

1                   She can tell you also that following the  
2 accident, Mr. Ervin asked her if she had seen the truck  
3 cut him off and she said no, she hadn't. She'll tell you  
4 the same thing. She didn't see what happened between Mr.  
5 Ervin and the truck. All she can tell you is that she  
6 was driving along when suddenly he came into her lane.

7                   At the appropriate time I'll have a chance to  
8 talk with you again and at that time ask you to find that  
9 my client, Ms. Young, was not responsible.

10                   Thank you.

11                   THE COURT: Mr. Stephenson>

12                   MR. STEPHENSON: May I please the Court, Your  
13 Honor.

14                   OPENING STATEMENTS

15                   BY MR. STEPHENSON:

16                   Good morning ladies and gentlemen of the jury.  
17 My name is Andrew Stephenson. I indicated earlier I  
18 represent one of the Defendant's in this lawsuit,  
19 Baltimore Tank Lines.

20                   And I'd first like to thank you all for being  
21 here today and for doing your service; your civic duty as  
22 jurors. It's a very important role and my clients  
23 certainly appreciate it. I know it's inconvenient in  
24 this modern age to have to give up a whole day to be a  
25 juror but rest assure we're grateful for it and -- and

1 it's probably gonna be just a one day trial so hopefully  
2 it won't be too much of an impact.

3 And -- there's really only three witnesses' in  
4 this case. You're gonna hear from my -- client's driver,  
5 Mr. Ran -- Danny Quade and you're gonna hear from Ms.  
6 Cindy Young and you're gonna hear from the Plaintiff.

7 No expert witnesses, no other witnesses to hear  
8 from. There's a few exhibits you'll have the opportunity  
9 to review and that's pretty much going to be it.

10 And you -- you're the try or fact in this case.  
11 The Judge determines the law but you guys have to  
12 determine what the facts are; what happened in this case.  
13 And I trust that you'll reserve your judgment until  
14 you've heard all the evidence.

15 The Plaintiff in this case has the burden of  
16 proof. That means they've got to make, they've got to  
17 prove to you that it was more likely so than not that  
18 their version of events is true. We don't have that  
19 burden.

20 So you're gonna hear, the Plaintiff's gonna put  
21 on their case first. Then the Defendant's will have the  
22 opportunity to put on their cases thereafter. And we  
23 trust that you'll keep an open mind throughout the entire  
24 process and reserve your judgment until you've heard all  
25 the evidence.

1           And that you'll treat all of the parties as  
2 individual parties. I'm -- I'm the only one that  
3 represents a company in this case. The other two parties  
4 are individuals.

5           Not only do I represent a company but I  
6 represent a tractor trailer company. In fact, that's  
7 what I do for a living; I just represent tractor trailer  
8 companies.

9           In my experience sometimes I find that folks  
10 don't like tractor trailers so I just like to be honest  
11 about it. Folks don't like tractor trailers. They don't  
12 like driving next to them. Not a -- not a popular type  
13 of client to have. But I trust that you guys will put  
14 any of those types of feelings aside and you'll just  
15 weigh the evidence as you receive it.

16           Now, in this case -- Plaintiff's Counsel showed  
17 you two exhibits. These are going to actually be --  
18 these are blow-ups of exhibits that are gonna be admitted  
19 into evidence in his case.

20           After all of the testimony was taken in this  
21 case in Deposition I retained an engineer to go out and  
22 measure the scene where this accident occurred and we --  
23 this -- this -- this is what was produced from those  
24 measurements and those diagrams was the exhibits that  
25 will be admit -- admitted into evidence.

1                   Now, this is -- this is what our engineer has  
2 run up and there's a bunch more exhibits and this -- this  
3 is another one. But this depiction here where the  
4 Plaintiff has put his version of what happened, where  
5 he's placed the vehicles on that, that's what they have  
6 done with one of our -- exhibits. Where we're not  
7 agreeing that that's how the accident happened. In fact  
8 we have a very different version of how it happened.

9                   It's important that you note that this exhibit  
10 where the Plaintiff has indicated this is where the  
11 accident happened, that's Slide C. Let's put that down  
12 for a second.

13                   So in terms of the larger blow-up -- the  
14 Plaintiff is indicating Slide C that the in -- the  
15 accident happened in and around this area here, okay.  
16 It's important that you understand that that's what  
17 they're saying here today.

18                   But through the course of the trial you're  
19 gonna hear testimony. Just so you know that's about 760  
20 feet away from Leonardtown Road and you've got a scale  
21 here and you can calculate that and work it out when you  
22 get the exhibits later on. But I've done the math and  
23 it's about 760 feet away from Leonardtown Road.

24                   Today during the trial you'll hear that -- we  
25 had Depositions taken in the Discovery process. That's

1 the sworn statement under oath where we created written  
2 transcripts in this case.

3 And at the Deposition the Plaintiff was asked,  
4 where did this accident occur? How far from Leonardtown  
5 Road did this accident occur? And he was very specific  
6 and very infactic; it was 80 yards. 80 yards is 240  
7 feet. He likened it in his Deposition to "about a  
8 football field"; "About a football field's distance from  
9 Leonardtown Road." I've done the math and you can do it  
10 again. You'll have the exhibits. They'll have scales  
11 and you can work it out but 240 feet, right about there;  
12 right about 500 feet away from where they're saying the  
13 accident happened, here today.

14 That's the type of thing you're gonna have to  
15 consider in terms of weighing credibility and weighing  
16 evidence in this case.

17 You're gonna hear from my client's driver, Mr.  
18 Quade. He lives in Clements, Maryland here in Charles  
19 County; been a professional truck driver for over 25  
20 years; married 20 years; got four kids.

21 He owned the tractor involved this case. He's  
22 what they call an owner/operator. He leases his tractor  
23 to Baltimore Tank Lines.

24 You're gonna hear, similar to the Plaintiff,  
25 Mr. Quade drives down Mattawoman Beantown Road and makes

1 a left turn onto Leonardtown Road every single day.  
2 That's how he gets home. He lives in Clements and he  
3 drives down that road then takes Leonardtown south to  
4 home.

5 You're gonna hear he was very familiar with his  
6 tractor. He owned it. It's the same tractor he drove  
7 every single day.

8 But here's where our version of events differ.  
9 Unlike how the Plaintiff showed the accident happening,  
10 Mr. Quade is gonna tell you he drives down Mattawoman  
11 Beantown Road -- when there's two through lanes he always  
12 stays in the left of the two through lanes.

13 He's gotta make his left hand turn also from  
14 the -- the right of the two left turn lanes because he's  
15 driving a 60-foot tractor trailer and he can't make that  
16 turn from the left of the left turn lane because it's too  
17 sharp of a turn. He has to make it from this lane here.

18 And every day he drives down here he does the  
19 same thing. He comes down this lane here and merges  
20 straight across, straight across into the left lane.

21 This isn't the type of inter -- this is exactly  
22 why I went out and had engineers prepare these detailed  
23 diagrams. Because I don't want you to misunderstand that  
24 this is the type of road where -- where you got two  
25 through lanes here and then it widens off to the left for

1 the left turn lanes. That's not what happens here. This  
2 is a merge situation. There's no lane change involved.  
3 He drives straight into the lane he needs to go into.  
4 And he'll testify he just has to keep his steering wheel  
5 straight.

6 In fact, if he wanted to stay in one of the  
7 through lanes, as he'll testify, he would actually near -  
8 - need to steer to the right to remain in that lane.  
9 There's no lane change.

10 Now, according to the Plaintiff you got Mr.  
11 Quade coming down the through lanes, going off into the  
12 right through lane, coming back over. He's got -- he's  
13 got my client coming over here, making a lane change  
14 here. In other words, he's suggesting that Mr. Quade  
15 would have ignored the merge, ignored the merge, come all  
16 the way around totally (unintelligible, 2 words), and  
17 then made a lane change.

18 Mr. Quade will say he never does that. That's  
19 absolutely inconsistent with his regular routine  
20 practice.

21 Now, there's salient facts in his case. And  
22 here is the first one. This is probably the most  
23 important fact in this case. The Plaintiff has admitted,  
24 and I assume he's gonna testify consistent today with his  
25 Deposition transcript, that he was driving behind the

1 tractor trailer. All the way down from 301 he's  
2 following behind, behind, behind.

3 He admits he was directly behind the tractor  
4 trailer all the way. Tried to get ahead of him back at  
5 the turn, whatever, but he was behind him for at least a  
6 mile prior to this occurring.

7 So if he's behind the tractor trailer how is it  
8 then that he gets into this scenario that they have  
9 described here where he's getting ahead of the tractor  
10 trailer. The only explanation I think that you can reach  
11 in terms of the evidence that will be presented today is  
12 that Mr. Ervin tried to speed around and overtake the  
13 tractor trailer on the inside as he was merging; left  
14 himself with no room and then cut out in front of Ms.  
15 Young. And apparently applied his brakes too at that  
16 point. He didn't accelerate on when he moved into this  
17 left of the left turn lanes because he was rear-ended by  
18 Ms. Young who was, by her own testimony which is  
19 undisputed, going about 35 miles per hour.

20 That's the first most salient point; that he  
21 admits he was driving to the rear of the tractor trailer  
22 all the way down.

23 The second most salient point in this case  
24 you're gonna hear, I think you've already heard it from  
25 Mr. Ford. Ms. Young's gonna testify that despite this



1 close scenario here that the Plaintiff's alleged that  
2 happened at -- understand that "D" there is for Dodge.  
3 That's Ms. Young's vehicle, the Dodge. "H" is for Honda.  
4 That's the Honda Accord that Mr. Ervin was driving.

5 Despite this situation here where a tractor  
6 trailer is -- by -- by Mr. Ervin's testimony, cutting  
7 across down on top of the Honda forcing him into the  
8 lane. Ms. Young's gonna testify, never saw it, never saw  
9 it happen; absolutely inconsistent with normal human  
10 experience and perception. You'll ask yourselves that;  
11 60-foot shiny tanker trailer with a silver tank coming  
12 down on top of you and she didn't see it. She would have  
13 been five -- let -- five or ten feet away from this  
14 tractor trailer during this entire scenario and she  
15 didn't see it.

16 Now, Mr. Quade is gonna testify he has no  
17 knowledge of an accident. We admit that we looked at the  
18 record and yeah, Mr. Quade, he lives in Clements. He was  
19 -- he was the most likely person to be -- this lawsuit  
20 and claim is our first notice that we're allegedly  
21 involved in the accident.

22 He has no recollection of seeing an accident  
23 and certainly it is undisputed there was never any  
24 contact between the Baltimore Tank Lines tractor trailer  
25 and any of the other vehicles. That is not even in

1       dispute. He's gonna testify he has no recollection of an  
2       accident having ever occurred.

3               So that is the evidence you're gonna hear today  
4       and I think that you will find in weighing that, that  
5       it's more likely so than not or you can't make a decision  
6       if the scales of justice are evenly balanced in your mind  
7       that he hasn't met the burden of proof and tipped them in  
8       his favor. It's more likely so than not that the tractor  
9       trailer did the obvious, easiest thing by just merging  
10      straight into the right of the two left turn lanes which  
11      is what he did everyday and what he needed to do in order  
12      to get home.

13              And that if the Plaintiff, by his own  
14      testimony, was driving behind the tractor trailer there  
15      is no possible way that this accident scenario that  
16      they've concocted in this exhibit could have occurred.

17              With that I thank you again and -- look forward  
18      to closing this trial up today.

19              THE COURT: Please call your first witness.

20              MR. BRATT: Your Honor, I'd like to move that -  
21      - the witnesses be sequestered. I think there's one non-  
22      party witness, Mr. Quade.

23              THE COURT: We'll approach on that.

24              (Counsel approaches the bench.)

25              THE COURT: Is Mr. Quade the corporate