPORT.

1 DO YOU REMEMBER ANY POOLING OF WATER
2 AROUND? WOULD YOU HAVE MARKED THAT HAD THAT, LIKE YOU
3 SAID, CONTRIBUTED?

4 A IF THE ROADWAY WAS FLOODED AT ALL, WHICH I
5 WOULD HAVE BELIEVED WOULD HAVE BEEN ANY DECENT AMOUNT
6 OF WATER STANDING ON THE ROADWAY, I WOULD HAVE MARKED
7 IT AS A FLOODED ROADWAY.

8 Q AND --

9 MR. RUTGER PARRIS: THANK YOU, OFFICER, I REALLY
10 APPRECIATE IT.

11 THE COURT: NOTHING FURTHER, MR. PARRIS?

12 MR. RUTGER PARRIS: YES, YOUR HONOR, NOTHING
13 FURTHER.

14 THE COURT: ANY QUESTIONS, MS. BREUER?

15 MS. BREUER: YES, YOUR HONOR.

16
17 CROSS-EXAMINATION

18 BY MS. BREUER:

19 Q GOOD AFTERNOON.

20 A GOOD AFTERNOON, MA'AM.

21 Q YOU DON'T ACTUALLY HAVE ANY INDEPENDENT
22 RECOLLECTION OF THIS ACCIDENT; IS THAT CORRECT?

23 A THAT'S CORRECT, NO.

24 Q AND YOUR RECOLLECTION COMES OFF OF A
25 REVIEW OF YOUR REPORT; IS THAT CORRECT, ALSO?

26 A THAT IS CORRECT.

27 Q AND ISN'T IT ALSO CORRECT THAT ALL THE
28 WITNESSES CONFIRMED THAT MS. SCHILLING HAD STOPPED AT

1 THE STOP SIGN?

2 A THAT WAS THE GENERAL CONSENSUS.

3 Q AND NONE OF THE WITNESSES SAY THAT THE
4 HONDA ACTUALLY DARTED OUT IN FRONT OF THE OTHER
5 VEHICLE; ISN'T THAT CORRECT, ALSO?

6 A YES, MA'AM.

7 MS. BREUER: I DON'T HAVE ANYTHING ELSE, YOUR
8 HONOR.

9 THE COURT: ANYTHING FURTHER, MR. PARRIS?

10 MR. RUTGER PARRIS: YOUR HONOR, DID THAT OPEN THE
11 DOOR AT ALL?

12 MR. REX PARRIS: NO. NO.

13 MR. RUTGER PARRIS: I APOLOGIZE. I APOLOGIZE.

14

15 REDIRECT EXAMINATION

16 BY MR. RUTGER PARRIS:

17 Q WHAT DID MS. BERG SAY HAPPENED? WHAT DID
18 THE WITNESS, MS. BERG, SAY HAPPENED?

19 A THAT THE VEHICLE STOPPED AT THE STOP SIGN,
20 AND THEN PROCEEDED INTO THE INTERSECTION DIRECTLY IN
21 FRONT OF THE VEHICLE DRIVEN BY MS. BAKER.

22 Q THAT'S MS. SCHILLING, MS. SCHILLING
23 STOPPED AT THE STOP SIGN, AND THEN DARTED OUT INTO THE
24 INTERSECTION AND WE HIT?

25 A IT HAPPENS A LOT.

26 MR. RUTGER PARRIS: OKAY. ALL RIGHT. THANK YOU.

27 THE COURT: ANYTHING FURTHER?

28 MS. BREUER: NO, YOUR HONOR.

1 THE COURT: MAY THIS WITNESS BE RELEASED?

2 MR. RUTGER PARRIS: YES, YOUR HONOR.

3 THE COURT: THANK YOU.

4 YOU MAY STEP DOWN. THANK YOU.

5 I BELIEVE MR. DOUGLASS.

6 MR. WHEELER: YES, YOUR HONOR, MR. DOUGLASS WENT
7 INTO THE HALLWAY TO GET MR. AGUILAR, WHO WILL BE THE
8 PLAINTIFF'S SECOND WITNESS.

9 THE COURT: THANK YOU.

10 MR. DOUGLASS: YOUR HONOR, I WOULD LIKE TO CALL
11 MR. AGUILAR TO THE STAND.

12 THE COURT: THANK YOU.

13 IF YOU COULD JUST COME UP AND STAND AND BE
14 SWORN IN, PLEASE. THANK YOU.

15 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

16 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
17 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
18 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
19 THE TRUTH, SO HELP YOU GOD?

20 THE WITNESS: I DO.

21 THE CLERK: THANK YOU.

22 WOULD YOU PLEASE STATE AND SPELL YOUR NAME
23 FOR THE RECORD.

24 THE WITNESS: FIRST NAME IS GERARDO,
25 G-E-R-A-R-D-O. LAST NAME IS AGUILAR, A-G-U-I-L-A-R.

26 THE COURT: MR. DOUGLASS.

27 MR. DOUGLASS: THANK YOU, YOUR HONOR.

28 ///

1 GERARDO AGUILAR,
2 CALLED AS A WITNESS BY THE PLAINTIFF,
3 WAS SWORN AND TESTIFIED AS FOLLOWS:

4
5 DIRECT EXAMINATION

6 BY MR. DOUGLASS:

7 Q GOOD AFTERNOON, MR. AGUILAR.

8 MY NAME IS JONATHAN DOUGLASS. I'M ONE OF
9 THE ATTORNEYS WHO REPRESENTS THE PLAINTIFF, ANTHONY
10 TAYLOR, IN THIS CASE, AND I WOULD LIKE TO ASK YOU A FEW
11 QUESTIONS ABOUT YOUR ROLE IN THIS CASE.

12 I THINK WE CAN PROBABLY GUESS FROM YOUR
13 UNIFORM, BUT COULD YOU PLEASE TELL US WHAT YOU DO FOR A
14 LIVING?

15 A I'M A FIREFIGHTER PARAMEDIC FOR THE
16 LOS ANGELES COUNTY FIRE DEPARTMENT.

17 Q AND AS A FIREFIGHTER PARAMEDIC IN
18 LOS ANGELES COUNTY, DO YOU RESPOND TO CAR CRASHES?

19 A WE DO.

20 Q AND WHEN YOU RESPOND TO CAR CRASHES, DO
21 YOU PROVIDE EMERGENCY CARE TO PEOPLE WHO HAVE BEEN
22 INJURED IN THOSE CRASHES?

23 A WE DO.

24 Q DO YOU HAVE ANY RECOLLECTION OF RESPONDING
25 TO A CAR CRASH ON OR ABOUT DECEMBER 19TH, 2015?

26 A YES, SIR.

27 Q AND WHEN YOU RESPONDED TO THAT TRAFFIC
28 COLLISION, DO YOU HAVE A RECOLLECTION OF PROVIDING CARE

1 TO MY CLIENT, MR. ANTHONY TAYLOR?

2 A YES, SIR.

3 Q AND DO YOU HAVE AN INDEPENDENT
4 RECOLLECTION OF THE CARE AND TREATMENT THAT YOU
5 PROVIDED TO HIM WHEN YOU RESPONDED TO THAT CRASH?

6 A IT'S SPOTTED, BUT I REMEMBER MOST OF THE
7 CALL.

8 Q YOU RESPOND TO A LOT OF TRAFFIC COLLISIONS
9 IN YOUR LINE OF WORK; IS THAT CORRECT?

10 A CORRECT.

11 Q WHEN YOU RESPOND TO A TRAFFIC COLLISION,
12 DO YOU PREPARE ANY TYPE OF RECORD ABOUT WHAT YOU DID
13 WHEN YOU WERE AT THE SCENE?

14 A WE HAVE A PATIENT CARE FORM WHERE WE
15 RECORD EVERYTHING IN WRITING.

16 Q AND IF YOU HAD YOUR PATIENT CARE FORM FOR
17 THIS COLLISION THAT YOU RESPONDED TO, WOULD THAT HELP
18 YOU REFRESH SOME OF THE DETAILS OF WHAT YOU DID WHILE
19 YOU WERE AT THE SCENE?

20 A IT WOULD HELP.

21 MR. DOUGLASS: YOUR HONOR, I WOULD LIKE TO MARK
22 FOR IDENTIFICATION EXHIBIT 11. AND THAT'S -1
23 THROUGH -13.

24 THE COURT: AND WHAT REPORT IS THIS TITLED?

25 MR. DOUGLASS: THIS IS A LOS ANGELES COUNTY FIRE
26 DEPARTMENT EMERGENCY MEDICAL SERVICES REPORT FORM. AND
27 I HAVE A COPY FOR DEFENSE COUNSEL AS WELL.

28 THE COURT: THAT WILL BE MARKED FOR

1 IDENTIFICATION AS EXHIBIT 11, PAGES 1 THROUGH 13.

2 (WHEREUPON EXHIBIT NO. 11 WAS MARKED
3 FOR IDENTIFICATION.)

4 MR. DOUGLASS: AND, YOUR HONOR, THE SPECIFIC
5 BATES STAMP PAGE I'M GOING TO BE REFERRING TO IS 11-10.

6 THE COURT: EXHIBIT 11, PAGE 10.

7 MR. DOUGLASS: YOUR HONOR, MAY I APPROACH THE
8 WITNESS TO PROVIDE HIM WITH A COPY OF THE REPORT TO ASK
9 HIM QUESTIONS ABOUT IT?

10 THE COURT: PLEASE.

11 MR. DOUGLASS: THANK YOU, YOUR HONOR.

12 Q HERE YOU GO, MR. AGUILAR.

13 A THANK YOU.

14 Q MR. AGUILAR, COULD YOU TELL ME WHAT THE
15 DOCUMENT IS I JUST HANDED TO YOU?

16 A IT'S OUR PATIENT CARE REPORT THAT WE USE
17 ON THE CALL.

18 Q COULD YOU JUST EXPLAIN TO US, WHAT IS A
19 PATIENT CARE REPORT?

20 A WE PRETTY MUCH WRITE DOWN WHAT WE DID ON
21 CALL, OUR FINDINGS, SIGNS AND SYMPTOMS, AND OUR
22 TREATMENT FOR THE PATIENT.

23 Q AND COULD YOU GIVE US THE DATE FOR THE
24 PATIENT CARE REPORT THAT IS IN FRONT OF YOU RIGHT NOW?

25 A IT SAYS 12-19-20- -- I CAN'T REALLY TELL
26 WHAT THE LAST NUMBER IS. '15.

27 Q DOES 2015 SOUND ABOUT RIGHT TO YOU?

28 A CORRECT.

1 Q AND WHO IS THE PATIENT THAT WAS CARED FOR,
2 ACCORDING TO THIS PATIENT CARE REPORT?

3 A MR. ANTHONY TAYLOR.

4 Q AND WHEN YOU RESPOND TO A COLLISION -- CAN
5 YOU JUST EXPLAIN TO US HOW YOU PREPARE THESE PATIENT
6 CARE REPORTS.

7 A USUALLY THERE'S TWO PEOPLE ON WHAT WE CALL
8 A SQUAD. IT'S A TWO-MAN TRUCK. EACH POSITION HAS A
9 SPECIFIC JOB. THE DRIVER IS USUALLY IN CHARGE OF
10 ACTUALLY FILLING OUT THIS FORM. HE'S PRETTY MUCH THE
11 SCRIBE.

12 THE PATIENT MAN IS DOING -- RENDERING THE
13 CARE AND REPORTING BACK WHAT HE FINDS ON A PATIENT.

14 Q SO IN YOUR LINE OF WORK, YOU WORK IN A
15 TEAM WITH ANOTHER PARAMEDIC FIREFIGHTER; IS THAT
16 CORRECT?

17 A THAT IS CORRECT.

18 Q AND WHEN YOU RESPOND TO A CALL, THERE'S
19 ACTUALLY TWO OF YOU THAT WILL CARE FOR A PERSON WHO'S
20 BEEN INJURED IN A CRASH; IS THAT CORRECT?

21 A CORRECT.

22 Q AND FOR THIS PARTICULAR CRASH INVOLVING
23 MR. TAYLOR, WHICH ROLE DID YOU PLAY IN THAT CRASH?

24 A I WAS THE PATIENT MAN, WHICH I RENDERED
25 CARE TO MR. TAYLOR.

26 Q SO AS THE PATIENT MAN, YOU WOULD RENDER
27 THE CARE DIRECTLY TO MR. TAYLOR; IS THAT CORRECT?

28 A CORRECT.

1 Q AND THEN YOU WOULD HAVE A PARTNER WITH YOU
2 WHO WOULD WRITE DOWN THE INFORMATION IN THIS REPORT;
3 CORRECT?

4 A CORRECT.

5 Q AND YOU WOULD RELAY THE INFORMATION ABOUT
6 MR. TAYLOR TO THE PARTNER WHO RECORDS THE INFORMATION;
7 IS THAT CORRECT?

8 A CORRECT.

9 Q IS THE REPORT THAT I'VE GIVEN YOU AS
10 EXHIBIT 11-10, IS THAT THE PATIENT CARE REPORT THAT YOU
11 PREPARED WITH YOUR PARTNER FOR THE TREATMENT YOU
12 PROVIDED TO MR. TAYLOR ON DECEMBER 19TH, 2015?

13 A CORRECT.

14 Q DOES HAVING THIS REPORT AVAILABLE TO
15 REVIEW HELP YOU REFRESH YOUR RECOLLECTION OF WHAT
16 HAPPENED THAT DAY?

17 A IT DOES.

18 Q AND WHEN YOU PREPARE THESE REPORTS, DO YOU
19 PREPARE THEM RIGHT AS YOU'RE HELPING THE PATIENT?

20 A YES.

21 Q SO IT'S NOT SOMETHING THAT YOU PREPARE
22 SEVERAL DAYS LATER; IT'S SOMETHING THAT YOU PREPARE
23 WHILE YOU'RE ON SCENE; IS THAT CORRECT?

24 A CORRECT.

25 Q SO I JUST WANT TO ASK YOU A LITTLE BIT OF
26 INFORMATION ABOUT YOUR BACKGROUND BRIEFLY BEFORE I GO
27 INTO THE DETAILS OF THE CRASH.

28 HOW LONG HAVE YOU BEEN A PARAMEDIC

1 FIREFIGHTER FOR?

2 A I HAVE BEEN WORKING AS A PARAMEDIC FOR THE
3 LAST 13 YEARS. I HAVE BEEN WORKING AS A FIREFIGHTER
4 FOR THE LAST TEN.

5 Q AND COULD YOU JUST EXPLAIN BRIEFLY, WHAT'S
6 THE DIFFERENCE BETWEEN A FIREFIGHTER AND A PARAMEDIC?

7 A IN OUR DEPARTMENT THERE IS REALLY NO
8 DIFFERENCE. THE ONLY -- WE JUST START I.V.S, GIVE
9 MEDICATIONS, THINGS OF THAT SORT, INTUBATE.

10 WHEN WE GIVE A LITTLE BIT HIGHER CARE THAN
11 WHAT WE CALL A REGULAR E.M.T., WHICH IS A BASIC
12 EMERGENCY MEDICAL TECHNICIAN. THAT'S A BASIC
13 CERTIFICATION.

14 Q SO YOU PROVIDE MORE CARE THAN AN E.M.T.
15 COULD AS A PARAMEDIC?

16 A CORRECT.

17 Q AND DOES THAT REQUIRE A SPECIAL
18 CERTIFICATION TO BE A PARAMEDIC?

19 A YES.

20 Q AND WHAT IS THAT CERTIFICATION?

21 A IT'S YOUR PARAMEDIC CERTIFICATION.

22 Q AND DO YOU HAVE THAT CERTIFICATION?

23 A I DO.

24 Q AND HOW LONG HAVE YOU HAD THAT
25 CERTIFICATION?

26 A THIRTEEN YEARS.

27 Q AND DO YOU HAVE TO UNDERGO ANY SPECIALIZED
28 EDUCATION TO GET THAT CERTIFICATE?

1 A IT'S A YEAR COURSE.

2 Q AND DURING THAT COURSE, DO YOU LEARN HOW
3 TO PROVIDE AID TO INDIVIDUALS WHO HAVE SUFFERED
4 INJURIES IN TRAFFIC COLLISIONS?

5 A WE DO.

6 Q AND IN THAT COURSE, DO YOU RECEIVE
7 TRAINING REGARDING HOW TO RECOGNIZE SIGNS OF A SPINAL
8 CORD INJURY?

9 A WE DO.

10 Q AND COULD YOU BRIEFLY TELL ME SOME OF THE
11 SIGNS THAT YOU WOULD LOOK FOR IF YOU THOUGHT A PERSON
12 MIGHT HAVE A SPINAL CORD INJURY.

13 A NUMBNESS, TINGLING TO THE LEGS, ARMS,
14 MOVEMENT. WE CHECK WHAT'S CALLED C.M.S., WHICH IS
15 CIRCULATION, CHECK THEIR MOTOR FUNCTION, AND SENSATION.

16 Q AND COULD YOU ESTIMATE FOR ME
17 APPROXIMATELY HOW MANY EMERGENCY CALLS YOU'VE GONE ON
18 AS A PARAMEDIC FIREFIGHTER?

19 A I WOULDN'T BE ABLE TO GIVE YOU THE
20 BALLPARK. A LOT.

21 Q WOULD IT BE MORE THAN A HUNDRED?

22 A CORRECT.

23 Q MORE THAN A THOUSAND?

24 A CORRECT.

25 Q SO I WANT TO TAKE YOU BACK TO THE
26 COLLISION WE'RE HERE ABOUT TODAY.

27 WOULD YOU BE ABLE TO TELL ME WHAT TIME YOU
28 RESPONDED TO THAT COLLISION?

1 A RESPONDED, ACCORDING TO THE -- ABOUT
2 16:52.

3 Q AND HOW DOES THE CALL COME IN WHEN YOU GET
4 A CALL THAT THERE'S BEEN A TRAFFIC COLLISION?

5 A WE USUALLY GET NOTIFIED OVER THE RADIO,
6 AND ALSO OVER OUR LAPTOP THAT WE HAVE INSIDE OF THE
7 SQUAD.

8 Q AND WHEN YOU TRAVEL TO THE SCENE OF THE
9 CRASH, HOW DO YOU MAKE THAT TRAVEL?

10 A WE GO LIGHTS AND SIRENS.

11 Q AND DO YOU TRAVEL IN AN AMBULANCE OR A
12 FIRE TRUCK?

13 A IT'S A TRUCK -- SMALLER TRUCK CALLED A
14 SQUAD.

15 Q AND WHEN YOU'RE RESPONDING TO THIS CRASH
16 INVOLVING ANTHONY TAYLOR, DID YOU HAVE THE LIGHTS AND
17 SIRENS GOING?

18 A WE DID.

19 Q AND WHEN YOU'RE ON YOUR WAY TO THE SCENE,
20 DO YOU GET ANY INFORMATION BEFORE YOU ARRIVE ABOUT WHAT
21 THE INJURIES ARE?

22 A NEGATIVE. WE JUST GET USUALLY -- IT SAYS
23 TRAFFIC COLLISION, AND IT GIVES US THE INTERSECTION OR
24 ABOUT THE ADDRESS OF WHERE IT'S AT.

25 Q SO WHEN YOU RESPOND TO THE CRASH, YOU
26 DON'T HAVE ANY INFORMATION ABOUT THE INJURIES; CORRECT?

27 A SOMETIMES.

28 Q IN THIS PARTICULAR INSTANCE, DO YOU

1 REMEMBER IF YOU HAD ANY DETAILS ABOUT THE INJURIES?

2 A NEGATIVE.

3 Q DO YOU KNOW APPROXIMATELY HOW LONG IT TOOK
4 YOU TO ARRIVE AT THE SCENE OF THE CRASH?

5 A I WOULD HAVE TO REFER TO THIS, WHICH --

6 Q IF THAT HELPS YOU REFRESH YOUR
7 RECOLLECTION, GO AHEAD.

8 A YEAH, GOT THERE AT 17:01. SO ABOUT NINE
9 MINUTES.

10 Q AND WHERE WAS THE SCENE OF THE CRASH?

11 A LET'S SEE, CORNER OF 15TH STREET WEST AND
12 AVENUE O.

13 Q AND WHEN YOU ARRIVED AT THE SCENE, WHAT
14 WAS THE FIRST THING THAT YOU DID?

15 A I GRABBED MY EQUIPMENT AND JUST HEADED TO
16 WHERE MY CAPTAIN SAID THAT MY PATIENT WAS.

17 Q AND WHERE WAS YOUR PATIENT?

18 A IN THE BACKSEAT OF A VEHICLE.

19 Q AND YOU WENT THERE WITH A PARTNER;
20 CORRECT?

21 A CORRECT.

22 Q DO YOU REMEMBER WHO YOUR PARTNER WAS THAT
23 MORNING?

24 A YES. IT WAS WES DELABAR.

25 Q AND IS HE ANOTHER PARAMEDIC FIREFIGHTER
26 THAT YOU WORKED WITH?

27 A CORRECT.

28 Q AND WHEN YOU WENT TO THE VEHICLE, WHERE

1 WAS YOUR PATIENT LOCATED?

2 A ON THE DRIVER'S SIDE REAR SEAT.

3 Q ON THE DRIVER'S SIDE IN THE BACKSEAT?

4 A BACKSEAT.

5 Q AND WAS YOUR PATIENT MR. ANTHONY TAYLOR?

6 A CORRECT.

7 Q AND SO WHEN YOU ARRIVED AT THE SCENE, WHAT
8 WERE YOUR CONCERNS ABOUT MR. TAYLOR'S CONDITION?

9 A I GOT AN INITIAL REPORT FROM THE PREVIOUS
10 ENGINE COMPANY THAT WAS THERE SAYING THAT HE COULDN'T
11 FEEL HIS LEGS.

12 Q AND WHY IS THAT A CONCERN TO YOU?

13 A WE WERE THINKING POSSIBLE SPINAL CORD
14 INJURY.

15 Q AND INABILITY TO FEEL YOUR LEGS WOULD BE A
16 SIGN OR SYMPTOM OF A SPINAL CORD INJURY; CORRECT?

17 A CORRECT.

18 Q DID YOU SPEAK WITH MR. TAYLOR AT THE
19 SCENE?

20 A CORRECT.

21 Q AND WHAT DID MR. TAYLOR TELL YOU ABOUT HIS
22 INJURIES?

23 A JUST THAT HE COULDN'T MOVE HIS LEGS.

24 Q AND DID HE IDENTIFY ANY OTHER INJURIES OR
25 PAIN THAT HE WAS FEELING?

26 A I CAN'T RECALL.

27 Q IF YOU WERE TO REFER TO YOUR REPORT, WOULD
28 THAT HELP YOU REFRESH YOUR RECOLLECTION?

1 A YEAH. IT -- ALSO SHOULDER PAIN.

2 Q ANYTHING ELSE?

3 A ALSO POSITIVE NECK PAIN.

4 Q MR. TAYLOR ALSO WAS SUFFERING FROM
5 PRIAPISM; IS THAT CORRECT?

6 A PRIAPISM, YES.

7 Q COULD YOU EXPLAIN FOR THE JURY, WHAT IS
8 PRIAPISM?

9 A IT'S AN ERECTION-LIKE SYMPTOM.

10 Q AND WHY IS THAT SIGNIFICANT FOR
11 MR. TAYLOR'S EVALUATION OF HIS CONDITION?

12 A IT'S A SIGN OF A POSSIBLE SPINAL CORD
13 INJURY.

14 Q SO PRIAPISM IS A SIGN OF A POSSIBLE SPINAL
15 CORD INJURY; CORRECT?

16 A CORRECT.

17 Q AND WHAT ABOUT THE NECK PAIN? COULD THAT
18 ALSO BE A SYMPTOM OF A POSSIBLE SPINAL CORD INJURY?

19 A IT COULD.

20 Q WHEN YOU WERE SPEAKING TO MR. TAYLOR, DID
21 HE HAVE HIS SEATBELT ON?

22 A I'M NOT ABLE TO RECALL THAT.

23 Q IS THAT SOMETHING THAT YOU TYPICALLY WOULD
24 IDENTIFY IN YOUR REPORT?

25 A YES.

26 Q WOULD YOU, PLEASE, BE ABLE TO REFER TO
27 YOUR REPORT AND SEE IF THAT REFRESHES YOUR RECOLLECTION
28 ABOUT WHETHER OR NOT MR. TAYLOR HAD HIS SEATBELT ON.

1 A YEAH. IT DOES SAY "POSITIVE SEATBELT."

2 Q AND MR. TAYLOR WAS ALSO SUFFERING FROM
3 SHOULDER PAIN; IS THAT CORRECT?

4 A CORRECT.

5 Q ISN'T THAT ALSO A SYMPTOM OF -- ISN'T THAT
6 ALSO A TYPICAL INJURY THAT RESULTS WHEN A PERSON'S
7 WEARING A SEATBELT, AND THEY'RE INVOLVED IN A TRAFFIC
8 COLLISION?

9 A CORRECT.

10 Q SO AFTER YOU HAD AN OPPORTUNITY TO
11 EVALUATE MR. TAYLOR'S CONDITION, WHAT WAS YOUR NEXT
12 STEP?

13 A AT THAT TIME WE MADE SURE HE STAYS IN
14 LINE, WHICH MEANS WE PULLED MANUAL C-SPINE. JUST
15 REMIND HIM NOT TO MOVE HIS NECK OF ANY SORT. USUALLY,
16 I HAVE WHOEVER IS ASSISTING ME HOLD THE NECK, AND WE DO
17 A RAPID, WHAT WE CALL, TRAUMA ASSESSMENT, WHICH WE'RE
18 LOOKING FOR ANY OTHER TYPE OF INJURIES, AND THEN WE PUT
19 HIM IN A COLLAR.

20 Q AND COULD YOU DESCRIBE, WHAT IS A COLLAR?

21 A IT'S SOMETHING THAT GOES AROUND THE NECK
22 THAT PER -- DOESN'T REALLY PREVENT IT, BUT REMINDS THEM
23 NOT TO MOVE THEIR NECK. KEEPS THEM IN LINE.

24 Q AND SO THE COLLAR IS -- THE COLLAR YOU
25 PLACE AROUND THE PATIENT'S NECK; CORRECT?

26 A CORRECT.

27 Q AND IT HELPS TO TRY AND KEEP THE PATIENT
28 FROM MOVING THEIR NECK?

1 A CORRECT.

2 Q AND WHY WOULDN'T YOU WANT THEM TO MOVE
3 THEIR NECK?

4 A YOU DON'T WANT TO DO ANY FURTHER INJURY.

5 Q AND HOW DID YOU AND YOUR PARTNER REMOVE
6 MR. TAYLOR FROM THE VEHICLE?

7 A USE ONE OF THE SKILLS WE LEARNED IN
8 PARAMEDIC SCHOOL, WHICH IS WE SLIDE THEM ONTO A
9 BACKBOARD FROM HIS SEAT.

10 Q AND AFTER YOU HAVE MR. TAYLOR ON THE
11 BACKBOARD, WHAT DO YOU DO NEXT?

12 A WE REASSESS TO MAKE SURE IF ANYTHING HAS
13 CHANGED, ANYTHING'S GOTTEN WORSE OR ANYTHING'S GOTTEN
14 BETTER.

15 Q AND DID YOU PERFORM THAT ASSESSMENT?

16 A WE DID.

17 Q AND WAS THERE ANY CHANGE?

18 A NEGATIVE.

19 Q AND SO APART FROM THE COLLAR AND PUTTING
20 MR. TAYLOR ONTO THE BACKBOARD, WHAT OTHER TREATMENT DID
21 YOU PROVIDE TO MR. TAYLOR AT THE SCENE?

22 A LOOKS LIKE WE STARTED I.V. AND DID A
23 FOCUSED PHYSICAL ASSESSMENT EN ROUTE TO THE HOSPITAL.

24 Q AND WHAT'S THE PURPOSE OF THE I.V.?

25 A JUST IN CASE WE NEED TO GIVE ANY TYPE OF
26 MEDICATION.

27 Q AND WHAT TYPE OF MEDICATION MIGHT YOU HAVE
28 HAD TO GIVE TO A PATIENT LIKE ANTHONY TAYLOR?

1 A DEPENDING ON HIS BLOOD PRESSURE AND THINGS
2 OF THAT SORT, WE CAN GIVE HIM FLUIDS. WE CAN GIVE HIM
3 PAIN MEDICATION, THINGS OF THAT SORT.

4 Q DO YOU RECALL IF YOU DID GIVE HIM PAIN
5 MEDICATION AT THE SCENE?

6 A WE DID NOT.

7 Q DID YOU PERFORM ANY TYPE OF ACTUAL TESTING
8 ON MR. TAYLOR REGARDING HIS ABILITY TO FEEL OR NOT FEEL
9 IN HIS LOWER EXTREMITIES?

10 A WE DID. WE DID THAT BEFORE AND AFTER WE
11 PUT HIM ON THE BACKBOARD.

12 Q WHAT TYPE OF TESTING DID YOU DO?

13 A WE NORMALLY HAVE PATIENTS SQUEEZE OUR
14 FINGERS JUST TO SEE IF THERE'S AN EQUAL, OR IF THEY'RE
15 EVEN PRESENT. AND WE ASK THEM ALSO TO DO A PUSH-PULL
16 WITH THE LEGS TO SEE IF HE'S ABLE TO MOVE THEM, SEE IF
17 HE HAS ANY MOTOR TYPE OF MOVEMENT.

18 Q WAS HE ABLE TO SQUEEZE YOUR FINGERS WITH
19 HIS HANDS?

20 A HE WAS. WEAK TYPE OF SQUEEZES.

21 Q SO HE WAS ABLE TO SQUEEZE WITH HIS HANDS,
22 BUT VERY WEAKLY?

23 A CORRECT.

24 Q AND WAS HE ABLE TO PUSH WITH HIS LEGS?

25 A NEGATIVE.

26 Q SO AFTER YOU HAD MR. TAYLOR ON THE
27 BACKBOARD, WHAT DID YOU DO NEXT?

28 A WE STRAPPED HIM IN, REDID THE TEST, AND

1 THEN AFTER THAT, WE GOT HIM IN THE BACK OF THE
2 AMBULANCE AND TOOK HIM TO OUR TRAUMA CENTER.

3 Q AND DID YOU RIDE WITH HIM TO THE TRAUMA
4 CENTER?

5 A I DID.

6 Q AND SO YOU WERE WITH MR. TAYLOR FROM THE
7 MOMENT YOU ARRIVED AND WENT TO THE VEHICLE UNTIL THE
8 MOMENT YOU ARRIVED AT THE HOSPITAL; IS THAT CORRECT?

9 A CORRECT.

10 Q DURING THAT TIME, WAS HE SAYING THINGS TO
11 YOU?

12 A I DON'T RECALL.

13 Q DO YOU HAVE ANY RECOLLECTION OF WHAT HIS
14 DEMEANOR WAS LIKE WHILE YOU WERE TRANSPORTING HIM?

15 A HE SEEMED PRETTY NERVOUS, FROM WHAT I
16 REMEMBER.

17 Q DO YOU KNOW WHY HE WAS NERVOUS?

18 A NEGATIVE -- WELL, HE DID SAY HE HAD
19 PREVIOUS BACK SURGERY.

20 MR. DOUGLASS: THANK YOU FOR YOUR TIME.

21 THE COURT: NOTHING FURTHER, MR. DOUGLASS?

22 MR. DOUGLASS: YES, NO FURTHER QUESTIONS.

23 THE COURT: ALL RIGHT. MS. BREUER, PLEASE.

24 MS. BREUER: THANK YOU, YOUR HONOR.

25 IT'S GETTING LATE, AND I AM HAVING A HARD
26 TIME HEARING.

27 SO I'M GOING TO MOVE MYSELF A LITTLE
28 CLOSER.

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CROSS-EXAMINATION

BY MS. BREUER:

Q GOOD AFTERNOON, MR. AGUILAR.

A GOOD AFTERNOON.

Q WHEN YOU ARRIVED AT THE SCENE, YOU WERE THE PRIMARY PERSON PROVIDING CARE TO MR. TAYLOR; ISN'T -- THAT'S CORRECT; RIGHT?

A CORRECT.

Q AND WHEN YOU INITIALLY APPROACHED HIM, YOU APPROACHED HIM ON THE DRIVER'S SIDE OF THE VEHICLE; CORRECT?

A CORRECT.

Q AND WHILE YOU WERE DOING YOUR ASSESSMENT FOR MR. TAYLOR, YOU DON'T RECALL IF YOU WERE STANDING NEXT TO -- ON THE SIDE OF THE VEHICLE OR ACTUALLY IN THE VEHICLE WITH MR. TAYLOR; CORRECT?

A I WAS ON THE SIDE OF THE VEHICLE.

Q AND WHEN -- WHILE YOU'RE DOING YOUR ASSESSMENT WITH MR. TAYLOR, THERE'S ANOTHER PERSON THERE, NOT YOUR PARTNER, BUT SOMEBODY ELSE WHO IS ASSISTING AS WELL, WITH STABILIZING THE SPINE; IS THAT CORRECT?

A CORRECT.

Q AND THAT PERSON WOULD POSSIBLY BE STANDING NEXT TO YOU?

A CORRECT.

Q OR MAYBE SEATED INSIDE THE VEHICLE?

1 A CORRECT.

2 Q OKAY. SITTING IN -- AND MR. TAYLOR WAS
3 BEHIND THE DRIVER SEAT; IS THAT CORRECT?

4 A CORRECT.

5 Q SO THE PERSON ASSISTING YOU, IF THEY'RE
6 NOT STANDING NEXT TO THE VEHICLE, THEY'RE SITTING
7 INSIDE THE REAR PASSENGER SEAT OF THE VEHICLE; IS THAT
8 CORRECT?

9 A CORRECT.

10 Q IS THERE ALSO A THIRD PERSON THAT'S
11 ASSISTING YOU? NOT YOUR PARTNER WHO WAS KIND OF
12 SCRIBING THE REPORT, BUT ANOTHER PERSON OR AN E.M.T.
13 THAT'S ASSISTING YOU AS WELL?

14 A YES.

15 Q OKAY. AND THAT PERSON IS EITHER STANDING
16 NEXT TO YOU OR SITTING IN THE VEHICLE; CORRECT?

17 A CORRECT.

18 Q OKAY. SO, TYPICALLY, THERE WOULD BE TWO
19 PEOPLE STANDING ON THE SIDE OF THE VEHICLE AND ONE
20 PERSON INSIDE THE VEHICLE.

21 A CORRECT.

22 Q OKAY. IS IT POSSIBLE THAT THERE'S MORE
23 THAN ONE E.M.T. INSIDE THE VEHICLE ASSISTING
24 MR. TAYLOR?

25 A NEGATIVE.

26 Q OKAY. IN THIS CASE, WHILE YOU WERE
27 ASSISTING MR. TAYLOR, WAS THERE ANOTHER PASSENGER
28 INSIDE THE VEHICLE?

1 A I CAN'T RECALL.

2 Q IF THERE WAS A PASSENGER -- IF THERE HAD
3 BEEN A PASSENGER IN THE REAR OF THE VEHICLE WHO WAS
4 MOBILE, WOULD YOU ASK THEM TO EXIT THE VEHICLE SO THAT
5 THE THREE OF YOU MAY ATTEND TO MR. TAYLOR?

6 A CORRECT. BUT THAT WOULD BE AFTER ASKING
7 IF ANYONE HAS ASSESSED THE PATIENT FIRST.

8 Q SURE.

9 AND IF THEY WERE FOUND TO BE MOBILE, THEY
10 WOULD BE ASKED TO EXIT THE VEHICLE SO THAT YOU CAN
11 PROVIDE THE CARE THAT YOU NEED TO TO MR. TAYLOR; IS
12 THAT CORRECT?

13 A CORRECT.

14 Q OKAY. WOULD IT HAVE BEEN UNUSUAL FOR YOU
15 AND TWO OTHER E.M.T.S TO PROVIDE THE TREATMENT THAT YOU
16 DID FOR MR. TAYLOR WITH A PERSON SITTING IN THE REAR
17 SEAT OF THE VEHICLE?

18 MR. DOUGLASS: OBJECTION, YOUR HONOR. RELEVANCE.

19 THE COURT: I'M NOT SURE OF THE RELEVANCE AS
20 PHRASED.

21 PLEASE REPHRASE.

22 MS. BREUER: SURE.

23 Q WOULD IT HAVE BEEN THE EASIEST COURSE OF
24 TREATMENT FOR MR. TAYLOR IF THERE WAS NOBODY ELSE IN
25 THE BACK OF THE VEHICLE OTHER THAN THOSE TENDING TO
26 HIM?

27 A YES.

28 Q AND MR. DOUGLASS ASKED YOU REGARDING THE

1 REPORT, BUT I DON'T THINK YOU ACTUALLY WROTE THE REPORT
2 YOURSELF; IS THAT CORRECT?

3 A OTHER THAN A COUPLE OF VITAL SIGNS ON THE
4 BOTTOM, NEGATIVE.

5 Q WHEN YOU APPROACHED THE VEHICLE AND FIRST
6 SAW MR. TAYLOR, YOU DON'T KNOW WHETHER OR NOT
7 MR. TAYLOR WAS WEARING A SEATBELT; IS THAT CORRECT?

8 A CORRECT. I WAS INFORMED OF THAT
9 INFORMATION.

10 Q AND YOU DON'T RECALL SPEAKING TO ANYONE AT
11 THE SCENE TO VERIFY WHETHER OR NOT MR. TAYLOR WAS
12 WEARING HIS SEATBELT AT THE TIME OF THE ACCIDENT --

13 MR. DOUGLASS: OBJECTION.

14 BY MS. BREUER:

15 Q -- IS THAT CORRECT?

16 MR. DOUGLASS: SORRY.

17 OBJECTION, YOUR HONOR. RELEVANCE.

18 THE COURT: SUSTAINED BASED ON THE COURT'S PRIOR
19 RULING AND THE STIPULATION OF COUNSEL.

20 MS. BREUER: MR. DOUGLASS SPECIFICALLY ASKED
21 ABOUT THE SEATBELT.

22 THE COURT: I UNDERSTAND, BUT THERE'S BEEN A
23 STATEMENT FROM LEAD COUNSEL ON BEHALF OF THE DEFENSE ON
24 THIS ISSUE.

25 MS. BREUER: I DON'T HAVE ANY FURTHER QUESTIONS.

26 THE COURT: THANK YOU.

27 ANYTHING FURTHER, MR. DOUGLASS?

28 MR. DOUGLASS: NO, YOUR HONOR. THANK YOU.

1 THE COURT: THANK YOU. MAY THIS WITNESS BE
2 RELEASED?

3 MR. DOUGLASS: YES, YOUR HONOR.

4 THE COURT: THANK YOU.

5 THE WITNESS: THANK YOU.

6 THE COURT: I BELIEVE, MR. PARRIS, YOU'RE GOING
7 TO CALL YOUR NEXT WITNESS.

8 MR. REX PARRIS: THAT'S RIGHT, YOUR HONOR.

9 DID YOU WANT TO BREAK FIRST, OR ARE WE
10 GOING?

11 THE COURT: WE'LL GO AHEAD.

12 MR. REX PARRIS: OKAY. THANK YOU.

13 WE'LL CALL THE DEFENDANT, YOUR HONOR.

14 THE COURT: ALL RIGHT.

15 IF YOU COULD REMAIN THERE, AND SHE WILL
16 SWEAR YOU IN.

17 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

18 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
19 YOU WILL GIVE IN THE CAUSE NOW PENDING BEFORE THIS
20 COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING
21 BUT THE TRUTH, SO HELP YOU GOD?

22 THE WITNESS: YES.

23 THE CLERK: THANK YOU.

24 WOULD YOU PLEASE STATE AND SPELL YOUR NAME
25 FOR THE RECORD.

26 THE WITNESS: SAMANTHA SCHILLING,
27 S-C-H-I-L-L-I-N-G.

28 THE CLERK: THANK YOU.

1 THE COURT: MR. PARRIS.

2
3 SAMANTHA SCHILLING,
4 CALLED AS A WITNESS BY THE PLAINTIFF,
5 UNDER 776 WAS SWORN AND TESTIFIED AS FOLLOWS:
6

7 DIRECT EXAMINATION

8 BY MR. REX PARRIS:

9 Q GOOD AFTERNOON, MS. SCHILLING.

10 A GOOD AFTERNOON.

11 Q I IMAGINE YOU'RE A LITTLE NERVOUS. AND I
12 CAN ASSURE YOU I'M HARMLESS, OKAY. BUT I DO WANT TO
13 ASK YOU SOME QUESTIONS.

14 ARE YOU GOOD WITH THAT?

15 A YES.

16 Q YOU HEARD YOUR ATTORNEY'S OPENING?

17 A YES.

18 Q ALL RIGHT. AND THEY LISTED YOUR
19 EDUCATION; ISN'T THAT RIGHT?

20 A THAT'S CORRECT.

21 Q OKAY. AND YOU HAVE A B.A. IN POLITICAL
22 SCIENCE?

23 A CORRECT.

24 Q AND YOU WERE ABLE TO DO THAT IN THREE
25 YEARS; RIGHT?

26 A YES.

27 Q OKAY. AND THEN YOU WENT TO WORK AT
28 NORTHROP GRUMMAN?

1 A YES.

2 Q AND TELL THE JURY WHAT YOU DO AT NORTHROP
3 GRUMMAN.

4 A I'M CURRENTLY A FINANCIAL ANALYST ON THE
5 F35 PROGRAM IN PALMDALE, CALIFORNIA.

6 Q THAT MEANS YOU ANALYZE THE FINANCIAL COSTS
7 OF PARTS OF THAT PROGRAM; ISN'T THAT RIGHT?

8 A THAT'S CORRECT.

9 Q THANK YOU.

10 OH, ARE YOU BEING PAID TO BE HERE AT ALL?

11 A NOT TO MY KNOWLEDGE.

12 Q IS ANYBODY GIVING YOU A PER DIEM OR PAYING
13 YOUR EXPENSES, OR GIVING YOU ANY FINANCIAL SUPPORT TO
14 BE HERE?

15 MR. BRAUN: RELEVANCE.

16 THE COURT: I'LL ALLOW THE QUESTION TO BE
17 ANSWERED.

18 MR. BRAUN: PERMISSION TO APPROACH, YOUR HONOR.

19 THE COURT: YES.

20 LADIES AND GENTLEMEN, THIS WILL BE THE
21 FIRST OPPORTUNITY FOR YOU TO GO INTO THE JURY ROOM.
22 MS. GONZALEZ WILL TAKE YOU INTO THE JURY ROOM WHILE I
23 HAVE A DISCUSSION WITH COUNSEL.

24 THANK YOU. YOU CAN LEAVE YOUR NOTEPADS
25 HERE.

26 THANK YOU.

27 ///

28 ///

1 (THE FOLLOWING PROCEEDINGS WERE HELD IN
2 OPEN COURT OUTSIDE THE PRESENCE OF THE
3 JURY:)

4 THE COURT: ALL RIGHT. GIVE ME JUST ONE MINUTE.

5 ALL RIGHT. I HAD TO RECONNECT LIVENOTE.
6 I THINK IT'S WORKING NOW. IT'S ALL SET. ALL RIGHT.
7 I'M BACK ON LIVENOTE.

8 YOU ASKED, MR. BRAUN, FOR PERMISSION TO
9 APPROACH. AND SHE WAS ASKED ABOUT WHETHER I THINK ANY
10 OF HER EXPENSES WERE BEING PAID. IS THAT THE QUESTION?

11 MR. BRAUN: SURE. IT'S BEGGING THE QUESTION OF
12 INVOLVING INSURANCE IN THIS CASE, YOUR HONOR. THE FACT
13 OF THE MATTER IS, IS THAT SHE'S BEING -- HER HOTEL
14 EXPENSES ARE BEING COVERED FOR HER, SO SHE DOESN'T HAVE
15 TO TRAVEL TO AND FROM LANCASTER TO HERE EVERY DAY, AND
16 THE INSURANCE COMPANY IS PAYING FOR IT.

17 SO IT'S OPENING UP A CAN OF WORMS BY HIM
18 GOING DOWN THAT PATH.

19 THE COURT: ALL RIGHT. SO YOU OBJECT ON THE
20 GROUNDS THAT IT RAISES THE ISSUE OF INSURANCE. IF SHE
21 ANSWERS THE QUESTION, THE INSURANCE COMPANY IS PAYING
22 THE EXPENSES, IT BRINGS UP INSURANCE?

23 MR. BRAUN: ABSOLUTELY.

24 THE COURT: MR. PARRIS.

25 MR. REX PARRIS: YOUR HONOR, THE CREDIBILITY OF A
26 WITNESS IS ALWAYS IN QUESTION. AND WHENEVER YOU PAY A
27 WITNESS ANYTHING, THAT IS SOMETHING THE JURY'S ENTITLED
28 TO KNOW.

1 I'M AWARE OF THE PROHIBITION AGAINST
2 INSURANCE, ALTHOUGH, THERE WAS NO MOTION IN LIMINE IN
3 THIS CASE ON THAT ISSUE. AND -- BUT I WASN'T -- I
4 WASN'T PLANNING TO GO THAT FAR WITH IT, BUT THE FACT
5 THAT SHE IS BEING PAID IS SOMETHING THE JURY SHOULD
6 KNOW.

7 AND I WOULD LIKE THE COURT TO RECALL, I
8 DIDN'T WANT THIS WITNESS CALLED. THEY INSISTED. OKAY.
9 SHE'S THERE. THE RULES OF CREDIBILITY AND EVERYTHING
10 ELSE APPLY.

11 THE COURT: ALL RIGHT. SO ANYTHING ELSE BEYOND
12 THE FACT THAT YOU BELIEVE IT'S RELEVANT DUE TO THE
13 CREDIBILITY ISSUE AND THE FACT THAT SHE'S HAVING HER
14 HOTEL EXPENSES PAID BY THE INSURANCE COMPANY?

15 MR. REX PARRIS: WELL, THAT'S NOT BEFORE THIS
16 COURT. THAT WITNESS DIDN'T SAY THAT.

17 THE COURT: NO. MR. PARRIS, YOU DIDN'T HEAR ME.

18 I ASKED IF THERE'S ANYTHING ELSE THAT
19 YOU'RE ARGUING BEYOND WHAT YOU'VE JUST STATED.

20 MR. REX PARRIS: WELL, I'M ARGUING THAT DEFENSE
21 COUNSEL IS SAYING -- GIVING THE ANSWER TO THE WITNESS
22 IS NOT APPROPRIATE. IF THE ANSWER'S NO, IT'S NO. IF
23 IT'S A HOTEL, IT'S A HOTEL. WHATEVER IT IS, IT IS.

24 THE COURT: ALL RIGHT. ANYTHING FURTHER?

25 MR. REX PARRIS: NO, YOUR HONOR.

26 THE COURT: I'M GOING TO SUSTAIN THE OBJECTION.
27 UNDER 352, I'M GOING TO FIND THAT IT'S MORE PREJUDICIAL
28 THAN PROBATIVE. IT COULD RAISE THE ISSUE OF INSURANCE

1 AS A RESULT OF HER RESPONSE, AND RAISES THE SPECTER OF
2 A POSSIBLE MISTRIAL IN THIS CASE.

3 SO I'LL CHANGE MY RULING AND SUSTAIN THE
4 OBJECTION.

5 ANYTHING FURTHER ON THIS SUBJECT? NOT
6 THIS QUESTION, BUT ON THIS SUBJECT OF INSURANCE OR
7 ANYTHING ALONG THOSE LINES.

8 MR. REX PARRIS: (NO AUDIBLE RESPONSE.)

9 THE COURT: YOU CAN BRING THEM -- MICHELLE, YOU
10 CAN BRING THEM BACK.

11 THE CLERK: OKAY.

12 (THE FOLLOWING PROCEEDINGS WERE HELD IN
13 OPEN COURT IN THE PRESENCE OF THE
14 JURY:)

15 THE COURT: ALL RIGHT. ALL JURORS, EXCEPT ONE --
16 OKAY. WE'LL WAIT FOR A MOMENT. THANK YOU.

17 ALL RIGHT. WE'LL CONTINUE. ALL JURORS
18 AND ALTERNATES ARE PRESENT.

19 MR. PARRIS, PLEASE.

20 BY MR. REX PARRIS:

21 Q LET ME JUST GET RIGHT TO IT.
22 HAS ANYBODY TOLD YOU HOW YOU SHOULD DRESS
23 TO BE HERE?

24 A NO.

25 Q THE -- YOU HEARD YOUR LAWYER'S OPENING;
26 RIGHT?

27 A CORRECT.

28 Q HAVE YOU EVER SEEN MR. TAYLOR UNTIL TODAY?

1 A THAT'S CORRECT, I HAVE NOT.

2 Q THE FIRST TIME YOU EVER SAW MR. TAYLOR WAS
3 OUT IN THE HALLWAY; ISN'T THAT RIGHT?

4 A THAT'S CORRECT.

5 Q YOU'VE NEVER BEEN ON FACEBOOK WITH HIM?

6 A NO.

7 Q YOU NEVER SENT HIM A FACEBOOK MESSAGE?

8 A NO.

9 Q YOU'VE NEVER SENT HIM A CARD?

10 A NO.

11 Q AND YOU'VE NEVER MADE ANY ATTEMPT
12 WHATSOEVER TO TALK TO HIS MOTHER; IS THAT RIGHT?

13 A THAT'S CORRECT.

14 Q IS IT SAFE TO SAY THAT YOU HAVE NEVER
15 APOLOGIZED?

16 A THAT'S SAFE TO SAY, YES.

17 Q THANK YOU.

18 NOW, YOU HEARD YOUR LAWYER SAY THAT THE
19 DEFENSE -- AND THAT -- YOU UNDERSTOOD THAT TO MEAN YOU,
20 TOO; IS THAT RIGHT?

21 A CORRECT.

22 Q -- WANTED TO PROVIDE HEALTH, INDEPENDENCE
23 AND QUALITY OF LIFE TO MR. TAYLOR; IS THAT RIGHT?

24 A YES.

25 Q AND TELL THE JURY ONE THING YOU'VE DONE TO
26 PROVIDE ANY OF THOSE THINGS FOR MR. TAYLOR UP UNTIL
27 TODAY'S DATE.

28 A UNTIL TODAY'S DATE, I HAVE NOT PROVIDED

1 ANY SUCH THING.

2 Q NOR HAS ANYBODY TOLD YOU THAT THEY HAVE
3 EVER OFFERED HIM ANY HELP IN ANY WAY; ISN'T THAT TRUE?

4 A CORRECT.

5 MR. REX PARRIS: THANK YOU. THAT'S ALL I HAVE.

6 THE COURT: NOTHING FURTHER, MR. PARRIS.

7 MR. REX PARRIS: THAT'S IT.

8 THE COURT: THANK YOU. ANYTHING, MR. BRAUN?

9 MR. BRAUN: JUST BRIEFLY, YOUR HONOR.

10

11

CROSS-EXAMINATION

12 BY MR. BRAUN:

13 Q YOU KNEW THAT MR. TAYLOR AND HIS MOM HAD A
14 LAWYER RIGHT AWAY; RIGHT?

15 A CORRECT.

16 Q AND YOU KNEW IT WAS INAPPROPRIATE FOR YOU
17 TO MAKE CONTACT WITH THEM ONCE THEY HAD A LAWYER?

18 MR. REX PARRIS: LEADING, YOUR HONOR.

19 THE COURT: THE FORM OF THE QUESTION IS LEADING.

20 LET ME JUST EXPLAIN THAT TO THE JURY.

21 LADIES AND GENTLEMEN, THE OBJECTION IS

22 LEADING. A LEADING QUESTION IS A QUESTION THAT

23 SUGGESTS THE ANSWER.

24 "WHAT IS YOUR NAME" IS APPROPRIATE?

25 "YOUR NAME IS MARY" TELLS YOU WHAT YOUR
26 NAME IS. SO IT GIVES YOU THE ANSWER. THAT'S A LEADING
27 QUESTION. YOU MAY HEAR THAT ON THE TRIAL.

28 JUST REPHRASE, PLEASE, MR. BRAUN.

1 BY MR. BRAUN:

2 Q DID YOU BELIEVE IT WAS APPROPRIATE TO MAKE
3 CONTACT WITH HIM OR HIS MOTHER WHEN THEY ALREADY HAD A
4 LAWYER?

5 MR. REX PARRIS: OBJECTION, YOUR HONOR. IT'S
6 LEADING.

7 THE COURT: OVERRULED.

8 YOU MAY ANSWER.

9 THE WITNESS: I DID NOT THINK IT WAS APPROPRIATE
10 TO DO SO.

11 BY MR. BRAUN:

12 Q SO TODAY WAS THE FIRST TIME YOU ACTUALLY
13 HAD FACE-TO-FACE CONTACT WITH HIM?

14 A THAT'S CORRECT.

15 Q HOW DID IT MAKE YOU FEEL?

16 A IT WAS OVERWHELMING TO SEE THE IMPACT THAT
17 I'VE CAUSED.

18 Q HAVE YOU WANTED TO TALK TO HIM BEFORE?

19 A I MAYBE -- SORRY. I WISHED THAT I COULD
20 APOLOGIZE NOW. I DON'T KNOW IF HE'LL BE HERE OR HOW
21 LONG HE'LL BE HERE FOR THE REST OF THE TRIAL. SO THAT
22 I'M ACTUALLY ABLE TO DO SO, TO EXPRESS MY APOLOGIES,
23 AND EVERYTHING THAT I'VE CAUSED HIM FROM THE PAST AND
24 FOR THE FUTURE AS WELL -- OH, I'M OKAY.

25 MR. REX PARRIS: JUST IN CASE.

26 THE WITNESS: YEAH. THANK YOU.

27 BY MR. BRAUN:

28 Q I JUST WANT TO ASK YOU A LITTLE BIT MORE

1 DETAIL ABOUT YOUR BACKGROUND.

2 SO WHERE DID YOU GO TO SCHOOL?

3 A ARIZONA STATE UNIVERSITY.

4 Q AND DID YOU ATTEND SCHOOL BEFORE YOU WENT
5 TO A.S.U.?

6 A I DID.

7 Q WHERE DID YOU GO?

8 A MOJAVE COMMUNITY COLLEGE.

9 Q WHERE DID YOU GROW UP?

10 A I GREW UP PARTLY IN CALIFORNIA IN LA HABRA
11 HEIGHTS, UNTIL I WAS A TEENAGER OR PRETEENS, WHERE I
12 THEN MOVED TO LAKE HAVASU CITY, ARIZONA, ATTENDED HIGH
13 SCHOOL THERE AND ATTENDED THE COMMUNITY COLLEGE AS
14 WELL.

15 Q AND THEN TRANSFERRED TO A.S.U. FOR YOUR
16 DEGREE?

17 A YES.

18 Q AND DID YOU START WORKING FOR NORTHROP
19 GRUMMAN RIGHT AFTER COLLEGE?

20 A ABOUT SIX MONTHS AFTERWARDS, YES.

21 Q WAS THAT YOUR FIRST MAJOR JOB AFTER
22 GRADUATING FROM SCHOOL?

23 A YES.

24 Q AND SO IT'S BEEN YOUR ONLY JOB SINCE
25 COLLEGE?

26 A YES.

27 Q IS THIS YOUR MOTHER HERE IN COURT WITH US
28 TODAY?

1 A THAT'S CORRECT.

2 Q OKAY.

3 MR. BRAUN: NOTHING FURTHER, YOUR HONOR.

4 THE COURT: MR. PARRIS.

5

6 REDIRECT EXAMINATION

7 BY MR. REX PARRIS:

8 Q WHO TOLD YOU IT WAS INAPPROPRIATE TO
9 APOLOGIZE TO SOMEBODY THAT YOU HAVE HURT THAT BADLY
10 BECAUSE THEY MAY OR MAY NOT HAVE A LAWYER?

11 MR. BRAUN: ARGUMENTATIVE.

12 THE COURT: FORM OF THE QUESTION WOULD BE AN
13 ARGUMENT. THE SUBJECT MATTER IS APPROPRIATE.

14 JUST REPHRASE.

15 BY MR. REX PARRIS:

16 Q YOU NEVER HAD THAT CONVERSATION WITH
17 ANYONE, DID YOU?

18 A CORRECT.

19 Q IT'S JUST SOMETHING YOU DIDN'T DO; ISN'T
20 THAT RIGHT?

21 A RIGHT.

22 Q THANK YOU.

23 DID YOU VOTE FOR ME?

24 MR. BRAUN: OBJECTION. RELEVANCE.

25 THE COURT: ALL RIGHT.

26 MR. REX PARRIS: I COULDN'T RESIST.

27 THE COURT: I WON'T COMMENT ON THAT. I JUST ASK
28 COUNSEL -- JUST ASK COUNSEL TO REFRAIN FROM ANY

1 COMMENTS THAT WOULD BE EXTRANEOUS. ALL RIGHT.

2 NOTHING FURTHER, MR. PARRIS?

3 MR. REX PARRIS: I JUST WANTED TO RELIEVE THE
4 TENSION.

5 THE COURT: I UNDERSTAND.

6 MR. REX PARRIS: OKAY.

7 THE COURT: MR. BRAUN, DO YOU -- OH, YOU HAVE
8 MORE?

9 MR. PARRIS, GO AHEAD.

10 BY MR. PARRIS:

11 Q WAS THERE A REASON YOU DID NOT DO ANYTHING
12 TO TRY TO HELP MR. TAYLOR AFTER THE CRASH?

13 MR. BRAUN: OBJECTION. ASKED AND ANSWERED.
14 ARGUMENTATIVE.

15 THE COURT: IT'S BEEN ASKED AND ANSWERED.
16 SUSTAINED.

17 MR. REX PARRIS: THANK YOU.

18 THE COURT: ANYTHING FURTHER?

19 MR. BRAUN: NO, YOUR HONOR.

20 THE COURT: THANK YOU. YOU MAY STEP DOWN. THANK
21 YOU.

22 THE WITNESS: THANK YOU.

23 THE COURT: I BELIEVE MY NEXT WITNESS IS
24 MR. WHEELER.

25 MR. WHEELER: YES, YOUR HONOR. WE CALL CAROLE
26 BAKER.

27 THE COURT: PLEASE. IF YOU COULD STAND THERE AND
28 SHE WILL SWEAR YOU IN.

1 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

2 DO YOU SOLEMNLY STATE THAT THE TESTIMONY
3 YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
4 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT
5 THE TRUTH, SO HELP YOU GOD?

6 THE WITNESS: YES, I DO.

7 THE CLERK: THANK YOU.

8 PLEASE TAKE THE WITNESS SEAT.

9 WOULD YOU PLEASE STATE AND SPELL YOUR NAME
10 FOR THE RECORD.

11 THE WITNESS: CAROLE BAKER, C-A-R-O-L-E,
12 B-A-K-E-R.

13 THE CLERK: THANK YOU.

14 THE COURT: PLEASE.

15 MR. REX PARRIS: THANK YOU, YOUR HONOR.

16

17 CAROLE BAKER,
18 CALLED AS A WITNESS BY THE PLAINTIFF,
19 WAS SWORN AND TESTIFIED AS FOLLOWS:

20

21 DIRECT EXAMINATION

22 BY MR. WHEELER:

23 Q GOOD AFTERNOON, MS. BAKER.

24 A GOOD AFTERNOON.

25 Q I WOULD LIKE TO GIVE THE JURY AN IDEA OF
26 WHY YOU'RE HERE TO TESTIFY. AND SO I WANT TO COVER
27 SOME BACKGROUND WITH YOU.

28 A ABSOLUTELY.

1 Q YOU'RE -- YOU KNOW ANTHONY TAYLOR; IS THAT
2 RIGHT?

3 A YES.

4 Q YOUR DAUGHTER COURTNEY HAD A RELATIONSHIP
5 WITH HIM?

6 A YES.

7 Q AND YOU WERE ALSO DRIVING THE CAR WHEN THE
8 ACCIDENT HAPPENED; IS THAT RIGHT?

9 A YES.

10 Q OKAY. THAT'S WHY WE HAVE YOU HERE TODAY.
11 WE'D LIKE TO HEAR SOME OF YOUR TESTIMONY ABOUT WHO
12 ANTHONY WAS, WHO ANTHONY IS NOW, AND A LITTLE BIT ABOUT
13 WHAT HAPPENED IN THE CRASH.

14 ARE YOU READY TO DO THAT?

15 A ABSOLUTELY. YES.

16 Q OKAY. LET'S TALK ABOUT WHO YOU ARE,
17 FIRST.

18 COULD YOU GIVE US A LITTLE BACKGROUND ON
19 WHO YOU ARE.

20 YOU'VE TOLD US YOUR NAME.

21 A MY NAME IS CAROLE BAKER. I'M A DAY
22 CUSTODIAN AT A SCHOOL DISTRICT IN PALMDALE. I HAVE TWO
23 CHILDREN, WHICH ARE NOT CHILDREN ANYMORE. THEY'RE 30
24 AND 25.

25 I HAVE A FIVE-YEAR-OLD GRANDSON. AND I
26 LOVE MY JOB, AND I LOVE MY KID -- FAMILY. SO ...

27 Q THANK YOU.

28 SO THERE'S COURTNEY, WHO IS 25 NOW; RIGHT?

1 A YES.

2 Q AND COURTNEY IS OUT IN THE HALLWAY? YOU
3 GUYS CAME TOGETHER TODAY?

4 A YES.

5 Q AT THE TIME OF THE CRASH, HOW OLD WAS
6 COURTNEY?

7 A 23.

8 Q AND YOU HAVE A SON, IN ADDITION TO
9 COURTNEY?

10 A YES.

11 Q WHAT'S HIS NAME?

12 A JEREMY.

13 Q IS THERE A TIME WHEN ANTHONY TAYLOR CAME
14 INTO YOUR LIFE?

15 A YES.

16 Q WHEN WAS THAT?

17 A MAY TWO YEARS BEFORE THAT. SO '15 --
18 MAY '13; 2013.

19 Q YOU REMEMBER THE DATE?

20 A YES. WELL, THEY TALKED ABOUT THEIR
21 ANNIVERSARY MANY, MANY TIMES, YES. SO ...

22 Q ALL RIGHT. I WANT TO BACK UP A LITTLE
23 BIT.

24 I HEARD MAY 18TH, 2013.

25 A I DON'T KNOW MAY 18. MAY 2013. I DON'T
26 KNOW EXACTLY THE DATE, SO ...

27 Q WHEN YOU SAY THEY WOULD TALK ABOUT THEIR
28 ANNIVERSARY, WAS IT ANTHONY TAYLOR AND COURTNEY THAT

1 WOULD TALK ABOUT THAT?

2 A YES.

3 Q WAS IT SOMETHING THEY CELEBRATED?

4 A ABSOLUTELY, YES.

5 Q HOW LONG WERE THEY TOGETHER?

6 A ABOUT THREE YEARS AND -- THREE YEARS AND
7 TWO MONTHS.

8 Q OKAY. AND LET'S GO TO WHEN THEY FIRST GOT
9 TOGETHER.

10 A OKAY.

11 Q I'VE HEARD A COUPLE OF DIFFERENT STORIES
12 ABOUT WHO MADE THE FIRST MOVE.

13 A RIGHT.

14 Q AND I WANT TO CLARIFY THAT, OKAY?

15 A I WASN'T THERE, BUT OKAY.

16 Q BASED ON WHAT YOU KNOW.

17 A RIGHT.

18 Q WHAT'S YOUR -- HOW DID ANTHONY TAYLOR AND
19 COURTNEY, YOUR DAUGHTER, HOW DID THEY GET TOGETHER?

20 A AS FAR AS I KNOW, HE ASKED HER OUT AT
21 WORK.

22 Q YEAH.

23 A SO ...

24 Q OKAY. SO TALK TO US ABOUT COURTNEY.

25 SHE'S 25 NOW. SHE WAS 23 WHEN SHE AND ANTHONY STARTED
26 DATING.

27 WHAT WAS THE YEAR SHE WAS BORN?

28 A 1992.

1 Q WHERE DID SHE GO TO SCHOOL?

2 A PALMDALE. SHE WENT TO PALMDALE SCHOOL
3 DISTRICT.

4 Q GOT IT.

5 A AND THEN PALMDALE HIGH SCHOOL.

6 Q THAT'S WHERE YOU WORK?

7 A NO. I DIDN'T WORK -- NOT AT THE TIME. I
8 WORK THERE NOW.

9 Q ALL RIGHT.

10 A BUT ...

11 Q DID COURTNEY GO TO PUBLIC SCHOOLS IN
12 PALMDALE THROUGHOUT HER WHOLE SCHOOLING CAREER?

13 A YES, SHE DID.

14 Q DID SHE GET HER HIGH SCHOOL DEGREE?

15 A YES, SHE DID.

16 Q NOW, I KNOW IT'S A LITTLE BIT OF A
17 SENSITIVE SUBJECT, BUT I DO WANT TO ASK, DID COURTNEY
18 HAVE ANY DEVELOPMENTAL DISABILITIES?

19 A YES.

20 Q I SHOULD SAY DOES SHE?

21 A YES.

22 Q WOULD YOU SHARE WITH THE JURY WHAT THOSE
23 ARE.

24 A THROUGH SCHOOL SHE WAS DIAGNOSED WITH
25 AUTO-PROCESSING DISORDER. SO SHE HAD AN I.E.P.
26 THROUGHOUT. SHE STARTED AT THREE YEARS OLD IN I.E.P.
27 AT HEAD START.

28 AND THEN SHE BECAME A CLIENT OF THE

1 REGIONAL CENTER, AND THEY DIAGNOSED HER WITH BORDERLINE
2 INTELLECTUALLY DELAYED.

3 AND THEN SHE'S ALSO GETTING NOW SOCIAL
4 SECURITY, AND THEY DIAGNOSED HER AS A PERSONALITY
5 DISORDER. SO ...

6 Q THERE WERE A COUPLE TERMS IN THERE. I
7 WANT TO MAKE SURE THAT EVERYBODY IS ON THE SAME PAGE
8 WITH, OKAY.

9 THE FIRST WAS A DISORDER AT THE VERY
10 BEGINNING THAT I THINK YOU MENTIONED THAT I DIDN'T
11 RECOGNIZE.

12 THE COURT: YOU MENTIONED SOMETHING BORDERLINE.
13 I DIDN'T GET IT EITHER.

14 THE WITNESS: BORDERLINE INTELLECTUALLY DELAYED.
15 BY MR. WHEELER:

16 Q ALL RIGHT. AND THEN YOU MENTIONED
17 SOMETHING ABOUT AN I.E.P. WHAT DO THOSE INITIALS MEAN?

18 A INDIVIDUAL EDUCATION PLAN.

19 Q IS THAT SOMETHING THAT COURTNEY RECEIVED
20 WHEN SHE WENT TO PALMDALE HIGH SCHOOL?

21 A YES.

22 Q AND HOW DID IT HELP HER?

23 A SOMEBODY WOULD COME IN -- WELL, IN
24 ELEMENTARY SCHOOL THEY WOULD PULL HER OUT FOR MATH AND
25 ENGLISH, THE MAXIMUM TIME SHE WOULD GET RESOURCE.

26 AND IN HIGH SCHOOL, THEY ACTUALLY CAME
27 INTO HER CLASSROOM AND WERE THERE WHEN -- SO THEY KNEW
28 WHAT WAS GOING ON, THE TEACHER WAS TEACHING AND THEY

1 WOULD HELP HER WITH WHAT THE TEACHER WAS TEACHING.

2 SO THEY KNEW WHAT WAS GOING ON IN THE
3 CLASSROOM, AND GIVE HER EXTRA HELP WITH IT.

4 Q SOUNDS LIKE IT WAS A LITTLE BIT OF EXTRA
5 SUPPORT?

6 A YES.

7 Q OTHER THAN THAT, DID SHE HAVE A RELATIVELY
8 NORMAL HIGH SCHOOL EXPERIENCE?

9 A YES.

10 Q IT SOUNDS LIKE ONCE SHE GRADUATED SHE
11 STARTED TO WORK?

12 A YES.

13 Q WOULD YOU JUST SHARE WITH US A LITTLE BIT
14 OF HER BACKGROUND. WHAT WAS SHE LIKE GROWING UP? WHAT
15 KIND OF KID WAS SHE?

16 A SHE WAS ALWAYS THE ONE WHO WANTED TO
17 TRY -- EVERYBODY ALWAYS SAID THAT SHE ALWAYS TRIED --
18 THEY WISHED OTHER KIDS TRIED THAT HARD. SHE WAS THE
19 ONE THAT ALWAYS TRIED REAL HARD.

20 Q NOW, ARE WE TALKING ABOUT SCHOOL WORK,
21 ATHLETICS?

22 A SCHOOL WORK. SHE WAS NOT THE MOST
23 GRACEFUL -- SHE WAS ALSO IN ADAPTIVE P.E.

24 Q WHAT DOES THAT MEAN?

25 A THAT'S WHERE THEY COME IN AND SPEND --
26 THEY HAVE A SPECIAL P.E. TEACHER WHO COMES IN AND HELPS
27 CHILDREN WHO HAVE TROUBLE RUNNING OR AWKWARD OR -- I
28 DON'T REALLY KNOW.

1 Q I GOT IT.

2 A THEY CHECK THEM.

3 Q I THINK WE UNDERSTAND.

4 A OKAY.

5 Q DID SHE HAVE FRIENDS IN HIGH SCHOOL?

6 A YES.

7 Q AND THEN WHEN SHE STARTED WORKING, WHERE
8 DID SHE -- WHAT WAS HER FIRST JOB?

9 A SHE WAS ACTUALLY AN A.V.I.D. TUTOR AT
10 PALMDALE HIGH?

11 THE REPORTER: WHAT WAS THAT?

12 THE WITNESS: A.V.I.D., A-V-I-D, TUTOR. HER
13 RESOURCE TEACHER HIRED HER AS AN A.V.I.D. TUTOR.

14 BY MR. WHEELER:

15 Q DOES A.V.I.D. STAND FOR SOMETHING?

16 A I HAVE NO IDEA. I KNOW IT DOES, BUT I
17 DON'T REMEMBER WHAT IT IS. I DON'T REMEMBER WHAT IT
18 IS.

19 Q IS THERE A MEANING TO THAT ACRONYM? DOES
20 BEING AN A.V.I.D. TEACHER HAVE SOMETHING TO DO WITH
21 WHAT SHE -- WHAT HER DUTIES WERE, FOR EXAMPLE?

22 A I'M SURE. I --

23 Q OKAY. I'LL MOVE ON.

24 A I'M SURE IT DID.

25 Q WHY DON'T WE FAST FORWARD TO THE JOB WHERE
26 COURTNEY AND ANTHONY TAYLOR MET.

27 WOULD YOU TELL US ABOUT THAT.

28 A SHE GOT A JOB IN MARCH OF 2013 AT DESERT

1 HAVEN ENTERPRISES, WHICH IS FOR DEVELOPMENTALLY
2 DISABLED ADULTS.

3 YOU HAVE TO BE A CLIENT IN THE REGIONAL
4 CENTER TO WORK THERE. AND THEY PAY THEM ON THEIR
5 PRODUCTIVITY, NOT -- IT'S NOT MINIMUM WAGE OR HIGHER.
6 IT'S -- EVERY SIX MONTHS THEY TEST THEM TO SEE HOW FAST
7 THEY ARE OR WHATEVER. THAT'S HOW THEY GET PAID.

8 Q YOU MENTIONED YOU HAVE TO BE A CLIENT OF
9 THE REGIONAL CENTER IN ORDER TO GET THIS JOB.

10 WOULD YOU SHARE WITH THE FOLKS ON THE JURY
11 WHAT THE REGIONAL CENTER IS, AS YOU USE THE TERM?

12 A THE REGIONAL CENTER IS A COMPANY THAT
13 HELPS -- WELL, THEY TEST YOU FOR MENTAL RETARDATION.
14 THEY TEST YOU FOR AUTISM. AND THEY TEST YOU FOR, I
15 GUESS, IT'S -- ONE OTHER THING. I DON'T REMEMBER WHAT
16 IT IS. BUT IF YOU QUALIFY, THEN THEY WILL HELP YOU
17 WITH DIFFERENT SERVICES.

18 Q OKAY. IT WAS A RESOURCE AVAILABLE TO
19 SOMEBODY WITH SOME OF THE CHALLENGES COURTNEY HAD?

20 A YES.

21 Q OKAY. AND AS FAR AS YOU KNOW, WAS
22 MR. TAYLOR ALSO A CLIENT OF THE REGIONAL CENTER?

23 A YES, HE WAS.

24 Q SO COURTNEY STARTS WORKING AT DESERT
25 HAVEN, I THINK, YOU SAID MARCH OF 2013?

26 A YES. '13. YEAH.

27 Q OKAY. WHAT DID SHE DO? WHAT WAS HER JOB?

28 A THEY WOULD GO OUT IN THE COMMUNITY.

1 DESERT HAVEN HAS CONTRACTS WITH DIFFERENT PLACES IN THE
2 COMMUNITY. AND, LIKE, THEY WOULD GO TO LOCKHEED AND
3 CLEAN THEIR BATHROOMS.

4 THEY WOULD GO TO THE CHILDREN'S CENTER AND
5 DUST AND CLEAN AND -- A LOT OF CUSTODIAL DUTIES AT
6 DIFFERENT PLACES IN THE COMMUNITY.

7 THEY WOULD GO TO APARTMENT COMPLEXES, BUT
8 IT WAS ALWAYS WITH A TRAINER. AND THEY -- I MEAN ...

9 Q SOMEBODY WAS WATCHING?

10 A YES.

11 Q AND TRAINING?

12 A YES. IN GROUPS OF SIX OR LESS.

13 Q DID SHE --

14 A SO ...

15 Q SO THAT WASN'T HER FIRST JOB. I
16 UNDERSTAND SHE WAS AN A.V.I.D. TUTOR?

17 A YES.

18 Q WAS IT HER FIRST JOB OUT OF SCHOOL?

19 A YES.

20 Q SO IT WAS HER FIRST REAL JOB?

21 A YES.

22 Q THANK YOU.

23 AND DID SHE LIKE IT?

24 A YES.

25 Q WHAT DID SHE LIKE ABOUT IT?

26 A HAVING FRIENDS. I MEAN, MAKING MONEY. I
27 MEAN --

28 Q TWO GOOD THINGS.

1 A YEAH. ABSOLUTELY.

2 Q IT SOUNDS LIKE SHE MET SOMEBODY AT THE --
3 AT DESERT HAVEN.

4 A YES.

5 Q WAS THERE A TIME WHEN ANTHONY TAYLOR CAME
6 INTO YOUR LIFE AS WELL?

7 A UH-HUH. YES.

8 Q WHEN DID THAT HAPPEN?

9 A PROBABLY ABOUT A MONTH AFTER -- PROBABLY
10 ABOUT JUNE, RIGHT AFTER THEY STARTED GOING OUT.

11 Q OKAY. SO I WAS TALKING ABOUT EARLIER
12 THERE WERE A COUPLE STORIES I'VE HEARD ABOUT HOW THEY
13 GOT TOGETHER.

14 A UH-HUH.

15 Q WHAT ARE THE TWO DIFFERENT VERSIONS?

16 A ANTHONY SAYS THAT HE WENT UP TO HER AND
17 ASKED HER OUT BECAUSE SHE WAS CUTE.

18 AND SHE SAID SHE TURNED AROUND AND LOOKED
19 AT HIM AND THEY WERE -- THEY SIT IN ROWS AFTER WORK,
20 AND SHE SAID SHE TURNED AROUND AND LOOKED AT HIM AND
21 GOES, "HI, SEXY." SO ...

22 Q THERE IS AN IMPORTANT ISSUE WE HAVE TO
23 RESOLVE IN THIS CASE, THEN. WE'LL FIGURE OUT WHICH ONE
24 IS TRUE.

25 A THERE IT IS.

26 Q ALL RIGHT. SO WHOEVER APPROACHED WHO OR
27 FLIRTED FIRST, AT A TIME THEY STARTED DATING?

28 A ABSOLUTELY. YES.

1 Q AND WAS THAT PRETTY QUICKLY AFTER THE
2 ASK-OUT?

3 A YES.

4 Q DID THEY GO ON A DATE AFTER THAT?

5 A YES.

6 Q DO YOU REMEMBER WHAT THEIR FIRST DATE WAS?

7 A THEY WENT TO JULIANA'S ON THE CORNER OF --
8 WHERE IS IT? IT'S IN LANCASTER.

9 Q OKAY. RESTAURANT?

10 A RESTAURANT. BUT THEY ALSO HAD A BAND SO
11 THEY DANCED, AND IT WAS MORE ...

12 Q ALL RIGHT. SO ANTHONY KNEW WHAT HE WAS
13 DOING?

14 A (NO AUDIBLE RESPONSE.)

15 Q NOT JUST DINNER. NOT JUST DINNER, BUT A
16 BAND.

17 A THERE YOU GO.

18 Q ALL RIGHT. DID YOU DRIVE THEM TO THAT
19 DATE?

20 A NO. THEY WENT WITH COURTNEY'S FRIENDS.

21 Q A GROUP DATE?

22 A YEAH.

23 Q WAS IT THE KIND OF THING THAT WAS A FEW
24 DATES, A LITTLE SLOW GETTING STARTED, OR DID THEY
25 PROGRESS QUICKLY?

26 A THEY PROGRESSED PRETTY QUICKLY.

27 Q NOW, TELL ME ABOUT THAT. AND WHAT I'M
28 INTERESTED IN IS COURTNEY IS 21 AT THE TIME; IS THAT

1 RIGHT?

2 A 22.

3 Q 22. 21 OR 22. AND ANTHONY IS 23 ABOUT;
4 RIGHT?

5 A (NO AUDIBLE RESPONSE.)

6 Q DO I HAVE THE AGES ABOUT RIGHT?

7 A YEAH. PRETTY MUCH.

8 Q OKAY. AND I UNDERSTAND THEY WERE TOGETHER
9 FOR SEVERAL YEARS?

10 A YES.

11 Q WAS THEIR RELATIONSHIP LIKE WHAT YOU WOULD
12 EXPECT FROM A COUPLE IN THEIR EARLY 20S?

13 A NO. NO.

14 Q IT WAS A LITTLE BIT DIFFERENT?

15 A IT WAS SWEET. I MEAN --

16 Q YEAH.

17 A I DROVE WHEN THEY WENT PLACES. I'M SORRY
18 TO -- I --

19 Q LET ME ASK A DIFFERENT QUESTION.

20 A OKAY.

21 Q WOULD YOU SHARE WITH THE JURY JUST A
22 LITTLE BIT OF HOW THE RELATIONSHIP BETWEEN COURTNEY AND
23 ANTHONY TAYLOR WAS A LITTLE BIT DIFFERENT FROM WHAT YOU
24 WOULD EXPECT IN PEOPLE OF THEIR AGE.

25 A OKAY. GIVE ME MORE -- SORRY.

26 Q HERE'S WHY I ASKED THE QUESTION.

27 A OKAY.

28 Q YOU HAD LET ME KNOW THAT IT WAS SWEET AND

1 MAYBE A LITTLE DIFFERENT FROM TYPICALLY PEOPLE IN THEIR
2 20S. I WAS JUST LOOKING FOR A LITTLE BIT MORE
3 INFORMATION ABOUT MAYBE HOW IT WAS DIFFERENT.

4 DID THEY PROGRESS AT A SLOWER RATE?

5 A YES. THEY WENT TO THE MOVIES. THEY WENT
6 OUT TO DINNER. THEY WENT TO LUNCH. THEY TOOK THE -- I
7 TOOK THEM PLACES WHEN THEY WANTED TO GO. I MEAN, HE
8 WOULD COME OVER -- I WOULD PICK HIM UP FRIDAY NIGHTS
9 AND HE WOULD STAY UNTIL SUNDAY, BUT HE SLEPT ON THE
10 COUCH AND SHE SLEPT -- AND/OR THEY WOULD SWITCH, AND
11 SHE WOULD SLEEP IN HER ROOM.

12 Q A LITTLE BIT MORE OF A PHYSICAL
13 SEPARATION?

14 A YES.

15 Q I UNDERSTAND.

16 TELL ME ABOUT YOUR IMPRESSION, WHAT YOU
17 THOUGHT OF ANTHONY WHEN YOU MET HIM.

18 A HE WAS A NICE KID. HE CAME OVER WITH,
19 LIKE, 20 TACOS, AND THERE WERE, LIKE, FOUR OF US. I
20 WAS, LIKE, OH, WOW. HE WAS TRYING TO IMPRESS, YOU
21 KNOW.

22 Q IS THIS ON THE FIRST DATE OR FIRST TIME TO
23 YOUR HOUSE?

24 A THE FIRST TIME I PICKED HIM UP. HE WANTED
25 TO GO THROUGH DEL TACO DRIVE-THRU, AND HE BOUGHT, LIKE,
26 20 TACOS FOR FOUR OF US.

27 Q OKAY. DOES THAT TELL US SOMETHING ABOUT
28 ANTHONY'S CHARACTER?

1 A HE WANTED TO IMPRESS, YES.

2 Q YEAH.

3 DID YOU -- NOW, I KNOW SOMETIMES IT'S
4 DIFFICULT HAVING A DAUGHTER AND SOMEBODY STARTS TO DATE
5 YOUR DAUGHTER. SOME PEOPLE GET PROTECTIVE. IT'S ONE
6 WAY OF SAYING IT.

7 DID YOU HAVE ANY OF THOSE FEELINGS WHEN
8 ANTHONY STARTED DATING COURTNEY BAKER, YOUR DAUGHTER?

9 A NO.

10 Q YOU WERE OKAY WITH IT?

11 A YEAH.

12 Q AND AS THINGS PROGRESSED, WAS THERE A
13 PATTERN WITH THEIR RELATIONSHIP? THINGS THAT THEY
14 LIKED TO DO CONSISTENTLY?

15 A YEAH.

16 Q HOW DID THEY LIKE TO SPEND THEIR TIME
17 TOGETHER?

18 A WATCHING VIDEOS OR GOING TO THE MOVIES OR
19 GOING TO THE PARK.

20 Q DID THEY LIKE TO BE OUTSIDE?

21 A YEAH. ANTHONY IS MORE OF AN INDOOR GUY,
22 BUT, YEAH.

23 Q OKAY. WHEN -- YOU MET ANTHONY AND HE
24 STARTED TO BECOME A PART OF YOUR LIFE, DID HIS FAMILY
25 ALSO BECOME A PART OF YOUR LIFE?

26 A YES.

27 Q SO HIS MOTHER IS SHARON TAYLOR, AND HIS
28 STEPFATHER IS GEORGE GRAFFT?

1 A YES.

2 Q DID THE TWO OF YOU GET TOGETHER? DID
3 THE -- I SHOULD ASK YOU THIS WAY: DID THE FAMILIES GET
4 TOGETHER AND MERGE SORT OF?

5 A WE DID A LOT OF THINGS TOGETHER.

6 Q TELL US A LITTLE ABOUT THAT.

7 A WE WOULD GO OVER THERE AND HAVE DINNER
8 SOMETIMES. AS THEY WERE MOVING TO OREGON, MOM WAS IN
9 OREGON AND GEORGE WAS DOWN HERE, SO HE SPENT
10 THANKSGIVING WITH US.

11 I MEAN, IT WAS JUST -- I CUT HER -- I USED
12 TO CUT HER AND I CUT THE DAD -- GEORGE'S HAIR A LOT
13 WHEN HE NEEDED A HAIRCUT. I MEAN ...

14 Q THE FAMILIES GOT ALONG?

15 A YEAH.

16 Q SHARON TAYLOR AND GEORGE GRAFFT, THEY
17 MOVED UP TO OREGON SOMETIME IN NOVEMBER -- AROUND
18 THANKSGIVING OF 2015; RIGHT?

19 A UH-HUH. YES.

20 Q JUST A FEW WEEKS BEFORE THE CRASH
21 HAPPENED?

22 A YES.

23 Q AND DID THAT CHANGE YOUR LIVING CONDITIONS
24 AT ALL?

25 A YES.

26 Q HOW SO?

27 A ANTHONY MOVED IN WITH US WHEN HIS PARENTS
28 MOVED TO OREGON. HE DIDN'T WANT TO LEAVE CALIFORNIA.

1 HE HAD A JOB HERE. HE HAD FRIENDS HERE. HE WAS IN HIS
2 EARLY 20S. HE WAS HAPPY HERE.

3 Q TELL ME ABOUT WHAT YOU KNOW ABOUT THAT
4 DECISION FOR ANTHONY TO REMAIN IN CALIFORNIA WHEN HIS
5 MOTHER MOVED UP TO OREGON. WAS THAT A TOUGH ONE FOR
6 HIM?

7 A ABSOLUTELY. YEAH. IT WAS VERY HARD FOR
8 HIM.

9 Q WHAT WAS HE STRUGGLING WITH?

10 A MISSING HIS MOM, BUT THEN LEAVING HIS
11 GIRLFRIEND, MISSING HIS MOM. IT WAS LIKE A -- HE DID
12 TALK TO HER A LOT, I MEAN, ON THE PHONE.

13 Q SURE.

14 SO AFTER SHE MOVES UP TO OREGON WITH HER
15 HUSBAND, THEY CONTINUE OBVIOUSLY TO TALK ON THE PHONE A
16 LOT?

17 A OH, YEAH, ABSOLUTELY.

18 Q WHAT I WAS MORE GETTING AT IS THE DECISION
19 LEADING UP TO, OR THE TIME LEADING UP TO ANTHONY
20 TAYLOR'S DECISION TO REMAIN IN ANTELOPE VALLEY WHEN HIS
21 MOTHER LEFT FOR OREGON.

22 A UH-HUH.

23 Q WAS THAT A TOUGH DECISION FOR HIM TO HAVE
24 HIS MOM LEAVE?

25 A I THINK HE WAS HAPPIER STAYING. I DON'T
26 UNDERSTAND THE QUESTION. I'M NOT SURE.

27 Q NO. I UNDERSTAND.

28 A I THINK IT WAS TOUGH FOR HIM BECAUSE HIS

1 FAMILY WAS MOVING, BUT HE WAS ALSO GROWING UP, I THINK,
2 AND WANTED TO MAKE HIS DECISIONS.

3 Q SURE.

4 A MAYBE. I MEAN ...

5 Q SO YOU TOOK ANTHONY TAYLOR INTO YOUR HOME?

6 A YES.

7 Q WAS THAT -- NOW, USUALLY TAKING AN ADULT
8 INTO YOUR HOME TO LIVE WITH YOU, THAT'S A BIG
9 UNDERTAKING.

10 WAS THAT SOMETHING YOU HAD TO THINK ABOUT?

11 A NOT REALLY BECAUSE HE -- I WOULD -- AGAIN,
12 I WOULD PICK HIM UP EVERY FRIDAY AFTER WORK AND HE
13 WOULD STAY UNTIL SUNDAY. I JUST DIDN'T TAKE HIM HOME
14 ON SUNDAY. IT WAS VERY EASY. I MEAN, VERY EASY GOING.
15 I MEAN ...

16 Q WELL, YOU ADDED ON FIVE DAYS, THOUGH;
17 RIGHT?

18 A YES, I DID.

19 Q OKAY.

20 A BUT BY FRIDAY IT'S, LIKE, WHOA, I DON'T
21 HAVE TO GO GET YOU, YOU KNOW.

22 Q SOUNDS LIKE YOU DIDN'T MIND HAVING ANTHONY
23 MOVE INTO YOUR HOUSE; IS THAT RIGHT?

24 A NO. HE'S A GOOD KID. YEAH. NO, NOT AT
25 ALL.

26 Q DID HE GIVE YOU ANY PROBLEMS?

27 A NO.

28 Q DID HE CLEAN UP AFTER HIMSELF?

1 A YES.

2 Q I WANT TO TALK ABOUT THE LOGISTIC -- SORT
3 OF THE ARRANGEMENTS OF HAVING MR. TAYLOR LIVE WITH YOU.
4 DID HE PAY YOU RENT?

5 A \$100 A MONTH.

6 Q \$100 A MONTH?

7 A YES.

8 Q YOU GAVE HIM A GOOD DEAL?

9 A WELL, HE WAS GOING TO BUY HIS OWN FOOD. I
10 COOK DINNER, BUT THEY TAKE THEIR LUNCH TO WORK. SO HE
11 WAS GOING TO BUY HIS OWN LUNCH, THINGS TO TAKE TO
12 LUNCH, AND THEN THEY ALWAYS HAD CEREAL FOR BREAKFAST,
13 SO THAT WAS NO BIGGIE.

14 Q OKAY. SO \$100 A MONTH FOR RENT AND HE
15 WOULD BUY HIS OWN FOOD; IS THAT RIGHT?

16 A BASICALLY. YEAH, I MEAN, FOOD IS, LIKE,
17 HERE OR THERE, WHATEVER. I MEAN ...

18 Q WOULD YOU DRIVE HIM TO WORK?

19 A NO, THEY TOOK A BUS.

20 Q ANTHONY DIDN'T DRIVE -- ANTHONY TAYLOR
21 DIDN'T DRIVE A CAR; IS THAT RIGHT?

22 A NO. NO.

23 Q AND DID COURTNEY, YOUR DAUGHTER, DRIVE A
24 CAR?

25 A NO.

26 Q SO THE TWO OF THEM, IF THEY WANTED TO GO
27 ANYWHERE, THEY HAD TO BE DRIVEN BY YOU OR SHARON
28 TAYLOR, OR TAKE PUBLIC TRANSPORTATION?

1 A YES, BUT THEY DIDN'T TAKE PUBLIC
2 TRANSPORTATION.

3 Q I SEE.

4 SO THE BUS THEY TOOK WAS A DESERT HAVEN
5 BUS?

6 A IT WAS A DESERT HAVEN BUS, YES. IT PICKS
7 THEM UP AT THE FRONT DOOR.

8 Q ALL RIGHT. HOW LONG DID ANTHONY TAYLOR
9 LIVE WITH YOU BEFORE THIS CRASH HAPPENED?

10 A THREE WEEKS.

11 Q NOT VERY LONG?

12 A NO.

13 Q WAS IT GOING WELL?

14 A YEAH. WE WERE LOOKING FORWARD TO
15 CHRISTMAS, AND JUST THE WEEK AFTER WHEN EVERYBODY WAS
16 OFF. SO ...

17 Q I DO WANT TO GO TO THE AFTERNOON OF THE
18 CRASH, OKAY.

19 A OKAY.

20 Q I DON'T HAVE A LOT OF QUESTIONS ABOUT IT,
21 BUT I DO WANT TO KNOW SOME OF THE DETAILS.

22 IT WAS -- WELL, WHAT TIME IT WAS?

23 A ABOUT 4:45 IN THE AFTERNOON.

24 Q WHAT WERE YOU ALL DOING THAT DAY?

25 I UNDERSTAND IT WAS A SATURDAY?

26 A SATURDAY.

27 Q AND IT WAS CLOSE TO CHRISTMAS?

28 A SATURDAY BEFORE CHRISTMAS.

1 Q THE SATURDAY BEFORE CHRISTMAS?

2 A THE SATURDAY BEFORE CHRISTMAS.

3 Q WHAT WERE YOU ALL DOING?

4 A WE WERE ALL CHRISTMAS SHOPPING.

5 Q AT ANY PLACE IN PARTICULAR?

6 A WE HAD JUST LEFT J.C. PENNEYS, THE MALL.

7 Q OKAY. SO WHEN THE CRASH HAPPENED, YOU HAD
8 JUST LEFT J.C. PENNEYS?

9 A YES.

10 Q AND YOU WERE DRIVING WHERE?

11 A TOWARDS WALMART.

12 Q AND WHAT DIRECTION IS THAT?

13 A EAST.

14 Q OKAY. DO YOU REMEMBER WE TOOK YOUR
15 DEPOSITION IN THE CASE?

16 A YES.

17 Q AND IT WAS AT OUR OFFICE?

18 A YES.

19 Q AND WHEN WE TOOK YOUR DEPOSITION, IN ORDER
20 TO UNDERSTAND SOME OF YOUR TESTIMONY, YOU DREW ON A MAP
21 FOR US.

22 DO YOU REMEMBER THAT?

23 A YES.

24 Q I GAVE YOU A PEN AND YOU DID SOME
25 MARKINGS?

26 A YES.

27 MR. WHEELER: EXHIBIT 445-2.

28 ///

1 (WHEREUPON EXHIBIT NO. 445-2 WAS MARKED
2 FOR IDENTIFICATION.)

3 MR. WHEELER: YOUR HONOR, I WOULD LIKE TO HAVE
4 THAT MARKED FOR IDENTIFICATION.

5 THE COURT: MR. BRAUN, ARE YOU HANDLING THIS
6 WITNESS?

7 MR. BRAUN: I AM, YOUR HONOR.

8 THE COURT: ANY OBJECTION?

9 MR. BRAUN: I JUST NEED TO TRACK IT DOWN IF I
10 COULD SEE MR. WHEELER'S.

11 MR. WHEELER: OH, YEAH, OF COURSE.

12 THE COURT: THE WITNESS ASKED IF THAT'S HERS. IT
13 LOOKS LIKE IT'S A NEW BOTTLE.

14 DID YOU GIVE HER A BOTTLE OF WATER?

15 MR. WHEELER: YES, YOUR HONOR.

16 THE COURT: THAT'S YOURS.

17 MR. BRAUN: I HAVE NO OBJECTION TO HIM USING IT,
18 YOUR HONOR.

19 THE COURT: ALL RIGHT. SO YOU CAN PUBLISH IT.

20 MR. WHEELER: OKAY. YOU CAN ACTUALLY PUT IT UP
21 ON THE BIG SCREEN.

22 Q WHAT I WOULD LIKE TO DO IS ORIENT THE
23 JURY -- LET ME ASK YOU THIS. CAN YOU TELL BY LOOKING
24 AT THAT WHICH DIRECTION YOU WERE DRIVING IN AS YOU'RE
25 GOING FROM J.C. PENNEY TO WALMART?

26 THE COURT: IF IT WILL HELP YOU, YOU CAN LOOK AT
27 THE SCREEN. IT'S CLEARER FOR ME.

28 MR. WHEELER: MAY I APPROACH THE SCREEN?

1 THE COURT: YES.

2 BY MR. WHEELER:

3 Q SOMETIMES THESE ARE HARD TO READ. BUT BY
4 LOOKING AT THIS, DO YOU UNDERSTAND THAT THIS IS
5 AVENUE O?

6 A YES.

7 Q ACROSS THE SCREEN. SO FROM THE SCREEN IN
8 FRONT OF THE JURY, GOING FROM THE LEFT SIDE TO THE
9 RIGHT SIDE?

10 A YES.

11 Q SO YOU WERE DRIVING ON AVENUE O?

12 A YES.

13 Q AND JUST SO THE JURY'S CLEAR, YOU WOULD BE
14 DRIVING IN THIS DIRECTION; CORRECT?

15 A YES.

16 Q AND DID --

17 THE COURT: LEFT TO RIGHT.

18 MR. WHEELER: THANK YOU, YOUR HONOR.

19 Q YOU WOULD BE DRIVING FROM LEFT TO RIGHT
20 ACROSS THE SCREEN THAT THE JURY IS LOOKING AT?

21 A YES.

22 Q GOT IT.

23 WHAT KIND OF CAR WERE YOU DRIVING?

24 A 2001 LINCOLN L.S.

25 Q ALL RIGHT. ABOUT HOW FAST WERE YOU GOING?

26 A PROBABLY ABOUT 40, 45.

27 Q WOULD YOU TELL US ABOUT THE WEATHER THAT
28 DAY.

1 A IT WAS CLOUDY AND DARKISH, LIKE -- WELL,
2 IT WAS 4:45, SO IT WAS, LIKE, DUSK-ISH, BUT IT WASN'T
3 DARK, AND IT WAS CLOUDY.

4 Q HAD THE RAIN STARTED TO COME DOWN YET?

5 A NO.

6 Q AT THE TIME THAT THE IMPACT HAPPENED, WAS
7 IT RAINING VERY MUCH AT ALL?

8 A NO.

9 Q HAD IT STARTED TO DRIZZLE?

10 A NO.

11 Q SO YOU'RE DRIVING EASTBOUND ON AVENUE O
12 AND YOU DON'T HAVE THE STOP SIGN AT THIS INTERSECTION?

13 A NO.

14 Q WAS THERE A STOP SIGN, AS YOU UNDERSTOOD
15 IT, FOR TRAFFIC GOING THE OTHER WAY? IN OTHER WORDS,
16 NORTH/SOUTH?

17 A YES.

18 Q FOR THE INTERSECTION YOU'RE APPROACHING?

19 A YES.

20 Q DID YOU ACTUALLY SEE THAT STOP SIGN FOR
21 THE TRAFFIC GOING THE OTHER DIRECTION?

22 A YES. YES.

23 Q ARE YOU FAMILIAR WITH THE AREA?

24 A YES.

25 Q YOU'VE DRIVEN THERE BEFORE?

26 A YES.

27 Q YOU UNDERSTOOD THAT YOU HAD -- YOU DIDN'T
28 HAVE A STOP SIGN, BUT TRAFFIC GOING THE OTHER WAY DID?

1 A YES.

2 Q DO YOU REMEMBER THE DETAILS OF THE IMPACT?

3 A AS IN --

4 Q LET ME START OVER.

5 A YEAH.

6 Q I THINK WE'VE SET THE SCENE. YOU'RE
7 DRIVING EASTBOUND ON AVENUE O. YOU PLAN TO GO THROUGH
8 THAT INTERSECTION.

9 DO YOU SEE A CAR STOPPED AT THE
10 INTERSECTION AHEAD OF YOU?

11 A YES. YES.

12 Q WHAT CAR DID YOU SEE STOPPED AT THE
13 INTERSECTION AHEAD OF YOU?

14 A A WHITE CAR.

15 Q WAS THAT THE WHITE CAR THAT EVENTUALLY YOU
16 MADE CONTACT WITH?

17 A YES.

18 Q AS YOU'RE DRIVING AND YOU SEE THE WHITE
19 CAR STOPPED AT THE STOP SIGN, WHAT'S THE NEXT MEMORY
20 YOU HAVE?

21 A HITTING SOMETHING AND SPINNING. I
22 MEAN ...

23 Q DID IT HAPPEN THAT FAST?

24 A YES.

25 Q OKAY. DO YOU REMEMBER ANYTHING ABOUT THE
26 SPEED OF THAT WHITE CAR AS IT COMES OUT OF THE
27 INTERSECTION?

28 A I DIDN'T SEE IT. I JUST ...

1 Q ARE YOU LOOKING AHEAD OF YOU AS YOU'RE
2 DRIVING?

3 A YES.

4 Q WERE YOU PAYING ATTENTION?

5 A YES.

6 Q WERE YOU DRIVING SAFELY?

7 A YES.

8 Q DO YOU REMEMBER IF THAT WHITE CAR PULLED
9 OUT AT A NORMAL SPEED, OR DID IT DART RIGHT OUT IN
10 FRONT OF YOU?

11 A I THOUGHT IT DARTED OUT IN FRONT OF ME
12 BECAUSE I DIDN'T SEE IT SLOWLY COME OUT.

13 Q YOU DIDN'T SEE THE WHITE CAR GRADUALLY
14 EASE OUT IN FRONT OF YOU, DID YOU?

15 A NO.

16 MR. BRAUN: OBJECTION. LEADING.

17 THE COURT: SUSTAINED, BUT THE ANSWER WILL STAND.
18 JUST AVOID LEADING QUESTIONS.

19 MR. WHEELER: UNDERSTOOD, YOUR HONOR.

20 Q SO THE ACCIDENT HAPPENS. WAS IT -- WAS IT
21 A BIG IMPACT?

22 A YES.

23 Q ALL RIGHT. I WOULD LIKE TO LOOK AT SOME
24 OF THE PHOTOS OF YOUR CAR AFTER THE CRASH. THEY'RE ALL
25 WITHIN EXHIBIT 4.

26 THE COURT: DO YOU HAVE THOSE, MR. BRAUN?

27 MR. BRAUN: I'M SORRY. EXHIBIT 4?

28 THE COURT: DO YOU WANT TO TAKE TIME AND SHOW HIM

1 WHAT YOUR COPIES ARE?

2 MR. BRAUN: I HAVE NO PROBLEM WITH HIM USING
3 THOSE PHOTOS.

4 THE COURT: ALL RIGHT. YOU MAY USE THEM. YOU
5 MAY PUBLISH.

6 MR. WHEELER: OKAY. WE'LL START WITH 4-1.

7 (WHEREUPON EXHIBIT NO. 4-1 WAS MARKED
8 FOR IDENTIFICATION.)

9 BY MR. WHEELER:

10 Q ACTUALLY, YOU KNOW, BEFORE I DO THAT, TELL
11 ME WHAT YOU REMEMBER ABOUT THE IMPACT. I UNDERSTAND IT
12 WAS A BIG IMPACT, BUT DO YOU REMEMBER WHICH DIRECTION
13 YOUR CAR WENT? ANY OF THOSE DETAILS?

14 A DURING THE IMPACT, NO. BUT AFTERWARDS,
15 YES.

16 Q WHAT DO YOU REMEMBER ABOUT AFTER THE
17 IMPACT?

18 A FINALLY COMING TO A STOP IN THE OPPOSITE
19 LANE, THE WESTBOUND LANE.

20 Q SO LET'S JUST BACK UP.

21 A I'M SORRY.

22 Q YOU'RE DRIVING EASTBOUND ON AVENUE O?

23 A YES.

24 Q THE IMPACT HAPPENS AND THE NEXT MEMORY YOU
25 HAVE AFTER THE IMPACT IS YOU'RE IN THE OPPOSITE LANE?

26 A YES.

27 Q SO THE WESTBOUND LANE ON AVENUE O?

28 A YES.

1 Q WERE YOU STILL FACING IN THE SAME
2 DIRECTION?

3 A KIND OF. KIND OF. I MEAN, I WASN'T
4 STRAIGHT. IT WAS MORE AN ANGLE.

5 Q AFTER THE CRASH HAPPENS, ARE YOU HURT?

6 A I BROKE MY ANKLE.

7 (LOUD AUDIO INTERRUPTION IN THE
8 PROCEEDINGS.)

9 MR. RUTGER PARRIS: SORRY, YOUR HONOR.

10 MR. WHEELER: I HAVE TO TAKE A LOOK AT WHERE I
11 WAS.

12 THE COURT: USUALLY IT'S A CELL PHONE. THAT WAS
13 A LITTLE MORE THAN A CELL PHONE.

14 ALL RIGHT. I BELIEVE WE WERE ON
15 EXHIBIT 4. AND SHE INDICATED THAT -- DID YOU SAY YOU
16 FRACTURED YOUR ANKLE?

17 THE WITNESS: YES.

18 THE COURT: THAT'S WHERE IT STOPPED THEN. I
19 THINK THE LAST THING SHE SAID WAS SHE FRACTURED HER
20 ANKLE.

21 MR. WHEELER: YOUR HONOR, I WOULD LIKE TO PUT UP
22 THE EXHIBIT THAT WE JUST LOOKED AT WITH OFFICER
23 SHIELDS, 1-4.

24 THE COURT: ALL RIGHT.

25 MR. WHEELER: ANY OBJECTION?

26 THE COURT: I BELIEVE THERE WAS NO OBJECTION AT
27 THAT TIME.

28 MR. WHEELER: OKAY.

1 Q ALL RIGHT. IS THIS -- DO YOU SEE AVENUE O
2 GOING FROM WEST TO EAST?

3 A YES.

4 Q AND DO YOU SEE V-2?

5 A YES.

6 Q DO YOU UNDERSTAND THAT V-2 WAS YOUR CAR?

7 A YES.

8 Q V-1 WAS MS. SCHILLING'S WHITE HONDA?

9 A YES.

10 Q THERE'S A STOP SIGN FOR V-1, BUT NOT ONE
11 FOR YOU; CORRECT?

12 A YES.

13 Q SO IS THIS AN ACCURATE DEPICTION OF WHERE
14 THE IMPACT WAS IN THE INTERSECTION?

15 A YES.

16 Q LET'S GO TO 1-5.

17 SO THIS IS THE OFFICER WHO INVESTIGATED
18 THE CRASH. THIS IS HIS FINDINGS ON WHERE THE VEHICLES
19 ENDED UP AFTER THE IMPACT.

20 DO YOU SEE THAT?

21 A YES.

22 Q V-2 IS YOUR CAR. DO YOU UNDERSTAND THAT'S
23 ABOUT WHERE YOU ENDED UP?

24 A YES.

25 Q AND THEN V-1 WOULD BE MS. SCHILLING'S
26 HONDA, WHICH WAS OFF IN THE DESERT; RIGHT?

27 A YES.

28 Q AND THIS IS A PART OF THE ANTELOPE VALLEY

1 WHERE THERE'S ROADWAY, AND THEN WHEN THE ROADWAY STOPS,
2 IT'S UNDEVELOPED DESERT; RIGHT?

3 A YES, THERE'S NO CURBS.

4 Q RIGHT. NO CURBS AND NO -- NOTHING -- NO
5 CEMENT BEYOND THOSE?

6 A NO. NO.

7 Q SO YOU'RE IN THE CAR AFTER THE IMPACT
8 HAPPENS. YOU'VE TOLD US A LITTLE BIT ABOUT YOUR
9 INJURIES. WERE YOU IN PAIN RIGHT AWAY?

10 A NO.

11 Q WERE YOU IN SHOCK?

12 A YEAH. I WAS IN AN ADRENALINE RUSH, I
13 THINK. I WAS JUST GETTING IT ALTOGETHER.

14 Q DID YOU UNDERSTAND ANYBODY ELSE IN THE CAR
15 HAD BEEN HURT AS WELL?

16 A YES.

17 Q WHO?

18 A ANTHONY. ANTHONY TAYLOR.

19 Q HOW DID YOU KNOW THAT HE'D BEEN HURT?

20 A HE WAS MOANING, AND I ASKED COURTNEY --
21 WELL, COURTNEY JUMPED OUT OF THE CAR, AND SHE SAID SHE
22 WAS GETTING HELP, AND IT'S, LIKE, GET BACK IN THE
23 CAR -- I'M YELLING AT HER "GET BACK IN THE CAR."

24 BUT I THINK I'M YELLING BECAUSE THE AIRBAG
25 HIT ME, SO I WASN'T YELLING AS FAR AS, LIKE -- AS LOUD
26 AS I THOUGHT I WAS. I'M YELLING AT HER TO GET BACK IN
27 THE CAR.

28 AND THEN SHE GOT BACK IN THE CAR, AND THEN

1 WE ASKED ANTHONY IF HE WAS OKAY, AND HE TOLD US --

2 Q LET ME STOP YOU AND BACK UP A LITTLE BIT.
3 IS THAT ALL RIGHT?

4 A ABSOLUTELY.

5 Q THERE'S TWO THINGS GOING ON THERE.
6 THERE'S WHAT HAPPENED TO ANTHONY TAYLOR AND WHAT YOUR
7 DAUGHTER, COURTNEY, DID.

8 A OKAY.

9 Q I WANT TO TAKE THOSE TWO SEPARATELY.

10 A OKAY. SORRY.

11 Q YOU SAID YOU HEARD MR. TAYLOR DOING SOME
12 MOANING? IS THAT WHAT IT WAS?

13 A YES.

14 Q YOU UNDERSTOOD THAT HE WAS IN PAIN?

15 A YES.

16 Q DID HE SAY ANYTHING?

17 A YES.

18 Q WHAT DID HE SAY?

19 MR. BRAUN: HEARSAY.

20 MR. WHEELER: 1250, EVIDENCE CODE 1250, YOUR
21 HONOR.

22 THE COURT: WELL, BASICALLY YOU WANT TO PUT IT IN
23 FOR THE STATE OF MIND OF THE DECLARANT. IT WOULD BE A
24 CONTEMPORANEOUS STATEMENT -- IT WOULD BE HEARSAY, BUT
25 IT WOULD BE A CONTEMPORANEOUS STATEMENT OF HIS THEN
26 STATE OF MIND. SO I'LL ALLOW IT.

27 OVERRULED.

28 ///

1 BY MR. WHEELER:

2 Q WAS THERE ANYTHING THAT YOU HEARD ANTHONY
3 TAYLOR SAY AFTER THE IMPACT?

4 A YES.

5 Q WHAT DID HE SAY?

6 A HE COULDN'T FEEL HIS FEET, AND HE DIDN'T
7 WANT TO DIE. MAYBE THAT WAS THE MOANING I WAS HEARING
8 HIM SAYING THAT -- IT WAS, LIKE, THE WAY HE WAS SAYING
9 IT, YOU KNOW. I'M TALKING ABOUT, YOU KNOW, "I DON'T
10 WANT TO DIE. I DON'T WANT TO -- I CAN'T FEEL MY FEET."
11 HE WAS SCARED.

12 Q BY THE WAY, WAS MR. TAYLOR WEARING HIS
13 SEATBELT WHEN THE ACCIDENT HAPPENED?

14 A YES.

15 Q HOW DO YOU KNOW?

16 A I SAW IT IN MY REARVIEW MIRROR WHEN WE
17 WERE LEAVING J.C. PENNEY, AND HE PUT IT ON.

18 Q I'M SORRY. WHAT?

19 A WHEN WE GOT IN THE CAR AT J.C. PENNEY, I
20 SAW HIM PUT IT ON.

21 Q YOU ACTUALLY SAW IT WITH YOUR EYES IN YOUR
22 REARVIEW MIRROR LOOKING BEHIND YOU?

23 A YES. YES.

24 Q AND THEN YOU SAID YOUR DAUGHTER RAN OUT OF
25 THE CAR?

26 A SHE GOT OUT OF THE CAR.

27 Q DO YOU KNOW WHY SHE DID THAT?

28 A I THOUGHT IT WAS BECAUSE SHE WAS PANICKED.

1 SHE SAID SHE WAS TRYING TO GET HELP, BUT ...

2 Q IT SOUNDED LIKE YOU TRIED TO DO SOMETHING
3 TO GET HER BACK.

4 A I WAS TELLING HER TO GET BACK IN THE CAR
5 BECAUSE I WAS AFRAID SHE WAS GOING TO GET RUN OVER
6 BECAUSE WE WERE IN THE WRONG LANE.

7 Q DID SHE COME BACK?

8 A YES.

9 Q WHEN SHE COMES BACK INTO THE CAR, WHAT
10 DOES COURTNEY BAKER DO?

11 A SHE ASKED ANTHONY IF HE WAS OKAY.

12 Q WHAT DID HE SAY BACK?

13 A HE SAID, "I CAN'T FEEL MY FEET."

14 Q SAME THING?

15 A YEAH.

16 Q DID HE JUST KIND OF KEEP REPEATING THAT?

17 A YEAH.

18 Q AND THEN THE HELP ARRIVES?

19 A YES.

20 Q SO FOR THE -- WE'VE HEARD NINE MINUTES IT
21 TOOK FOR THE EMERGENCY RESPONDERS TO COME.

22 DOES THAT SOUND ABOUT RIGHT TO YOU?

23 A SURE.

24 WE HAD A LOT OF PEOPLE COME OVER AND HELP.
25 SO WE WERE BUSY. I MEAN, IT WAS JUST ...

26 Q DID YOU SEE THE EMERGENCY RESPONDERS
27 LOAD -- TAKE ANTHONY TAYLOR OUT OF THE CAR?

28 A FROM WHAT I COULD SEE. HE WAS SITTING

1 BEHIND ME IN THE BACKSEAT. AND FROM WHAT I COULD SEE
2 DOING THIS (INDICATING). I MEAN, I DIDN'T GET OUT OF
3 THE CAR.

4 Q YOU DIDN'T GET OUT OF THE CAR UNTIL
5 SOMEONE HELPED YOU?

6 A NO. YEAH.

7 Q WERE YOU HELPED OUT OF THE CAR AS WELL?

8 A YEAH. MY SON DROVE OUT THERE. SO ...

9 Q YOU SAY YOUR SON DROVE OUT THERE?

10 A YEAH, MY SON DROVE THERE.

11 Q DID YOUR SON HELP YOU GET OUT OF THE CAR?

12 A YEAH.

13 Q AND THEN DID YOU --

14 A I -- SORRY.

15 Q DID YOU GO ANYWHERE AFTER THE CRASH?

16 A YEAH. I WENT TO ANTELOPE VALLEY HOSPITAL.

17 Q DO YOU REMEMBER SEEING ANTHONY BE LOADED
18 ONTO A GURNEY?

19 A I SAW ANTHONY ON THE GURNEY AS HE WAS
20 LEAVING. I MEAN, THE CAR. BUT, AGAIN, I COULD ONLY
21 SEE WHAT I COULD SEE FROM WHERE I WAS SITTING AND HE
22 WAS RIGHT BEHIND ME, SO -- BUT I PUT MY -- AT ONE POINT
23 HE SAID, "I COULDN'T FEEL MY FEET," SO I TOOK MY SEAT
24 AND PUSHED IT UP TO SEE IF THAT WAS PART OF THE
25 PROBLEM. I THOUGHT MAYBE HIS FEET WERE STUCK UNDER THE
26 SEAT, WHATEVER.

27 Q WHEN YOU MOVED YOUR SEAT UP, DID THAT HELP
28 ANY OF HIS COMPLAINTS?

1 A NO.

2 Q HE STILL STARTED TO REPEAT WHAT HE HAD
3 BEEN TELLING YOU EARLIER --

4 A YES. YES.

5 Q -- ABOUT HIM NOT BEING ABLE TO FEEL HIS
6 LEGS?

7 A YES. HE WANTED US TO CALL HIS MOM.

8 Q DID HE CALL HIS MOM?

9 A YES.

10 Q DID SOMEBODY HELP HIM DO THAT?

11 A I DON'T REMEMBER. I COULDN'T SEE BEHIND
12 ME. I DON'T KNOW. THE PEOPLE AT THE DOOR -- HE USED
13 ONE OF THE LADIES AT THE DOOR, OR WINDOW, HER CELL
14 PHONE SO ... SHE MAY HAVE DIALED FOR HIM. I DON'T
15 KNOW.

16 Q ALL RIGHT. DO YOU KNOW IF HE WAS ABLE TO
17 REACH HER?

18 A YES.

19 Q DID YOU SEE MR. TAYLOR IN THE HOSPITAL
20 THAT NIGHT?

21 A I DID NOT. I WAS IN THE GREEN AREA, AND
22 HE WAS IN THE DIFFERENT AREA, SO ...

23 Q I'M SORRY. YOU SAID THE GREEN AREA?

24 A I WAS IN THE GREEN AREA BECAUSE THEY WERE
25 TREATING MY -- I HAD A BROKEN ANKLE AND A BROKEN HAND,
26 AND A CONTUSION IN MY EYE AND SEATBELT BURNS, SO IT
27 WAS, LIKE, YEAH. I WAS IN A DIFFERENT AREA THAN HE
28 WAS.

1 Q OKAY. AND DID YOU UNDERSTAND YOU BEING IN
2 A DIFFERENT AREA FROM MR. TAYLOR BECAUSE OF THE
3 SEVERITY OF YOUR DIFFERENT INJURIES?

4 A YES.

5 Q I SEE.

6 MR. TAYLOR WAS IN A MORE SERIOUS WING OF
7 THE HOSPITAL?

8 A YES.

9 Q WHEN'S THE FIRST TIME YOU SAW HIM IN THE
10 HOSPITAL AFTER THE CRASH?

11 A TUESDAY. I HAD TO GET MY CAST BEFORE THE
12 DOCTORS WILL LET ME GO SEE HIM.

13 Q I SEE.

14 YOU HAD TO GET YOUR WHAT?

15 A MY CAST. I GOT A CAST ON MY ARM AND MY
16 LEG.

17 Q SO THE CRASH IS ON A SATURDAY. AND THEN
18 YOU SEE ANTHONY IN THE HOSPITAL -- ANTHONY TAYLOR IN
19 THE HOSPITAL ON A TUESDAY?

20 A YES.

21 Q WHEN YOU SEE HIM, WHAT DID HE LOOK LIKE?

22 A HE HAD A HALO ON. FIRST THING HE SAID TO
23 ME WAS, "I WISH I COULD GO WITH YOU."

24 Q I WISH?

25 A "I WISH I COULD GO HOME WITH YOU." HE HAD
26 A HALO, A BIG HALO ON HIS HEAD. HIS MOM WAS THERE.
27 AND AFTER FIVE MINUTES OF BEING IN THERE, I JUST WENT
28 IN THE HALLWAY AND CRIED. SO ...

1 Q IT'S HARD TO SEE HIM LIKE THAT?

2 A (NO AUDIBLE RESPONSE.)

3 SORRY.

4 Q I DO WANT TO LOOK AT SOME OF THE PICTURES
5 OF YOUR CAR AFTER THE CRASH, OKAY.

6 MR. WHEELER: CAN WE START ON 4-2.

7 (WHEREUPON EXHIBIT NO. 4-2 WAS MARKED
8 FOR IDENTIFICATION.)

9 BY MR. WHEELER:

10 Q YOU SAID YOU WERE DRIVING A 2001 LINCOLN
11 L.S.?

12 A UH-HUH.

13 Q IS THAT IT? AND BY "THAT," I MEAN THE
14 PICTURES ON THE PAGE IN FRONT OF YOU THAT'S LABELED
15 EXHIBIT 4-2.

16 A IT'S SILVER. YEP, THAT'S IT.

17 Q DID YOU HAVE THAT CAR AFTER THE CRASH?

18 A AFTER THE CRASH? NO. IT WAS TOTALED.

19 MR. WHEELER: LET'S GO TO 4-4.

20 (WHEREUPON EXHIBIT NO. 4-4 WAS MARKED
21 FOR IDENTIFICATION.)

22 BY MR. WHEELER:

23 Q IS THAT A PICTURE THAT REPRESENTS THE
24 DAMAGE TO THE FRONT OF YOUR CAR AFTER THE CRASH WE'VE
25 BEEN TALKING ABOUT?

26 A IS THAT MY CAR? I GUESS IT IS.

27 Q ARE YOU ABLE TO EVEN RECOGNIZE IT?

28 MR. REX PARRIS: GO BACK TO THE LICENSE PLATE.

1 BY MR. WHEELER:

2 Q BASED ON WHAT YOU'RE LOOKING AT THERE, CAN
3 YOU TELL ONE WAY OR NOT WHETHER OR NOT THAT'S YOUR CAR?

4 A I DON'T EVEN KNOW MY LICENSE NUMBER.

5 Q I'M SORRY. WHAT?

6 A I DON'T EVEN KNOW MY LICENSE NUMBER.

7 Q WELL, I GUESS WHAT I'M GETTING AT IS
8 BECAUSE OF THE DAMAGE, ARE YOU ABLE TO TELL WHETHER OR
9 NOT IT WAS YOUR CAR?

10 A THE TOP ONE, YEAH. I RECOGNIZE THE JUNK
11 IN THE FRONT SEAT. THAT'S WHAT I MEAN.

12 Q THE OTHER ONE'S --

13 A MY SON WENT TO THE JUNKYARD AND GOT ALL
14 THE STUFF OUT OF IT. SO I DIDN'T SEE IT BECAUSE I
15 HAD -- IT WAS ON A DIRT ROAD, AND I COULDN'T GET IN
16 THERE WITH THE WHEELCHAIR AND THE CAST AND --

17 MR. WHEELER: ALL RIGHT. LET'S GO TO 4-5. WE
18 HAVE A DIFFERENT SIDE VIEW.

19 (WHEREUPON EXHIBIT NO. 4-5 WAS MARKED
20 FOR IDENTIFICATION.)

21 BY MR. WHEELER:

22 Q IS THAT A BETTER VIEW? ESPECIALLY THE ONE
23 IN THE BOTTOM RIGHT.

24 CAN YOU TELL IF THAT'S YOUR 2001 LINCOLN?

25 A YES. YES. I'VE NEVER SEEN THESE PICTURES
26 BEFORE, BUT YES.

27 Q ALL RIGHT. AND THESE ARE THE PHOTOS OF
28 THE DAMAGE THAT HAPPENED TO YOUR CAR IN THE CRASH; IS

1 THAT CORRECT?

2 A YES.

3 Q OKAY.

4 MR. WHEELER: YOUR HONOR, MAY I APPROACH THE
5 WITNESS, GIVE HER THE ENTIRETY OF 4- -- PARDON ME, THE
6 ENTIRETY OF EXHIBIT 4, SO I DON'T HAVE TO HAVE HER GO
7 THROUGH ALL OF THEM?

8 THE COURT: YES.

9 MR. WHEELER: JUST FLIP THROUGH IT AND THE
10 ENTIRETY OF THE EXHIBIT CAN BE IDENTIFIED.

11 THE COURT: YES.

12 MR. WHEELER: THANK YOU, YOUR HONOR.

13 Q MS. BAKER, WOULD YOU JUST FLIP THROUGH ALL
14 THE PAGES OF EXHIBIT 4, AND TELL ME WHETHER OR NOT ALL
15 OF THOSE ARE OF YOUR CAR.

16 A YEAH. THESE ARE SILVER. THAT WAS WHITE.
17 SO SORRY.

18 YES.

19 (WHEREUPON EXHIBIT NO. 4 WAS MARKED FOR
20 IDENTIFICATION.)

21 BY MR. WHEELER:

22 Q OKAY. THANK YOU.

23 LET'S GO BACK TO MR. TAYLOR AND HIS
24 INJURIES. HE STAYS IN THE HOSPITAL FOR A LONG TIME; IS
25 THAT RIGHT?

26 A YES.

27 Q AND DO YOU -- I KNOW THAT COURTNEY AND
28 ANTHONY TAYLOR WERE DATING AFTER THE ACCIDENT.

1 HOW OFTEN DID YOU SEE HIM?

2 A EVERY WEEK WE -- WE DROVE OUT THERE EVERY
3 SATURDAY TO GIVE HIS MOM A BREAK.

4 Q SO SATURDAYS YOU WOULD DRIVE EITHER TO
5 ANTELOPE VALLEY HOSPITAL WHERE HE WAS THERE, OR DOWN TO
6 THE SAN FERNANDO VALLEY WHEN HE WAS AT PACIFICA; IS
7 THAT RIGHT?

8 A YES.

9 Q YOU WOULD VISIT HIM EVERY WEEK?

10 A YES.

11 Q DID THAT CONTINUE UNTIL MR. TAYLOR MOVED
12 UP TO OREGON?

13 A YES. WE WERE THERE THE NIGHT BEFORE HE
14 LEFT, YES.

15 Q YOU WERE WITH MR. TAYLOR THE NIGHT BEFORE
16 HE LEFT FOR OREGON?

17 A YES.

18 Q AT HIS AUNT'S HOUSE?

19 A YES.

20 Q DID YOU SEE SOME OF HIS PROGRESSION AFTER
21 HE STARTED TO GET A LITTLE BIT BETTER AFTER THE CRASH?

22 A YES.

23 Q TELL US A LITTLE BIT ABOUT THAT. HOW DID
24 HE IMPROVE?

25 A HE HAD HIS HALO OFF AFTER EIGHT -- HE HAD
26 THE HALO ON FOR EIGHT MONTHS. SO, I MEAN, HE GOT THAT
27 HALO OFF.

28 Q DID HE REGAIN SOME OF THE MOVEMENT IN HIS

1 UPPER BODY?

2 A HIS UPPER ARMS, YES.

3 Q HOW LONG DID IT TAKE FOR THAT TO HAPPEN?

4 A HE WASN'T -- HE WAS AT ANTELOPE VALLEY FOR
5 A MONTH. MOST OF THE TIME HE WAS THERE, HE WAS PRETTY
6 SICK. HE WAS IN AND OUT PROBABLY -- HE WAS AT
7 PACIFICA -- WHEN HE WAS IN SAN FERNANDO --

8 Q THAT'S WHEN HE GOT A LITTLE BIT BETTER?

9 A DEPENDING ON THE WEEK. LIKE, SOME WEEKS
10 HE WAS GOOD AND SOME WEEKS HE WAS SICK, AND SOME WEEKS,
11 YOU KNOW, HE WAS SAD. AND OTHER WEEKS -- I MEAN, IT
12 DEPENDED ON THE WEEK.

13 Q UP AND DOWN?

14 A YEAH.

15 Q DID YOU SEE MR. TAYLOR AND DID YOUR
16 DAUGHTER CONTINUE TO SEE MR. TAYLOR EVEN AFTER THEY
17 MOVED UP TO OREGON?

18 A YES.

19 Q DID YOU GO ON TRIPS UP THERE?

20 A YES.

21 Q HOW MANY TIMES DID YOU VISIT MR. TAYLOR UP
22 IN OREGON?

23 A I VISITED HIM TWICE. COURTNEY VISITED HIM
24 THREE TIMES. MY SON DROVE HER UP THERE.

25 Q COURTNEY'S BROTHER?

26 A COURTNEY'S BROTHER DROVE HER UP THERE AND
27 SURPRISED HIM.

28 Q NOW, ARE COURTNEY AND ANTHONY TAYLOR

1 TOGETHER TODAY?

2 A NO.

3 Q THEY'VE MOVED ON?

4 A YES.

5 Q HOW DID THAT HAPPEN?

6 A HIM MOVING TO OREGON WAS A BIG FACTOR.

7 THE FACT THAT HE SPENDS MOST OF HIS TIME IN BED IN THE
8 ROOM, I MEAN, AND SHE'S 25 AND OUT AND DOING STUFF. I
9 MEAN -- THEY STILL -- THEY STILL TEXT. I MEAN ...

10 Q WAS THAT TOUGH FOR COURTNEY?

11 A ABSOLUTELY. IT BROKE HER HEART.

12 Q WAS IT NICE TO SEE ANTHONY TAYLOR TODAY?

13 A VERY. VERY.

14 Q TELL ME ABOUT THAT.

15 A I HAVEN'T -- WELL, WE HAVEN'T SEEN HIM
16 SINCE JULY OF LAST YEAR WHEN WE DROVE UP THERE LAST
17 TIME. AND THAT'S KIND OF WHEN THEY BROKE UP. SO IT
18 WAS KIND OF, LIKE, OKAY.

19 SO WE ARE FACEBOOK FRIENDS SO WE DO SEE,
20 YOU KNOW, WE KIND OF KEEP TABS ON EACH OTHER THERE.

21 ONE OF OUR FRIENDS HAD A BABY AND I TEXTED
22 ANTHONY THAT SHE WAS HAVING A BABY BECAUSE IT WAS A
23 FAMILY, YOU KNOW, LIKE SOMETHING IN THE FAMILY.

24 SO IT WAS REALLY GOOD SEEING HIM. IT'S
25 LIKE HE'S NEVER BEEN GONE. I MEAN, YOU KNOW, IT'S LIKE
26 HE'S BACK TO FAMILY.

27 MR. WHEELER: REAL QUICK, EXHIBIT 5 IS PICTURES
28 OF THE HONDA CIVIC THAT MS. SCHILLING WAS DRIVING. I

1 WOULD LIKE HER TO IDENTIFY THOSE FOR THE RECORD, YOUR
2 HONOR.

3 MR. BRAUN: IT CALLS FOR SPECULATION. LACK OF
4 FOUNDATION.

5 BUT JUST SO THE COURT KNOWS, WE'VE
6 STIPULATED TO THE ADMISSION OF THE VEHICLE PHOTOS.

7 THE COURT: ALL RIGHT. SO YOU HAVE ALL OF THOSE.

8 MR. WHEELER: NO NEED.

9 THE COURT: ALL RIGHT. SO EXHIBIT 5 OF THE
10 DEFENDANT'S VEHICLES PHOTOS. THAT'S PER STIP.

11 (WHEREUPON EXHIBIT NO. 5 WAS MARKED FOR
12 IDENTIFICATION.)

13 BY MR. WHEELER:

14 Q YOU DON'T ACTUALLY REMEMBER SEEING
15 MS. SCHILLING'S VEHICLE AS IT CAME OUT IN FRONT OF YOU;
16 RIGHT?

17 A NO.

18 Q OKAY.

19 MR. WHEELER: OKAY. THANK YOU.

20 THE COURT: WE HAVE ABOUT THREE MINUTES, DID YOU
21 WANT TO GO AHEAD AND START?

22 MR. BRAUN: IF YOU GIVE ME TEN, I COULD PROBABLY
23 FINISH WITH HER, BUT IF IT'S THREE, THEN I WOULD RATHER
24 WAIT UNTIL TOMORROW.

25 THE COURT: WELL, CAN THE JURY STAY FIVE, SIX,
26 SEVEN EXTRA MINUTES? ANYONE THAT CAN'T?

27 IS IT OKAY?

28 ALL RIGHT. THEN LET'S GO AHEAD, THEN,

1 MR. BRAUN. THANK YOU. THAT ASSUMES THERE'S NOT
2 EXTENSIVE REDIRECT IF YOU NEED IT. WE'LL SEE.

3 MR. WHEELER: OKAY.

4
5 CROSS-EXAMINATION

6 BY MR. BRAUN:

7 Q GOOD AFTERNOON, MS. BAKER.

8 A HI.

9 Q MY NAME IS JEFF BRAUN. WE HAVEN'T MET
10 BEFORE. I'M MS. SCHILLING'S ATTORNEY.

11 A NO. HI.

12 Q IS COURTNEY CURRENTLY WORKING?

13 A YES.

14 Q IS SHE STILL AT DESERT HAVEN OR ELSEWHERE?

15 A YES, SHE'S STILL AT DESERT HAVEN.

16 Q IS SHE DOING THE SAME THING NOW THAT SHE
17 WAS DOING BACK WHEN SHE WAS WORKING WITH ANTHONY?

18 A YES.

19 Q AND HAS SHE PROGRESSED, OR IS IT THE SAME
20 LEVEL OF THE JANITORIAL SERVICES AND THINGS OF THAT
21 NATURE THAT THEY PROVIDE?

22 A SHE'S ACTUALLY -- WHAT'S THE OPPOSITE OF
23 PROGRESSED? DEGREESSED.

24 Q WHY IS THAT?

25 A SHE'S WORKING THREE DAYS A WEEK INSTEAD OF
26 FIVE. SHE HAD A FEW MELTDOWNS AFTER THE ACCIDENT.

27 Q OKAY.

28 A AND THEY BASICALLY TOLD HER THREE DAYS A

1 WEEK IS GREAT FOR HER BECAUSE IT'S JUST TOO MUCH FOR
2 HER TO GO FIVE.

3 Q OKAY. SO BUT WHEN SHE IS AT WORK, SHE'S
4 DOING THE SAME LEVEL OF WORK THAT THEY WERE DOING A FEW
5 YEARS BACK?

6 A YES.

7 Q DOES SHE ENJOY DOING THAT WORK?

8 A YES. BOTH MY SON AND I ARE BOTH
9 CUSTODIANS FOR THE SCHOOL DISTRICT, SO ALL THREE OF US
10 JUST TALK ABOUT, YOU KNOW -- WE ALL DO THE SAME THING
11 EXCEPT DIFFERENT LEVELS, YOU KNOW.

12 Q OKAY. AND THE WORK THAT SHE'S DOING NOW,
13 IS THAT THE SAME KIND OF WORK THAT, TO YOUR KNOWLEDGE,
14 THAT MR. TAYLOR WAS DOING BACK WHEN THE ACCIDENT
15 HAPPENED?

16 A YES.

17 Q ALL RIGHT. AND ARE YOU AWARE OF WHAT THE
18 WAGES ARE THAT THEY WERE EARNING THERE?

19 A I DON'T KNOW WHAT ANTHONY WAS EARNING. I
20 KNOW COURTNEY WAS MAKING, LIKE, FOUR SOMETHING AN HOUR.
21 IT'S RUN BY THE DEPARTMENT OF LABOR SO SOMEHOW THEY DO
22 IT BY -- I DON'T KNOW HOW IT RUNS. I MEAN ...

23 Q OKAY. YOU DON'T KNOW WHETHER MR. TAYLOR
24 WAS WORKING ANYTHING AROUND THAT SUM OR NOT?

25 A NO, I HAVE NO IDEA WHAT HE WAS MAKING.

26 Q ALL RIGHT. WAS COURTNEY HURT IN THE
27 ACCIDENT?

28 A SHE HAD A LITTLE TINY BRUISE ON HER --

1 RIGHT HERE FROM THE SEATBELT.

2 Q AND THAT WAS IT?

3 A YEAH.

4 Q THAT WAS IT?

5 A YEAH. WE DID X-RAY HER TO MAKE SURE, BUT
6 SHE WAS FINE.

7 Q SHE WAS SITTING IN THE BACKSEAT WITH
8 MR. TAYLOR WHEN THE ACCIDENT HAPPENED?

9 A SHE WAS ON THE PASSENGER SIDE AND HE WAS
10 RIGHT BEHIND ME IN THE BACKSEAT.

11 Q YOU WERE TALKING ABOUT SEEING THE WHITE
12 CAR STOPPED AS YOU WERE APPROACHING THE INTERSECTION;
13 RIGHT?

14 A YES.

15 Q AND THEN THE NEXT THING YOU KNOW THE WHITE
16 CAR IS IN FRONT OF YOU; IS THAT RIGHT?

17 A BASICALLY, YEAH.

18 Q IS IT FAIR TO SAY YOU DIDN'T SEE THE WHITE
19 CAR MOVE FROM THE STOP SIGN UNTIL IT WAS IN FRONT OF
20 YOU?

21 A NO. NO.

22 Q THAT'S A FAIR STATEMENT?

23 A YES.

24 Q THANK YOU.

25 THE COURT: NOTHING FURTHER, MR. BRAUN?

26 MR. BRAUN: NOTHING FURTHER.

27 THAT WAS THREE MINUTES.

28 MR. WHEELER: VERY BRIEFLY.

1 REDIRECT EXAMINATION

2 BY MR. WHEELER:

3 Q THERE WERE SOME QUESTIONS THAT WERE ASKED
4 ABOUT HOW COURTNEY WAS PROGRESSING IN HER JOB.

5 YOU REMEMBER THAT?

6 A YES.

7 Q AND THEN SHE REGRESSED BECAUSE IT SOUNDED
8 LIKE TO ME BECAUSE OF THE EMOTIONAL IMPACT THAT THE
9 CRASH HAD ON HER?

10 A YES.

11 Q AS FAR AS COURTNEY'S DISABILITIES AND
12 ANTHONY TAYLOR'S DISABILITIES, WAS ANTHONY MORE
13 INDEPENDENT THAN COURTNEY WAS?

14 A YES.

15 Q HOW SO?

16 A HE UNDERSTOOD MONEY. SHE HAS NO CLUE A
17 20 FROM A 200 FROM A -- YOU CAN GIVE HER A.T.M. CARD
18 AND SHE WOULD JUST SPEND IT ALL, HAVE NO CLUE WHAT
19 SHE'S BUYING.20 SHE HAS A CLUE WHAT SHE'S BUYING, WHATEVER
21 SHE WANTS. HE UNDERSTOOD MONEY. HE UNDERSTOOD HOW TO
22 BUDGET.

23 I DON'T KNOW.

24 Q I THINK THAT ANSWERS IT.

25 A I MEAN, HE --

26 Q THANK YOU.

27 A OKAY.

28 THE COURT: NOTHING FURTHER, MR. WHEELER?

1 MR. WHEELER: NOTHING FURTHER.

2 THE COURT: ANYTHING FURTHER, MR. BRAUN?

3 MR. BRAUN: NO, YOUR HONOR.

4 THE COURT: MAY THIS WITNESS BE EXCUSED?

5 MR. WHEELER: YES, YOUR HONOR.

6 MR. BRAUN: YES, YOUR HONOR.

7 THE COURT: THANK YOU. WATCH YOUR STEP.

8 ALL RIGHT. LADIES AND GENTLEMEN, WE
9 SELECTED THE JURY. WE HAVE SOME WITNESSES. SO WE'RE
10 MOVING FORWARD.

11 IT'S BEEN MY EXPERIENCE, AND I CAN'T
12 GUARANTEE THIS, BUT IT'S BEEN MY EXPERIENCE THAT CASES
13 PICK UP SPEED. WITNESSES TAKE LESS.

14 YOU HEARD MR. BRAUN SAY I NEEDED TEN
15 MINUTES. HE NEEDED THREE. THAT'S WHAT HAPPENS IN
16 CASES. SOMETIMES WITNESSES TAKE A LITTLE LONGER.

17 I THINK WE'LL CONTINUE TO MOVE ALONG. THE
18 LAWYERS WILL CALL THE WITNESSES.

19 I WOULD LIKE TO START AT NINE O'CLOCK
20 TOMORROW, BUT I NEED EVERYBODY, INCLUDING MS. NELSON, I
21 NEED EVERYONE HERE AT NINE O'CLOCK OR FIVE MINUTES TO
22 9:00.

23 SO I CALL IT JUROR PEER PRESSURE IF YOU'RE
24 LATE.

25 JUROR NELSON: I'LL BE AN HOUR EARLIER.

26 THE COURT: YOU GET THE LOOK FROM YOUR FELLOW
27 JURORS BECAUSE THEY WANT TO START.

28 SO IF EVERYBODY GATHERS OUTSIDE, FIVE

1 MINUTES TO 9:00, WE'LL BE READY TO GO, AND THEN WE'LL
2 HAVE WITNESSES ALL DAY TOMORROW.

3 PLEASE, AGAIN, I MUST ADMONISH YOU, DO NOT
4 DISCUSS THE CASE AMONGST YOURSELVES OR WITH ANYONE
5 ELSE, OR ALLOW ANYONE TO DISCUSS IT WITH YOU.

6 WE WILL SEE YOU AT FIVE MINUTES TO 9:00
7 TOMORROW MORNING.

8 THANK YOU.

9 (THE FOLLOWING PROCEEDINGS WERE HELD IN
10 OPEN COURT OUTSIDE THE PRESENCE OF THE
11 JURY:)

12 THE COURT: DID THE STUDENTS FROM SOUTHWESTERN
13 STAY THROUGHOUT THE AFTERNOON?

14 VERY GOOD.

15 VERY GOOD. THANK YOU.

16 LET ME JUST INQUIRE OF OUR -- I DON'T
17 KNOW, MR. WHEELER, ARE YOU GOING TO HANDLE THIS? BUT
18 THE SCHEDULE FOR TOMORROW. LET'S START NINE O'CLOCK,
19 WHO DO YOU ANTICIPATE?

20 MR. WHEELER: DR. FARRUKH.

21 THE COURT: AND I HAVE MY LIST. WHAT DO YOU
22 THINK ON DIRECT TOMORROW MORNING? HOW LONG?

23 MR. REX PARRIS: HOUR AND A HALF, MAYBE TWO.

24 THE COURT: OKAY. AND SO HE MAY TAKE THE
25 MORNING.

26 MR. WHEELER: I'M SORRY. YOUR HONOR, WE'LL
27 PROBABLY HAVE COURTNEY BAKER, WHO WILL BE A VERY QUICK
28 WITNESS.

1 THE COURT: SO THAT WILL BE THE MORNING, COURTNEY
2 BAKER AND DR. FARRUKH?

3 MR. WHEELER: YES, YOUR HONOR.

4 THE COURT: WHO DO YOU PLAN IN THE AFTERNOON?

5 MR. WHEELER: DR. MILLER.

6 THE COURT: DR. MILLER. WOULD HE TAKE THE ENTIRE
7 AFTERNOON?

8 MR. WHEELER: I'M SORRY, YOUR HONOR?

9 THE COURT: WOULD HE TAKE THE ENTIRE AFTERNOON?

10 MR. WHEELER: HE MIGHT, YEAH.

11 AND I KNOW THAT WE'D LIKE TO PLAY CLIPS OF
12 DR. WEBSTER.

13 THE COURT: SO THAT'S ONE OF THE TRANSCRIPTS?

14 MR. WHEELER: YES, YOUR HONOR.

15 THE COURT: DR. WEBSTER.

16 WOULD YOU COME UP AND LOCATE IT IN THE
17 PILE FOR ME, PLEASE. I'LL READ IT.

18 MR. REX PARRIS: YOUR HONOR, WE WOULD LIKE
19 DR. KIM ON THURSDAY, AND WE WILL DO DR. MILLER THURSDAY
20 AFTERNOON.

21 MR. BRAUN: THEY'RE ASKING FOR ONE OF OUR EXPERTS
22 THAT GOT SERVED WITH A SUBPOENA YESTERDAY. I NEED TO
23 CHECK ON HER SCHEDULE. I TOLD THEM I WOULD DO THE BEST
24 I CAN TO GET HER TO BE HERE, AND THAT'S DR. KIM.

25 I HAVEN'T MADE THAT PHONE CALL BECAUSE I
26 WANTED TO FIND OUT FROM HIM WHEN HE REALLY WANTS HER.
27 SO I'LL MAKE SURE THAT SHE CAN BE HERE ON THURSDAY.
28 WHETHER SHE'S GOT SOMETHING ELSE GOING ON IN TERMS OF

1 SEEING PATIENTS, I DON'T KNOW YET.

2 THE COURT: IS THIS ONE AT 9:00 A.M. OR 1:30?

3 MR. REX PARRIS: 1:30, YOUR HONOR.

4 THE COURT: 1:30?

5 MR. REX PARRIS: NO. NO. WE HAVE HER IN THE
6 MORNING.

7 MS. TROPP: TOMORROW IS WEDNESDAY. YOU YOU'RE
8 TALKING ABOUT THURSDAY.

9 THE COURT: SO THURSDAY YOU WANT DR. KIM?

10 MR. REX PARRIS: RIGHT.

11 THE COURT: SHE WOULD TAKE THE MORNING.

12 MR. REX PARRIS: HOW LONG ARE YOU GOING TO HAVE
13 HER?

14 MR. BRAUN: THERE'S A GOOD CHANCE WE'LL CALL HER
15 IN OUR CASE-IN-CHIEF. WE'LL JUST LET HIM DO WHAT HE
16 NEEDS TO DO WITH HER NOW.

17 THE COURT: OKAY. VERY GOOD.

18 THAT'S THURSDAY.

19 WEDNESDAY, DO WE HAVE ENOUGH WITNESSES
20 NOW, MR. WHEELER, WITH MS. COURTNEY BAKER, DR. FARRUKH,
21 DR. MILLER, AND THEN DR. --

22 MR. REX PARRIS: NO. DR. MILLER IS GOING TO GO
23 AFTER DR. KIM.

24 THE COURT: OKAY. SO THEN WHO IS IN THE
25 AFTERNOON TOMORROW?

26 MR. REX PARRIS: NEVER MIND, YOUR HONOR. WE WILL
27 GO AHEAD AND GO WITH MILLER TOMORROW.

28 THE COURT: OKAY. SO IT WILL BE DR. FARRUKH AND

1 COURTNEY BAKER, IF THEY TAKE THE MORNING. THEN WE'LL
2 GO TO DR. MILLER AT 1:30, AND THEN DR. WEBSTER'S
3 TRANSCRIPT?

4 MR. WHEELER: YES, YOUR HONOR.

5 THE COURT: AND THAT WOULD BE THE DAY.

6 MR. WHEELER: YES, YOUR HONOR.

7 THE COURT: LET ME ASK YOU. I HAVE THIS
8 TRANSCRIPT. I HAVE A 7:30 MEETING AND THEN ANOTHER
9 MEETING AT LUNCH, SO I WON'T HAVE A LOT OF TIME
10 TOMORROW WHEN WE'RE ON BREAKS.

11 IT SAYS HERE -- I WANT TO GET THE
12 PROCEDURE.

13 IT SAYS, DR. WEBSTER. IT SAYS (AS READ
14 AND/OR REFLECTED):

15 DESIGNATION, PAGE 5, LINE 16, TO
16 PAGE 5, LINE 25.

17 IT SAYS, "OBJECTION." BUT THERE'S NOTHING
18 MARKED FOR AN OBJECTION. IT HAS A COUNTERDESIGNATION.
19 I'M LOOKING FOR OBJECTIONS. NOTHING WAS MARKED AS
20 OBJECTED ON THIS.

21 OH, HERE IT IS. SO THE PLAINTIFF'S
22 DESIGNATION, NOTHING WAS OBJECTED TO. THAT'S WHAT I
23 HAVE.

24 MR. WHEELER: I THINK THERE ARE SOME OBJECTIONS.
25 MAYBE NOT.

26 THE COURT: TAKE A LOOK AT IT BECAUSE I'VE GOT NO
27 OBJECTIONS, FOUR PAGES. I HAVE COUNTERDESIGNATIONS,
28 AND THEN YOU GO TO DEFENDANT'S DESIGNATIONS AND THE

1 PLAINIFF OBJECTS. HERE'S ONE. RELEVANCE,
2 ARGUMENTATIVE. THERE'S ONLY ABOUT FIVE OF THEM THAT
3 ARE OBJECTED TO.

4 MR. WHEELER: SO IF THERE'S NO OBJECTIONS TO
5 OURS, THEN THERE'S NOTHING FOR THE COURT TO RULE ON.

6 THE COURT: THERE'S NOTHING TO RULE ON.

7 MS. TROPP: EXCEPT FOR THE COUNTERDESIGNATIONS,
8 WHICH COULD VERY WELL JUST DEAL WITH THE RULE OF
9 COMPLETENESS.

10 THE COURT: THE COUNTERDESIGNATIONS THERE'S ONLY
11 ABOUT FIVE OF THEM. I HAVE THEM HERE. DEFENDANT'S
12 DESIGNATIONS, PAGE 27, RELEVANCE. PAGE 71, RELEVANCE.
13 PAGE 75, ARGUMENTATIVE, VAGUE. PAGE 76, RELEVANCE.
14 PAGE 98, INCOMPLETE HYPOTHETICAL.

15 SO I CAN READ ALL OF THOSE. BUT IS THERE
16 ANOTHER ONE THAT YOU MIGHT WANT TO USE TOMORROW IF WE
17 RUN OUT OF TIME? I'LL TAKE THAT WITH ME, ALSO. I
18 DON'T KNOW IF I'LL GET TO IT, BUT I'LL TRY.

19 SO YOU HAVE IT --

20 MR. WHEELER: I'M JUST THINKING, YOUR HONOR.
21 GIVE ME A MOMENT.

22 THE COURT: OKAY. VERY GOOD.

23 MR. WHEELER: DR. CHUNG IS A MORE SUBSTANTIVE
24 DEPOSITION. THAT MIGHT TAKE YOU -- DO YOU MIND IF I
25 APPROACH AND LOOK AT THE STACK AGAIN?

26 THE COURT: NOT AT ALL. HE CAN HELP OUT.

27 LET ME SEE WHAT WE HAVE FOR DR. CHUNG.
28 HERE'S PLAINTIFF'S DESIGNATIONS. THERE'S ONE, TWO --

1 THERE'S THREE.

2 THEN THE DEFENDANT'S DESIGNATIONS, THERE'S
3 ABOUT SEVEN. SO I CAN RULE ON THESE, TOO. I'LL RULE
4 ON THESE, TOO. THEY WILL BE READY.

5 MR. REX PARRIS: LET'S DO DR. KIM'S DEPO BEFORE
6 MILLER. THAT WILL HANDLE THAT, AND THEN YOU CAN
7 PRODUCE HIM THURSDAY OR FRIDAY.

8 MR. BRAUN: I'M SORRY. YOU WANT TO READ
9 DR. KIM'S? READ HER TRANSCRIPT?

10 MR. REX PARRIS: PARTS OF IT.

11 MR. BRAUN: BEFORE SHE TAKES THE STAND?

12 MR. REX PARRIS: NO, BEFORE MILLER TAKES THE
13 STAND, OR I CAN DO IT IN MILLER'S TESTIMONY.

14 MR. BRAUN: IT'S YOUR CASE. I'M SIMPLY TELLING
15 YOU I'LL CHECK WITH HER TO MAKE SURE SHE CAN COME
16 THURSDAY.

17 MR. REX PARRIS: WE'RE GOING TO ASK FOR A BENCH
18 WARRANT IF -- WHAT COUNSEL TOLD ME WHEN I TALKED TO HIM
19 TODAY WAS THAT THURSDAY OR FRIDAY WOULD BE FINE. IF
20 THAT'S NOT FINE, WHAT'S THE DEAL HERE?

21 MR. BRAUN: YOU KNOW THAT I DIDN'T SAY IT WAS
22 FINE. YOU KNOW I SAID THAT I HAD TO CALL HER.

23 MR. REX PARRIS: DID YOU CALL HER?

24 MR. BRAUN: YOU TOLD ME ABOUT IT THIS AFTERNOON.

25 MR. REX PARRIS: YOUR HONOR. YOUR HONOR, IF I
26 DON'T HAVE A --

27 THE COURT: JUST A MINUTE.

28 MICHELLE, WOULD YOU GET MY CODE OF CIVIL

1 PROCEDURE OUT OF CHAMBERS, PLEASE. JUST ONE MOMENT. I
2 WANT TO GO TO CIVIL PROCEDURE.

3 THEN YOU CAN CONTINUE, MR. PARRIS.

4 ALL RIGHT. I KEEP THIS MARKED. THIS IS
5 C.C.P. SECTION 1993, WHICH INDICATES THE FOLLOWING (AS
6 READ AND/OR REFLECTED):

7 WHEREFORE ABSENT WITNESS AS
8 ALTERNATIVE TO ISSUE A WARRANT FOR
9 CONTEMPT PURSUANT TO THE SUBSECTION.
10 THE COURT MAY ISSUE A WARRANT FOR THE
11 ARREST OF A WITNESS WHO FAILED TO
12 APPEAR PURSUANT TO A SUBPOENA.

13 AND THEN IT GOES ON.

14 THE SUBSECTION 2 SAYS THE FOLLOWING, THIS
15 IS ONE I READ TO COUNSEL (AS READ AND/OR REFLECTED):

16 BEFORE ISSUING A WARRANT FOR THE
17 FAILURE TO APPEAR PURSUANT TO A
18 SUBPOENA, THE COURT SHALL ISSUE A
19 FAILURE TO APPEAR NOTICE, WHICH I
20 REQUIRE COUNSEL TO PREPARE, INFORMING
21 THE PERSON SUBJECT TO THE SUBPOENA
22 THAT FAILURE TO APPEAR IN RESPONSE TO
23 THE NOTICE MAY RESULT IN THE ISSUANCE
24 OF A WARRANT.

25 AND THEN IT GOES ON.

26 SO PLEASE READ C.C.P. 1993. IT GIVES YOU
27 EXACTLY WHAT HAS TO BE DONE AND IT'S -- I THINK IT'S
28 SOMETHING THE LEGISLATURE DOESN'T WANT TO HAVE BENCH

1 WARRANTS IN CIVIL CASES BECAUSE WHEN YOU READ IT, IT'S
2 CLEAR, THERE'S A COUPLE-STEP PROCEDURE THEY WANT US TO
3 DO, AND IT'S VERY CLEAR.

4 MR. REX PARRIS: I THINK WE'VE WORKED IT OUT,
5 YOUR HONOR.

6 THE COURT: OKAY. VERY GOOD.

7 IS THERE ANYTHING ELSE WE NEED TO COVER
8 FROM THE PLAINTIFF OR THE DEFENDANT?

9 MS. TROPP: YOUR HONOR, YESTERDAY I TOLD YOU I
10 WOULD GIVE YOU SOME EXHIBIT NUMBERS OF THE COQUILLE
11 HOME HEALTH RECORDS THAT INDICATED SUCTIONING WASN'T
12 GOING ON FOR SOME PERIODS OF TIME. I HAVE THOSE
13 EXHIBIT NUMBERS IF YOU WANT ME TO WRITE THEM OUT FOR
14 YOU OR GIVE THEM TO YOU.

15 THE COURT: ARE THEY NEEDED FOR TOMORROW MORNING?

16 MS. TROPP: NO.

17 THE COURT: I'VE GOT ENOUGH HOMEWORK WITH THE
18 TRANSCRIPTS. I'LL READ THOSE. I'LL RULE ON THOSE AND
19 THEN WE'LL TAKE THAT NEXT.

20 MR. REX PARRIS: THERE WILL BE A SANCHEZ
21 OBJECTION TO THAT, HEARSAY, UNLESS SOMEBODY'S REVIEWED
22 THEM.

23 THE COURT: WHAT I DO USUALLY WITH SANCHEZ IS I
24 LOOK TO THE LAWYERS AS OFFICERS OF COURTS, AND I SAY
25 YOU CAN'T CALL EVERY SINGLE PERSON TO LAY THE
26 FOUNDATION.

27 IF YOU CAN REPRESENT TO THE COURT THAT YOU
28 ARE GOING TO CALL AN INDIVIDUAL TO LAY A FOUNDATION,

1 FOR EXAMPLE, THE SKID MARKS THAT JUSTICE -- EXCUSE ME,
2 THE SKID MARKS THAT JUSTICE CORRIGAN TALKS ABOUT IN HER
3 OPINION, ET CETERA.

4 IF YOU'LL MAKE A GOOD FAITH REPRESENTATION
5 THAT YOU HAVE THAT WITNESS LINED UP, THEN I MAY ALLOW
6 IT TO BE USED, BUT IF YOU DON'T HAVE SOMEBODY LINED UP,
7 THEN THERE MAY BE A PEOPLE VERSUS SANCHEZ OBJECTION,
8 AND I'LL HAVE TO RULE ON THAT.

9 MR. REX PARRIS: MY --

10 THE COURT: LET HER FINISH.

11 MS. TROPP: JUST SO YOUR HONOR RECALLS, I RAISED
12 THESE EXHIBITS IN RESPONSE TO WHY -- I WANTED YOU TO
13 CONSIDER ALL OF THAT IN RESPONSE TO WHY THE CURRENT
14 L.V.N., WHO IS NOW WORKING, WOULD BE PROVIDING NEW
15 EVIDENCE THAT HASN'T BEEN SUBMITTED, AND THAT WE HAVE
16 EXHIBITS GOING BACK SEVERAL MONTHS REGARDING A
17 DIFFERENT HOME HEALTH CARE PLAN AND THAT THIS WITNESS
18 WAS REALLY AN EXPERT.

19 THE COURT: I CAN TAKE IT ON A 402, AND THEN THE
20 PEOPLE VERSUS SANCHEZ ISSUE IS RESERVED. BUT WE'LL
21 TAKE THAT UP. I THINK WE HAVE A FULL DAY TOMORROW.

22 MR. REX PARRIS: I'M NOT BEING PEDANTIC ABOUT
23 THIS, YOUR HONOR. WHAT MY CONCERN IS, IS THAT IT WOULD
24 BE A HEARSAY OBJECTION IF IT'S ONE -- IF THEY GIVE IT
25 TO A WITNESS THAT HAS NEVER SEEN THEM BEFORE AND THEY
26 DIDN'T NOTIFY US THAT HE'S CHANGED HIS OPINIONS, OR
27 HE'S CHANGED WHAT HE'S BASING HIS TESTIMONY ON, I'M
28 GOING TO HAVE A PROBLEM WITH THAT UNDER PEOPLE VERSUS

1 SANCHEZ, THAT WOULD BE HEARSAY, FOR THEM TO PUT ALL
2 THAT IN. IT WOULD BE A KENNEMUR.

3 THE COURT: WE'RE JUMPING AHEAD. WE HAVE ENOUGH
4 ON OUR PLATE FOR TOMORROW.

5 MR. REX PARRIS: SURE.

6 THE COURT: WHAT I HEARD WAS THAT BASICALLY
7 THERE'S A DISPUTE ON THIS TRACH ISSUE AND SUCTIONING.
8 AND MS. TROPP WANTS TO BE ABLE TO INDICATE THAT THERE
9 WAS NOT THE SAME DEGREE OF SUCTIONING OR SOMETHING
10 ALONG THOSE LINES OCCURRING.

11 YOU WANT TO CALL A WITNESS WHO SAID, I
12 HAVE BEEN WITH HIM MORE RECENTLY, AND HE HAS TO BE
13 SUCTIONED QUITE FREQUENTLY. AND THIS IS APPARENTLY
14 SOMEONE HADN'T BEEN PREVIOUSLY DESIGNATED.

15 SO MY SUGGESTION IS WE AVOID THE PROBLEM
16 OF HEARSAY, AT LEAST FOR THE PURPOSES OF A 402 HEARING,
17 AND I'LL MAKE A DETERMINATION BECAUSE IT SOUNDS LIKE
18 YOU'RE OBJECTING TO THIS WITNESS BEING CALLED. THAT'S
19 YOUR CONCERN.

20 MS. TROPP: YES.

21 THE COURT: AND SHE'S NOT GOING TO BE CALLED, I
22 ASSUME, THIS WEEK.

23 MR. REX PARRIS: YES, SHE IS.

24 THE COURT: WHEN IS SHE SUPPOSED TO BE CALLED?

25 MR. REX PARRIS: WELL --

26 THE COURT: IT'S EITHER THURSDAY OR FRIDAY.

27 MR. REX PARRIS: YES. WE HAVE TO GET ANTHONY
28 BACK. I MEAN, HE'S LIVING IN A HOTEL ROOM.

1 THE COURT: JUST TELL ME WHEN YOU'RE GOING TO
2 CALL HER, AND I'LL -- WE'LL DEAL WITH THE ISSUE.

3 MR. REX PARRIS: THURSDAY OR FRIDAY, YOUR HONOR.
4 PROBABLY FRIDAY.

5 THE COURT: ALL RIGHT. SO TOMORROW EVENING.

6 MS. TROPP: WE'RE NOT IN SESSION FRIDAY, YOUR
7 HONOR.

8 THE COURT: YES, THAT'S CORRECT. SO IT'S
9 THURSDAY.

10 MR. REX PARRIS: I GUESS SO.

11 THE COURT: OKAY. SO THIS GOES TO THE ISSUE OF
12 WHETHER THIS WITNESS SHOULD BE ALLOWED TO TESTIFY. AND
13 YOUR POSITION IS THAT BY READING THIS, I'LL LEARN WHAT,
14 BY READING WHAT YOU WANT TO REFER TO?

15 MS. TROPP: YOU DON'T NEED TO READ THIS TO LEARN
16 THE FACT THAT SHE'S NEVER BEEN DISCLOSED, THAT SHE'S AN
17 L.V.N., WHO IS GOING TO BE OFFERING TESTIMONY.

18 THE COURT: I'M NOT UNDERSTANDING WHAT YOUR
19 PURPOSE IS IN -- I FORGOT FROM YESTERDAY. WHAT'S THE
20 PURPOSE IN PUTTING THIS IN?

21 MS. TROPP: THAT THERE HAS BEEN -- THE ONLY
22 EVIDENCE OF NEED FOR SUCTIONING THROUGHOUT HIS ENTIRE
23 DISCOVERY PHASE OF THE TRIAL, UP TO -- IN THIS CASE UP
24 TO THE TRIAL, HAVE BEEN THE HOME HEALTH RECORDS ASIDE
25 FROM WHAT MRS. TAYLOR AND ANTHONY HAVE TESTIFIED TO.

26 SO THERE'S NO NEW HOME HEALTH RECORDS THAT
27 ANYBODY HAS PROVIDED, PRODUCED, OR IDENTIFIED AS AN
28 EXHIBIT.

1 SO NOW NOT ONLY DO I HAVE AN UNDISCLOSED,
2 UNDESIGNATED BRAND-NEW WITNESS, BUT APPARENTLY
3 BRAND-NEW TESTIMONY REGARDING SUCTIONING THAT HASN'T
4 BEEN DISCLOSED IN ANY OF THE EXHIBITS. IN FACT,
5 EVERYTHING IS CONTRARY TO IT.

6 AND WE ASKED THE COURT TO UNDERSTAND
7 YESTERDAY THAT IF THERE'S ONGOING SUCTIONING, THEN
8 MRS. TAYLOR AND ANTHONY SHOULD BE ABLE TO SPEAK TO
9 THAT, NOT AN L.V.N., WHO IS CLEARLY GOING TO BE
10 SPEAKING ABOUT HER CARE OF THE PATIENT BASED ON HER
11 TRAINING, WHAT SHE'S DOING FOR HIM, AND THAT'S A
12 NONRETAINED EXPERT WHO HAS TO BE DESIGNATED.

13 THE COURT: SO YOU FEEL THE NONDISCLOSURE IS THE
14 KEY?

15 MS. TROPP: YES.

16 THE COURT: OKAY. VERY GOOD.

17 MR. REX PARRIS: YOUR HONOR, I WOULD ASK THAT
18 THEY SHOW YOU PRECISELY WHAT THEY'RE REFERRING TO WHEN
19 THEY TALK ABOUT A NONDISCLOSURE. THEY IMPLY THAT WE
20 FAILED TO ANSWER AN INTERROGATORY OR SOMETHING. AND
21 THAT WAS TIMELY AND EVERYTHING ELSE.

22 AND YOU DON'T HAVE THAT IN FRONT OF YOU.
23 IN FACT, IT'S NOT TRUE. IT'S NOT TRUE.

24 MS. TROPP: IT'S THE 2034.

25 THE COURT: I'M GOING TO ORDER THE TWO OF YOU TO
26 MEET AND CONFER TONIGHT ON THE DISCOVERY. AND I THINK
27 IT'S -- IT'S BEEN AWHILE SINCE I READ IT, BUT I THINK
28 12.1 IS THE WITNESSES, AND WHATEVER OTHER QUESTIONS.

1 IF YOU HAVE SPECIAL INTERROGATORIES. IF YOU HAD
2 FOLLOW-UP INTERROGATORIES. IF YOU HAD PRETRIAL
3 INTERROGATORIES.

4 WHATEVER IT IS ON THE WITNESSES, GET A
5 PHOTOCOPY MADE OF THAT AND LET ME SEE IT, WHAT WAS
6 SAID. AND I'LL LOOK AT IT.

7 PROBABLY NOT UNTIL TOMORROW NIGHT.

8 MS. TROPP: OKAY. YOUR HONOR, WITH ALL DUE
9 RESPECT, WE HAVE SO MUCH WORK TO DO EVERY NIGHT WITH
10 NEW SURPRISES, WHETHER THEY ARE MOTIONS OR NEW
11 WITNESSES, AND I AM TRYING TO PREP FOR THE WITNESSES
12 TOMORROW.

13 I'M NOW BEING TOLD FOR THE FIRST TIME THIS
14 NURSE IS NOT ONLY -- I FOUND OUT YESTERDAY ABOUT HER,
15 AND SHE'S COMING THIS THURSDAY. I'LL DO MY BEST TO GET
16 EVERYTHING YOU NEED.

17 THE COURT: SHE MAY NOT TESTIFY. I HAVE TO RULE
18 ON THAT SUBJECT. THE PLAINTIFF SAYS I WANT HER TO
19 TESTIFY. YOU OBJECT. I'LL SEE IF SHE'S GOING TO
20 TESTIFY.

21 MS. TROPP: I UNDERSTAND. I'LL DO MY BEST TO GET
22 ALL OF THE RECORDS YOU'RE ASKING FOR.

23 THE COURT: IF IT'S GOING TO BE AN ISSUE WHERE
24 YOU'RE NOT GOING TO BE PREPARED FOR YOUR CROSS
25 TOMORROW, WE'LL TAKE IT UP AFTER COURT TOMORROW AT
26 4:30. SO YOU DON'T HAVE TO PREPARE.

27 I DON'T NEED IT ALL DAY. YOU CAN BRING IT
28 UP, YOU CAN SHOW IT TO ME AT THAT TIME.

1 MS. TROPP: OKAY.

2 THE COURT: AND THEN I'LL TAKE IT UP WITH BOTH
3 SIDES.

4 MS. TROPP: THANK YOU.

5 THE COURT: THANK YOU.

6 MR. REX PARRIS: IS THE COURT FINDING SOMETHING
7 WRONG WITH THE WAY WE'RE FILING MOTIONS OR DOING OUR
8 JOB HERE?

9 THE COURT: I DON'T THINK I MADE ANY COMMENT,
10 MR. PARRIS. I THINK THAT WAS A COMMENT THAT WAS MADE
11 BY COUNSEL. AND I DON'T ADOPT STATEMENTS BY OTHERS.

12 MR. REX PARRIS: OKAY. I DON'T WANT TO BE
13 CROSSING LINES THAT --

14 THE COURT: NO. NO. LET'S GO BACK OVER THAT.
15 LET ME GET THE RECORD.

16 MR. REX PARRIS: OKAY.

17 THE COURT: YOU JUST MADE A STATEMENT I'M GOING
18 TO LOOK AT. (AS READ AND/OR REFLECTED):

19 MS. TROPP: YOUR HONOR, WITH ALL
20 DUE RESPECT WE HAVE SO MUCH WORK TO DO
21 EVERY NIGHT WITH NEW SURPRISES WHETHER
22 THEY ARE MOTIONS OR NEW WITNESSES, AND
23 I AM TRYING TO PREPARE FOR THE
24 WITNESSES TOMORROW.

25 I'M NOW BEING TOLD FOR THE FIRST
26 TIME THAT THIS NURSE IS NOT ONLY -- I
27 FOUND OUT YESTERDAY ABOUT HER AND
28 SHE'S COMING THIS THURSDAY. I'LL DO

1 MY BEST TO GET EVERYTHING YOU NEED.

2 I SAID (AS READ AND/OR REFLECTED):

3 SHE MAY NOT TESTIFY. I HAVE TO
4 RULE ON THE SUBJECT. THE PLAINTIFF
5 SAYS, I WANT HER TO TESTIFY. YOU
6 OBJECT. I'LL SEE IF SHE'S GOING TO
7 TESTIFY.

8 COUNSEL (AS READ AND/OR REFLECTED):

9 I UNDERSTAND. I'LL DO MY BEST TO
10 GET ALL THE RECORDS YOU'RE ASKING FOR.

11 THE COURT: IF IT'S GOING TO BE AN
12 ISSUE WHERE YOU'RE NOT GOING TO BE
13 PREPARED FOR THE CROSS TOMORROW, WE'LL
14 TAKE IT UP TOMORROW AT 4:30.

15 I DON'T NEED IT ALL DAY. YOU CAN
16 BRING IT UP. YOU CAN SHOW IT TO ME AT
17 THAT TIME.

18 OKAY.

19 THEN I'LL TAKE IT UP WITH BOTH
20 SIDES. THANK YOU.

21 MR. PARRIS: IS THE COURT FINDING
22 SOMETHING WRONG WITH THE WAY WE'RE
23 FILING MOTIONS, OR DOING OUR JOB HERE?

24 THE COURT: I DON'T THINK I MADE
25 ANY COMMENT, MR. PARRIS. I THINK THAT
26 WAS A COMMENT THAT WAS MADE BY
27 COUNSEL. AND I DON'T ADOPT STATEMENTS
28 BY OTHERS.

1 I JUST WANTED TO READ IT BACK. THAT WAS
2 THE COLLOQUY WE HAD.

3 THANK YOU. WE'LL SEE YOU IN THE MORNING.

4 MR. REX PARRIS: THANK YOU.

5 (WHEREUPON, AT 4:49 P.M., THE
6 PROCEEDINGS WERE ADJOURNED FOR THE
7 DAY.)

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