

1 No further questions.

2 MR. BRATT: Nothing based on that, Your Honor.

3 THE COURT: Thank you, sir. You may step down.

4 MR. BRATT: And -- Your Honor, I would like to
5 call Ms. Young as the next witness.

6 THE COURT: Okay.

7 MR. BRATT: With the Court's -- with the
8 Court's permission as she's an adverse party do I have
9 permission to lead this witness?

10 THE COURT: Well, approach please.

11 (Counsel approaches the bench.)

12 Any objection Mr. Ford?

13 MR. FORD: Well, it depends on the questions.

14 THE COURT: Well, I'll -- I'm gonna allow it.
15 I mean technically they're adverse so to speak but not
16 hostile.

17 MR. FORD: Right.

18 THE COURT: Okay.

19 MR. BRATT: I would never say hostile, Your
20 Honor.

21 THE COURT: A lot of people do.

22 (Counsel returns to trial tables.)

23 CINDY YOUNG,

24 a witness, produced on call of the Plaintiff,
25 first having been duly sworn according to law, was

1 examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. BRATT:

4 THE CLERK: Thank you. Please be seated.

5 Please state your name, address and occupation
6 for the record.

7 A: Cindy Young, 7805 Trailey (sp) Lane,
8 Charlotte Hall, Maryland and I'm a stay at home mom.

9 THE CLERK: Thank you.

10 Q: Good afternoon, Ms. Young.

11 Now, you -- you -- on March 13th, 2006 you were
12 unfortunate enough to be involved in an automobile
13 accident weren't you?

14 A: Yes.

15 Q: And this happened about 12:00?

16 A: Um hum.

17 Q: And at that time you were traveling down
18 Mattawoman Beantown Road, correct?

19 A: Correct.

20 Q: And you were headed towards Mattawoman
21 Beantown Road's intersection with Leonardtown Road?

22 A: Correct.

23 Q: And as -- correct me if I'm wrong, that
24 road widens at that point from two -- two through lanes
25 to two through lanes and then two lanes that turn left at

1 Leonardtown Road, right?

2 A: Correct.

3 Q: If I'm going too fast say so.

4 And you intended to make a left turn onto
5 Leonardtown Road too didn't you?

6 A: Yes.

7 Q: And you got as -- as you came down "
8 Mattawoman Beantown Road you ultimately got into the far
9 left turn left, correct?

10 A: Correct.

11 Q: And while you were traveling in that far
12 left turn lane at some point Mr. Ervin's vehicle appeared
13 in your lane, correct?

14 A: Correct.

15 Q: And you struck the back of his vehicle,
16 right?

17 A: Yes.

18 Q: Okay.

19 And right before this accident happened you
20 were going about 35 or 40 miles an hour. Is that true?

21 A: Correct.

22 Q: And it's a -- the -- the speed limit on
23 that road to the best of your memory is 45 miles an hour?

24 A: Yes.

25 Q: And this happened on a clear day around 12

1 noon, correct?

2 A: Yes.

3 Q: And the first time you ever saw Mr. Ervin's
4 vehicle was when it came in your lane wasn't it?

5 A: Yes.

6 Q: And when he did come over into your lane he
7 was at least ten feet ahead of you wasn't he?

8 A: Approximately, yes.

9 Q: But you don't know whether he used a turn
10 signal do you?

11 A: I didn't see one; no.

12 Q: And you don't know if his brakes lights
13 activated?

14 A: No.

15 Q: You don't know whether he slowed down
16 before he came over?

17 A: No.

18 Q: Before Mr. Ervin came into your lane had
19 you ever seen his vehicle on the road that day?

20 A: Not that I recall; no.

21 Q: Now, prior to this accident, prior to the
22 collision happening, had you -- had you seen a Baltimore
23 Tank Lines tanker truck?

24 A: Not that I recall; no.

25 Q: And you hadn't seen in the roadway at that

1 time, correct?

2 A: No.

3 Q: And you talked to Mr. Ervin after the
4 accident didn't you?

5 A: Yes.

6 Q: And its true isn't it that the first thing
7 he said to you was did you see the truck that cut me off?

8 A: Yes.

9 Q: And you told him that you hadn't seen that
10 truck, right?

11 A: Right.

12 Q: But you did see that truck after the
13 accident didn't you?

14 A: And that was when Mr. Ervin pointed it out
15 to you, correct?

16 A: Correct.

17 Q: And by then it was stopped up ahead at the
18 light?

19 A: Yes.

20 Q: And did that -- did that truck ultimately
21 make that left turn onto Leonardtown Road?

22 A: Yes.

23 Q: And you didn't have any trouble seeing the
24 truck when Mr. Ervin pointed it out to you?

25 A: No.

1 Q: Okay.

2 And where -- your eyes were looking straight
3 ahead right before this accident happened weren't they?

4 A: Yes.

5 Q: Okay.

6 Were you -- afterwards are you able to say what
7 other vehicles were in the vicinity?

8 A: Not -- no.

9 Just that there was traffic in the area. Three
10 wasn't specifically a -- any vehicle that stuck out in my
11 mind.

12 Q: And -- and even though there was at least
13 ten yards between your vehicle and Mr. Ervin's vehicle.

14 MR. FORD: Objection.

15 It's not the testimony.

16 THE COURT: That's true.

17 Q: What'd I get wrong?

18 MR. FORD: You said ten yards.

19 Q: Oh.

20 MR. FORD: Ten feet.

21 Q: I'm sorry. I'm sorry. I -- I wasn't
22 trying to trick you. I just forgot what the measurement
23 was.

24 It -- there was at least ten feet between the
25 two vehicles, right?

1 A: Yes.

2 Q: And despite that you weren't able to avoid
3 hitting the back of his car?

4 MR. FORD: Objection; argumentative.

5 THE COURT: Sustain on that basis.

6 Q: Were you able -- was there anything you
7 could do to avoid hitting Mr. Ervin's vehicle?

8 A: No.

9 Q: Did you have time to avoid the collision?

10 A: No.

11 Q: I don't have any more questions, Your
12 Honor.

13 THE COURT: Cross.

14 MR. FORD: No questions at this time.

15 MR. STEPHENSON: Your Honor, briefly.

16 CROSS EXAMINATION

17 BY MR. STEPHENSON:

18 Q: Ms. Young, do you -- are you -- do you wear
19 glasses?

20 A: No.

21 Q: Do you have good vision?

22 A: Yes.

23 Q: Do you have any problem with your
24 peripheral vision?

25 A: No.