

Deposition of:

David Cattoor

Case:

Jennifer L. Ruis v. Andrew L. Woller, et al.
13-CV-03024-RPM

Date:

03/25/2015



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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 13-cv-03024-RPM

JENNIFER L. RUIS, and)

Plaintiff,)

vs.)

ANDREW L. WOLLER, and)

WOLLER TOWING, LLC,)

Defendants and Third-Party)

Plaintiffs,)

vs.)

JENNIFER RUIS, SWIFT)

TRANSPORTATION CO. OF)

ARIZONA, LLC,)

Third-Party Defendants)

VIDEOTAPED DEPOSITION
OF DAVID CATTOOR

March 25, 2015

CONSOLIDATED

Civil Action No. 14-cv-00902-RM-MEH

JUSTIN MORGAN,)

Plaintiff,)

vs.)

ANDREW L. WOLLER, and)

WOLLER TOWING, LLC,)

Defendants.)

Civil Action No. 14-cv-02958-KLM

STATE FARM MUTUAL AUTOMOBILE)

COMPANY,)

Plaintiff,)

vs.)

SWIFT TRANSPORT and JENNIFER)

LYNN RUIS aka JENNIFER LYNN)

MORGAN,)

Defendants.)

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VIDEOTAPED DEPOSITION OF DAVID CATTOOR
Taken on Wednesday, March 25, 2015
By a Certified Court Reporter and Legal Videographer
At 10:13 a.m.
At Highland Estates Resort Hotel
555 Highland Drive
Mesquite, Nevada 89027

Reported by: Marilyn Speciale, CRR, RPR, CCR #749
Job No. 12297

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48	Certified Legal Videographer

1 INDEX TO EXAMINATION

2	Witness: DAVID CATTOOR	Page
3	BY MR. VAZQUEZ	6
4	BY MS. JENSEN	144

5

6 INDEX TO EXHIBITS

7	Number	Description	Page
8	1	Plaintiff's Notice of Taking	12
9		Videotaped Deposition, Proof of	
10		Service and Subpoena to Testify at	
11		a Deposition	
12	2	Copy of the front and back of David	19
13		Cattoor's Nevada Driver's License	
14	3	Company Snapshot for Cattoor	36
15		Livestock Roundup Inc. Consisting	
16		of three pages	
17	4	Colorado State Patrol Witness	44
18		Statement of Terry Gaines	
19	5	Composite of seven photographs	68
20	6	Photograph of back of wrecked truck,	83
21		Bates No. PL000256	
22	7	CDL Driver's Handbook	117
23	8	One-Page Document Entitled Part 12	123
24		Parking	
25	9	One-Page Document Re: Section	124
		42-4-214. Visual Signals on Service	
		Vehicles	
	10	Two-Page Document Re: 42-4-108.	124
		Public Officers to Obey Provisions -	
		Exceptions For Emergency Vehicles	
	11	One Page Document Entitled Trucking	126
		Safety Guide, Re: 393.23 Power Supply	
		for Lamps	
	12	One-Page Document Entitled Trucking	127
		Safety Guide, Re 393.17 Lamps and	
		Reflectors - Combinations in	
		Driveaway-Towaway Operation	
	13	Document entitled Commercial Vehicle	129
		Preventable Accident Manual, U.S.	
		Department of Transportation Federal	
		Motor Carrier Safety Administration	

1 MESQUITE, NEVADA, MARCH 25, 2015

2 10:13 A.M.

3
4 THE VIDEOGRAPHER: Today is Wednesday, March
5 25, 2015. The time is approximately 10:13. The
6 videographer is Kenneth Laursen. The court reporter is
7 Marilyn Speciale. We are here on behalf of Oasis
8 Reporting Services. The witness is Dave Cattoor. We're
9 here in the cross-complaint case of Jennifer L. Ruis
10 versus Andrew L. Woller, et al., versus Jennifer Ruis,
11 et al., and related claims.

12 Will counsel please state your appearance and
13 then the court reporter will administer the oath.

14 MR. VAZQUEZ: My name is Dan Vazquez and I
15 represent the plaintiffs, Jennifer Ruis and Justin
16 Morgan.

17 MR. YOUNG: Jason Young appearing in defense
18 of Andrew Woller and Woller Towing in the claims made
19 against them.

20 MS. JENSEN: Katharine Jensen for Swift
21 Transportation, Inc., and Jennifer Ruis in her capacity
22 as a counterclaim defendant.

23 MR. KAY: Gregg Kay on behalf of Woller Towing
24 and Andrew Woller in their individual capacities as
25 counterclaim plaintiffs.

1 MR. VAZQUEZ: Gregg, could you say it one more
2 time. You came a little fuzzy in when you said that.

3 MR. KAY: Sure. Gregg Kay on behalf of Woller
4 Towing and Andy Woller in their individual capacities as
5 counterclaim plaintiffs.

6 MR. VAZQUEZ: All right. Whatever you did
7 there, that sounded much better.

8 Okay.

9 MR. KAY: Okay.

10 MR. VAZQUEZ: Please swear the witness.

11

12

DAVID CATTOOR,

13 having been first duly sworn, was examined and testified
14 as follows:

15

EXAMINATION

16 BY MR. VAZQUEZ:

17

18

19

Q. Good morning, Mr. Cattoor. If you could
please state your name again for the record spelling
your first and last name?

20

A. David Cattoor, D-a-v-i-d C-a-t-t-o-o-r.

21

22

23

24

Q. Okay. We are here about a motor vehicle
accident that happened in Lamar, Colorado back on May
1st, 2013. Do you have a memory of witnessing some
events involving that accident?

25

A. Yeah, I do. I was in the truck that was

1 hooked to the wrecker when the accident occurred.

2 Q. Okay. Mr. Cattoor, first I'm going to just
3 talk to you a little bit about some logistics of the
4 deposition.

5 MR. VAZQUEZ: First of all, I would ask that
6 if there is an objection made on the record, counsel
7 that's appearing by phone just state the objection and
8 who they are, or vice versa, so that the court reporter
9 can get that down accurately. She'll probably become
10 familiar with the voices but it will help in the
11 beginning.

12 BY MR. VAZQUEZ:

13 Q. Mr. Cattoor, some of the attorneys might make
14 an objection. What they're doing is they're preserving
15 the objection for the record for maybe the Judge to rule
16 on later. So you can go ahead and answer the question
17 if you hear "objection." They're just making their
18 objection known for the record.

19 The second logistical issue is that it's best
20 for the court reporter if you can say your answers,
21 "yes" or "no" rather than uttering "uh-huh" or "uh-uh"
22 because it's very difficult for her to get things down
23 unless they're said aloud. The same thing with head
24 nodding. I'm going to say, "Is that a yes?" if you're
25 shaking your head up and down, "or no?" if it's left to

1 right. Again, if it's not said, it's hard to get down.

2 This isn't a marathon. I estimate about two
3 or three hours today, although it could be longer, it
4 could be quicker. This is your deposition, Mr. Cattoor,
5 so if you want to take any breaks at any time, just let
6 me know.

7 And same thing for counsel on the phone. If
8 you all need to take a break, just let me know, and the
9 videographer is definitely going to have to change the
10 tape at some point, so he'll let us know.

11 But at any time, Mr. Cattoor, if you feel you
12 need a break, just say, "Hey, I need five minutes, ten
13 minutes." I'll try to stop about every hour or so and
14 we'll move along.

15 Any questions about that?

16 A. No.

17 Q. The other thing is that my goal today is to
18 get information from you. My goal is not to trick you
19 or to make things confusing, and I know I speak for the
20 other lawyers as well. So if I ask a question that you
21 don't understand, just tell me you don't understand the
22 question and I'll try and rephrase it in a way that
23 you're able to understand the question and answer it.

24 A. Okay.

25 Q. Is that fair?

1 If you give an answer, I'm going to assume
2 that you understood my question.

3 A. Okay.

4 Q. All right? The next thing is that the purpose
5 and function of a deposition, Mr. Cattoor, is to get
6 information that might be admissible at trial. The
7 other purpose is if you were to testify at trial in this
8 case and you were to say something different from what
9 you said here today, your deposition might be used for
10 what's known as impeachment. So, for example, if you
11 were to say today the stoplight color was green -- there
12 are no stoplights involved in this case -- but, for
13 example, if you were to say the stoplight was green and
14 at trial you were to say the stoplight is red, your
15 deposition could be used to say, "Hey, well back then
16 you said the light was green and here today you said it
17 was red." Do you understand that?

18 A. Yes.

19 Q. All right. Next, are you taking any
20 medications that might affect your ability to give
21 testimony here today?

22 A. No.

23 Q. How did you sleep last night?

24 A. Good. I went to bed about 7:30 and got up
25 about 6:00.

1 Q. All right. The next thing, and I don't mean
2 to call into question your character by these questions
3 but I need to make sure you understand for the record
4 the oath that you've just given.

5 Do you agree to tell the truth here today?

6 A. Right, yes.

7 Q. Do you agree or disagree that the jury and my
8 clients are entitled to know the truth about what
9 happened back on May 1st, 2013?

10 A. As good as I can tell it, yes.

11 Q. And do you agree or disagree that the jury is
12 entitled to determine your credibility based on whether
13 or not the truth is told here today?

14 A. Yes.

15 Q. And do you agree or disagree that whether or
16 not you're telling the truth is an important thing for
17 the jury to consider if they hear this testimony at
18 trial?

19 A. Yes.

20 Q. Are there any other questions that you have
21 about how this all works before we go ahead and start?

22 A. I don't think so. I've never done this before
23 but I think you've explained it to me.

24 Q. Well, that was going to be my next question.
25 Have you ever given a deposition in your life?

1 A. No.

2 Q. Have you ever been a party to any sort of a
3 lawsuit against you or that you've brought in your life?

4 A. No.

5 Q. You paused there. Was there something that
6 you thought about when you were thinking about the
7 question?

8 A. Well, you said a lawsuit. No, I got into a
9 court deal one time with our helicopter use in 1990.

10 Q. I think I read that article on line. Was that
11 about the Bureau of Land Management and wrangling up the
12 horses?

13 A. Right. I've been in this business for 40
14 years.

15 Q. Okay. All right. Other than that, no other
16 lawsuits or litigation that you've been involved in?

17 A. No.

18 Q. All right. Have you ever been known by any
19 other name than Dave Cattoor?

20 A. No.

21 Q. When you're trucking, do you have a handle or
22 a CB that you use?

23 A. No, I really don't. We don't use the CB that
24 much. We have company radios in our trucks that we use
25 because we're out in the hills more often we're on the

1 road.

2 Q. And before I go forward, I'm going to hand you
3 the Notice of Taking Videotaped Deposition and the Proof
4 of Service and the Subpoena that are premarked as one
5 exhibit. Did you receive these documents in preparation
6 for today?

7 A. That right there, is that what this is? This
8 here is all I received.

9 Q. Okay. You received -- that's the summons
10 there.

11 MR. VAZQUEZ: Okay. I'm going to go ahead and
12 attach what you've given me in addition to what I've
13 given you as Plaintiff's Exhibit 1 to the deposition,
14 and I'll probably start lining them up down there, and
15 let me get a notepad so I can keep track of where we are
16 with the exhibits.

17 (Exhibit 1 was marked.)

18 BY MR. VAZQUEZ:

19 Q. All right, Mr. Cattoor, what is your date of
20 birth?

21 A. 1/22/42.

22 Q. That makes you how young today?

23 A. 73.

24 Q. What city and state were you born in?

25 A. Stockton, California.

1 Q. And we're going to go off the record for a
2 moment, which means this isn't getting transcribed and
3 this isn't going to be recorded on the videotape.

4 THE VIDEOGRAPHER: Stand by please. Going off
5 the record, the time 10:22.

6 (Whereupon, there was a discussion off the
7 record.)

8 THE VIDEOGRAPHER: We're back on the record,
9 the time 10:23.

10 BY MR. VAZQUEZ:

11 Q. Mr. Cattoor, we just covered your Social
12 Security number off the record.

13 What is your current home or address where you
14 reside?

15 A. Current is 1870 Cappalappa, Logandale Nevada.

16 Q. How do you spell the street?

17 A. C-a-p-p-a-l-a-p-p-a.

18 Q. Did you say the zip code?

19 A. 89021.

20 Q. Thank you. How long have you lived at that
21 address?

22 A. It's a winter home for us and I've been there
23 about 16 years.

24 Q. Do you have a summer home that you live at?

25 A. Yes, we do, Nephi, Utah.

1 Q. Okay. And I forgot to cover this in the
2 logistics. It's also really hard for the court reporter
3 to get what's being said down accurately if we're
4 talking over one another. It's very common, it's not
5 you, and I might interrupt you, as well, and I'll try
6 not to, but it's best if you can wait to give your
7 answer, even if you know where I'm going with the
8 question, just so the court reporter can get it down.

9 She'll yell at us if we don't.

10 A. You won't yell at us will you?

11 Q. She seems very nice. She doesn't seem like a
12 yeller.

13 All right. And what was the address of the
14 summer home again?

15 A. 1870 Cappalappa.

16 Q. That is the winter home, correct?

17 A. In the wintertime. The summer we run our
18 business out of Nephi, Utah.

19 Q. And what is that address in the summer out of
20 Nephi?

21 A. You know, I'd have to get that. We're on
22 County Road 132, Nephi.

23 Q. Is that 1031 West Highway 132, Nephi, Utah,
24 84648?

25 A. You got it, yes.

1 Q. So that is where you live in the summer
2 months, and is that also where the company, Cattoor
3 Livestock Roundup Incorporated, is based out of?

4 A. Right.

5 Q. Does that also have a post office box?

6 A. Box 289.

7 Q. Nephi, Utah, 84648?

8 A. Yes.

9 Q. All right. Who lives with you at either of
10 those homes?

11 A. Just my wife.

12 Q. What is --

13 A. Sue.

14 Q. Sue?

15 A. Yes.

16 Q. Same last name?

17 A. Yes.

18 Q. How long have you and Mrs. Cattoor been
19 married?

20 A. 51 years.

21 Q. That's very admirable. Congratulations.

22 Let's say in the last five years before this
23 accident happened, so going back to 2008, did you live
24 at any other addresses besides the winter home address
25 and the summer home address that you've just given me?

1 A. In the last five years?

2 Q. Right.

3 A. No. No.

4 Q. Have you ever been divorced?

5 A. No.

6 Q. Do you have any children?

7 A. Two.

8 Q. How old are they and what are their names?

9 A. Troy Cattoor is my son, he's 44, and Laura
10 Oberg is 47.

11 Q. How do you spell her last name?

12 A. O-b-e-r-g.

13 Q. O-b-e-r-g?

14 A. Yes.

15 Q. And where does Troy Cattoor live?

16 A. St. George, Utah.

17 Q. Do you know an address?

18 A. No, I don't.

19 Q. And in what state does Laura Oberg live?

20 A. In Utah.

21 Q. Where in Utah?

22 A. Santaquin.

23 Q. Do you have a home phone number at either the
24 summer or the winter home?

25 A. We have a home in Logandale that we don't use

1 very much. It's 702-398-7012. That's in Logandale.

2 Q. And do you have a cell phone?

3 A. My cell phone is 775-426-8113.

4 Q. Does your wife have a cell phone?

5 A. Yeah.

6 Q. What's her number?

7 A. 801-361-3100.

8 Q. Which cell phone provider provides those two
9 numbers, like Verizon, AT&T, do you know?

10 A. Verizon, I think. Verizon.

11 Q. That's what it says on the phone. Okay.

12 Was that phone that you just showed me, which
13 was the flip phone, the phone that you had back on May
14 1st, 2013?

15 A. I've changed the phone. The number is the
16 same but I think we changed companies too this summer.

17 Q. Other than making phone calls, the phone that
18 you had back on May 1st, 2013, could you send text
19 messages with that?

20 A. No.

21 Q. The same thing about e-mailing or anything
22 like that?

23 A. No. I leave that to other people.

24 Q. Pretty smart.

25 A. I barely can answer the phone.

1 Q. I wish I had held my ground on that, but --

2 All right, let's move forward. Have you ever
3 served in our military?

4 A. No.

5 Q. How old were you when you first got your
6 driver's license?

7 A. Sixteen.

8 Q. In your lifetime, has your driver's license
9 ever been suspended or revoked?

10 A. No.

11 Q. Do you have a commercial driver's license or a
12 CDL, for short?

13 A. Yes.

14 Q. What state is that issued out of?

15 A. Nevada.

16 Q. Do you remember approximately when you first
17 got that CDL license?

18 A. I've had a CDL since I was 18 in Colorado.

19 Q. What have you done in terms of using that CDL
20 for employment over the last 50 years?

21 A. I've always had trucks and drove trucks for
22 other people, and my business is partly trucking.

23 MR. VAZQUEZ: We're going to pause for a
24 second. Somebody just popped in.

25 We're going to pause here and let the other

1 attorney pop back on.

2 (Whereupon, there was a discussion off the
3 record.)

4 MR. VAZQUEZ: This is Dan Vazquez.

5 MR. GREENBERG: Dan, it's Alan Greenberg.

6 MR. VAZQUEZ: Okay, Alan. We just got through
7 some of the basics and I'm reviewing Mr. Cattoor's
8 driver's license history and that sort of thing.

9 MR. GREENBERG: Wonderful. Thanks very much.

10 MR. VAZQUEZ: You're welcome.

11 I'll just have you -- Alan, can you state your
12 full name for the record and who you represent.

13 MR. GREENBERG: Of course. I'm Alan
14 Greenberg, A-l-a-n G-r-e-e-n-b-e-r-g. I represent State
15 Farm.

16 BY MR. VAZQUEZ:

17 Q. Mr. Cattoor, do you have your CDL license with
18 you here today?

19 A. Yes, I do.

20 Q. May I photocopy that as an exhibit?

21 MR. VAZQUEZ: And I'm going to go ahead and
22 attach the photocopy ultimately of the front and back of
23 Mr. Cattoor's license as Plaintiff's Exhibit 2.

24 (Exhibit 2 was marked.)

25 BY MR. VAZQUEZ:

1 Q. It says here on the back there are, I think,
2 three restrictions. One says, "F - Outside Mirrors,"
3 the second says, "J - Physical Exam," and then the third
4 says, "V," as in Victor, "Med Variance Docs Required."

5 Did you have any of these restrictions on your
6 CDL back on May 1st, 2013?

7 A. Yes. I've had them on there for 15 years.

8 Q. What does "F - Outside Mirrors" restriction
9 mean?

10 A. Just I've added mirrors. I've got a vision
11 waiver because I lost the sight in one eye about 15
12 years ago.

13 Q. How did you lose the sight in that eye and
14 which eye?

15 A. Herpes ulcer in the right eye.

16 Q. Is it -- what loss of vision did you have in
17 that right eye as a result of that condition?

18 A. Well, it came real slow. It wasn't fast. I
19 had a lot of operations on it, and I never had a problem
20 with the vision waiver until, oh, the last eight or ten
21 years, and then I had to go through the Federal Waiver
22 Program to keep my CDL.

23 Q. Do you have any vision in your right eye?

24 A. No.

25 Q. Did you have any vision in your right eye back

1 on May 1st, 2013?

2 A. No.

3 Q. So does the endorsement "F" or the restriction
4 "F - Outside Mirrors" mean that the vehicle has to be
5 equipped with some sort of a special mirror?

6 A. Yes. They've -- the trucks I drive has got
7 different mirrors on it so the visual reference is
8 better.

9 Q. Do those mirrors just show more?

10 A. Yes.

11 Q. And then the endorsement or the restriction,
12 "J - Physical Exam," what does that mean?

13 A. I'm not sure about the J.

14 Q. And then the "V," as in Victor, "Med Variance
15 Docs Required," what does that mean?

16 A. I think that means I've got to carry the
17 papers with me for my medical waiver. It's got to be
18 with me at all times.

19 Q. And it looks like this CDL is a Class A. Is
20 that your understanding?

21 A. Yes.

22 Q. Have you ever had any other classes of CDL
23 licenses?

24 A. No.

25 Q. Okay. And is this the same license that you

1 had back on May 1, 2013, the one I'm holding?

2 A. Yes.

3 Q. And I'm going to put that there. Don't let me
4 forget to give that back to you. Thanks.

5 I see here that you wear glasses. Did you
6 have glasses back on May 1st, 2013?

7 A. Yes, but the only reason, the only part of my
8 glasses I need is to read, and beyond that I've got
9 20/20 vision. The only restriction on my glasses, close
10 up I've got a (Indicating) --

11 Q. Is that a bifocal?

12 A. -- a bifocal on the one eye. So, you know, to
13 read, but I don't need them. The one reason I wear them
14 all the time, because they go dark like dark glasses, so
15 I don't have to jerk them out of my pocket and trade.

16 Q. Are you referring to like transition lenses --

17 A. Yeah.

18 Q. -- where they darken in the sun? Okay.

19 A. I used to wear dark glasses, and then I'd
20 carry my reading glasses in my pocket and I'd take them
21 out, and when I went in a cafe to quarter up, I had to
22 change my glasses. So I went to this, and it serves the
23 same purpose.

24 Q. Those glasses you're wearing today, were those
25 prescribed by like an eye doctor or are those, for lack

1 of a better phrase, over-the-counter where you just buy
2 them at a Walmart or someplace?

3 A. Prescribed by an eye doctor.

4 Q. When did you -- do you remember roughly when
5 before May 1st, 2013 you had last had an eye exam?

6 A. May '13? October, every October I have an eye
7 exam.

8 Q. Who is the eye exam doctor who does those
9 every October?

10 A. I don't know the name. He's in Nephi, Utah.
11 He's an optometrist.

12 Q. Is he with a particular like practice group?

13 A. Just -- there's two doctors in there but I
14 don't know.

15 Q. So --

16 A. He's the only one that's got the big machine
17 that I have to do for prolific (sic) vision.

18 Q. So your understanding is as of October 2012,
19 when you had had your last eye exam before this accident
20 happened, your vision in your left eye was 20/20?

21 A. Yeah, it's always been 20/20.

22 Q. I'm just having trouble understanding, if you
23 could explain to me, why the doctor would prescribe
24 glasses if there was 20/20 vision?

25 A. Well, that's why -- I wanted to wear dark

1 glasses out in the sun and stuff like that, but I wanted
2 some way to read close-up, and so he went through the
3 deal with the rest of the glasses are not prescription
4 at all.

5 Q. Was it your habit back on -- around the time
6 of May 1st, 2013, to always wear glasses like you're
7 wearing them now, or do you only -- did you wear them at
8 a different rate?

9 A. I don't wear them at night or I don't -- when
10 the sun goes down, I take them off because they darken
11 in the sunlight, so that eliminated carrying a pair of
12 dark glasses and then I could read close up.

13 Q. Switching from vision, let's talk about
14 hearing for a moment. Did you have any hearing issues
15 or problems back on May 1st, 2013?

16 A. No.

17 Q. Do you remember roughly when your hearing had
18 last been checked before this accident happened?

19 A. Each year, every two years I have to have a
20 physical, a CDL physical, and they always check your
21 vision and your hearing and heart rate and everything
22 then.

23 Q. Is there a doctor you normally go to to get
24 those DOT physicals?

25 A. There's two of them. I can't -- one of them

1 is in Mesquite and one was in Logan -- Overton, but I
2 can't give you the name.

3 Q. Overton is here in Nevada?

4 A. Yeah, Overton, Nevada.

5 Q. All right. And if, as we're going through
6 this, if an answer pops into your mind, just tell me,
7 "Hey, I remembered your answer to this particular
8 question." You know, at any time feel free to, if
9 something jogs your memory, just let me know and we'll
10 go back to that question. Okay?

11 Let's see here. Do you currently have any
12 illnesses or disabilities --

13 A. No.

14 Q. -- or medical conditions, generally speaking?

15 A. Well, I say no, but Friday I'm going in for a
16 prostate procedure in St. George that has just come up
17 since the first of the year.

18 Q. Okay. Did you have any of those issues, to
19 your knowledge, back on May 1st, 2013?

20 A. No.

21 Q. Okay. Has anything changed on your CDL
22 license or your personal license since the motor vehicle
23 accident of May 1st, 2013?

24 A. No.

25 Q. What type of vehicles does your Class A CDL

1 allow you to drive?

2 A. Tractor-trailer, semi, single unit, a single
3 unit tractor-trailer.

4 Well, I say single unit. Single unit is just
5 one truck but my license covers the tractor-trailer
6 unit.

7 Q. In the 50 or so years you've had your CDL
8 license, have you driven any other commercial vehicles
9 besides tractor-trailers?

10 A. Yeah.

11 Q. Tell me about those.

12 A. Truck -- Bobtail trucks, and, actually, in
13 Nevada, I think in Colorado, too, you -- if you're
14 working commercially, a pickup and a trailer is
15 considered commercial if you're doing it for hire.

16 Q. Have you ever driven what's known as a
17 heavy-duty wrecker or tow truck?

18 A. No.

19 Q. My understanding is that you own and operate a
20 company called Cattoor Livestock Roundup Incorporated?

21 A. Right, yes.

22 Q. Have you ever worked for a company as a
23 commercial driver, as an employee?

24 A. Maybe 30 years ago, not since. I've been in
25 business myself. Back when I was first married I think

1 I did a little bit.

2 Q. And we'll get to the business in a moment. I
3 just want to finish up the last questions I had about
4 licenses and things.

5 To the best of your memory, have you ever
6 gotten any tickets or citations as a CDL driver?

7 A. Yes. About 1988 I got a speeding ticket, and
8 three years ago I got a speeding ticket, 60 to 55. It
9 wasn't a very big one.

10 Q. That was roughly in 2012?

11 A. Yeah.

12 Q. All right. And I know that's a long time
13 period that I just asked you about. Let's just say from
14 2010 to 2013, other than that speeding ticket which
15 might have been in 2012, do you remember receiving any
16 other speeding violations as a CDL driver?

17 A. No.

18 Q. In what state did you get that speeding ticket
19 in 2012?

20 A. Both of them was in Nevada, but one of them
21 was in a pickup, and I've only gotten one citation in a
22 truck, and it was -- it was a long time ago.

23 Q. Have you ever been involved as a CDL driver,
24 other than this accident that we're talking about, in
25 any sort of motor vehicle accidents or crashes?

1 A. No.

2 Q. Have you ever been convicted either personally
3 or as a commercial driver of DUI or DWI, which is
4 driving under the influence or driving while
5 intoxicated?

6 A. No.

7 Q. Regardless of any convictions, have you ever
8 been arrested for DUI or DWI?

9 A. No.

10 Q. And to your knowledge, when you did work for
11 trucking companies, were you ever placed on probation as
12 a truck driver for any reason that you know of?

13 A. No.

14 Q. Let's talk about the company. I'm going to
15 show you a composite exhibit, which I'll say for the
16 attorneys it's a company snapshot from the Federal Motor
17 Carrier Safety Administration DOT dot gov website, and
18 it's three pages. The other is from Utah dot gov, and
19 it's a snapshot of Cattoor Livestock Roundup
20 Incorporated.

21 Mr. Cattoor, I'm going to show you those
22 documents. Take a look at them, and let me know when
23 you've had time to look at them.

24 A. (Witness examined document.)

25 Q. Do you recognize what's shown in those

1 documents?

2 Is that a yes?

3 A. Yes. Yes.

4 Q. Is this a -- to your understanding is a
5 snapshot of the company you said previously you own and
6 operate called Cattoor Livestock Roundup Incorporated?

7 A. Yes.

8 Q. And this is a corporation. How many people
9 worked for this company back in May of 2013?

10 A. At that point, there was only like four still
11 on. We work from the 1st of July until the 1st of
12 March, and then in that period there's about ten
13 employees.

14 Q. So that would be the season, July to March?

15 A. 1st of March, yes.

16 Q. In terms of the company, are there any
17 officers of the corporation besides you?

18 A. Yeah, there's my wife and my son. He's a part
19 manager. My wife is the bookkeeper.

20 Q. Your wife is a bookkeeper for the company?

21 A. Yes.

22 Q. And your son is -- what does he do?

23 A. Oh, he's manager of the operation we do.

24 Q. Okay.

25 A. Foreman, I guess you would -- instead of

1 manager, it would be foreman, working foreman.

2 Q. That's three people. Who is the fourth who is
3 involved in the company as an employee, other than when
4 you're in season, which you said is about ten employees?

5 A. Yeah, Bub Mock is -- we keep him on pretty all
6 year. He's a brother-in-law.

7 Q. Could you spell his first and last name?

8 A. B-u-b M-o-c-k.

9 Q. And what does Bub Mock do for the company?

10 A. He drives a truck.

11 Q. He's a driver?

12 A. A driver.

13 Q. Who was in the tractor-trailer with you back
14 on May 1st, 2013?

15 A. Terry Gaines.

16 Q. How long had he been an employee with the
17 company?

18 A. Off and on for -- he'd just retired from
19 driving tankers, from I think 20 years of tankers from
20 Denver to Grand Junction hauling gas, and then he
21 retired, and he started to work for us part-time.

22 Q. Roughly when did he start working for the
23 company?

24 A. About two years ago. About -- I can't tell.
25 I can't remember for sure when he retired but about two

1 years before this accident.

2 Q. And what did he do for the company when he was
3 an employee?

4 A. Truck driver.

5 Q. And what is your role, can you describe it,
6 with the company?

7 A. Mainly I handle the radios between the
8 helicopter and the ground crew.

9 Q. That's my next question. What does Cattoor
10 Livestock Roundup Incorporated do as a company?

11 A. We gather horses for the Bureau of Land
12 Management.

13 Q. What is the purpose for doing that?

14 A. There's a massive number of horses on the
15 range, and they've been trying to control them since
16 they passed the law in '71, and I got into it back in
17 '71. So I've been doing it for them for a long time.

18 Q. And when you round up, when the company rounds
19 up the horses, what do they do with them?

20 A. We sort them for age and sex and everything
21 and ship them to the different corrals that they like --
22 they process them for adoption.

23 Q. How is the company paid on these contracts?

24 A. They're bid out per head.

25 Q. Does the Bureau of Land Management pay Cattoor

1 Livestock Roundup?

2 A. Yes.

3 Q. Do your -- we're going to switch gears here
4 and go back to the medical examiner certificate.

5 Was that a certificate you carried with you
6 back on May 1st, 2013?

7 A. Yes.

8 Q. Do you remember if that certificate had any
9 medical or physical conditions limited or indicated?

10 A. Outside of the vision waiver, no.

11 Q. Do you remember back at the time of May 1st,
12 2013, if you were suffering from any illnesses or
13 disabilities or medical conditions or injuries?

14 A. No.

15 Q. No, you were not, or no, you can't remember?

16 A. No, I was not.

17 Q. Okay. Have you ever been injured on the job?

18 A. Several times but not anything major. Broken
19 arm, broken leg, not anything major that I've had
20 happen. Of course, I've been doing this for a long
21 time, so it's a high-risk business we're in.

22 Q. As a result of the May 1st, 2013 crash, did
23 you yourself sustain any injuries?

24 A. Not any.

25 Q. Not any?

1 A. Any.

2 Q. And what I'm doing is trying to narrow the
3 questions as I'm going down my list here.

4 Back as of May 2013, did Cattoor Livestock
5 Roundup have any sort of driver or safety orientation or
6 anything like that for its drivers?

7 A. Yes.

8 Q. Tell us about that.

9 A. My wife does a driver orientation and check
10 when we hire some -- when we hire drivers.

11 Q. What does she do when she does those driver
12 orientations?

13 A. You know, I'm not sure. There's a background
14 check, where they come from, what they've been driving,
15 how many years they've been driving, accidents. They
16 always have to have an accident report that goes
17 immediately -- any accident report when you hire a CDL
18 driver, and they're pretty well screened.

19 Q. Once the driver is hired by the company, did
20 -- and the time frame we're talking about is let's say
21 January to May, or the couple of years before this
22 accident happened -- during that time period, did
23 Cattoor Livestock provide its drivers with any sort of
24 safety manuals or trucking manuals or materials?

25 A. I think she does have a safety manual that she

1 gives out to them and she does an orientation to each
2 driver.

3 Q. And I know you don't necessarily know the
4 details, but generally what's involved in that
5 orientation that she does?

6 A. You know, I pretty much leave that up to her
7 and she screens the drivers, and we have to screen not
8 only the drivers but other people, too, but the drivers
9 mainly because DOT requires it.

10 Q. Is her --

11 A. Drug tests mainly.

12 Q. Is her role -- sorry, go ahead.

13 A. Drug tests.

14 Q. Is her role in the company as like a safety
15 manager, safety officer?

16 A. Right, yes.

17 Q. If I were to say Federal Motor Carrier Safety
18 Regulations, does that ring a bell?

19 A. Yes.

20 Q. Tell me your understanding of what the Federal
21 Motor Carrier Safety Regulations are.

22 A. Well, it's the regulations of what you've got
23 to go through to be a CDL driver or hire a CDL driver.

24 Q. And what government agency issues those?

25 A. The federal government.

1 Q. Did Cattoor Livestock Roundup provide its
2 drivers or make available to them any sort of a manual
3 like the one that I'm holding here entitled Federal
4 Motor Carrier Safety Regulations?

5 A. Something like it but it don't -- didn't look
6 like that one.

7 Q. It might be a different version in how it
8 looks?

9 A. It don't look like that book, but --

10 Q. But is it your understanding that the
11 regulations were provided to its drivers back then --

12 A. Yes.

13 Q. -- before the accident? Back before May 1st,
14 2013?

15 A. Yes.

16 Q. All right. Do you know if Cattoor Livestock
17 gave its drivers any sort of State of Utah like CDL
18 manual or made that available to them?

19 A. For each state?

20 Q. Well, at least for the State of Utah.

21 A. I would probably doubt that it would be an
22 individual state one. It would be a federal because it
23 wouldn't do us any good to hire somebody for just state.
24 It has to be -- if they drive for us, they've got to be
25 able to cross the state line, interstate.

1 Q. Do you know if Nevada provides, or I'm sorry,
2 we're in Nevada now, do you know if Utah provides any
3 sort of CDL drivers handbook that it makes available as
4 a state for CDL drivers?

5 A. You know, I think they do. I think we've had
6 them in the past, but I don't think it's something that
7 we use for just the state.

8 MR. VAZQUEZ: Let's go to -- and I think I may
9 have attached this but maybe not, the company snapshot
10 as Plaintiff's Exhibit 3 to the deposition composite.

11 (Exhibit 3 was marked.)

12 BY MR. VAZQUEZ:

13 Q. Let's go to the day of the motor vehicle
14 accident that we were talking about, May 1st, 2013.
15 Were you a driver for the company back at that time?

16 A. I wasn't driving but I was a driver, yes.

17 Q. Okay. Where was -- I'll take that. Hold on.
18 Let me just look at this.

19 On Plaintiff's Exhibit 3 it says, and I've
20 highlighted, "MCS-150 Mileage (Year)," and then it says
21 2013 in parentheses and "168,573," which is, I assume, a
22 mileage.

23 Is that the vehicle that was involved in this
24 accident?

25 A. Where is the number? The number?

1 Q. Right there (Indicating).

2 A. Well, I think the truck number was 20. I
3 don't see the 20 on here.

4 Q. The tractor that was involved in this crash,
5 was that a tractor that Cattoor Livestock Roundup owned?

6 A. Yes.

7 Q. At that time, May 1st, 2013, how many vehicles
8 did the company own?

9 A. Trucks or --

10 Q. Trucks.

11 A. Six.

12 Q. Six. Did the company own the trailer that was
13 being towed that was involved in this crash?

14 A. Yes.

15 Q. The same question as to how many trailers the
16 company owned.

17 A. Five.

18 Q. Okay. Do you know how many miles the truck
19 that became disabled had that was owned by the company?

20 A. How many miles was on it?

21 Q. Yes, roughly.

22 A. 550.

23 Q. We'll call this a trip, okay?

24 Where were you all coming from and where were
25 you going to back when this crash happened?

1 A. We started at Canyon City and loaded the
2 horses in Canyon City and was headed to just out of
3 Nashville, Tennessee, going through Lamar. Our plan was
4 to stop and have lunch with the driver's son in Lamar.

5 Q. Canyon City is in what state?

6 A. Colorado.

7 Q. Okay. And Terry Gaines was a driver for
8 Cattoor Transport?

9 A. Yes, he was the driver.

10 Q. From Canyon City to when this accident
11 happened, was it just the two of you, you and
12 Mr. Gaines?

13 A. Yes.

14 Q. When you say lunch with his son, who are you
15 referring to?

16 A. Todd Gaines. He worked in Lamar.

17 Q. So Terry goes by the name Todd?

18 A. No. Terry Gaines was the driver. Todd Gaines
19 was his son that we was going to stop and have lunch
20 with.

21 Q. And where was the plan to have that lunch?

22 A. In Lamar.

23 Q. So Todd Gaines lives somewhere around Lamar?

24 A. He was going to meet us at a cafe in Lamar,
25 yes.

1 Q. During that trip from Canyon City to Lamar,
2 did you drive the truck at all?

3 A. No.

4 Q. So Mr. Terry Gaines drove the truck?

5 A. Yes.

6 Q. What was your involvement or duties during
7 this trip?

8 A. Well, we was driving tandem, and he was going
9 to drive the first ten hours, and I think he'd go ten,
10 ten hours, you've got to go ten and then trade-off, and
11 he would have drove through most of the day. He was
12 driving when the truck had a transmission problem.

13 Q. Okay. So was it fair to say your plan was to
14 eventually drive once he had finished his tandem shift?

15 A. Yes.

16 Q. Did you all leave Canyon City that day, on May
17 1st, 2013?

18 A. I think we left there about -- we loaded at 7.
19 I think we got out of there about 8 o'clock.

20 Q. A.m.?

21 A. Yes.

22 Q. What were you loading?

23 A. Horses.

24 Q. Do you remember roughly how many horses?

25 A. Thirty-six.

1 Q. And was there a particular ranch or facility
2 in Canyon City where the loading was done?

3 A. The Canyon City prison is where they was
4 loaded.

5 Q. Was there anybody that you spoke to or needed
6 to have paperwork signed off on before you left there in
7 Canyon City?

8 A. Yeah, they gave -- they gave us paperwork on
9 every one of them. When we left there, we loaded two
10 trucks. We was traveling together. My brother-in-law
11 was in one, and Bub Mock was driving one. He was in the
12 front, and we was following up behind.

13 Q. When you say they, are you referring to the
14 Canyon City prison staff?

15 A. Yeah, the staff, the BLM staff at the prison
16 has to give -- they gave us papers on the horses.

17 Q. Okay. Do you remember a name of anybody with
18 the BLM that you normally dealt with there?

19 A. Not really that day. There's -- there was the
20 one that gave us the papers, I think his name is Fran.
21 I'm trying to think of his last name but I don't know
22 them people that well.

23 MR. VAZQUEZ: I guess we lost Mr. Greenberg.
24 He got tired of my questions.

25 Q. All right. So before you all got to Canyon

1 City on May 1st to do the loading, where were you all
2 coming from?

3 A. Before we got to Canyon City?

4 Q. Right.

5 A. We came from Grand Junction.

6 Q. Was that the night before or did you drive up
7 that morning?

8 A. We drove the night before and stopped at a
9 truck stop and then -- because they wanted us in there
10 just after daylight.

11 Q. So did you sleep in the truck that night?

12 A. Yes.

13 Q. And did you drive the shift before, the day
14 before?

15 A. You know, I'm not -- I think I drove from
16 Grand Junction to Canyon City, and we parked, and then
17 -- I think that's what it was -- and then he was going
18 to drive the next day.

19 Q. Okay.

20 A. So we left out -- we got to Canyon City about
21 probably 8 or 9 o'clock the night before.

22 Q. Okay. And you sleep at the truck stop there
23 in the truck, correct?

24 A. Yeah. The back of the truck's got bunks in
25 them.

1 Q. Okay. So this particular haul of horses
2 Cattoor Livestock had two trucks and four drivers?

3 A. Right.

4 Q. So it was you and Mr. Gaines in one truck and
5 then Bub Mock and your brother-in-law in the other
6 truck?

7 A. Bub Mock is my brother-in-law and --

8 (Whereupon, the phone ringing caused a brief
9 interruption in the proceedings.)

10 MR. VAZQUEZ: Dan Vazquez.

11 MR. GREENBERG: Sorry about that -- this is
12 Alan Greenberg -- I got dropped.

13 BY MR. VAZQUEZ:

14 Q. All right, go ahead.

15 I was asking, Mr. Cattoor, the other truck
16 involved had your brother-in-law, Bub Mock, and another
17 driver?

18 A. Yeah, Tom.

19 Q. Do you know Tom's last name?

20 A. I'll think of it in a minute. He works for us
21 off and on quite a bit.

22 Q. When the crash happened on May 1st, were they
23 further ahead of you or behind you?

24 A. They was ahead of us. They was talking about
25 stopping and eating lunch with us and deciding whether

1 they was going to, and they had just about decided to
2 not, to go on further.

3 Q. Did they ever double back and come to the
4 crash site?

5 A. No. They was about a mile ahead of us, and we
6 called them and told them to pull in and get us a
7 wrecker. And they pulled into this -- this same garage
8 and got the wrecker sent back for us, and then they went
9 on.

10 Q. Are you referring to Arkansas Valley Diesel,
11 the wrecker shop that was located right next to the
12 crash site?

13 A. I don't think that's the one that came. My
14 recollection is they called the wrecker and he come from
15 a couple of miles away, or a mile away.

16 Q. Right. Do you have any phone numbers or
17 contact information for Bub Mock or Tom or Terry Gaines?

18 A. Terry Gaines died the end of January, got
19 diagnosed with cancer at Christmastime, and he died
20 about three weeks later.

21 Q. Oh, okay. All right.

22 A. He was the driver in the truck.

23 Q. Okay. So he passed away. He gave a witness
24 statement that was written. Hold on just a second while
25 I pull it out.

1 I thought he did. Yes. I'm going to mark
2 this and hand it to you.

3 (Exhibit 4 was marked.)

4 BY MR. VAZQUEZ:

5 Q. What I'm handing you is at the top it says
6 "Colorado State Patrol Witness Statement" and under name
7 it's written "Terry Gaines". Do you recognize that
8 document?

9 A. Yeah, I think I remember that.

10 Q. Okay. And we've deposed and asked questions
11 of the police officers, but my question to you is, this
12 witness statement, did you actually see Mr. Gaines write
13 this?

14 A. No.

15 Q. Okay. Did you ever see this statement just
16 with documents that have been provided to you or made
17 available to you before today?

18 A. No.

19 Q. Okay. So fair to say you're not familiar with
20 whatever was written here about his description of the
21 accident?

22 A. The first time I seen it was right there.

23 Q. Okay.

24 MR. VAZQUEZ: And I'm going to attach this as
25 Plaintiff's Exhibit 4 to the deposition.

1 BY MR. VAZQUEZ:

2 Q. Did you and Mr. Gaines ever talk about this
3 accident and your memories of what happened after the
4 accident happened?

5 A. Not -- not very much at all because -- mainly
6 because we wasn't involved, mainly. When they hooked us
7 up to the fuel -- the wrecker hooked up to our truck, we
8 intended to just sit in there because we could see the
9 shop. We could see it from where we were sitting. We
10 was going to sit in the truck, and he told us to get out
11 of the truck and get in his truck. So, you know, our
12 involvement was pretty sparse, especially for me. I
13 don't know about Terry.

14 Q. Did Mr. Gaines ever, that you remember, say
15 anything to you either at the crash site or afterwards
16 about anything that he remembers happening about the
17 crash?

18 A. No.

19 Q. Okay. Because obviously Mr. Gaines wouldn't
20 be able to be deposed since he's deceased, so I just
21 wanted to see if you had any knowledge or memory about
22 anything that you remember him telling you about the
23 accident. Do you understand my question?

24 A. The only thing that I can remember is that he
25 repeated to me several times what the driver said, what

1 the truck driver said.

2 Q. Where was that? Where did he tell you that?

3 A. Well, it was told to both of us in the truck.
4 He was in the driver's -- the passenger side. I was in
5 the sleeper. I was sitting on the sleeper because we
6 only had about five minutes to go up the road, so I just
7 got in and sat in the sleeper, and he mentioned a time
8 or two what the driver of the wrecker said.

9 Q. What did Mr. Gaines tell you that the driver
10 of the wrecker said?

11 A. Just what I heard, "Oh hell, he's gonna hit
12 us."

13 Q. Okay.

14 A. And as far as the wreck, it shocks me how bad
15 a wreck it was because I was never jolted off of that
16 seat, sitting on that seat. I was just sitting just
17 like that, and I was sitting just like that when it was
18 over, and it destroyed the trailer and the tractor.

19 Q. Okay. Before this crash happened on May 1st,
20 did you know Andrew Woller or Diana Woller?

21 A. No.

22 Q. Did you know Mrs. Ruis or Mr. Morgan?

23 A. No.

24 Q. Did you know the police officers who
25 investigated the crash, Trooper Shields and Trooper

1 Manuel?

2 A. No.

3 Q. And the eyewitness, Mr. Stegman (phonetically)
4 who came out, did you ever meet him before the crash
5 happened?

6 A. No.

7 Q. I think I -- and I'm trying to have a format
8 here.

9 Do you have any contact information for Bub
10 Mock or Tom? We covered Mr. Gaines. That's how we got
11 on the subject. Do you have any phone numbers or
12 anything for either of them on your phone?

13 A. Do I have any information for them?

14 Q. Do you have any phone numbers if we wanted to
15 get in contact with them to see whatever they might --
16 knowledge they have. Do you have any phone numbers for
17 them?

18 A. I've got Bub's number is --

19 Q. I keep saying Bob. I'm sorry.

20 A. Bub.

21 Q. Bub. Go ahead.

22 A. He was in the truck ahead of us, but they just
23 called the wrecker and said, "We're not stopping for
24 lunch," and they went on. So we told them we'd take
25 care of it. But his number is 970-272-3253.

1 Q. That's impressive you have that memorized. I
2 don't even know -- I know my own cell and the office and
3 that's about it. So --

4 A. Well, he drives the truck for us all the time,
5 and that's -- I don't really take care of the trucking,
6 my wife does that, but they wasn't even around. We just
7 told them on the phone, said "Tell them we're not going
8 to get there," and they was gone. They was on down the
9 road. As far as involvement, it was just on the phone,
10 that's all the involvement. They called the garage and
11 the garage called the wrecker and they was probably 20
12 miles down the road beyond that.

13 Q. I want to get back on the timeline here. So
14 the morning -- you wake up 7 o'clock or 8 o'clock, they
15 load the horses. Did you participate in the loading of
16 the horses?

17 A. Yeah, we helped them load.

18 Q. What did you do?

19 A. Let's see. On one truck I think I went in and
20 when they ran them up the shoot, we shut the gates. Got
21 three compartments, and we put 12 in each compartment,
22 and it's easier if you're inside the truck, and when
23 they come by, you just shut the door and latch it, and
24 then you go back and -- and on one truck I did that, and
25 then the other truck I think Bub, my brother-in-law,

1 done it.

2 Q. How long did it take to get -- or how many
3 miles of a drive was it from Canyon City to Lamar?

4 A. I'm thinking we probably pulled out of
5 there -- we had traffic early, and I think we left there
6 at 8:00 or 8:15, and when the accident happened, it was
7 somewhere around 11:30, if I can remember.

8 Q. Okay. That was my next question. What time
9 of day do you remember the May 1st, 2013 crash
10 happening?

11 A. I was thinking it was just about 11:30. I
12 don't know as I've ever seen the exact date it did
13 happen.

14 Q. A.m.?

15 A. In the morning. It was just before noon.

16 Q. Did you all make any stops along the way
17 before you got to Lamar?

18 A. No.

19 Q. When did you -- you indicated that the truck
20 started having some engine trouble, correct?

21 A. You know, we was coming up the road and
22 probably two miles from the turnoff to Lamar, we turned
23 off the one road on an intersection there, and about two
24 miles before that the driver told me, he said -- I was
25 in the sleeper, and he said that -- he said, "This

1 transmission don't sound right," and then I kind of was
2 listening, and then he turned off the road, and I said,
3 "We better stop at that shop down there and have them
4 take a look at this," and about that time it just gave
5 it up, it quit, went out of gear and wouldn't go back in
6 gear, and we was, I'm saying, within three-quarters of a
7 mile of the shop. We turned off the freeway to Lamar
8 and we could see the shop from where we was at.

9 Q. So did you -- did the driver pull the truck
10 off of the highway?

11 A. Pulled off, and then we set up our warning --
12 we've got these reflectors that you set up, and we
13 pulled off as far as we could and then we set up these
14 three reflectors from the back. It was on a two lane
15 road, two lanes going this way (Indicating) and two
16 lanes this way (Indicating), and there was a big ditch
17 in the middle, and we just set up our back flares, and
18 they called us back and said, "The wrecker is on the
19 way."

20 Q. Who at Cattoor Livestock handled the
21 maintenance on the trucks before May 1st, 2013?

22 A. We got a mechanic in Nephi that does our
23 maintenance.

24 Q. Who is that mechanic or what shop is that?

25 A. Well, at that point it was our shop, at that

1 point, and it was on my son's place, and it since was
2 sold, and he still, he's still in that same shop and
3 still doing our maintenance, but he's doing other
4 people's, too.

5 Q. And the mechanic's name is --

6 A. Anthony. I don't know, I don't know as I ever
7 called him by his last name. I only -- I know him real
8 well because he's our mechanic but I can't think of his
9 last name.

10 Q. So this shop where the company got the trucks
11 maintained before May 1st, 2013, that was a shop that
12 was operated by your son?

13 A. Yeah.

14 Q. And that's based out of Nephi?

15 A. Nephi, Utah.

16 Q. And there was a mechanic named Anthony at that
17 shop that was the mechanic who worked on the trucks?

18 A. Yeah.

19 Q. And at the time, Cattoor Transport owned that
20 maintenance shop?

21 A. Yeah.

22 Q. Okay. Your son was not an employee of Cattoor
23 Transport, or was he, back then?

24 A. Yeah.

25 Q. He was? Was your son an employee of Cattoor

1 Transport back in May of 2013?

2 A. Yeah. He's been the, you know, foreman for
3 25, 30 years.

4 Q. And what is his name again?

5 A. Troy.

6 Q. Troy. So you had five or six trucks at the
7 time, correct? Who was in charge of keeping, you know,
8 the schedule of the oil changes and the brake work and
9 the fluid levels and all of that stuff on that fleet of
10 trucks back before May of 2013?

11 A. Well, my wife and the mechanic.

12 Q. Anthony? Yes? Is that a yes?

13 A. Anthony, yes.

14 Q. Where were those maintenance records kept, if
15 anywhere, in terms of schedules and all that?

16 A. My wife keeps them, and then I think Anthony,
17 he kept a schedule of them, too, on the oil changes and
18 stuff, brakes.

19 Q. Do you know, as we sit here today, when the
20 tractor-trailer, or the tractor that was disabled in
21 this particular accident on May 1st, when that had last
22 been serviced?

23 A. I think it had just been serviced, just had
24 before we took off with it.

25 Q. Would that have been in April of 2013?

1 A. Yeah, it was just within -- I think it was
2 just within a week or two it was sitting there and that
3 it was serviced.

4 Q. Do you know if Anthony was the mechanic who
5 serviced the truck back then?

6 A. Yeah, he was.

7 Q. Was Anthony also an employee that was on the
8 payrolls of Cattoor Transport back then?

9 A. Well, he's a private mechanic, and as far as
10 being on the payroll, I don't know. I don't think he
11 was. I think he works, he does other jobs, and, you
12 know, he just keeps track of what he does for us.

13 Q. This shop, did it have a name? Was it like
14 Troy Cattoor's Mechanic Shop or anything like that?

15 A. I think they just -- we just called it
16 Anthony's shop, and it was on Troy's property, and he
17 maintained ours and quite a few other people.

18 Q. That was my next question. Other than the
19 Cattoor Transport vehicles, did this mechanic shop do
20 any other work on any tractor-trailers or commercial
21 vehicles?

22 A. Yes.

23 Q. So in terms of a business name, was there any
24 sort of other business name that this shop was known by,
25 like listed in the phone book or anything like that?

1 A. You know, I don't -- it wasn't listed by us
2 because we didn't solicit outside business. I think he
3 run his business by reputation, I think.

4 Q. Okay. So the ground -- the property where the
5 shop was located, that was owned by Troy Cattoor, your
6 son?

7 A. Yes.

8 Q. Is this a freestanding building, this mechanic
9 shop?

10 A. A freestanding?

11 Q. Like just a building other than his house?

12 A. Oh, yeah, it's just a big shop.

13 Q. Okay. Let's just say it's a commercial
14 vehicle. How do they know to call the shop? Is there a
15 sign out there back then?

16 A. No, he never did put out a sign. He had
17 enough work with us and the people he knew. He came in
18 there from a diesel shop and had a lot of clientele with
19 him when he came, so he didn't have to put out a sign
20 and advertise.

21 Q. Is there an address where this is that you
22 know of?

23 A. Exact address is just above -- you gave the
24 address of our place there. It's just before you get to
25 that place. It's -- I don't know the exact address.

1 Q. Do you have Troy Cattoor's phone number if we
2 needed to call him and find out that address where the
3 shop is located?

4 A. Yeah.

5 Q. What's his phone number?

6 A. Well, I'd have to get it for you.

7 Q. Sure.

8 A. I can ask him if you need his address because
9 I can tell him --

10 Q. Yeah, why don't we give him a call right now
11 and see if he can tell us the address and --

12 A. Well, if that's what you need, I can call him
13 right now.

14 Q. Yeah, why don't we do that. Let's go -- well,
15 let's just stay on the record.

16 MR. VAZQUEZ: How are we doing on time?

17 THE VIDEOGRAPHER: 20 minutes remain,
18 counselor.

19 MR. VAZQUEZ: Okay, thank you.

20 A. If he'd just answer his phone.

21 Hey, need an address for the shop there in
22 Nephi, Anthony's, Anthony's shop.

23 I'm doing a deposition here for this truck
24 deal and they need an address. Can you give it? I'm
25 doing a deposition. So all I need is the address of

1 your shop, your property in Nephi.

2 743 West Highway 132.

3 What's Anthony's last name?

4 Davis.

5 Q. And did the shop have a name?

6 A. It's just a deposition where the trucks are
7 maintained and stuff.

8 Anthony, he never did ever put out a deal or
9 nothing, he just -- that's what I told him. He didn't
10 have a name of the shop, he had enough people clientele,
11 so -- but they needed the address, so -- Anthony Davis.

12 Q. Okay.

13 A. You ain't got his phone number, do you? Do
14 you need his phone number?

15 Q. Yes, if he has it.

16 A. Do you have it right there?

17 Well, I can get it off of mine, too, so okay.
18 If they need it, I'll get it.

19 All right, thanks. See you later.

20 Q. Can we get those two phone numbers, Troy's
21 number and Anthony's, if you have it in your phone?

22 A. 702 -- let's see.

23 Q. Whose number is this first one you're giving
24 me?

25 A. 702-376-1624.

1 Q. 702-376-1 --

2 A. 1624.

3 Q. And whose phone number is that?

4 A. Something went wrong here. That ain't right.

5 That's -- 435-660-0257.

6 Q. And whose phone number is that?

7 A. Troy's.

8 Q. And do you have Anthony's phone number?

9 A. Let me get it here. Just a second. Are you
10 ready to write it down?

11 Q. I'm ready.

12 A. 435-610-0994.

13 Q. Okay. Thank you very much.

14 A. Anthony Davis.

15 Q. Thank you very much, Mr. Cattoor.

16 Back when the maintenance was done on the
17 truck that got disabled in this accident, am I correct
18 in understanding that it was Anthony Davis who was the
19 mechanic who did the maintenance check on the truck just
20 prior to the truck becoming disabled?

21 A. Yeah.

22 Q. And I think you said your son, Troy Cattoor,
23 was an employee of the company. Was Anthony Davis an
24 employee of Cattoor Livestock back at that time?

25 A. Only on the maintenance. I mean, I can't say

1 he was an employee. He was doing our maintenance for so
2 much an hour --

3 Q. Okay.

4 A. -- not actually -- he's in business himself,
5 so he wasn't actually an employee.

6 Q. So fair to say that the payments that you gave
7 to Anthony Davis were only for work that he did on the
8 Cattoor Transit trucks?

9 A. Right.

10 Q. He wasn't like an hourly employee for the
11 other maintenance that he did?

12 A. No.

13 Q. Correct? No?

14 A. Yeah, you're correct.

15 Q. Was he like an independent person?

16 A. Yes.

17 Q. Okay. Do you know if he had a separate
18 business that he maintained in doing the mechanic work
19 that he did for your company and other companies?

20 A. That he had a separate business?

21 Q. Correct, that he operated any sort of a
22 business as a mechanic in doing that work for your
23 company and the other mechanic work that he did back at
24 that time.

25 A. Yeah. He operated a business for us and for

1 other people.

2 Q. Were you surprised that the transmission blew
3 when it just had maintenance done a few weeks before?

4 A. Well, some things -- the transmission, when
5 they go out, it's quite often a gear comes loose and
6 it's pretty instantaneous. Up to that point, I don't
7 think anybody would have ever known it was gonna go bad.

8 Q. Was this truck that was involved in this
9 accident, the Cattoor Transport truck, was that ever
10 repaired?

11 A. Yes, it was repaired at the shop at Lamar.

12 Q. Was that Arkansas Valley Diesel?

13 Is that a yes?

14 A. Yes.

15 Q. What was your understanding after that repair,
16 what was wrong with the truck?

17 A. Oh, the main -- one of the main gears went out
18 and just put it in free wheeling, and we asked them
19 about repairing it so we could go on, and they said, "We
20 can do it, but you better just put a rebuilt
21 transmission, it would be quicker to do it," and so in
22 about five hours they had a new one in there.

23 Q. They had to rebuild the whole transmission?

24 A. They just put a new one in, got it from Denver
25 and put it in there.

1 Q. And then you all went on your way to --

2 A. Actually, we didn't go -- we didn't go on.

3 Q. You didn't?

4 A. For the main reason, the load of horses we had
5 had to be to this place in Nashville for an adoption, a
6 wild horse adoption, and they had to be there a certain
7 time.

8 The first truck was going to make it easy. We
9 wasn't gonna make it. So timewise, when we shut down to
10 get the truck repaired, we took the horses to the
11 fairgrounds and the BLM from Canyon City brought
12 trailers and got them and took them back to the prison.

13 Q. Was your truck driven by Mr. Gaines on
14 schedule to get there before the accident happened, to
15 get to Nashville?

16 A. Yes.

17 Q. Okay. Why don't we do this. I have a few
18 more questions about what happened with the horses and
19 all that, and then we'll take a break, switch out the
20 tapes, and then I'll have some questions about the
21 actual accident, what happened and what you remember,
22 okay?

23 Do you know roughly what the weight load was
24 of the trailer and the horses that was being towed by
25 Mr. Gaines and you?

1 A. The weight, I think the weight on the
2 tractor-trailer is like 32,000. We had 36 horses on
3 there that probably weighed 800, average 800. So eight
4 times the 36 and the 32, what would that be?

5 Q. Oh, now you're asking me to do math.

6 So what would it -- do you know what the total
7 weight normally when you haul 36 horses with this
8 trailer and this tractor was?

9 A. Oh, 160 or 68,000.

10 Q. 68,000 pounds?

11 A. Yeah. That's way more than -- that's way
12 more -- we're 32,000 tractor and trailer, and so our
13 trucks are licensed for 80,000, but they never go even
14 to 70 with horses on it because them horses don't weigh
15 nothing. So 36 horses at eight. I think they weighed
16 32,500, the truck and trailer, but we never weigh them
17 because we're so far under our weight limit, and it's
18 always in the 60 range.

19 Q. Okay. And the reason why I'm asking is that
20 accident reconstructionist engineers might want to do
21 some reconstruction, and the weights can be important to
22 that. So I'm just asking generally --

23 A. There was no heavy load. It was a light load.
24 It could have been 58 to 64 because, you know, you
25 really have a hard time telling when you load them

1 horses, as light as we load them and as light as the
2 horses are, that you even got a load. I mean, it ain't
3 like you're pulling a load of gasoline or a load of dirt
4 that's heavy. They're light. They're never really
5 overloaded.

6 Q. One more question before we go on break. What
7 ever happened to the horses?

8 A. Two of them got knocked out in the accident.
9 When the truck hit the back, it tore off the back end of
10 the trailer and two of them flipped out on the back, on
11 the pavement, and our big deal was to get the back tied
12 together, and that's what I was doing, that's what I was
13 doing when the highway patrol showed up.

14 Q. Okay.

15 A. Two of them -- one of them they finally
16 retrieved unhurt, and they never seen the other one
17 again.

18 MR. VAZQUEZ: Okay. Why don't we do this.
19 I'm going to take a break. I'm going to leave the
20 phones on, and I'll just let everybody know when we're
21 going to reconvene. Maybe like five minutes is enough,
22 Mr. Videographer, to switch out the tape? Do you need a
23 little more time?

24 THE VIDEOGRAPHER: Probably a little more.

25 MR. VAZQUEZ: All right. Let's take a

1 ten-minute break. I'm going to get some water, let
2 Mr. Cattoor rest a little bit, and we'll get going in
3 about ten minutes.

4 Okay, everybody?

5 MR. KAY: It's fine by me.

6 MR. VAZQUEZ: Sounds good. Thanks.

7 THE VIDEOGRAPHER: This is the end of Disk
8 Number 1 in today's videographed deposition of David
9 Cattoor. The time is 10:36, and we're off the record.

10 (Recess taken.)

11 THE VIDEOGRAPHER: Please stand by.

12 We're back on the record. This is the
13 beginning of Disk Number 2 in today's videographed
14 deposition of David Cattoor, the time 11:48.

15 BY MR. VAZQUEZ:

16 Q. All right, Mr. Cattoor. I think we last left
17 it where the -- your truck -- your tractor with the
18 horses being towed, the transmission blows, you pull off
19 on the side of the road and you said you went out and
20 put out some triangles. Let's start right there.

21 Was this like a safety triangle?

22 A. Yes.

23 Q. Who put that out?

24 A. Terry Gaines and I put them out. We already
25 knew that our leader had already called for the wrecker,

1 so we put them out, jumped in the truck, sat there for
2 the wrecker to come.

3 Q. How long did it take from the time that you
4 all pulled off of the road to the time that the wrecker
5 showed up?

6 A. I'm guessing 30 minutes.

7 Q. In addition to the triangle, did you all do
8 anything else?

9 A. Turned the blinkers on, the hazard lights on
10 the truck and the trailer, and then we scattered the
11 safety deals, the triangles, behind. I think you've got
12 to scatter them 200 feet, 300 feet.

13 Q. Is there more than one triangle?

14 A. Three of them you put out.

15 Q. What's the purpose of putting out the safety
16 triangles?

17 A. So that any oncoming traffic behind you has
18 got alerted to that they have to turn over in the other
19 lane.

20 Q. And why did you turn on the hazards?

21 A. Just any time you stop along the road, you've
22 always got to flip your hazard lights on.

23 Q. How much, in terms of your driving, took you
24 through the state of Colorado when you did these hauls
25 generally?

1 A. How much of it went through the Colorado?

2 Q. Right.

3 A. We haul a lot into the Canyon City Prison, and
4 then occasionally -- you know, our trucking outfit don't
5 run every day, just when they're on call, and if they
6 call us and need horses hauled out of the prison, they
7 go to Kearney, Nebraska, the BLM holding corrals. When
8 they get too many in there, they have different people
9 they call and have them hauled out. We're not the only
10 ones that haul them.

11 Q. Had you ever traveled along this particular
12 stretch of Colorado 50 to Lamar before May 1st, 2013?

13 A. Oh, yeah. Yes.

14 Q. Were you familiar with the area?

15 A. Yes.

16 Q. Do you have -- did you ever have any personal
17 knowledge about any accidents or incidents happening
18 along the roadway where this particular crash happened?

19 A. No.

20 Q. What is your familiarity with Colorado traffic
21 laws?

22 A. I lived in Colorado most of my life until '87.
23 I lived in Craig, Colorado from 1948 to '87.

24 Q. Do you know either way if a CDL driver, or any
25 driver for that matter, is allowed to drive with the

1 hazards going, not pulled over on the side of the road
2 but drive along the roadways with hazards flashing?

3 A. If you get in a position where your truck is
4 breaking down or you lose the -- a lot of times the
5 filters will plug up and you can still go 15, 20 miles
6 an hour but you can't go, and then, quite often then you
7 flip on your hazard lights, or if you're going up a
8 steep hill and you're gearing down, you've got a big
9 load, you always flip them on.

10 Q. Do you know if at the time Colorado had any
11 laws about drivers driving with hazards on at any
12 particular speeds being either allowed or not allowed
13 under the traffic laws?

14 A. Yeah, I don't -- you're not allowed to drive
15 with them on at the speed limit. I mean, if you have a
16 problem with your truck or you're pulling down and
17 people know that you're coming behind them, then they
18 need to be flipped on.

19 Q. How do you know about that?

20 A. It's pretty much in the regulations, and over
21 the years, you just, you know, you know that if you're a
22 CDL driver, you know them regulations of you flip them
23 on when you need them and when other people need them.

24 Q. Do you know if the hazards that you all had
25 put on on the truck when Mr. Woller was towing the

1 vehicle, if those were still on or not?

2 A. They was all, they was all on. The hazard
3 trailer lights was working. We flipped them on when we
4 set them out, and then we went back and got the -- when
5 he hooked up to us, we went back and got the reflectors
6 that goes in behind, but everything at that point was
7 working, the hazard flashers was working.

8 Q. And I'll have some more questions about that.

9 Do you know roughly how fast the hooked up
10 vehicles traveled along the road from the time it left
11 the shoulder where it was parked to the time of the
12 accident, what speed it got up to?

13 A. It would be a guess. I'm saying 10 miles an
14 hour. It wasn't like you had to go anyplace, and we was
15 loaded.

16 Q. So at the time, and based on your memory, did
17 you have any concern, given what we just talked about,
18 about the law, about hazards and traveling with those,
19 did you have any concern about Mr. Woller traveling with
20 the hazards on down the road?

21 A. Not at that speed, no.

22 Q. And where were you in the Woller cab, the
23 Woller wrecking cab when it was traveling down the road?

24 A. Sitting on the sleeper back inside the -- the
25 sleeper is back in beside the driver's seat.

1 Q. Was that estimate of speed from looking at the
2 speedometer or was that just general looking out the
3 window kind of stuff?

4 A. Just looking out the window watching -- just
5 looking up towards the shop we was going to, and it
6 wasn't very far. I mean, I'm going to say
7 three-quarters of a mile from where he picked us up to
8 the -- but I'm not real sure, but when the thing shut
9 down, we was looking at the shop. It could have been a
10 mile.

11 Q. My understanding is that there is like a
12 junction between Colorado 50 and another highway just
13 before coming into Lamar. Is that your memory of how
14 the area is laid out?

15 A. Yeah, just before you turn in Lamar, we turned
16 off a junction off of another highway.

17 Q. Okay. And I'm going to show you what's marked
18 as a composite exhibit, and we'll make this Plaintiff's
19 5, and it's, for the group, these are the photos, Jason,
20 that I showed to the group in the last deposition of the
21 neighborhood, and it's 1, 2, 3, 4, 5, 6, 7 photos.

22 Mr. Cattoor, take a moment to just flip
23 through those photos and let me know if you recognize
24 the area that's shown.

25 (Exhibit 5 was marked.)

1 A. (Witness examined documents.)

2 Well, it looks like the junction we turned off
3 of.

4 Q. In looking at those photos, the area where you
5 all pulled off onto the shoulder when the transmission
6 broke down, do you recognize that spot being shown in
7 any of those photos, or was it perhaps further down the
8 road and not shown in those photos?

9 A. Well, it looks like that it was right there,
10 right there where that pickup and trailer is
11 (Indicating) where it shut down. You know, in my
12 recollection, it was -- the truck -- we came off the
13 ramp and the truck was -- just looking, I'm saying it
14 was right there, right there where the pickup and
15 trailer is, somewhere right there (Indicating).

16 Q. Okay. I'm going to mark this, I'm going to
17 individually mark these so that we know which one you're
18 talking about.

19 A. That ramp come off there like that, and we was
20 coming off that ramp when it --

21 Q. All right. I'm going to write in the corner
22 bottom right starting on the first one with the
23 Plaintiff's Exhibit 5 sticker, 1 on the first photo, 2
24 on the second, 3, 4, 5, 6 --

25 A. Actually, remembering about the ramp coming

1 off of there, I mean, that's all of them are pictures of
2 that ramp coming down off of there, so --

3 Q. -- and 7.

4 So, Mr. Cattoor, just so that we're clear and
5 maybe I can have the videographer zoom in on this --

6 THE VIDEOGRAPHER: If you'll have him hold it
7 up and indicate at what point on the photo, I'll be able
8 to record it.

9 BY MR. VAZQUEZ:

10 Q. Mr. Cattoor, I've directed your attention to
11 photograph 7 within the composite, Plaintiff's Exhibit
12 5, and can you indicate for me and show us in the photo
13 where you remember the trailer being, the tractor
14 trailer being disabled as you just identified earlier?

15 A. Well, yeah, I'm thinking it was like right
16 there where that truck is (Indicating).

17 Q. Okay. Do you know if that was still on the
18 ramp or if that was on Colorado 50?

19 A. It was off the ramp. It was down off the
20 ramp. It was on the -- at the bottom of the ramp. We
21 wasn't up on it. It was down at the bottom of it and
22 turning in straight towards Lamar.

23 Q. Okay. All right.

24 A. And there was buildings along -- it was
25 actually coming almost into town, but there wasn't any

1 buildings along here until that shop. That shop, it
2 seemed to me like that shop was the first place that we
3 took the truck to was like right there, but there was
4 some buildings along that side. So --

5 Q. What was the weather like that day?

6 A. Clear. It was perfect.

7 Q. Was it blue skies like what's shown in these
8 photos?

9 A. Yeah. There was no storm at all.

10 Q. So do you remember if it was -- the weather
11 was changing at all that day?

12 A. No, and we just heard a weather report and
13 they said we was going to have clear weather clear
14 through.

15 Q. Was it -- what was the temperature roughly,
16 hot, mild, cold?

17 A. Between 50 and 60.

18 Q. Okay. So we were at the point of the
19 triangles and the hazards and a vehicle pulled up. Do
20 you know which company that was?

21 A. The wrecker?

22 Q. Yes.

23 A. I don't remember the name of it.

24 Q. Was it -- if I were to say Woller Towing?

25 A. That sounds like it, yeah.

1 Q. What happened when the Woller Towing truck
2 pulled up?

3 A. He pulled around, pulled around and got in
4 front of us and backed up and hooked the arms that go
5 out and hook under the front of your truck, and while he
6 was doing that, we walked back and -- to pick up the
7 warning deals, make sure our flashers was on, which they
8 had been on, and then we went back and was gonna get
9 back in the truck, and he said, "No, you ain't getting
10 in the truck. Insurance. You get in the wrecker. You
11 don't ride in that truck."

12 So we get in the truck, and then he explained
13 to us about the insurance, and he said, "You can't be
14 back in that truck," and then he got out. He flipped
15 some levers on the dash. I remember him flipping some
16 lights and getting all these lights and stuff going. He
17 flipped a bunch of lights, and then he says, "I'll be
18 right back," and he got out and walked around his truck,
19 got back in, and then we went down to the shop.

20 Q. Do you know, based on your own personal
21 knowledge of what you saw being there, do you know if
22 Mr. Woller ever hooked up the cables or what was
23 required between the wrecker and the electrical system
24 of your disabled tractor-trailer?

25 A. You know, personally, I can't say that I knew

1 he did it, but he got out after he got us in there and
2 told us we had to stay in the wrecker, and he flipped on
3 all his lights. He had a bunch of them on anyway. When
4 he turned around, he flipped everything on. But he
5 flipped on some more lights, and he said, "I'll be right
6 back," and he got out and he walked clear around the
7 truck and come back and got in it. But he did flip --
8 and whether, you know, that he -- I know he had them on
9 that truck, he had them there when he backed up there,
10 that's something that they use, and then when -- when
11 the truck got hit, the commotion, our big thing, Terry's
12 big thing was to sign the deal with the cops. My big
13 thing was to get the horses contained so we didn't lose
14 them all out on the road. And the way it hit, if there
15 had been lights on the back, they was gone anyway
16 because everything on the back was gone, so I couldn't
17 say, but I know he walked around, when he flipped on all
18 the lights, he made a full walk around the truck, clear
19 around, and then got in, and we went down, and we
20 couldn't have been going over 10 miles an hour because
21 he didn't go very fast.

22 Q. If you were in the wrecker cab, how do you
23 know that Mr. Woller did a full walk through around the
24 truck as you described?

25 A. Well, when he got out and says, "Just sit

1 tight. I'll be right back," he got out and -- of his
2 door -- I was sitting on the sleeper, Terry was right
3 here -- and he went that way, and when he came back, he
4 came this way, went around the front of the truck and
5 got back in. I know he made a full walk around.

6 Q. How do you know that?

7 A. If he didn't, he had to cut across through the
8 truck somewhere because the time and everything gave him
9 time to walk clear around, which I assume he did. He
10 said, "I'm going to get out and you guys sit right
11 here." He never said what he was going to do. He just
12 flipped on a whole bunch of lights and he made the pass
13 around, and when he came back, he didn't come up to the
14 door, his driver door, he came up by Terry like this and
15 come around his door (indicating), so I'm pretty sure he
16 walked around it.

17 Q. It is possible though that he went between the
18 two vehicles, is it?

19 A. No, you couldn't walk between the two of them.

20 Q. Why not?

21 A. Well, them arms that come out from that big
22 wrecker slide underneath and hook onto that front axle
23 on the truck, that's how they hooked onto it, and then
24 he picked up the front, and to go between them, he would
25 have had to crawl under, he'd have to get down on his

1 hands and knees and crawl under them, and timewise I'm
2 pretty sure he walked clear around it.

3 Q. Okay. And that's based on you saying that he
4 exited one side of the wrecker and came in back in the
5 other door, correct?

6 A. He came back in the same door but he made the
7 full deal around because when he got up and left us and
8 told us to sit tight, he left from the driver's side and
9 went back, and then when he came back, he came up the
10 side and come around and got back in the same door.

11 Q. Have you on your trips as a commercial driver
12 ever done any sort of pretrip inspection?

13 A. Every time.

14 Q. What do you do when you do a pretrip
15 inspection?

16 A. Make sure the lights is all working, make sure
17 you ain't got no flat tires, make sure mainly the big
18 thing is make sure when you make turns or anything, your
19 air lines, they flex. Sometimes you get them in a bind,
20 they cock open, and you go down the road and they'll pop
21 off. The first thing I do is check to make sure that
22 nothing is wrong because if they pop off of there, you
23 will get wreck or you will tear up a whole bunch of
24 tires, because you will just lose your air vein like
25 that, your trailer slides down the road, and if you've

1 got brand new tires on there, it will tear them all up.

2 But he made a pretrip inspection, he did that,
3 because timewise, and I knew that's what he was doing.

4 Q. Who are you saying, when you say "he" are you
5 referring to Mr. Woller?

6 A. Yeah, the wrecker driver.

7 Q. How do you know he did a pretrip inspection?
8 Is your basis the time it took for him to walk around?

9 A. The time it took and the way he came back in
10 the truck.

11 Q. Okay. Do you know what he did in that pretrip
12 inspection?

13 A. No, I don't.

14 Q. When you do pretrip inspections, do you check
15 the lights of your vehicle?

16 A. The lights and, you know, make sure the lights
17 are working, and like I say, when you walk by and you've
18 got your air lines, you make sure they're going, and
19 make sure you've got no flat tires, and it takes just
20 about -- that's why I think that's what he did because
21 that's what it takes. If you see any tires that look,
22 you know, then you've got to go park and get something
23 done, but to walk around it, you're, you know, eight to
24 ten minutes.

25 Q. When you do your inspections, do you have any

1 sort of a checklist or anything that you go through?

2 A. Yeah, the lights. As you're going, the
3 lights, the tires, the air lines. When we're checking,
4 we've got to check and make sure the horses are all up.
5 If there's a horse down, we've got to get him up. So
6 when you walk along there, we walk along the trailer and
7 look in there and make sure there's nothing laying down.
8 If there is, you've got to get off the road someplace
9 and get them back up.

10 Q. When you do you pretrip inspection, do you
11 also include the electrical lines in addition to the air
12 lines?

13 A. Yeah. The plug in the air line, the plug that
14 goes in between the tractor and the trailer.

15 Q. Is that sometimes known as a pigtail?

16 A. Yeah, the pigtail plugs them together.

17 Q. And again, as we sit here today, you don't
18 know whether Andy Woller ever hooked up anything that
19 would have controlled the braking lights on the back of
20 your trailer when he hooked the vehicles together?

21 A. No, I didn't. In fact, he didn't -- he told
22 us to get in the wrecker, and he took charge from there
23 on, but I know he walked around it. I just -- he done
24 the inspection before he took off.

25 Q. Do you know, based on your knowledge of the

1 Federal Motor Carrier Safety Regulations and your
2 experience, if Mr. Woller should have hooked up the
3 electrical system between his wrecker and your disabled
4 truck?

5 MR. YOUNG: Jason Young, form.

6 MR. VAZQUEZ: Jason Young form.

7 Go ahead.

8 A. Yeah. I did -- I've always assumed it was a
9 standard deal. I've seen them hook them up and --

10 Q. Did you expect that the electrical lines
11 between the wrecker and your disabled truck were hooked
12 up back then?

13 A. Yes, I guess I assumed that's what he was
14 doing. I just assumed it. I wasn't in a place where I
15 could see, and he didn't want us out on the road because
16 he said, you know, "You guys get in here. Regulations
17 you get in the truck, and give me a minute." And that's
18 what he said and then he made his pass around.

19 Q. Why did you expect that the electrical lines
20 between the wrecker and your disabled tractor-trailer
21 would have been hooked up?

22 A. You know, I've seen cars going down the road,
23 I've seen people towing down the road, and from the
24 wrecker, usually there was lights put on the back.

25 Q. I'll get more specific. Did you expect that

1 the lights or the electrical lines controlling the brake
2 lights between the wrecker and your -- the trailer of
3 your disabled truck would have been connected?

4 A. The brake --

5 Q. The electrical lines that would have
6 controlled the brake lights on the back of your disabled
7 trailer, did you have an expectation that those were
8 being connected?

9 A. Yeah, I think that was my expect -- I expected
10 that, yes.

11 Can I answer that?

12 MR. VAZQUEZ: Of course. Why don't we go off
13 the record for a minute.

14 THE VIDEOGRAPHER: Stand by, please. We're
15 going off the record, the time 12:13.

16 (Whereupon, there was a brief pause in the
17 proceedings.)

18 THE VIDEOGRAPHER: We're back on the record,
19 the time 12:13.

20 BY MR. VAZQUEZ:

21 Q. Why did you expect that the electrical lines
22 between the wrecker and the back of your trailer of your
23 disabled vehicle controlling the brake lights would have
24 been connected?

25 A. I just seen it done that way. There's -- you

1 know, I can't really say from where I was at. Terry
2 might have watched him. Terry was -- could look in the
3 mirrors because he was sitting in the front seat, and
4 where I was at in the sleeper, I couldn't see nothing
5 but straight ahead. So I really can't say. I just
6 assume that's what happened.

7 Q. This seems like a silly question. What's the
8 purpose of brake lights?

9 A. Well, to let people know that you're stopping
10 but we did have our flashers on flashing.

11 Q. The back of the trailer, the horse trailer had
12 several lights on it, correct?

13 A. It had a bunch of lights on it. They had
14 three on the bottom, turn signal and two brake lights,
15 and then it had lights up across the back.

16 Q. Did you personally see those flashers on
17 before you all left that location?

18 A. Yes. We made sure they was on.

19 Q. Describe for me when the flashers were on,
20 which lights on the back of the truck were engaged and
21 flashing?

22 A. The -- I'm trying to think. The turn signal,
23 on the back they're all red on the corners on each side.
24 There's several up on top and three on the back. I
25 think there was two on each side that was flashing and

1 then some up on the sides and on the corners.

2 Q. When the Woller truck, you said it put the
3 arms and -- under the truck and lifted it, did that lift
4 the cab of your truck above the Woller truck at all in
5 terms of you know what I'm saying, lifting it up?

6 A. No, they just picked the weight up off the
7 front wheels so we didn't have to steer it.

8 Q. Okay. I'm looking for some photographs here.

9 So which lights, if you're facing the back of
10 your horse trailer, when you said that the lights were
11 on, which lights were flashing that you remember seeing?

12 A. Well, the red lights, the warning lights, one
13 of them was a turn signal, which it wasn't flashing.
14 Two of the red lights on each side was flashing, and the
15 back lights, and most of the lights on the trailer was
16 flashing.

17 Q. I'm going to show you a next exhibit, and for
18 your all reference, this is the closer up photo taken by
19 Colorado State Patrol of the back of the disabled horse
20 trailer.

21 Mr. Cattoor, do you recognize what's shown in
22 that photo I've just handed you?

23 A. Yeah.

24 Q. What's shown in that photo I've just handed
25 you?

1 A. Well, it looks like maybe the one light was
2 flashing. That one up there is on and that one right
3 there is on (Indicating).

4 Q. Is that the back of the trailer that was being
5 towed by your company?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes.

9 Q. And in that photo are there two lights in red
10 that are shown on the back of the trailer that are on?

11 A. No, it looks like one. It looks like the ones
12 that was flashing was that one and that one there
13 (Indicating.) But them others was all -- something went
14 wrong because these was all flashing, all these lights
15 worked.

16 Q. What was wrong? What do you mean?

17 A. Well, right here it just shows that there's
18 maybe that one right there and that one (Indicating),
19 but these flashers on the back of this trailer was all
20 working, so the wreck put a bunch of them out.

21 Q. I'm just trying -- this is my question,
22 Mr. Cattoor. Obviously, we don't have a photo of the
23 back of your trailer that's not damaged. So my question
24 is just, based on that photo and your memory of these
25 flashers that you say you saw were on, were there any

1 other flashers that you remember being on other than the
2 two that are shown that are on in that photo when the
3 lights were flashing?

4 A. These right here across the back was on
5 (Indicating). The one, the corner there, that corner
6 light was on. This trailer was a brand new trailer. It
7 was not -- we hadn't had it for just not even a year.
8 It was a brand new trailer. The lights worked really
9 good. I mean here it's knocked out some of the lights
10 on it, but --

11 Q. Is it possible that the transmission, when it
12 was having the problems, caused any sort of electrical
13 issues with the lights?

14 A. No.

15 Q. How do you know that?

16 A. Well, because when we shut it down, all the
17 lights worked.

18 Q. Okay. So I'm going to attach this as
19 Plaintiff's Exhibit 6, this photograph.

20 (Exhibit 6 was marked.)

21 BY MR. VAZQUEZ:

22 Q. And just so we're clear, Mr. Cattoor, I just
23 need you to direct your attention to the photo again.

24 Do you agree with me that on the top here, on
25 the top left of the trailer that's shown, and we've got

1 to keep it in one place so the videographer can see it.

2 Can you see it, Mr. Cattoor?

3 A. Uh-huh.

4 MR. VAZQUEZ: Can you see it,
5 Mr. Videographer?

6 THE VIDEOGRAPHER: Yes.

7 Q. Do you agree with me that this light in
8 Plaintiff's Exhibit 6 on the top left of the trailer on
9 the back, that looks like it's on?

10 A. Yeah.

11 Q. And this light on the bottom left of the
12 trailer, it's one of three, that looks on to you?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. Do you have any memory when the lights were
17 flashing, just looking directly at the back of the
18 trailer, if there were any other lights that were on
19 when the flashers were on other than these two lights
20 that we've shown?

21 A. There was one here, and there, and then across
22 the top was flashing (Indicating).

23 Q. So on the right it would be like the sister
24 lights to these two on the left that I just pointed out?

25 A. Uh-huh.

1 Q. Is that a yes? Is that a yes?

2 A. Yes, all the lights on the back was flashing.

3 Q. What other lights on the back, other than the
4 two that were obviously destroyed on the right side
5 here, the sister lights, what other lights do you
6 remember being on?

7 A. Them right across there --

8 Q. Okay.

9 A. -- and the one on each corner and that one
10 there (Indicating).

11 Q. Why -- do you know if the crash damaged these
12 lights on the top at all?

13 A. I think it tore a lot of wires loose
14 everywhere.

15 Q. Okay. Do you remember the make and model of
16 this trailer since you said it was brand new?

17 A. It's a Wilson trailer, and we just had it
18 built. It was less than a year old. What year was it?
19 '02 -- it was probably an '02.

20 Q. Was this a specially built trailer?

21 A. Yeah, they special build them for horse
22 trailers to haul horses in.

23 Q. Okay. When you turn on the hazards in your
24 wrecker, how are they turned on?

25 I'm sorry, not in your wrecker. That was a

1 bad question. Strike that.

2 A. In the truck?

3 Q. In your Cattoor truck, when you went to engage
4 the flashers, the hazards, how did you do that?

5 A. You just flip on a lever.

6 Q. Do you know if at any point Mr. Woller ever
7 went inside the cab of your vehicle?

8 A. You know, I think he did. I think he tied
9 something on the steering wheel because he came in to do
10 that when he told us we couldn't ride in the truck, and
11 he seemed like he put a brace or something on the
12 steering wheel so the wheel wouldn't turn. Then he
13 hooked up and picked up the front.

14 Q. And this switch, where is that located if
15 you're facing the dashboard inside your cab?

16 A. The light switch in every one of our trucks is
17 different.

18 Q. And just so you're clear, I'm referring to the
19 hazard switch that engages the hazards.

20 A. Yeah, they're on the panel just to the right
21 of the steering wheel.

22 Q. Just to the right of the steering wheel?

23 A. I think in one of them. Then one truck's got
24 it on the left side.

25 Q. Is this a switch that flips up or down or that

1 you push in and out?

2 A. I've got about half and half. I've got some
3 of them are push button, the newer ones, I think, and
4 the others just got a flip lever.

5 Q. Do you any memory on this particular truck
6 that was involved in the crash what type of a switch?

7 A. It should have been the push button, the one
8 that pop over.

9 Q. And is that located on the steering column or
10 you said just on the dashboard in the area of the
11 steering wheel?

12 A. On the dashboard. On the dashboard.

13 Q. After you and Mr. Gaines got out of the truck,
14 your cab, did either of you go back in at any time
15 between when you left and when Mr. Woller went in?

16 A. No.

17 Q. And why did he go in and hook up something to
18 the steering wheel?

19 A. Just to stabilize the front wheels, I think.

20 Q. Do you know how he did that?

21 A. No. I think he just tied the steering wheel
22 so that the front wheels didn't do this (Indicating).

23 Q. How did -- did he use like a Bungee cord or
24 rope?

25 A. He needed to have rope or Bungee cord or

1 something. I remember him doing something to stabilize
2 the steering wheel.

3 Q. Where were you when he was doing that?

4 A. Crawling out of the truck, so I'm not real
5 sure. He told us we had to get out. We couldn't ride
6 in it.

7 Q. Have you retrieved the triangles by that
8 point?

9 A. No. When he came around, he was getting ready
10 to go, as I remember, just before he told us to get in
11 the truck, and we went back and got the triangles, and
12 then he stepped out and made the walk around.

13 Q. Is it possible that maybe in tying up the
14 steering wheel, he accidentally flipped the hazards off?

15 MR. YOUNG: Form. Jason Young.

16 A. I couldn't say.

17 BY MR. VAZQUEZ:

18 Q. Is it possible that in doing whatever he was
19 doing inside the cab of the Cattoor wrecker, including
20 tying up the steering wheel, that the hazard switch was
21 potentially pressed and turned off?

22 MR. YOUNG: Same.

23 A. You know, I wouldn't have no way of knowing
24 that.

25 Q. How so?

1 A. I was out of the truck and headed for his
2 truck, and then after that I was in the sleeper where I
3 couldn't see anything.

4 Q. Okay. And I guess I'm just trying to get a
5 sequence of events here.

6 At some point when you yourself saw the back
7 of the trailer, you know, and then that was the last
8 time you saw the back with the hazards on, and then the
9 time you get into the wrecker, can you say either way
10 about where Mr. Woller was during that time, including
11 inside the wrecker?

12 A. Just that that -- the one instant that he got
13 out and walked around it. Other than that, we was in
14 the truck, the wrecker.

15 Q. Do you know if when you saw the back of the
16 disabled -- of your trailer with the hazards on, if that
17 happened before or after Mr. Woller was doing whatever
18 he was doing inside the Cattoor cab?

19 A. I'm not real sure. We made sure we went back
20 and got the signs, the triangles, and we went to the
21 truck, and we got in the truck. I assumed at that point
22 the flasher was on. I mean, they was on. We made sure
23 they was on when we got in the truck, and then he went
24 back -- he got out and walked around it and came back
25 and got in the truck, and after that what I seen was

1 almost nothing.

2 Q. During that sequence, do you know, do you have
3 any memory of when he was in the cab doing whatever he
4 was doing inside, including securing the steering wheel,
5 if that happened before the last time you saw the back
6 with the hazards on or after?

7 A. I think it was -- I think it was before
8 because he told us we had to get out of the truck, we
9 couldn't sit in it, and that's when we got out and --
10 but the last thing I remember him doing, I was sitting
11 in the sleeper, Terry was sitting right there
12 (Indicating), and he got out and said, "I'll be right
13 back, just sit here," and he made that full lap because
14 he had to make the full lap because about that time he
15 come around the front of the truck, got in the door, and
16 he made a full pass around it. He couldn't have went
17 under it because he'd have to get on his belly and crawl
18 under it. He went around the back of it.

19 Q. Is it fair to say you're not sure though about
20 that sequence that I asked about the last time you
21 yourself saw the flashers on and when Mr. Woller may
22 have been inside the cab, including working on the
23 steering wheel?

24 A. You know, I don't -- I don't know as I could
25 say one way or another because we pretty much left him

1 when he was in charge to do it, and up until that point,
2 we made sure that the flashers was on because we was in
3 charge then, and then when he got there and turned all
4 his lights on and he took it over, told us to get in the
5 truck.

6 Q. And is it fair to say that when you were in
7 the truck, in the sleeper birth, as you described it,
8 you couldn't see from where you were seated what was
9 going on behind you?

10 A. Not anything.

11 Q. You couldn't see out like the side mirrors,
12 left and right mirror, correct?

13 Is that a yes?

14 A. Correct, yes.

15 Q. And you couldn't look out the back of the cab?

16 A. Yes.

17 Q. Correct. Okay.

18 Okay. So he eventually gets back in the
19 truck. Where was Mr. Gaines seated?

20 A. In the passenger side.

21 Q. Front passenger seat? Is that a yes?

22 A. Yes.

23 Q. And you all drive off.

24 How long can you estimate for me did it take
25 from that point to when the crash happened, if you can

1 remember? If you can't, that's okay.

2 A. Ten minutes.

3 Q. Okay. What was happening in that ten minutes
4 inside the cab?

5 A. Really nothing. I was back here. I wasn't
6 even talking to Terry. Terry was sitting there and we
7 was just waiting to go to the shop because the shop was
8 right there.

9 I think Terry got on the phone and was talking
10 to the lead truck and said, you know, we've -- this
11 happened and go on, we'll try to catch up or whatever
12 we'll do.

13 Q. Do you -- back up for a second. We're still
14 at the truck now for this last couple of questions.

15 Do you remember seeing if the Woller truck had
16 any sort of extra what are known as like magnetic or
17 clip-on lights equipped on the wrecker that could have
18 been added to the back of the trailer?

19 A. I think they was on the truck.

20 Q. Which truck?

21 A. On the wrecker.

22 Q. Okay.

23 A. But, you know, and he had all kinds of lights
24 going on. He had a big light on top and all of his
25 flashers on when he pulled around there to hook us up,

1 and, you know, I really -- I guess to say really I'm
2 assuming that everything was there, but --

3 Q. Do you understand what I'm referring to which
4 are like extra magnetic lights that can clip on to the
5 back of the disabled vehicle and be hooked up to the
6 wrecker? Is that your understanding of what I was just
7 referring to?

8 Is that a yes?

9 A. Yeah, I understand what you're saying. I'm
10 just -- I can't just say for sure because I assume
11 that's the way it was.

12 Q. Did Mr. Woller ever share with you anything to
13 the effect of having the lights but not having like a
14 cable long enough to connect them, the extra clip-on
15 lights?

16 A. No.

17 Q. You don't remember either way?

18 A. Uh-uh.

19 Q. All right. In that ten minutes, is it your
20 memory, as you said earlier, that the speed was around
21 10 miles an hour?

22 A. It wasn't much over 10, 15.

23 Q. Did Mr. Woller make any or receive any phone
24 calls on any cell phone that he had during that time?

25 A. No.

1 Q. Did you see any cell phone in the truck other
2 than the one that Mr. Gaines may have been using?

3 A. The only cell phone was Terry had called the
4 truck in front of us and told them, and the only thing
5 beyond that, nobody really said nothing because we
6 didn't have very much time, but the next thing I heard
7 was the driver said, "Oh, hell, he's gonna hit us," and
8 he was looking -- I could tell he was looking in the
9 mirror like that, and he might not have said hell, he
10 might have just said, "They're gonna hit us," because
11 instantly, you know, there was an impact from the back,
12 and I didn't even think anybody hit us. I never got
13 moved off of that seat at all. It was everything
14 absorbed that whole deal.

15 Q. As you all were traveling down the road, was
16 the radio on or off?

17 A. In the wrecker?

18 Q. In the wrecker.

19 A. I don't think there was any radio on.

20 Q. Do you remember if the windows were up or
21 down?

22 A. I think his was down. I think. And all I can
23 remember was when he was getting ready to turn, I could
24 just see him like that, he was looking out that mirror.
25 It's a two-lane road. We was in one lane. And that's

1 when he said, "Oh, damn, they're gonna hit us," and they
2 did.

3 Q. How many travel lanes were on that stretch of
4 highway going in your direction?

5 A. Two.

6 Q. And were there two in the other direction?

7 A. Two in the other direction, and there was a
8 ditch or divider in between.

9 Q. Do you know what a Jake brake is?

10 A. Yeah.

11 Q. What is a Jake brake?

12 A. Well, it's an engine retarder brake. When you
13 flip it on, it shuts down the exhaust.

14 Q. What is its purpose?

15 A. So you don't have to use the brakes. If
16 you're going downhill, you can flip on your engine
17 brake.

18 Q. Does it -- when it's engaged, does it make any
19 particular sound that you know it's engaged?

20 A. Oh, yeah. It is makes a throttling sound,
21 like you're throttling down your -- it makes a
22 throttling, you know, kind of an air noise like you're
23 shutting down your engine.

24 Q. Do you -- based on what your memory was of the
25 inside of the wrecker, do you know if that was equipped

1 with a Jake brake?

2 A. No, I don't, but it would have to have one.

3 Q. Do you remember the Jake brake being used to
4 slow down before the turn into the Arkansas Valley
5 Diesel?

6 A. I don't remember him using it because it
7 wasn't going fast enough to use one.

8 Q. Did you hear anything being inside the wrecker
9 that sounded like a Jake brake to you that you
10 remembered?

11 A. No.

12 Q. Regardless of what vehicle it came from,
13 whether it was the Woller wrecker or the other
14 tractor-trailer, did you hear any sort of Jake braking?

15 A. No.

16 Q. Walk me through the sequence of how the
17 vehicle, the wrecker slowed down and prepared to make
18 the turn?

19 A. Well, from where I was at, you know, like I
20 could only see here (Indicating), and I could tell that
21 we was coming up on the turn, and I noticed him, the
22 driver was -- what you always do if you're driving a
23 truck, you always look behind you when you make your
24 turns, and that's when he said, you know, he may not
25 have said "Oh, damn," I think that's what, "Oh, damn,

1 they're gonna hit us," and he was getting ready to make
2 the turn into this ramp going into the garage. At that
3 point it was right at the edge of the town, that garage
4 is right at the edge of town.

5 Q. Did the Woller truck come to a complete stop
6 or was it still traveling at any speed at the time it
7 was hit?

8 A. It was probably going five miles an hour. The
9 only thing I noticed that he did when he said "Oh, damn,
10 they're gonna hit us," is he turned it -- he was making
11 the turn, and he straightened it, and if he hadn't of,
12 it would have jackknifed the truck.

13 Q. And again, "he," you're referring to
14 Mr. Woller?

15 A. The driver.

16 Q. How much had he completed into the turn at the
17 time you say he straightened the wheel?

18 A. Well, he hadn't went --

19 MR. VAZQUEZ: Oops, hold on just a second. It
20 looks like we lost everybody. I'm sorry.

21 MR. YOUNG: This is Jason.

22 MR. VAZQUEZ: Hey, Jason, it looks like we
23 lost you there for a second.

24 MR. YOUNG: Yeah, we were off for about five
25 minutes.

1 MR. VAZQUEZ: You were? Okay. Well, there
2 wasn't anything juicy. I'm going to call Bill -- or
3 Gregg, I'm sorry. Hold on just a second.

4 MR. YOUNG: We tried to call you but your
5 phone just kept beeping.

6 MR. VAZQUEZ: Okay. It just beeped now
7 indicating it dropped the call, so let me call Gregg.

8 MR. YOUNG: Oh, okay.

9 MR. KAY: Hello, this is Gregg.

10 MR. VAZQUEZ: Hey, Gregg, I guess the call got
11 dropped.

12 MR. KAY: Yeah, I think we all got dropped.

13 MR. VAZQUEZ: Are you still on the line, Alan?

14 MR. KAY: I'm getting e-mails from Jason Young
15 and Katharine Jensen that they're cut off also.

16 MR. VAZQUEZ: Well, how do you all want to
17 handle this? Do you want to just remember what the last
18 question was and I can have the court reporter read it
19 back?

20 MR. KAY: Just sign back on. I'm fine with
21 it.

22 MR. VAZQUEZ: How do you all want to proceed?

23 MR. GREENBERG: I'm here. Your last question
24 was about him slowing for the turn.

25 MR. VAZQUEZ: Right. Jason how do you want to

1 proceed? I want to be fair to everybody.

2 Oh, hold on. I hadn't merged the calls yet.

3 Are you there, Jason?

4 MR. YOUNG: We are here.

5 MR. VAZQUEZ: Okay. I forgot I hadn't merged
6 the calls yet.

7 How do you all want to proceed? I want to be
8 fair. Do you want to tell me which was the last
9 question you remember and have the court reporter read
10 it back or just go forward?

11 MR. YOUNG: Just keep going.

12 MR. VAZQUEZ: Okay. All right, I just wanted
13 to be fair.

14 BY MR. VAZQUEZ:

15 Q. All right, so I think my last question,
16 Mr. Cattoor, was do you remember how much into the turn
17 Mr. Woller had turned the vehicle before he straightened
18 it out?

19 A. Not a lot. Very little. It made -- he
20 cranked to make the turn in going four to five miles an
21 hour, just as he looked like that (Indicating). He'd
22 been looking. I seen him look out there, but that's all
23 I could see. But the minute he said, "Oh, damn,"
24 they're gonna hit us," he jerked the steering wheel back
25 straight and so when they hit, the truck went that away

1 instead of that away.

2 Q. Where did you see Mr. Woller looking before he
3 made that statement about almost getting hit?

4 A. In the rearview mirror.

5 Q. And this vehicle, it doesn't have a center
6 rearview mirror, is that correct, because you can't see
7 out the back?

8 A. No, it's got just a side mirror.

9 Q. Okay. Which mirror or both was he looking out
10 at, could you see him looking, before he made that
11 statement about almost getting hit?

12 A. The left-hand.

13 Q. The left mirror? Okay.

14 As he's making the turn, do you remember
15 seeing him looking into the right mirror at all?

16 A. He probably was, but, you know, where I was
17 sitting, he was -- you know, when you're making the
18 turn, there was no -- there's no way anybody could get
19 on that side of us. There was a big bar ditch there,
20 there's a big ditch there. When we was coming up to
21 that off ramp, there's a big ditch here, and I think
22 there was some guardrails there. So when he was
23 watching, I could tell he was watching that because he
24 was watching that when he looked and seen that truck,
25 but he probably, I don't know, you know, he hadn't

1 started off on that ramp, just getting ready to start on
2 that ramp and then he jerked it straight. So when they
3 truck hit, it shot it forward about 15, 20 feet forward.

4 Q. I know you say he straightened the wheel. Did
5 that actually make the front of the Woller wrecker get
6 straight again on the road or was it still a little
7 cockeyed for lack of a better phrase?

8 A. No, I pulled it back straight.

9 Q. Straight. Okay.

10 A. He wasn't very far into it when he -- because
11 if he had kept making the turn with that hit, it would
12 have been, it would have thrown the truck into a
13 jackknife.

14 Q. Have you driven vehicles with side-view
15 mirrors like this one before, this wrecker?

16 A. All the time.

17 Q. Based on your driving of those, if he's making
18 this turning right, how is he able to look back and see
19 any vehicles behind him based on that angle? Wouldn't
20 he just be looking back on himself in terms of the
21 side-view mirrors?

22 A. Well, no. I'm sure -- you know, driving a
23 truck, you look and if you're going to make a turn, you
24 make sure there ain't nothing over here, and you've got
25 to watch that in the same time because you don't want to

1 come around. This whole deal is pretty long. Our
2 trailer is 53 feet, and that truck is, you know, 75 feet
3 total, and then the wrecker is in the front. So he had
4 to be looking at that side to know he could make that
5 turn to get around there, but --

6 Q. Well, obviously something made him say what he
7 said. How long between when he said that and when you
8 felt the impact?

9 A. 30 seconds.

10 Q. Okay. At the time he's slowing down and
11 preparing to make the turn, where was the wrecker in
12 terms of the lane? Was it in the left travel lane, in
13 the right travel lane, on the shoulder, straddling the
14 shoulder? Do you remember where it was?

15 A. Right in the right lane.

16 Q. Okay. Do you remember if it was straddling or
17 on any part of the shoulder or was it fully in the right
18 lane?

19 A. It was in the lane. It wasn't on -- he would
20 have been out in the road close to the white line as you
21 can get to make that turn. He wouldn't have been over
22 to the side because --

23 Q. At the time he started making the right turn
24 in terms of being perpendicular with the driveway of the
25 Arkansas Valley Diesel, how close was the nose of the

1 wrecker to that driveway, if you can remember?

2 A. You know, it was really close to the left-hand
3 side of it, and then again, I'm assuming, because you'd
4 have to do that to make the turn, you had to get -- it
5 was a big driveway. It was a big driveway. Have you
6 ever been there?

7 Q. Yes.

8 A. Big driveway, and so he'd have had to come
9 clear across to make that turn to get the rest of the
10 stuff in behind him, and if I remember right, there was
11 a guardrail there. I can't -- but I'm sure he was going
12 clear out across to get the rest of it to come in behind
13 him.

14 Q. Based on your memory of the area, would there
15 have been anything that would have prevented Mr. Woller
16 before making that turn to have pulled off onto the
17 shoulder and then gotten back in the roadway and made
18 the turn?

19 A. Yeah, I don't think there was any shoulder on
20 the road right there. Up where we turned off, or we
21 pulled off a little bit, we didn't pull that far off,
22 but right there where we was making the turn into there,
23 there was no room to pull a truck off. There was either
24 a guardrail or a ditch there. There was no room to pull
25 off to the side that I can remember.

1 Q. Do you know if coming from the opposite lane,
2 if there was a designated left turn lane that -- to turn
3 left coming from the opposite way into Arkansas Valley
4 Diesel?

5 A. I don't remember a turn lane there. I don't
6 think there was a turn lane there.

7 Q. In the times that you had been to Lamar
8 before, had you ever pulled into Arkansas Valley Diesel?

9 A. No.

10 Q. Okay. So he straightens the wheel, the
11 wrecker is straight on the roadway. Tell me what you
12 felt and heard next.

13 A. Well, I didn't really feel a shock like you
14 think is going to be in a wreck. If I had been holding
15 that cup, I could have been drinking out of it.

16 The truck and the trailer absorbed so much,
17 that when they got up to the wrecker, I don't know if
18 you know, but it sheared off all the bolts, all them
19 arms that's hooked to our truck. It never even knocked
20 our truck out of line, our truck that's hooked to the
21 wrecker, never even knocked it out of line because we
22 took it to the shop. It sheared them bolts off, them
23 things, they went like that (Indicating). That absorbed
24 a bunch of it.

25 Q. Did you hear the sounds of braking from the

1 Swift tractor-trailer, or any sound of braking for that
2 matter, prior to the impact?

3 A. Not any, no.

4 Q. Did you hear the sound of any tires screeching
5 or squealing or anything like that before the impact?

6 A. No.

7 Q. No?

8 A. No.

9 Q. Did you hear any horns or anything like that
10 prior to the impact?

11 A. Nope.

12 Q. And did you hear the sound of the collision?

13 A. Yeah.

14 Q. What did it sound like?

15 A. It sounded like a bunch of aluminum cans
16 getting crunched up, just not a big bang, not like you'd
17 think, and the truck, the head of the Swift truck that
18 hit us is mostly plastic, and it absorbed the trailer,
19 our trailer was aluminum, between the truck and
20 everything else, it absorbed all of it. So there wasn't
21 any loud bang or crash, just like a whole bunch of cans
22 crunched up together, and there was no jar to me where I
23 was sitting.

24 Q. Did you all remain stationary after the
25 collision impact or were you pushed down the road at

1 all?

2 A. 10, 15 feet.

3 Q. What happened next after the impact happened?

4 MR. VAZQUEZ: Is that distracting you, the
5 weed whacking?

6 Let's take a short break. The weed whacker
7 guy is back, everybody, so I'm going to go out to the --
8 it's distracting the court reporter. So I'm going to
9 ask them if they can -- the hotel -- if they can ask him
10 to move. So let's take a five-minute break. We'll go
11 off the record.

12 THE VIDEOGRAPHER: Going off the record, the
13 time 12:50.

14 (Recess taken.)

15 THE VIDEOGRAPHER: Please stand by. We're
16 back on the record. This is the beginning of Disk
17 Number 3 in today's videographed deposition of David
18 Cattoor. The time 1322 hours.

19 BY MR. VAZQUEZ:

20 Q. Mr. Cattoor, during the break you brought up
21 an additional mechanism the trucks use to slow down
22 known as a retarder. The same questions as I asked
23 about the Jake brake. Do you remember the sound of any
24 sort of retarder coming from any sort of vehicle just
25 before the impact?

1 A. No, there was none.

2 Q. As you all were going down the road before the
3 crash happened, do you remember what the traffic was
4 like, light, medium, heavy?

5 A. There wasn't any.

6 Q. Okay.

7 A. I mean almost none.

8 Q. So we're at the point now in the timeline
9 where the crash has happened. You all -- everybody got
10 out of the Woller wrecker, correct?

11 A. Yes.

12 Q. Do you know if after the accident, after the
13 crash, if you or anybody else went into, back into the
14 Cattoor truck cab?

15 A. No, nobody went into it.

16 Q. Do you know if Mr. Woller went into the cab at
17 all?

18 A. I don't think so, but I don't know that. I
19 know we didn't because our big deal was to tie the back
20 of the trailer together to secure to where the rest of
21 the horses didn't bail out of there.

22 Q. Okay. Was that the first thing you did after
23 getting out of the wrecker was to go and try and secure
24 the doors?

25 A. Right.

1 Q. Were the -- do you remember either way if the
2 hazards were on at that point while you were trying to
3 secure the horses and get the doors closed?

4 A. No. If it had been on, I wouldn't have
5 noticed it because we was after one thing, to tie the
6 back together because the whole back end was open.

7 Q. How long did it take you to calm down the
8 horses and secure the back end?

9 A. Probably 20 or 30 minutes.

10 Q. Okay. And by secure, are you referring to the
11 straps that are shown in Plaintiff's Exhibit 6?

12 A. Yeah. Yeah, we pulled the gates together and
13 run some straps across it.

14 Q. During the time that you were securing the
15 horses, did you remember looking around at the crash
16 scene and seeing anything or hearing anything?

17 A. Yeah. We was looking at the truck that was
18 back behind us a little bit to see how much damage that
19 it had done to it. We looked at it a little bit. But
20 mainly our concerns was with the trailer.

21 Q. Did you observe during that time what, if
22 anything, Mr. Woller was doing?

23 A. No, I don't.

24 Q. After you all had secured -- and when you say
25 you all, are you referring to Mr. Gaines, as well, Terry

1 Gaines?

2 A. Yes.

3 Q. Once the two of you secured the back of the
4 trailer, what do you remember happening next?

5 A. Highway Patrol gave us permission to take them
6 to the fairgrounds.

7 Q. Take the horses?

8 A. Horses. We took them -- within 20, 30 minutes
9 we was -- when they done all their picture taking and
10 signed all their stuff, which mainly the wrecker guy was
11 doing that, and then somebody brought a truck, that was
12 the scene of the accident, they brought another truck
13 down there, maybe the garage called them, because we
14 unhooked it and they pulled it out from under there and
15 they took it down to a shop, because we wasn't sure that
16 you could even drive it. So they took it right down the
17 street to a shop and pulled it in and checked the front
18 end of it, and in the meantime the garage got somebody
19 in there with a truck and pulled it down to the
20 fairgrounds for us.

21 Q. Did you go with the truck to the fairgrounds?

22 A. Yeah, we did.

23 Q. So how long in total did you spend at the
24 crash site, can you estimate?

25 A. 30 minutes.

1 Q. Do you remember if the police arrived first or
2 if the ambulance arrived first?

3 A. Highway Patrol was there instantly.

4 Q. Did the ambulance eventually come?

5 A. Yeah, in about, you know, probably 15 minutes.

6 Q. Did you, other than the highway patrolmen and
7 Mr. Woller, did you see anybody else at the crash site?

8 A. Three or four people from the garage walked
9 out there.

10 Q. Did you talk with anybody at the crash site
11 other than Mr. Gaines?

12 A. No.

13 Q. Did you ever talk to Mr. Woller, the wrecker
14 driver?

15 A. Since? I don't think I ever talked to him at
16 all. Terry might have said something to him, Terry was
17 in the front with him, but -- and Terry, I think maybe
18 Terry, he talked to Highway Patrol, I think, but mainly,
19 you know, the wrecker was the one pulling this, so he
20 was the one that the Highway Patrol talked to.

21 Q. Did you or anybody else go over and check on
22 the Swift vehicle and the driver?

23 A. No.

24 Q. Did you see anybody besides -- from the Swift
25 vehicle?

1 A. No.

2 Q. Did the investigating police officer ever
3 interview you about the crash?

4 A. No.

5 Q. Was there any particular reason why that
6 didn't happen that you know of?

7 A. That I -- I hadn't really -- I wasn't the
8 driver, and I really never seen nothing. I mean, I
9 was -- the people that was standing there at that shop
10 seen a hell of a lot more than I did.

11 Q. Do you know if they were eyewitnesses to the
12 actual crash or if they came out afterwards?

13 A. Some of them were standing outside waiting for
14 us to turn in.

15 Q. Do you know who those people are?

16 A. No.

17 Q. How far away were they from -- can you
18 estimate for me -- or strike that.

19 A. To the crash?

20 Q. Strike that.

21 Do you know where they were standing, these
22 people who said -- you say saw the crash?

23 A. Probably 150 feet from the driveway.

24 Q. Was this at Arkansas Valley Diesel?

25 Is that a yes?

1 A. Yes.

2 Q. I guess what I'm getting at is do you know why
3 Mr. Gaines gave a witness affidavit and you didn't in
4 terms of being asked?

5 A. You know, I'm not real sure that he did. Did
6 he?

7 Q. Okay. Right. Do you know if Mr. Gaines gave
8 any sort of a witness affidavit?

9 A. I don't know as he even did but, you know, at
10 that point he was the driver of the truck in charge
11 right then. You know, I wasn't driving it.

12 Q. Okay.

13 A. And I don't know as he gave a deposition to --
14 I don't know of that -- to the Highway Patrol, because
15 Highway Patrol was right there with the wrecker driver
16 the whole time that I seen anything but, you know, it
17 was just -- I don't think they ever, right there ever
18 talked to Terry because he wasn't driving the truck
19 either, so --

20 Q. Was Mr. Gaines with you pretty much the whole
21 time you were at the crash scene that 30 or 45 minutes?

22 A. Yeah.

23 Q. He didn't go off and talk to anybody else that
24 you know of or do anything else?

25 A. No, no. We was right there tying up the back

1 of that.

2 Q. Did -- do you remember anyone at the crash
3 scene saying anything to you about seeing something,
4 hearing something, anything about the accident?

5 A. You know, there's somebody at that deal when
6 we was tying it up was talking and somebody from the
7 garage that was standing there when we came in said just
8 before the crash they heard this woman scream. I don't
9 know how they would have heard this woman scream but I
10 remember them saying that, just before the impact.

11 Q. You don't know who that person was, do you?

12 A. No, I don't. I didn't know any of them there
13 at the garage.

14 Q. And what were the circumstances, like --
15 strike that.

16 Where and when -- when did you hear that and
17 where were you when you heard that?

18 A. We was tying up the back of the trailer and
19 there was four, six people that some of them was out
20 there getting ready to direct the driver where to pull
21 it to. There was some out there, three or four, and
22 then some other people came out there, and then through
23 that conversation I just -- and I just vaguely heard
24 somebody say that.

25 Q. While you were at the crash site, did you hear

1 anything coming from the Swift cab?

2 A. No. Never seen anybody in it, around it or
3 where we was at, we was not where you could even see
4 because by that time there was the ambulance in there,
5 the Highway Patrol was in there, and that truck was
6 scattered all over the other lane in the road, so
7 traffic was having to stop. The tractor just
8 disintegrated.

9 Q. That person, was that a man or a woman who
10 said that?

11 A. I think, I think -- I don't remember any women
12 being there.

13 Q. Do you remember ever seeing Mr. Woller's wife
14 at the crash site?

15 A. No.

16 Q. Let's see here.

17 What was the weather like at that point, do
18 you remember?

19 A. It was really -- the weather was really nice.
20 It was clear and seriously weather almost. It wasn't
21 warm but it was -- I'm saying 50, 60 degrees, almost
22 noon.

23 Q. Is the sky that's shown in Plaintiff's Exhibit
24 6 an accurate representation of how you remember it to
25 be?

1 A. Yeah, it was clear.

2 Q. After you all left the crash site, did you
3 ever talk to anybody about this accident?

4 A. No.

5 Q. Next, Mr. Cattoor, I just want to go through a
6 little bit about your understanding of the Federal Motor
7 Carrier Safety Regulations back at the time of the
8 accident.

9 How familiar are you with the Federal Motor
10 Carrier Safety Regulations when it comes to pretrip
11 inspections?

12 A. Pretty up on it. I've been driving a truck
13 for a long time, you know. I don't do a lot of book
14 work but --

15 Q. When you do these hauls, do you keep like a
16 driver log?

17 A. Yes.

18 Q. Okay. What's in that log?

19 A. Oh, your inspection, your pretrip inspection
20 and your hourly -- how many hours you drive.

21 Q. When these two vehicles were hooked together,
22 the wrecker and then your disabled tractor-trailer, do
23 you know if that became a combination vehicle under the
24 Federal Motor Carrier Safety Regulations?

25 A. I think it would be, yes. They were solid

1 together.

2 Q. And what is your understanding of what a
3 combination vehicle is?

4 A. A tractor and trailer hooked together.

5 Q. Next I'm going to show you, if you could just
6 take a look through the Colorado Driver's, CDL Driver's
7 Handbook there, and just if you can flip through it
8 briefly and then I have some questions on that.

9 A. (Witness examined document.)

10 Q. And just let me know when you're done flipping
11 through those.

12 A. I've read them over and over and over, you
13 know --

14 Q. All right. Thank you, Mr. Cattoor.

15 In your career as a CDL driver, do you
16 remember ever reviewing state issued what are known as
17 CDL handbooks or driver manuals?

18 A. Reading through them?

19 Q. Yes, generally speaking.

20 A. Yes.

21 Q. What is your understanding of what a CDL
22 driver's handbook or manual is?

23 A. Just a safety handbook.

24 Q. And I'll purport to you that this is the
25 Colorado CDL Driver's Handbook. Did you ever have any

1 familiarity with the Colorado Driver's Handbook?

2 A. Back when I was living in Colorado, I did.

3 Q. How long did you live in Colorado?

4 A. Oh, from '59 to '87.

5 Q. Okay. Were you a CDL driver in the state
6 during that time period?

7 A. Yes, I was. Mainly on the ranch you had to
8 have a CDL to drive a farm truck even partly. I mean,
9 if you stayed right at the farm, you didn't, but if you
10 drove a Bobtail truck and -- yeah.

11 Q. I'm going to mark this composite exhibit which
12 is the CDL Driver's Handbook as Plaintiff's Exhibit 7
13 and, Mr. Cattoor, I just have some questions about
14 certain sections in the handbook?

15 (Exhibit 7 was marked.)

16 BY MR. VAZQUEZ:

17 Q. So on Page 2-19 where it says "Slow Drivers"
18 and it says, "Motorists who fail to maintain normal
19 speeds are hazards." Do you see that there?

20 A. Uh-huh.

21 Q. Is that a yes?

22 A. Yes.

23 Q. What is your understanding of what that means?

24 A. Well, any time you get down slow -- going
25 slower than the traffic or you have any problem with

1 your truck, you need to have your hazard lights on so
2 people know it.

3 Q. Do you know if you have to have either under
4 state rules or federal rules any other lights besides
5 the hazard lights on when traveling slowly?

6 A. Well, you know, if you've got your lights on
7 at night, you do, but during the day, just your hazard
8 lights.

9 Q. Would functioning turn signals and brake
10 lights also be lights that are required when drivers are
11 traveling slowly based on your understanding of state
12 laws and federal rules?

13 A. Well, you wouldn't want your turn signals on
14 unless you was actually going to turn, but your hazard
15 lights flashers on both sides on the front of your
16 truck.

17 Q. And I didn't necessarily say on. I mean
18 operable meaning be able to be working.

19 A. Right.

20 Q. So is it your understanding that drivers
21 traveling slowly, CDL drivers, that they need to have
22 operable stop lights and turn signals?

23 A. Yes.

24 Q. And that's based on -- where is that -- what
25 is your understanding of what that's based on?

1 A. Well, that's the safety regulations in
2 trucking.

3 Q. And on Page 7 of 9, under Section 7 where it
4 says "Combination Vehicles", under Step 14 it says,
5 "Connect the Electrical Cord and Check Air Lines," and
6 under that it says, "Plug the electrical cord into the
7 trailer and fasten the safety latch." Do you see that?

8 A. Uh-huh.

9 Q. What is your understanding of what that means?

10 A. Well, when you check, you do your pre-work,
11 your pre-inspection, them plug-ins, either on your
12 trailer or on your tractor, both, they plug in on both
13 ends, and they will work loose. They've got a safety
14 latch on them. When you push them in, you've got to
15 make sure that safety latch is down on either one of
16 them. It's a pigtail cord that goes between them.

17 Q. And on the next page where it says Page 7-10,
18 under "Combination Vehicles" under Section 7.5, it says
19 "Inspecting a Combination Vehicle," it says, "Use the
20 seven step procedure described in Section 2 to inspect
21 your combination vehicle. There are more things to
22 inspect on a combination vehicle than on a single
23 vehicle," and in parentheses it says, "(For example,
24 tires, wheels, lights, reflectors, et cetera.)"

25 Do you see that section?

1 A. Yeah, I read that.

2 Q. What is your understanding of what that
3 section means?

4 A. Well, you've got two, if you've got two, a
5 combination, a tractor and trailer, and, you know, you
6 can have two trailers and a tractor, but there's a lot
7 more problems when you go to inspect them. You've got
8 to make sure everything is hooked up.

9 Q. And it looks like on the next page which is
10 7-11, on that list of additional things to check during
11 a walk around inspection, do you see where it says "Air
12 and electric lines to trailer"?

13 A. Yes.

14 Q. What is your understanding of what air and
15 electric lines means there with a walk around
16 inspection?

17 A. Well, the air and the electric lines between
18 the two combinations is together. You've always got to
19 check your air lines because they'll jiggle loose. If
20 you make a turn, them is the things, the main safety
21 deal is your lights and your air, and when you go do
22 your inspection, that's a big item between two trailers.

23 Q. Do you know as a CDL driver if Mr. Woller in
24 leaving the shoulder of the roadway after he attached
25 the vehicles, if he was required to do a pretrip

1 inspection at that point, or if he did one in the
2 morning, if that made him good for the whole day?

3 MR. YOUNG: Jason Young, form.

4 A. I think that that's what I thought he did, was
5 a pretrip inspection after he hooked it up, because he
6 did make a walk around while we was out of sight from
7 him.

8 Q. I guess my question is, do you know as a CDL
9 driver if Mr. Woller was required to do a pretrip
10 inspection at that point when he hooked up the two
11 vehicles and proceeded down the roadway towards the
12 Arkansas Valley Diesel?

13 A. I think he was required to do it, yes.

14 MR. YOUNG: Same objection.

15 BY MR. VAZQUEZ:

16 Q. What is your basis of that understanding?

17 A. Any time you hook up anything, a pickup
18 trailer, a horse trailer, whatever, you want to do a
19 preinspection of the very major things, and you want to
20 do it every time.

21 Q. Why do you want to do it every time?

22 A. Because you might go off and leave it
23 unhooked.

24 Q. And under Page 11-4 of that same exhibit, Rear
25 of Vehicle," where it says, "Be prepared to perform the

1 same component inspection on the rear of the trailer if
2 equipped." Do you see that there, Mr. Cattoor?

3 A. Yes.

4 Q. What is your understanding of what that
5 section means?

6 A. Well, you've always got to go around to the
7 back and that's where everybody is coming from, from the
8 back, and that's one of your major things is make sure
9 that people see when they're coming to you from the
10 back.

11 Q. So we're done with Plaintiff's Exhibit 7.
12 Next I have some questions about Colorado statutes and
13 your understanding of those as a CDL driver.

14 I'm going to show you what I've marked. It
15 says "Part 12" on the top, "Parking", and it says
16 "Section 42-4-1201. Starting a parked vehicle."

17 Can you read that section aloud for me,
18 Mr. Cattoor?

19 A. "No person should start" --

20 Q. Sorry, can you start again for the court
21 reporter?

22 A. "No person should start a vehicle when it's
23 stopped, standing, or parked, unless and until such
24 movement can be made with reasonable safety. Any person
25 who violates any provision of this section commits a

1 Class A traffic infraction."

2 Q. Okay. The first part there, what is your
3 understanding of what that means, where it says, "No
4 person shall start a vehicle which is stopped, standing,
5 or parked unless and until such movement can be made
6 with reasonable safety"?

7 A. It's a safety thing that you always have to
8 do.

9 MR. VAZQUEZ: We'll mark that as Plaintiff's
10 Exhibit 8.

11 (Exhibit 8 was marked.)

12 BY MR. VAZQUEZ:

13 Q. This next section, 42-4-214, where it says
14 "Visual signals on service vehicles," and under the
15 highlighted section down here where it says -- it's
16 talking about lamps, and it says, "The use of such lamps
17 shall not relieve the operator from the duty of care,
18 the duty of using due care for the safety of others or
19 from the obligation of using any other safety equipment
20 or protective devices that are required by this
21 article."

22 Do you have an understanding of what that
23 means?

24 A. That means don't rely on the lights, look at
25 it yourself.

1 Q. Okay.

2 MR. VAZQUEZ: We'll mark that as Plaintiff's
3 Exhibit 9.

4 (Exhibit 9 was marked.)

5 BY MR. VAZQUEZ:

6 Q. Do you know, Mr. Cattoor, if a wrecker with
7 its lights on, if that was considered an emergency
8 vehicle under Colorado law?

9 MR. YOUNG: Form.

10 A. Yes, it would be.

11 BY MR. VAZQUEZ:

12 Q. What is your understanding of what -- of why
13 it was considered an emergency vehicle?

14 A. Well, any time you go out on the road to
15 service a truck or a pickup or anything, you have
16 flashing lights on your outfit and a lot of lights, and
17 the regulation today is that if you're coming behind,
18 you get in another lane, the left-hand lane.

19 Q. And next I want to direct your attention to
20 Plaintiff's Exhibit 10. It's another section of
21 Colorado statutes that says "42-4-108. Public officers
22 to obey provisions - exceptions for emergency vehicles."
23 And then on -- it's a two-page exhibit.

24 (Exhibit 10 was marked.)

25 Q. And on the second page, can you read that

1 section aloud that's highlighted and tell me what you
2 understand that to mean?

3 A. "The provisions of this section shall not
4 relieve the driver of an authorized emergency vehicle
5 from the duty to drive with due regard for the safety of
6 all persons, nor shall such provisions protect the
7 driver from the consequences of such driver's reckless
8 disregard for the safety of others."

9 Q. What is your understanding of what that
10 section means?

11 A. Well, it means the driver of the emergency
12 vehicle is totally in charge for the safety of everybody
13 around.

14 Q. Would you agree or disagree that this could
15 also mean that if even if a driver is an authorized
16 emergency vehicle, that they have to still drive with
17 due regard for the safety of all persons?

18 MR. YOUNG: I'll have a standing objection to
19 form for this line of questioning. Thank you.

20 MR. VAZQUEZ: Okay, you can go ahead.

21 A. What's that.

22 Q. He just had an objection.

23 Would you agree or disagree with me,
24 Mr. Cattoor, that this also could mean that even if a
25 vehicle is considered an authorized emergency vehicle,

1 that even those drivers have to still drive with due
2 regard for the safety of all persons?

3 A. Yes.

4 Q. That's the last that I have about the Colorado
5 statutes. All I have left is just to review some of the
6 Federal Motor Carrier Safety Regulations with you and a
7 few final questions. Okay?

8 This next exhibit that we've marked as
9 Plaintiff's Exhibit 11?

10 A. You know I've got one question. I've got a
11 question about that. You know, you're going through all
12 that stuff like that but I was really in charge of
13 nothing on that deal.

14 Q. I understand. I'm just asking you your
15 understanding as a CDL driver.

16 (Exhibit 11 was marked.)

17 BY MR. VAZQUEZ:

18 Q. This first section, 393.23, where it says,
19 "Power supply for lamps," under Plaintiff's Exhibit 11,
20 and where it says, "All required lamps must be powered
21 by the electrical system of the motor vehicle with the
22 exception of battery powered lamps used on projecting
23 loads," what is your understanding of what that section
24 requires of a CDL driver?

25 A. It requires that all lights that's on the

1 truck are in working condition.

2 Q. And further down under 393.25, where it goes
3 down to Section F, Stop Lamp Operation, what is your
4 understanding of what that section means?

5 A. Well, the lights, when you stop your vehicle,
6 all the stop lights have got to be on on your vehicle.
7 They've got to be activated.

8 Q. Do stop lights mean also brake lights?

9 A. Well, the brake lights go on even prior to the
10 brakes, but when you flip on the -- it's a different
11 light. When you flip on the -- if you flip on the stop
12 lights, they're all activated.

13 Q. Would you say that a stop lamp or stoplight is
14 the same thing as a brake light is your understanding?

15 A. Yeah, when you shut it down.

16 Q. Okay. And then the last is Section -- we'll
17 mark this as Plaintiff's Exhibit 12.

18 (Exhibit 12 was marked.)

19 Q. Where it says Section 393.17, it says, "Lamps
20 and reflectors-combination in driveaway-towaway
21 operation," what is your understanding of what that
22 section that's highlighted there means?

23 A. Combination of driveaway-towaway --

24 THE REPORTER: I'm sorry, sir.

25 Q. She's having trouble understanding what you

1 were saying.

2 A. Yeah. When you're in a towing operation,
3 you've got to have your lights working.

4 Q. Would that include the rear stop lamps and
5 turn signals?

6 A. Yeah.

7 Q. In this particular case, would that have
8 included the rear lights on the back of your -- of the
9 trailer that was being towed and the turn signals?

10 A. I don't know the regulations on a towed --
11 like a tow truck that's got their own lights and stuff,
12 but for a tow truck, I don't know the regulations but --

13 Q. Well, specifically when this Section 393.17
14 refers to driveaway-towaway operation, is it your
15 understanding that the tow that happened in this
16 particular incident under the Federal Motor Carrier
17 Regulations was considered a driveaway-towaway operation
18 or wasn't?

19 A. It was a towaway operation.

20 MR. YOUNG: Objection to form.

21 MR. VAZQUEZ: I'm sorry. What did you say,
22 Jason?

23 MR. YOUNG: I just said I'm renewing my
24 standing objection to form under this line of
25 questioning. Sorry.

1 MR. VAZQUEZ: Okay. Noted.

2 BY MR. VAZQUEZ:

3 Q. Lastly, Mr. Cattoor, almost lastly, I'm going
4 to show you what's known as -- it says Commercial
5 Vehicle Preventive Accident Manual and at the bottom it
6 says U.S. Department of Transportation Federal Motor
7 Carrier Safety Administration.

8 Have you ever seen anything like that before
9 as a CDL driver?

10 A. Oh, yeah.

11 Q. What is your understanding of what that is?

12 A. It's a safety regulation to keep you informed
13 of what you need to do to keep from wrecking.

14 Q. When it says "Preventative Accident," what
15 does that mean?

16 A. Do your walk around to prevent any accidents.
17 It's a preventative measure for safety. You've always
18 got to assume that nobody is going to take care of it
19 and you've got to do it yourself.

20 MR. VAZQUEZ: And we'll mark this as a
21 composite, Plaintiff's Exhibit 13.

22 (Exhibit 13 was marked.)

23 BY MR. VAZQUEZ:

24 Q. As we sit here today, Mr. Cattoor, is there
25 anything that you can think of that you would have done

1 differently in terms of safety as the owner of the
2 tractor-trailer that became disabled and needed to be
3 towed?

4 A. Nope, not that I would have done anything
5 different. We got it off the road as soon as we could
6 and got the horses taken care of as soon as we could.
7 As far as doing something different, we did all we could
8 do.

9 Q. As we sit here today, is there anything you
10 can think of that Terry Gaines as the driver of the
11 Cattoor tractor-trailer that became disabled could have
12 done differently in terms of safety?

13 A. No. There's nothing you could do. We lost
14 power to powertrain and we got it on the edge of the
15 road and put up the flares and called for a wrecker.

16 Q. As we sit here today, is there anything that
17 you can think of as a CDL driver that Andrew Woller as a
18 CDL driver could have done differently in terms of
19 safety?

20 A. Nope, not that I know about.

21 Q. So on Page C10 of this Plaintiff's Exhibit 13,
22 where it says "Vehicle Lighting and Conspicuity," where
23 it says, "Check to make sure that all lights and
24 reflectors are operable and clean," do you see that
25 there?

1 A. Yeah.

2 Q. Do you think that Mr. Woller should have
3 checked to make sure that all the lights on the disabled
4 trailer, including the brake lights and the turn
5 signals, should have been operable?

6 MR. YOUNG: Form.

7 A. You know, I --

8 BY MR. VAZQUEZ:

9 Q. You can go ahead and answer.

10 A. Yeah. I guess I assumed when he made the walk
11 around that he took care of all that because we made
12 sure we had our flashers on up to the point where he
13 hooked on to us and drove away, and then he made his
14 walk around and I assumed that he done what you're
15 talking about right there, he took control and hooked
16 onto it.

17 Q. Based on how he communicated with you, if you
18 thought that there was a problem, did you feel at that
19 time that you could have told him, "Hey, I think
20 something is unsafe," or something to that effect?

21 A. No, I thought he was doing everything a
22 hundred percent. That's what I thought.

23 Q. Under Section B6 of the same Plaintiff's
24 Exhibit 12, this line that's highlighted here that says
25 "Drivers should recognize the hazards created while

1 turning and follow proper procedures to minimize them,"
2 what is your understanding of what it says there with
3 regard to hazards and turning?

4 A. Well, you should always have your flashers on
5 when you're turning.

6 Q. Why is that?

7 A. So someone coming behind you knows that you're
8 getting ready to make a turn.

9 Q. And under Maintenance Checks here, where it
10 says check taillight, brake light and turn signal
11 function, what is your understanding of what that
12 recommendation is?

13 A. You always want to check all your brake
14 lights, taillights. It's one of your big deals for your
15 preinspection.

16 Q. Did you assume that Mr. Woller had checked the
17 taillights and the brake lights and the turn signal
18 function?

19 A. Yes.

20 Q. And where it says under this section here,
21 lower, where it says -- well, this is referring to left
22 turns -- but it says, "Don't start turning until there
23 is enough time for the rear of vehicle to clear the
24 intersection without forcing opposing drivers to slow
25 down or swerve," what is your understanding of what

1 that's referring to?

2 A. When you're getting ready to make a turn, you
3 want to watch behind you and make sure that oncoming
4 traffic knows that you're fixed to make a turn and
5 that's when you start watching behind you in the mirror.

6 Q. Do you -- other than that point in which
7 Mr. Woller was making the right turn and you said he
8 looked into which mirror?

9 A. I'm sure he was checking both of them but when
10 he was -- when he said that they was gonna hit, he
11 glanced out that (Indicating), but my restriction vision
12 was through a hole like this, I could see Terry here and
13 him there (Indicating), but he was watching, probably
14 watching out there to make his turn, but he had to be
15 watching out there for oncoming traffic, but that truck
16 come up at a pretty high rate of speed and then he
17 realized they wasn't going to turn over in the other
18 lane. That's when he told us it was gonna be hit.

19 Q. And I mean this with all due respect,
20 Mr. Cattoor, if you're sitting in the sleeper birth,
21 would Mr. Woller have been to your left?

22 A. Yeah.

23 Q. Given that you were blind in your left eye,
24 was your left side vision --

25 A. Right eye.

1 Q. Your right eye? Okay, your right eye.

2 A. Yes.

3 Q. Let me flip that then. You were seated in the
4 middle of the vehicle, right, in the back?

5 A. In the middle. And, yeah, you've got a pole
6 like this (Indicating). I was sitting back like this
7 (Indicating), and I could see part of Terry, not all of
8 it, and the driver.

9 Q. Is some of your right eye right side vision
10 restricted because of the blindness in the right eye?

11 A. No.

12 Q. Explain to me what you mean by that.

13 A. You said the restriction.

14 Q. Right. Anything that if you drew a line right
15 in front of you, to your right, given that there is
16 blindness in the right eye, is any of that vision field
17 to your right restricted?

18 A. You know, it's a little bit restricted but
19 when it first happens to you, it's really restricted,
20 but after 30 years, it's -- I go through these tests
21 once a year to maintain my CDL. I can get a CDL
22 interstate, but to maintain a federal CDL, I go through
23 some pretty rigorous checkups on it. And so over the
24 years, I can see a lot more over here than you think I
25 can.

1 Q. Well, obviously, you can turn your head to the
2 right and see what's going on, too. Okay.

3 A. I mean, you adjust for it over the years
4 because if it had just happened last week, no, it's a
5 bad deal.

6 Q. Right.

7 A. But it used to be I'd have to turn like this
8 if somebody is talking to me (Indicating), and I don't
9 have to do it anymore because I've learned to adjust it
10 and I can see almost as much out here. When I do my
11 tests for my vision test, it's very little restriction
12 even if I can't see out of that eye because I've learned
13 to adjust it.

14 Q. Right. While you all were driving down the
15 roadway, do you have any memory either way of seeing
16 Mr. Woller checking his mirrors other than that point in
17 which you said he checked the mirror while he was
18 turning?

19 A. You know, I just sit there in the seat and I
20 just -- under the assumption that you check your
21 mirrors. Even if you just pull the tractor-trailer out
22 on the road, you check -- you start checking your
23 mirrors for safety.

24 Q. But as we sit here today, no independent
25 memory sticking out --

1 A. No. No.

2 Q. -- of him checking the mirrors while he was
3 driving down the road that you can remember?

4 A. No. The bad thing that I see about the whole
5 deal, there was no traffic, so maybe you get a little
6 lax. There was no traffic.

7 If there was a lot of traffic, everybody
8 watches what -- you know, and there was no traffic
9 except one vehicle.

10 Q. What is a post-trip inspection?

11 A. Post-trip is when you come in. Pretrip is
12 when you're getting ready to take off. Post-trip is
13 when you get done with the trip and you've got time to
14 go through and see if there's anything you need to
15 correct before you take off the next day.

16 Q. All right. I'm done with Plaintiff's Exhibit
17 13.

18 Lastly, Mr. Cattoor, I'm just going to ask you
19 a couple of questions and see if you agree or disagree
20 with -- based on your knowledge of being a CDL driver
21 and your years of experience.

22 Let's see here. Do you agree or disagree or
23 have any other opinion that a professional commercial
24 motor vehicle operator owes other drivers on the public
25 highways the same standard of care when it comes to

1 safety regardless of how long the trip is?

2 A. Regardless of how long the trip is? I think
3 that you're insinuating that when you get tired -- you
4 said as long as the trip is.

5 Q. Well, let me flip it. Do you agree or
6 disagree that a short trip, just because it is a short
7 trip, it's never an acceptable reason for a professional
8 commercial vehicle driver to avoid doing any sort of
9 pretrip safety inspection?

10 A. Well, that's right. People do it all the
11 time. If you're going a short distance, you don't go
12 and do the pretrip like you should if you're taking off
13 and going for 2,000 miles.

14 Q. Do you think that that's acceptable for a
15 professional commercial vehicle operator to do that?

16 A. Well, it's probably not acceptable but it's
17 the norm. If you're just going to jump in and drive a
18 hundred miles down the road, any driver cuts the
19 corners.

20 Q. Why is that?

21 A. Well, you think it's not gonna happen to you
22 so if it ain't gonna happen in the next five minutes,
23 you're all right.

24 Q. Based on what you observed, do you think
25 that's what happened in this sequence of events leading

1 up to the accident with regard to Mr. Woller?

2 A. It might have had a lot to do with it because
3 we was within three-quarters of a mile or less, and it's
4 a fact that people do when you -- if you got -- if he
5 had to hook on and pull to Denver, he'd damn sure have
6 made everything right because he was going to go through
7 a lot of traffic. I'm not saying he did but no one --
8 I've drove a truck a lot. I know what happens, and I've
9 seen other people do it. "Oh, I'm just going down the
10 road here," so you can assume that the same thing could
11 have happened. "I'm just going right down to that shop
12 so -- and there ain't no traffic, so" --

13 Q. Does cutting corners, as you phrased it, put
14 other drivers at risk?

15 A. Well, any time you cut corners on anything, it
16 puts everybody at risk, but it's a very normal thing.
17 You can stress it to your drivers, you can stress it to
18 anybody. You can stress it to people driving from here
19 to home. "I've got one taillight out but I'm only going
20 right down here." It always happens.

21 Q. So getting back to my first question, do you
22 agree or disagree that a professional commercial driver
23 owes other drivers on the public highways the same
24 standard of care when it comes to safety regardless of
25 how long the trip is?

1 A. I agree with it.

2 Q. Do you agree or disagree that all drivers on
3 the public highways should attempt to avoid creating a
4 hazard to other drivers on the road?

5 A. Right, yes.

6 Q. Do you agree or disagree that all drivers
7 should exhaust every reasonable safer option before they
8 create a collision hazard on the highways?

9 A. I agree but I know what happens. They don't
10 do it. I've seen people take off in cars with ten
11 pounds in their tires and never check the tires because
12 they're just going like 50 miles and don't worry about
13 it. If they're going to go 500, they might check their
14 tires. If they're going a thousand, they'll probably
15 check their tires and see if they need new tires. It's
16 cutting corners.

17 Corners are always cut on a CDL on the roads.
18 We've got people driving CDL trucks down the road, they
19 can't even speak English.

20 Q. If a driver cuts corners and a crash happens
21 and someone is injured, is that driver supposed to take
22 responsibility for what happens as a result of cutting
23 corners?

24 A. Yeah, it's his fault.

25 Q. Do you think that it's right or wrong for a

1 driver not to accept responsibility if something happens
2 as a result of cutting corners?

3 A. Well, no. You've got to accept responsibility
4 if you cut the corner, and you know you did if you
5 didn't do everything you could, and you've got to take
6 responsibility of it.

7 Q. What if a driver doesn't take responsibility
8 for the result of cutting corners?

9 A. There's nothing you can do about it, I guess.

10 Q. Do you agree or disagree that if a driver has
11 to create a potential hazard on the roadway, that that
12 driver must be sure that the danger is minimized as much
13 as possible?

14 A. Yeah. If you have to cut the corners for some
15 reason or another that you can't comply, yeah, you want
16 to do everything you can to make sure that it's
17 minimized to the best of your ability.

18 Q. Do you agree or disagree that if a driver has
19 to create a potential hazard on the road -- well, strike
20 that.

21 Do you agree or disagree that a professional
22 commercial vehicle operator must never needlessly
23 endanger the health or safety of other motorists on the
24 highway?

25 A. Yes, I believe that. I believe the truck

1 driver should carry the load because the public won't.

2 Q. Do you understand what I mean when I say
3 needlessly endanger the health or safety of others?

4 A. The commercial driver needlessly. Well, yeah,
5 they should never do it. The truck drivers on the road
6 should be the top of the line and they should look out
7 for everybody else.

8 Q. Do you agree or disagree that stop lamps help
9 other motorists know what a vehicle is doing or is about
10 to do?

11 A. Yes.

12 Q. Do you agree?

13 A. Yes.

14 Q. Do you agree or disagree that turn signals
15 help other motorists know what a vehicle is doing or is
16 about to do?

17 A. Yes.

18 Q. Do you agree or disagree that a functional
19 stop lamp would have been more of a visual signal to
20 oncoming traffic back on May 1st, 2013, than not having
21 a functioning stop lamp at all?

22 A. Well, a stoplight, you've got to have a --
23 that's your flashers, the same as a stoplight, yeah,
24 you've got to have them if you're stopped on the road
25 anywhere, you've got to have your flashers on and your

1 stop lights on.

2 Q. Do you agree or disagree that an operating
3 brake lamp that was functioning would have been more of
4 a visual signal to oncoming traffic back on May 1st,
5 2013, than not having a brake lamp that was working at
6 all?

7 A. Well, yeah, it probably would have been better
8 than not having one.

9 Q. All right, let me review my notes and see if I
10 have any other questions.

11 Generally, if a driver gets a moving violation
12 or a civil traffic infraction, do you know if the
13 drivers are required to report those to the state or
14 federal government?

15 A. Immediately.

16 Q. So, for example, when you got your speeding
17 ticket, I'm just using this as an example, did you have
18 to report that to the state or federal government?

19 A. Uh-huh. Right.

20 Q. Was that yes?

21 A. Yes.

22 Q. Why is that and who do you report that to?

23 A. Well, in Nevada you report to Carson City,
24 the DMV. In Nevada you report to Carson City which is
25 the head of the DMV.

1 Q. And do you know if Mr. Woller received any
2 citations or moving traffic violations?

3 A. I don't know that he received any. I don't
4 know.

5 Q. If -- assuming if he had received a ticket for
6 no brake lights or no turn signal, based on your
7 understanding as a CDL driver, would he have had to
8 report that to the state or federal government?

9 MR. YOUNG: Form.

10 A. If he got a ticket, I think so, yes. I don't
11 know the federal government, I think the state.

12 Q. Okay. And why does a driver have to report
13 those moving violations?

14 A. Well, any moving violations on a CDL goes
15 against your record on your CDL, and you don't get very
16 many of them.

17 Q. Did you have any points or violations on your
18 record at the time the accident happened on May 1st,
19 2013?

20 A. No.

21 Q. Do you know if Mr. Gaines had any violations
22 on his record at that time?

23 A. He had none, no.

24 Q. Do you know if Mr. Woller had any violations?

25 A. Who?

1 Q. Do you know if Mr. Woller had any violations?

2 A. No. I didn't even know the guy.

3 MR. VAZQUEZ: I'm just going to review my
4 notes and then I think we're done.

5 BY MR. VAZQUEZ:

6 Q. Have you ever had to drive in changing weather
7 conditions?

8 A. A lot.

9 Q. As a driver, if the conditions are getting
10 worse or changing, do you do anything differently as a
11 result of those changing conditions?

12 A. Slow down and make sure your lights are
13 working.

14 MR. VAZQUEZ: Okay. I don't have any other
15 questions, Mr. Cattoor. The other lawyers on the phone
16 might have a couple. They're entitled to ask a few.

17 So I'll open it up to if we want to start with
18 Jason first and go down the line.

19 MR. YOUNG: Jason has no questions. You're
20 all welcome.

21 MS. JENSEN: This is Katharine Jensen. I have
22 a couple of questions.

23 EXAMINATION

24 BY MS. JENSEN:

25 Q. Mr. Cattoor, I represent Swift Transportation.

1 I also represent Jennifer Ruis in her capacity as a
2 defendant in a couple of actions that have been brought
3 against them. One of those actions has been brought by
4 State Farm.

5 With whom was Cattoor Livestock Roundup Inc.
6 insured on the date of this accident?

7 A. State Farm.

8 Q. And did you have -- you meaning Cattoor
9 Livestock Roundup Inc. -- have a deductible that had to
10 be paid as a result of this accident?

11 MR. VAZQUEZ: A deductible.

12 A. Deductible? Yeah, we had a thousand dollar
13 deductible.

14 BY MS. JENSEN:

15 Q. Was that paid?

16 A. No, it hasn't been paid.

17 Q. Okay. Is the vehicle, the Cattoor vehicle
18 that was involved in the accident, has that been fully
19 repaired?

20 A. Yes.

21 Q. When was it last repaired?

22 A. About three months after the accident.

23 Q. Do you know how many times it had to go into a
24 repair shop for repairs, repairs that were needed as a
25 result of this accident?

1 A. Just once. It was left in Denver and totally
2 repaired in Denver.

3 Q. Do you know the name of the shop that repaired
4 it in Denver?

5 A. Trailer Services Incorporated.

6 Q. Sorry, can you say that again?

7 A. Trailer Services Incorporated.

8 Q. Okay. Do you know how much the repairs were
9 to your vehicle?

10 A. About 34,000.

11 MS. JENSEN: Those are all the questions that
12 I have. Thank you very much for your time.

13 MR. VAZQUEZ: Okay, we have two more lawyers.
14 We'll go Gregg and then Alan.

15 MR. KAY: This is Gregg Kay. I have no
16 questions.

17 MR. VAZQUEZ: Alan, are you still on the line?

18 MR. GREENBERG: I sure am, and no questions
19 from State Farm.

20 MR. VAZQUEZ: Okay. We're done, Mr. Cattoor.
21 You have the right to read the transcript after it's
22 transcribed if you think that the court reporter got
23 anything wrong. A lot of people waive that so you can
24 read or you can waive.

25 THE WITNESS: No, I don't -- waive it,

1 whatever. It don't matter to me.

2 MR. VAZQUEZ: Okay. Does everybody want to
3 put their orders on the record?

4 What's the turnaround time in terms of
5 regular?

6 THE REPORTER: It would be approximately ten
7 business days.

8 MR. VAZQUEZ: Okay, and then expedited would
9 be?

10 THE REPORTER: Whatever expedite you want. It
11 can be two days, it can be four days --

12 MR. VAZQUEZ: What is the cost difference
13 between the two?

14 THE REPORTER: Well, depending, if it was
15 daily, it's a hundred percent of the cost, if it's two
16 days it's 90 percent --

17 MR. VAZQUEZ: Okay. I'll take regular and
18 then just an eTran and the copy of the video, and I'll
19 let you know if anything changes.

20 Let everybody else put their order on the
21 record.

22 THE VIDEOGRAPHER: Mr. Vazquez, do you wish to
23 have a video sync of that DVD?

24 MR. VAZQUEZ: Can that be added later if I
25 chose to do that?

1 THE VIDEOGRAPHER: You could have an
2 additional. It would be in two pieces. It would be a
3 regular DVD, and that's a separate kind of DVD.

4 MR. VAZQUEZ: Right. We'll do no sync for now
5 and if the witness was unavailable for trial or
6 something, I guess I can call you and get that. Is that
7 okay?

8 THE VIDEOGRAPHER: Yes.

9 MR. VAZQUEZ: All right.

10 Anybody else's orders?

11 MR. GREENBERG: State Farm, in fact --

12 MR. VAZQUEZ: This is Mr. Greenberg. Can you
13 say that again?

14 MR. GREENBERG: I need the contact information
15 for the reporter. I have to obtain permission.

16 THE REPORTER: Okay. This is Marilyn
17 Speciale, S-p-e-c-i-a-l-e, I'm with Oasis Reporting
18 Services, and our phone number is area code
19 702-476-4500. The address is 400 South Seventh Street,
20 Suite 400, Las Vegas, Nevada.

21 MR. GREENBERG: That should do it.

22 THE REPORTER: And, Ms. Jensen, will you
23 be wanting a copy of the transcript?

24 MS. JENSEN: Yes, I'd like an eTran with
25 exhibits and a printed condensed version.

1 THE REPORTER: Okay.

2 THE VIDEOGRAPHER: Miss Jensen, this is the
3 videographer, a DVD or video sync?

4 MS. JENSEN: Neither, please, thank you.

5 THE VIDEOGRAPHER: Thank you.

6 THE REPORTER: Mr. Young, did you want a copy
7 of the transcript?

8 MR. YOUNG: The exact same as Ms. Jensen but
9 I'd also like a showgirl added.

10 THE REPORTER: Sorry, I can't provide that.

11 MR. YOUNG: It was worth a shot.

12 MR. VAZQUEZ: Okay, I think we have
13 everybody's.

14 Does anybody have anything else to add.

15 MR. KAY: Wait. This is Gregg Kay. I do not
16 want a copy of the either the transcript or the video.

17 THE REPORTER: Okay. I'm sorry, Mr. Kay.
18 This is the reporter. I'm sorry I didn't ask you.

19 MR. KAY: That's all right.

20 MR. VAZQUEZ: Okay. Thanks everybody,
21 appreciate it.

22 MR. KAY: Thank you everybody.

23 MR. YOUNG: Thank you. Bye.

24 MR. GREENBERG: Thank you.

25 THE VIDEOGRAPHER: Please stand by.

1 This concludes today's videographed deposition
2 of Dave Cattoor consisting of three disks. The time is
3 1428 and we're off the record.

4 (Whereupon, the deposition was concluded at
5 2:28 p.m.)

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CERTIFICATE OF REPORTER

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Marilyn L. Speciale, a duly certified court reporter licensed in and for the State of Nevada, do hereby certify:

That I reported the taking of the deposition of the witness, DAVID CATTOOR, at the time and place aforesaid;

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That I thereafter transcribed my shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate record of testimony provided by the witness at said time to the best of my ability.

I further certify (1) that I am not a relative, employee or independent contractor of counsel of any of the parties; nor a relative, employee or independent contractor of the parties involved in said action; nor a person financially interested in the action; nor do I have any other relationship with any of the parties or with counsel of any of the parties involved in the action that may reasonably cause my impartiality to be questioned; and (2) that transcript review pursuant to NRCP 30(e) was not requested.

IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 6th day of April, 2015.

MARILYN L. SPECIALE, CRR,RPR,CCR#749

WORD INDEX

<, > , 36:20	15 20:7, 11 66:5 93:22 101:3 106:2 110:5 150 111:23 16 13:23 160 61:9 1600 3:18 1624 57:2 168,573 , 36:21 18 18:18 1850 3:9 1870 13:15 14:15 19 4:10 1948 65:23 1988 27:7 1990 11:9 1st 6:23 10:9 17:14, 18 20:6 21:1 22:6 23:5 24:6, 15 25:19, 23 29:11, 11, 15 30:14 32:6, 11, 22 35:13 36:14 37:7 39:17 41:1 42:22 46:19 49:9 50:21 51:11 52:21 65:12 141:20 142:4 143:18	32:6, 12, 22 33:4 35:14 36:14, 21 37:7 39:17 49:9 50:21 51:11 52:1, 10, 25 65:12 141:20 142:5 143:19 2015 1:6 2:8 5:1, 5 151:20 2-19 117:17 22 12:21 227 3:22 25 1:6 2:8 5:1, 5 52:3 289 15:6	435-660-0257 57:5 44 4:12 16:9 45 112:21 47 16:10 < 5 > 5 4:13 68:19, 21, 25 69:23, 24 70:12 50 18:20 26:7 65:12 68:12 70:18 71:17 114:21 139:12 500 139:13 51 15:20 53 102:2 55 27:8 550 37:22 555 2:12 58 61:24 59 117:4 < 6 > 6 4:1, 14 61:10 68:21 69:24 83:19, 20 84:8 108:11 114:24 6:00 9:25 60 27:8 61:18 71:17 114:21 622 3:4 64 61:24 6795 3:13 68 4:13 68,000 61:9 6th 151:19 < 7 > 7 4:15 39:18 48:14 68:21 70:3, 11 117:12, 15 119:3, 3 122:11 7.5 119:18 7:30 9:24 70 61:14 702 56:22 702-376-1 57:1 702-376-1624 56:25 702-398-7012 17:1 702-476-4500 148:19
< 1 > 1 4:8 12:13, 17, 21 22:1 63:8 68:21 69:23 151:12 10 4:18 67:13 73:20 93:21, 22 106:2 124:20, 24 10:13 2:10 5:2, 5 10:22 13:5 10:23 13:9 10:36 63:9 1031 14:23 11 4:19 126:9, 16, 19 11:30 49:7, 11 11:48 63:14 11-4 121:24 117 4:15 12 4:8, 15, 21 48:21 122:15 127:17, 18 131:24 12:13 79:15, 19 12:50 106:13 12297 2:25 123 4:15 124 4:16, 18 126 4:19 127 4:21 129 4:23 13 4:23 23:6 129:21, 22 130:21 136:17 132 14:22, 23 56:2 1322 106:18 13-cv-03024-RPM 1:3 14 119:4 1428 150:3 144 4:4 14-cv-00902-RM-M EH 1:13 14-cv-02958-KLM 1:19	< 2 > 2 4:10 19:23, 24 63:13 68:21 69:23 119:20 151:17 2,000 137:13 2:28 150:5 20 22:9, 9 23:20, 20, 21, 21, 24, 24 30:19 37:2, 3 48:11 55:17 66:5 101:3 108:9 109:8 200 64:12 2008 15:23 2010 27:14 2012 23:18 27:10, 15, 19 2013 6:23 10:9 17:14, 18 20:6 21:1 22:1, 6 23:5 24:6, 15 25:19, 23 27:14 29:9 30:14	< 3 > 3 4:11 36:10, 11, 19 68:21 69:24 106:17 30 26:24 52:3 64:6 102:9 108:9 109:8, 25 112:21 134:20 151:18 300 64:12 32 61:4 32,000 61:2, 12 32,500 61:16 32601 3:5 330 3:13 34,000 146:10 36 4:11 61:2, 4, 7, 15 393.17 4:21 127:19 128:13 393.23 4:20 126:18 393.25 127:2 < 4 > 4 4:12 44:3, 25 68:21 69:24 40 11:13 400 148:19, 20 42 12:21 42-4-108 4:18 124:21 42-4-1201 122:16 42-4-214 4:17 123:13 435-610-0994 57:12	

71 31:16, 17
7-10 119:17
7-11 120:10
73 12:23
743 56:2
749 2:24 151:22
75 102:2
770 3:22
775-426-8113 17:3

< 8 >

8 4:15 39:19
 41:21 48:14
 123:10, 11
8,000 61:10
8:00 49:6
8:15 49:6
80,000 61:13
800 61:3, 3
80110 3:23
801-361-3100 17:7
80202 3:9, 19
80224 3:14
83 4:14
84648 14:24 15:7
87 65:22, 23 117:4
89021 13:19
89027 2:13

< 9 >

9 4:16 41:21
 119:3 124:3, 4
90 147:16
970-272-3253 47:25
999 3:8, 18

< A >

a.m 2:10 5:2
A.m. 39:20 49:14
ability 9:20
 140:17 151:12
able 8:23 35:25
 45:20 70:7
 101:18 118:18
absorbed 94:14
 104:16, 23 105:18,
 20
accept 140:1, 3
acceptable 137:7,
 14, 16

Accident 4:23
 6:22, 24 7:1
 15:23 23:19
 24:18 25:23
 27:24 31:1 33:16,
 17, 22 35:13 36:14,
 24 38:10 44:21
 45:3, 4, 23 49:6
 52:21 57:17 59:9
 60:14, 21 61:20
 62:8 67:12
 107:12 109:12
 113:4 115:3, 8
 129:5 138:1
 143:18 145:6, 10,
 18, 22, 25
Accident, 129:14
accidentally 88:14
accidents 27:25
 33:15 65:17
 129:16
accurate 114:24
 151:12
accurately 7:9
 14:3
Action 1:3, 13, 19
 151:15, 16, 17
actions 145:2, 3
activated 127:7, 12
actual 60:21
 111:12
add 149:14
added 20:10
 92:18 147:24
 149:9
addition 12:12
 64:7 77:11
additional 106:21
 120:10 148:2
address 13:13, 21
 14:13, 19 15:24, 25
 16:17 54:21, 23, 24,
 25 55:2, 8, 11, 21,
 24, 25 56:11
 148:19
addresses 15:24
adjust 135:3, 9, 13
administer 5:13
Administration
 4:24 28:17 129:7

admirable 15:21
admissible 9:6
adoption 31:22
 60:5, 6
advertise 54:20
affect 9:20
affidavit 112:3, 8
aforesaid 151:7
age 31:20
agency 34:24
ago 20:12 26:24
 27:8, 22 30:24
agree 10:5, 7, 11,
 15 83:24 84:7
 125:14, 23 136:19,
 22 137:5 138:22
 139:1, 2, 6, 9
 140:10, 18, 21
 141:8, 12, 14, 18
 142:2
ahead 7:16 10:21
 12:11 19:21
 34:12 42:14, 23, 24
 43:5 47:21, 22
 78:7 80:5 125:20
 131:9
ain't 56:13 57:4
 62:2 72:9 75:17
 101:24 137:22
 138:12
air 75:19, 24
 76:18 77:3, 11, 13
 95:22 119:5
 120:11, 14, 17, 19,
 21
aka 1:23
al 5:10, 11
ALAN 3:20 19:5,
 6, 11, 13 42:12
 98:13 146:14, 17
A-l-a-n 19:14
alerted 64:18
Alfrey 3:17
allow 26:1
allowed 65:25
 66:12, 12, 14
aloud 7:23 122:17
 125:1
aluminum 105:15,
 19

ambulance 110:2,
 4 114:4
ANDREW 1:6, 17
 3:6, 11 5:10, 18, 24
 46:20 130:17
Andy 6:4 77:18
angle 101:19
answer 7:16 8:23
 9:1 14:7 17:25
 25:6, 7 55:20
 79:11 131:9
answers 7:20
Anthony 51:6, 16
 52:12, 13, 16 53:4,
 7 56:8, 11 57:14,
 18, 23 58:7
Anthony's 53:16
 55:22, 22 56:3, 21
 57:8
anybody 40:5, 17
 59:7 94:12
 100:18 107:13
 110:7, 10, 21, 24
 112:23 114:2
 115:3 138:18
 148:10 149:14
anymore 135:9
anyplace 67:14
anyway 73:3, 15
appearance 5:12
APPEARANCES
 3:1
appearing 5:17
 7:7
appreciate 149:21
approximately 5:5
 18:16 147:6
April 52:25
 151:20
area 65:14 68:14,
 24 69:4 87:10
 103:14 148:18
ARIZONA 1:11
Arkansas 43:10
 59:12 96:4
 102:25 104:3, 8
 111:24 121:12
arm 32:19
arms 72:4 74:21
 81:3 104:19

arrested 28:8	37:25 41:24 43:3,	basis 76:8 121:16	Bobtail 26:12
arrived 110:1, 2	8 48:13, 24 50:5,	Bates 4:14	117:10
article 11:10	14, 17, 18 51:23	battery 126:22	bolts 104:18, 22
123:21	52:1, 10 53:5, 8	becoming 57:20	book 35:9 53:25
asked 27:13 44:10	54:15 57:16, 24	bed 9:24	115:13
59:18 90:20	58:23 60:12 62:9,	beeped 98:6	bookkeeper 29:19,
106:22 112:4	9, 10, 11 63:12	beeping 98:5	20
asking 42:15 61:5,	67:4, 5, 24, 25 72:6,	beginning 7:11	born 12:24
19, 22 126:14	8, 9, 14, 19 73:7, 15,	63:13 106:16	bottom 69:22
assume 9:1 36:21	16 74:3, 5, 13 75:4,	behalf 5:7, 23 6:3	70:20, 21 80:14
74:9 80:6 93:10	6, 9, 9, 10 76:9	believe 140:25, 25	84:11 129:5
129:18 132:16	77:9, 19 78:12, 24	bell 34:18	box 15:5, 6
138:10	79:6, 18, 22 80:11,	belly 90:17	brace 86:11
assumed 78:8, 13,	15, 20, 23, 24 81:9,	best 7:19 14:6	brake 52:8 79:1, 4,
14 89:21 131:10,	15, 19 82:4, 10, 19,	27:5 140:17	6, 23 80:8, 14 95:9,
14	23 83:4 84:9, 17	151:12	11, 12, 17 96:1, 3, 9
assuming 93:2	85:2, 3 87:14	better 6:7 21:8	106:23 118:9
103:3 143:5	88:11 89:6, 8, 15,	23:1 50:3 59:20	127:8, 9, 14 131:4
assumption 135:20	19, 24, 24 90:5, 13,	101:7 142:7	132:10, 13, 17
attach 12:12	18 91:15, 18 92:5,	beyond 22:8	142:3, 5 143:6
19:22 44:24 83:18	13, 18 93:5 94:11	48:12 94:5	brakes 52:18
attached 36:9	98:19, 20 99:10, 24	bid 31:24	95:15 127:10
120:24	100:7 101:8, 18, 20	bifocal 22:11, 12	braking 77:19
attempt 139:3	103:17 106:7, 16	big 23:16 27:9	96:14 104:25
attention 70:10	107:13, 19 108:6, 6,	50:16 54:12	105:1
83:23 124:19	8, 18 109:3 112:25	62:11 66:8 73:11,	brand 76:1 83:6,
attorney 19:1	113:18 115:7	12, 12 74:21 75:17	8 85:16
attorneys 7:13	117:2 122:7, 8, 10	92:24 100:19, 20,	break 8:8, 12
28:16	128:8 134:4, 6	21 103:5, 5, 8	60:19 62:6, 19
authorized 125:4,	138:21 141:20	105:16 107:19	63:1 106:6, 10, 20
15, 25	142:4	120:22 132:14	breaking 66:4
AUTOMOBILE	back, 72:18 73:6	Bill 98:2	breaks 8:5
1:19 3:20	74:1	bind 75:19	brief 42:8 79:16
available 35:2, 18	backed 72:4 73:9	birth 12:20 91:7	briefly 116:8
36:3 44:17	background 33:13	133:20	broke 69:6
Avenue 3:13, 22	bad 46:14 59:7	bit 7:3 27:1	Broken 32:18, 19
average 61:3	86:1 135:5 136:4	42:21 63:2	brother-in-law
avoid 137:8 139:3	bail 107:21	103:21 108:18, 19	30:6 40:10 42:5,
axle 74:22	bang 105:16, 21	115:6 134:18	7, 16 48:25
< B >	bar 100:19	BKN 3:12	brought 11:3
B6 131:23	barely 17:25	blew 59:2	60:11 106:20
back 4:10, 14	based 10:12 15:3	blind 133:23	109:11, 12 145:2, 3
6:22 9:15 10:9	51:14 67:16	blindness 134:10,	Bub 30:5, 9 40:11
13:8 15:23 17:13,	72:20 75:3 77:25	16	42:5, 7, 16 43:17
18 19:1, 22 20:1, 6,	82:24 95:24	blinkers 64:9	47:9, 20, 21 48:25
25 22:1, 4, 6 24:5,	101:17, 19 103:14	BLM 40:15, 18	B-u-b 30:8
15 25:10, 19 26:25	118:11, 24, 25	60:11 65:7	Bub's 47:18
29:9 30:13 31:16	131:17 136:20	blows 63:18	build 85:21
32:4, 6, 11 33:4	137:24 143:6	blue 71:7	building 54:8, 11
35:11, 13 36:15	basics 19:7	Bob 47:19	buildings 70:24

71:1, 4 built 85:18, 20 bunch 72:17 73:3 74:12 75:23 80:13 82:20 104:24 105:15, 21 Bungee 87:23, 25 bunks 41:24 Bureau 11:11 31:11, 25 business 11:13 14:18 18:22 26:25 27:2 32:21 53:23, 24 54:2, 3 58:4, 18, 20, 22, 25 147:7 button 87:3, 7 buy 23:1 Bye 149:23 < C > C10 130:21 cab 67:22, 23 73:22 81:4 86:7, 15 87:14 88:19 89:18 90:3, 22 91:15 92:4 107:14, 16 114:1 cable 93:14 cables 72:22 cafe 22:21 38:24 California 12:25 call 10:2 37:23 54:14 55:2, 10, 12 65:5, 6, 9 98:2, 4, 7, 7, 10 148:6 called 26:20 29:6 43:6, 14 47:23 48:10, 11 50:18 51:7 53:15 63:25 94:3 109:13 130:15 calls 17:17 93:24 99:2, 6 calm 108:7 cancer 43:19 cans 105:15, 21 Canyon 38:1, 2, 5, 10 39:1, 16 40:2, 3, 7, 14, 25 41:3, 16,	20 49:3 60:11 65:3 capacities 5:24 6:4 capacity 5:21 145:1 Cappalappa 13:15 14:15 C-a-p-p-a-l-a-p-p-a 13:17 care 47:25 48:5 123:17, 18 129:18 130:6 131:11 136:25 138:24 career 116:15 carried 32:5 Carrier 4:24 28:17 34:17, 21 35:4 78:1 115:7, 10, 24 126:6 128:16 129:7 carry 21:16 22:20 141:1 carrying 24:11 cars 78:22 139:10 Carson 142:23, 24 case 5:9 9:8, 12 128:7 catch 92:11 CATTOOR 1:5 2:7 4:1, 11 5:8 6:12, 17, 20 7:2, 13 8:4, 11 9:5 11:19 12:19 13:11 15:2, 18 16:9, 15 19:17 26:20 28:19, 21 29:6 31:9, 25 33:4, 23 35:1, 16 37:5 38:8 42:2, 15 50:20 51:19, 22, 25 53:8, 19 54:5 57:15, 22, 24 58:8 59:9 63:2, 9, 14, 16 68:22 70:4, 10 81:21 82:22 83:22 84:2 86:3 88:19 89:18 99:16 106:18, 20 107:14 115:5 116:14 117:13 122:2, 18 124:6 125:24 129:3, 24	130:11 133:20 136:18 144:15, 25 145:5, 8, 17 146:20 150:2 151:7 C-a-t-t-o-o-r 6:20 Cattoor's 4:10 19:7, 23 53:14 55:1 cause 151:17 caused 42:8 83:12 CB 11:22, 23 CCR 2:24 CDL 4:15 18:12, 17, 18, 19 19:17 20:6, 22 21:19, 22 24:20 25:21, 25 26:7 27:6, 16, 23 33:17 34:23, 23 35:17 36:3, 4 65:24 66:22 116:6, 15, 17, 21, 25 117:5, 8, 12 118:21 120:23 121:8 122:13 126:15, 24 129:9 130:17, 18 134:21, 21, 22 136:20 139:17, 18 143:7, 14, 15 cell 17:2, 3, 4, 8 48:2 93:24 94:1, 3 center 100:5 certain 60:6 117:14 certificate 32:4, 5, 8 151:1 Certified 2:9 3:25 151:3 certify 151:5, 12 cetera 119:24 change 8:9 22:22 changed 17:15, 16 25:21 changes 52:8, 17 147:19 changing 71:11 144:6, 10, 11 character 10:2 charge 52:7 77:22 91:1, 3 112:10 125:12 126:12	check 24:20 33:9, 14 57:19 75:21 76:14 77:4 110:21 119:5, 10 120:10, 19 130:23 132:10, 13 135:20, 22 139:11, 13, 15 checked 24:18 109:17 131:3 132:16 135:17 checking 77:3 133:9 135:16, 22 136:2 checklist 77:1 Checks 132:9 checkups 134:23 children 16:6 chose 147:25 Christmastime 43:19 circumstances 113:14 citation 27:21 citations 27:6 143:2 city 12:24 38:1, 2, 5, 10 39:1, 16 40:2, 3, 7, 14 41:1, 3, 16, 20 49:3 60:11 65:3 142:23, 24 Civil 1:3, 13, 19 142:12 claims 5:11, 18 CLARK 151:3, 19 Class 21:19 25:25 123:1 classes 21:22 clean, 130:24 clear 70:4 71:6, 13, 13 73:6, 18 74:9 75:2 83:22 86:18 103:9, 12 114:20 115:1 132:23 clientele 54:18 56:10 clients 10:8 clip 93:4 clip-on 92:17 93:14
--	--	---	--

<p>close 22:9 24:12 102:20, 25 103:2 closed 108:3 closer 81:18 close-up 24:2 cock 75:20 cockeyed 101:7 code 13:18 148:18 cold 71:16 collision 105:12, 25 139:8 color 9:11 COLORADO 1:1 3:9, 14, 19, 23 4:12 6:22 18:18 26:13 38:6 44:6 64:24 65:1, 12, 20, 22, 23 66:10 68:12 70:18 81:19 116:6, 25 117:1, 2, 3 122:12 124:8, 21 126:4 column 87:9 combination 115:23 116:3 119:4, 18, 19, 21, 22 120:5 127:23 Combinations 4:22 120:18 come 25:16 33:14 43:3, 14 48:23 64:2 69:19 73:7 74:13, 15, 21 75:10 90:15 97:5 102:1 103:8, 12 110:4 133:16 136:11 comes 59:5 115:10 136:25 138:24 coming 37:24 41:2 49:21 66:17 68:13 69:20, 25 70:2, 25 96:21 100:20 104:1, 3 106:24 114:1 122:7, 9 124:17 132:7 Commercial 4:23 18:11 26:8, 15, 23 28:3 53:20 54:13 75:11 129:4</p>	<p>136:23 137:8, 15 138:22 140:22 141:4 commercially 26:14 commits 122:25 common 14:4 commotion 73:11 communicated 131:17 companies 17:16 28:11 58:19 COMPANY 1:20 3:20 4:11 11:24 15:2 26:20, 22 28:14, 16 29:5, 9, 16, 20 30:3, 9, 17, 23 31:2, 6, 10, 18, 23 33:19 34:14 36:9, 15 37:8, 12, 16, 19 51:10 57:23 58:19, 23 71:20 82:5 compartment 48:21 compartments 48:21 complete 97:5 151:11 completed 97:16 comply 140:15 component 122:1 Composite 4:13 28:15 36:10 68:18 70:11 117:11 129:21 concern 67:17, 19 concerns 108:20 concluded 150:4 concludes 150:1 condensed 148:25 condition 20:17 127:1 conditions 25:14 32:9, 13 144:7, 9, 11 confusing 8:19 Congratulations 15:21 connect 93:14 119:5 connected 79:3, 8,</p>	<p>24 consequences 125:7 consider 10:17 considered 26:15 124:7, 13 125:25 128:17 Consisting 4:11 150:2 CONSOLIDATED 1:8 Conspicuity, 130:22 contact 43:17 47:9, 15 148:14 contained 73:13 contractor 151:14, 15 contracts 31:23 control 31:15 131:15 controlled 77:19 79:6 controlling 79:1, 23 conversation 113:23 convicted 28:2 convictions 28:7 cops 73:12 Copy 4:10 147:18 148:23 149:6, 16 cord 87:23, 25 119:5, 6, 16 corner 69:21 83:5, 5 85:9 140:4 corners 80:23 81:1 137:19 138:13, 15 139:16, 17, 20, 23 140:2, 8, 14 corporation 29:8, 17 corrals 31:21 65:7 correct 14:16 41:23 49:20 52:7 57:17 58:13, 14, 21 75:5 80:12 91:12, 14, 17 100:6 107:10 136:15 cost 147:12, 15 counsel 5:12 7:6</p>	<p>8:7 151:14, 16 counselor 55:18 Counterclaim 3:9, 15, 15 5:22, 25 6:5 County 14:22 151:3, 19 couple 33:21 43:15 92:14 136:19 144:16, 22 145:2 course 19:13 32:20 79:12 COURT 1:1 2:9 5:6, 13 7:8, 20 11:9 14:2, 8 98:18 99:9 106:8 122:20 146:22 151:3 cover 14:1 covered 13:11 47:10 covers 26:5 Craig 65:23 cranked 99:20 crash 32:22 37:4, 13, 25 42:22 43:4, 12 45:15, 17 46:19, 25 47:4 49:9 65:18 85:11 87:6 91:25 105:21 107:3, 9, 13 108:15 109:24 110:7, 10 111:3, 12, 19, 22 112:21 113:2, 8, 25 114:14 115:2 139:20 crashes 27:25 crawl 74:25 75:1 90:17 Crawling 88:4 create 139:8 140:11, 19 created 131:25 creating 139:3 credibility 10:12 crew 31:8 cross 35:25 cross-complaint 5:9 CRR 2:24 CRR,RPR,CCR 151:22</p>
--	--	--	---

crunched 105:16, 22
cup 104:15
current 13:13, 15
currently 25:11
cut 74:7 98:15
 138:15 139:17
 140:4, 14
cuts 137:18 139:20
cutting 138:13
 139:16, 22 140:2, 8

< D >

daily 147:15
damage 108:18
damaged 82:23
 85:11
damn 95:1 96:25
 97:9 138:5
damn, 96:25 99:23
Dan 5:14 19:4, 5
 42:10
danger 140:12
DANIEL 3:2
dark 22:14, 14, 19
 23:25 24:12
darken 22:18
 24:10
dash 72:15
dashboard 86:15
 87:10, 12, 12
date 12:19 49:12
 145:6
Dave 5:8 11:19
 150:2
DAVID 1:5 2:7
 4:1, 10 6:12, 20
 63:8, 14 106:17
 151:7
D-a-v-i-d 6:20
Davis 56:4, 11
 57:14, 18, 23 58:7
day 36:13 39:11,
 16 40:19 41:13, 18
 49:9 65:5 71:5,
 11 118:7 121:2
 136:15 151:20
daylight 41:10
days 147:7, 11, 11,
 16

deal 11:9 24:3
 55:24 56:8 62:11
 73:12 75:7 78:9
 94:14 102:1
 107:19 113:5
 120:21 126:13
 135:5 136:5
deals 64:11 72:7
 132:14
dealt 40:18
deceased 45:20
decided 43:1
deciding 42:25
deductible 145:9,
 11, 12, 13
Defendant 3:15, 15
 5:22 145:2
Defendants 1:8, 12,
 18, 25 3:6
defense 5:17
definitely 8:9
degrees 114:21
Denver 3:9, 14, 19
 30:20 59:24
 138:5 146:1, 2, 4
Department 4:24
 129:6
depending 147:14
deposed 44:10
 45:20
DEPOSITION 1:5
 2:7 4:8, 9 7:4
 8:4 9:5, 9, 15
 10:25 12:3, 13
 36:10 44:25
 55:23, 25 56:6
 63:8, 14 68:20
 106:17 112:13
 150:1, 4 151:5, 11
describe 31:5
 80:19
described 73:24
 91:7 119:20
Description 4:7
 44:20
designated 104:2
destroyed 46:18
 85:4
details 34:4
determine 10:12

devices 123:20
diagnosed 43:19
Diana 46:20
died 43:18, 19
Diesel 43:10
 54:18 59:12 96:5
 102:25 104:4, 8
 111:24 121:12
difference 147:12
different 9:8 21:7
 24:8 31:21 35:7
 65:8 86:17
 127:10 130:5, 7
differently 130:1,
 12, 18 144:10
difficult 7:22
direct 83:23
 113:20 124:19
directed 70:10
direction 95:4, 6, 7
directly 84:17
dirt 62:3
disabilities 25:12
 32:13
disabled 37:19
 52:20 57:17, 20
 70:14 72:24 78:3,
 11, 20 79:3, 6, 23
 81:19 89:16 93:5
 115:22 130:2, 11
 131:3
disagree 10:7, 11,
 15 125:14, 23
 136:19, 22 137:6
 138:22 139:2, 6
 140:10, 18, 21
 141:8, 14, 18 142:2
discussion 13:6
 19:2
disintegrated 114:8
Disk 63:7, 13
 106:16
disks 150:2
disregard 125:8
distance 137:11
distracting 106:4, 8
DISTRICT 1:1, 1,
 2
ditch 50:16 95:8
 100:19, 20, 21

103:24
divider 95:8
divorced 16:4
DMV 142:24, 25
Docs 20:4 21:15
doctor 22:25 23:3,
 8, 23 24:23
doctors 23:13
Document 4:15, 16,
 18, 19, 21, 23 28:24
 44:8 116:9
documents 12:5
 28:22 29:1 44:16
 69:1
doing 7:14 26:15
 31:13, 17 32:20
 33:2 51:3, 3
 55:16, 23, 25 58:1,
 18, 22 62:12, 13
 72:6 76:3 78:14
 88:1, 3, 18, 19
 89:17, 18 90:3, 4,
 10 108:22 109:11
 130:7 131:21
 137:8 141:9, 15
dollar 145:12
door 48:23 74:2,
 14, 14, 15 75:5, 6,
 10 90:15
doors 107:24
 108:3
DOT 24:24 28:17,
 17, 18 34:9
double 43:3
doubt 35:21
downhill 95:16
drew 134:14
drinking 104:15
Drive 2:12 21:6
 26:1 35:24 39:2,
 9, 14 41:6, 13, 18
 49:3 65:25 66:2,
 14 91:23 109:16
 115:20 117:8
 125:5, 16 126:1
 137:17 144:6
Driveaway-Towawa
y 4:22 127:20, 23
 128:14, 17
driven 26:8, 16
 60:13 101:14

driver 26:23 27:6, 16, 23 28:3, 12 30:11, 12 31:4 33:5, 9, 11, 18, 19 34:2, 23, 23 36:15, 16 38:7, 9, 18 42:17 43:22 45:25 46:1, 8, 9 49:24 50:9 65:24, 25 66:22 74:14 75:11 76:6 94:7 96:22 97:15 110:14, 22 111:8 112:10, 15 113:20 115:16 116:15, 17 117:5 120:23 121:9 122:13 125:4, 7, 11, 15 126:15, 24 129:9 130:10, 17, 18 134:8 136:20 137:8, 18 138:22 139:20, 21 140:1, 7, 10, 12, 18 141:1, 4 142:11 143:7, 12 144:9
drivers 33:6, 10, 23 34:7, 8, 8 35:2, 11, 17 36:3, 4 42:2 66:11 117:17 118:10, 20, 21 126:1 131:25 132:24 136:24 138:14, 17, 23 139:2, 4, 6 141:5 142:13
Driver's 4:10, 15 18:6, 8, 11 19:8 38:4 46:4 67:25 75:8 116:6, 6, 22, 25 117:1, 12 125:7
drives 30:10 48:4
driveway 102:24 103:1, 5, 5, 8 111:23
driving 28:4, 4 30:19 33:14, 15 36:16 39:8, 12 40:11 64:23 66:11 96:22 101:17, 22 112:11,

18 115:12 135:14 136:3 138:18 139:18
dropped 42:12 98:7, 11, 12
drove 18:21 39:4, 11 41:8, 15 117:10 131:13 138:8
Drug 34:11, 13
due 123:18 125:5, 17 126:1 133:19
DUI 28:3, 8
duly 6:13 151:3, 9
duties 39:6
duty 123:17, 18 125:5
DVD 147:23 148:3, 3 149:3
DWI 28:3, 8
< E >
earlier 70:14 93:20
early 49:5
easier 48:22
easy 60:8
eating 42:25
edge 97:3, 4 130:14
effect 93:13 131:20
eight 20:20 61:3, 15 76:23
Eighteenth 3:8, 18
either 15:9 16:23 28:2 45:15 47:12 65:24 66:12 87:14 89:9 93:17 103:23 108:1 112:19 118:3 119:11, 15 135:15 149:16
electric 120:12, 15, 17
electrical 72:23 77:11 78:3, 10, 19 79:1, 5, 21 83:12 119:5, 6 126:21
eliminated 24:11
else's 148:10

e-mailing 17:21
e-mails 98:14
Emergency 4:19 124:7, 13, 22 125:4, 11, 16, 25
employee 26:23 30:3, 16 31:3 51:22, 25 53:7 57:23, 24 58:1, 5, 10 151:14, 14
employees 29:13 30:4
employment 18:20
endanger 140:23 141:3
endorsement 21:3, 11
ends 119:13
engage 86:3
engaged 80:20 95:18, 19
engages 86:19
engine 49:20 95:12, 16, 23
engineers 61:20
Englewood 3:23
English 139:19
Entitled 4:15, 19, 21, 23 10:8, 12 35:3 144:16
equipment 123:19
equipped 21:5 92:17 95:25 122:2
especially 45:12
ESQ 3:2, 6, 12, 17, 20
Estates 2:11
estimate 8:2 68:1 91:24 109:24 111:18
et 5:10, 11 119:24
eTran 147:18 148:24
events 6:24 89:5 137:25
eventually 39:14 91:18 110:4
everybody 62:20 63:4 97:20 99:1 106:7 107:9 122:7 125:12

136:7 138:16 141:7 147:2, 20 149:20, 22
everybody's 149:13
exact 49:12 54:23, 25 149:8
exam 23:5, 7, 8, 19
Exam, 20:3 21:12
EXAMINATION 4:1 6:15 144:23
examined 6:13 28:24 69:1 116:9 151:7
examiner 32:4
example 9:10, 13 119:23 142:16, 17
exception 126:22
Exceptions 4:19 124:22
exhaust 95:13 139:7
exhibit 12:5, 13, 17 19:20, 23, 24 28:15 36:10, 11, 19 44:3, 25 68:18, 25 69:23 70:11 81:17 83:19, 20 84:8 108:11 114:23 117:11, 12, 15 121:24 122:11 123:10, 11 124:3, 4, 20, 23, 24 126:8, 9, 16, 19 127:17, 18 129:21, 22 130:21 131:24 136:16
EXHIBITS 4:6 12:16 148:25
exited 75:4
expect 78:10, 19, 25 79:9, 21
expectation 79:7
expected 79:9
expedite 147:10
expedited 147:8
experience 78:2 136:21
explain 23:23 134:12
explained 10:23 72:12

extra 92:16 93:4, 14
eye 20:11, 13, 14, 15, 17, 23, 25 22:12, 25 23:3, 5, 6, 8, 19, 20 133:23, 25
 134:1, 1, 9, 10, 16 135:12
eyewitness 47:3
eyewitnesses 111:11
 < F >
facility 40:1
facing 81:9 86:15
fact 77:21 138:4 148:11
fail 117:18
fair 8:25 39:13 44:19 58:6 90:19 91:6 99:1, 8, 13
fairgrounds 60:11 109:6, 20, 21
fall 74:5
familiar 7:10 44:19 65:14 115:9
familiarity 65:20 117:1
far 46:14 48:9 50:13 53:9 61:17 68:6 101:10 103:21 111:17 130:7
Farkash 3:4
FARM 1:19 3:20 19:15 117:8, 9 145:4, 7 146:19 148:11
fast 20:18 67:9 73:21 96:7
fasten 119:7
fault 139:24
Federal 4:24 20:21 28:16 34:17, 20, 25 35:3, 22 78:1 115:6, 9, 24 118:4, 12 126:6 128:16 129:6 134:22 142:14, 18 143:8, 11

feel 8:11 25:8 104:13 131:18
feet 64:12, 12 101:3 102:2, 2 106:2 111:23
felt 102:8 104:12
field 134:16
filters 66:5
final 126:7
finally 62:15
financially 151:15
find 55:2
Fine 3:4 63:5 98:20
finish 27:3
finished 39:14
First 3:4 6:13, 19 7:2, 5 18:5, 16 25:17 26:25 30:7 39:9 44:22 56:23 60:8 69:22, 23 71:2 75:21 107:22 110:1, 2 123:2 126:18 134:19 138:21 144:18
five 8:12 15:22 16:1 37:17 46:6 52:6 59:22 62:21 97:8, 24 99:20 137:22
five-minute 106:10
fixed 133:4
flares 50:17 130:15
flasher 89:22
flashers 67:7 72:7 80:10, 16, 19 82:19, 25 83:1 84:19 86:4 90:21 91:2 92:25 118:15 131:12 132:4 141:23, 25
flashing 66:2 80:10, 21, 25 81:11, 13, 14, 16 82:2, 12, 14 83:3 84:17, 22 85:2 124:16
flat 75:17 76:19
fleet 52:9
flex 75:19

flip 17:13 64:22 66:7, 9, 22 68:22 73:7 86:5 87:4 95:13, 16 116:7 127:10, 11, 11 134:3 137:5
flipped 62:10 66:18 67:3 72:14, 17 73:2, 4, 5, 17 74:12 88:14
flipping 72:15 116:10
flips 86:25
Florida 3:5
fluid 52:9
follow 132:1
following 40:12
follows 6:14
forcing 132:24
Foreman 29:25 30:1, 1 52:2
forget 22:4
forgot 14:1 99:5
form 78:5, 6 88:15 121:3 124:9 125:19 128:20, 24 131:6 143:9
format 47:7
forward 12:2 18:2 99:10 101:3, 3
four 29:10 42:2 99:20 110:8 113:19, 21 147:11
fourth 30:2
frame 33:20
Fran 40:20
free 25:8 59:18
freestanding 54:8, 10
freeway 50:7
Friday 25:15
front 4:10 19:22 40:12 72:4, 5 74:4, 22, 24 80:3 81:7 86:13 87:19, 22 90:15 91:21 94:4 101:5 102:3 109:17 110:17 118:15 134:15
fuel 45:7

full 19:12 73:18, 23 75:7 90:13, 14, 16
fully 102:17 145:18
function 9:5 132:11, 18
functional 141:18
functioning 118:9 141:21 142:3
further 42:23 43:2 69:7 127:2 151:12
fuzzy 6:2
 < G >
Gaines 4:13 30:15 38:7, 12, 16, 18, 18, 23 39:4 42:4 43:17, 18 44:7, 12 45:2, 14, 19 46:9 47:10 60:13, 25 63:24 87:13 91:19 94:2 108:25 109:1 110:11 112:3, 7, 20 130:10 143:21
Gainesville 3:5
garage 43:7 48:10, 11 97:2, 3 109:13, 18 110:8 113:7, 13
gas 30:20
gasoline 62:3
gates 48:20 108:12
gather 31:11
gear 50:5, 6 59:5
gearing 66:8
gears 32:3 59:17
general 68:2
generally 25:14 34:4 61:22 64:25 116:19 142:11
George 16:16 25:16
getting 13:2 72:9, 16 88:9 94:23 97:1 98:14 100:3, 11 101:1 105:16 107:23 112:2 113:20 132:8

133:2 136:12
 138:21 144:9
give 9:1, 20 14:6
 22:4 25:2 40:16
 55:10, 24 78:17
given 10:4, 25
 12:12, 13 15:25
 67:17 133:23
 134:15
gives 34:1
giving 56:23
glanced 133:11
glasses 22:5, 6, 8, 9,
 14, 19, 20, 22, 24
 23:24 24:1, 3, 6, 12
go 7:16 10:21
 12:2, 11 13:1
 19:21 20:21
 22:14 24:23
 25:10 32:4 34:12,
 23 36:8, 13 39:9,
 10 42:14 43:2
 46:6 47:21 48:24
 50:5 55:14 59:5,
 7, 19 60:2, 2 61:13
 62:6 65:7 66:5, 6
 67:14 72:4 73:21
 74:24 75:20
 76:22 77:1 78:7
 79:12 87:14, 17
 88:10 92:7, 11
 99:10 106:7, 10
 107:23 109:21
 110:21 112:23
 115:5 120:7, 21
 121:22 122:6
 124:14 125:20
 127:9 131:9
 134:20, 22 136:14
 137:11 138:6
 139:13 144:18
 145:23 146:14
goal 8:17, 18
goes 24:10 33:16
 38:17 67:6 77:14
 119:16 127:2
 143:14
going 7:2, 24 8:9
 9:1 10:24 12:2,
 11 13:1, 3, 4 14:7
 15:23 18:23, 25

19:21 22:3 25:5,
 15 28:14, 21 32:3
 33:3 37:25 38:3,
 19, 24 39:8 41:17
 43:1 44:1, 24
 45:10 48:7 50:15
 60:8 62:19, 19, 21
 63:1, 2 66:1, 7
 68:5, 6, 17 69:16,
 16, 21 71:13 72:16
 73:20 74:10, 11
 76:18 77:2 78:22
 79:15 81:17
 83:18 91:9 92:24
 95:4, 16 96:7
 97:2, 8 98:2
 99:11, 20 101:23
 103:11 104:14
 106:7, 8, 12 107:2
 116:5 117:11, 24
 118:14 122:14
 126:11 129:3, 18
 133:17 135:2
 136:18 137:11, 13,
 17 138:6, 9, 11, 19
 139:12, 13, 14
 144:3
gonna 46:11 59:7
 60:9 72:8 94:7,
 10 95:1 97:1, 10
 99:24 133:10, 18
 137:21, 22
Good 6:17 9:24
 10:10 35:23 63:6
 83:9 121:2
gotten 27:6, 21
 103:17
gov 28:17, 18
government 34:24,
 25 142:14, 18
 143:8, 11
Grand 30:20 41:5,
 16
green 9:11, 13, 16
GREENBERG
 3:20, 22 19:5, 5, 9,
 13, 14 40:23 42:11,
 12 98:23 146:18
 148:11, 12, 14, 21
 149:24

G-r-e-e-n-b-e-r-g
 19:14
GREGG 3:12
 5:23 6:1, 3 98:3,
 7, 9, 10 146:14, 15
 149:15
ground 18:1 31:8
 54:4
group 23:12
 68:19, 20
guardrail 103:11,
 24
guardrails 100:22
guess 29:25 40:23
 67:13 78:13 89:4
 93:1 98:10 112:2
 121:8 131:10
 140:9 148:6
guessing 64:6
Guide 4:20, 21
guy 106:7 109:10
 144:2
guys 74:10 78:16
 < **H** >
habit 24:5
half 87:2, 2
Hampden 3:22
hand 12:2 44:2
 151:19
Handbook 4:15
 36:3 116:7, 22, 23,
 25 117:1, 12, 14
handbooks 116:17
handed 81:22, 24
handing 44:5
handle 11:21 31:7
 98:17
handled 50:20
hands 75:1
happen 32:20
 49:13 111:6
 137:21, 22
happened 6:22
 10:9 15:23 23:20
 24:18 33:22
 37:25 38:11
 42:22 45:3, 4
 46:19 47:5 49:6
 60:14, 18, 21 62:7
 65:18 72:1 80:6

89:17 90:5 91:25
 92:11 106:3, 3
 107:3, 9 128:15
 135:4 137:25
 138:11 143:18
happening 45:16
 49:10 65:17 92:3
 109:4
happens 134:19
 138:8, 20 139:9, 20,
 22 140:1
hard 8:1 14:2
 61:25
haul 42:1 61:7
 65:3, 10 85:22
hailed 65:6, 9
hauling 30:20
hauls 64:24
 115:15
hazard 64:9, 22
 66:7 67:2, 7
 86:19 88:20
 118:1, 5, 7, 14
 139:4, 8 140:11, 19
hazards 64:20
 66:1, 2, 11, 24
 67:18, 20 71:19
 85:23 86:4, 19
 88:14 89:8, 16
 90:6 108:2
 117:19 131:25
 132:3
he, 97:13
head 7:23, 25
 31:24 105:17
 135:1 142:25
headed 38:2 89:1
health 140:23
 141:3
hear 7:17 10:17
 96:8, 14 104:25
 105:4, 9, 12 113:16,
 25
heard 46:11 71:12
 94:6 104:12
 113:8, 9, 17, 23
hearing 24:14, 14,
 17, 21 108:16
 113:4
heart 24:21

heavy 61:23 62:4 107:4	Hold 36:17 43:24 70:6 97:19 98:3 99:2	< I >	infraction 123:1 142:12
heavy-duty 26:17	holding 22:1 35:3 65:7 104:14	identified 70:14	injured 32:17 139:21
he'd 30:18 39:9 55:20 74:25 90:17 99:21 103:8 138:5	hole 133:12	illnesses 25:12 32:12	injuries 32:13, 23
held 18:1	home 13:13, 22, 24 14:14, 16 15:24, 25 16:23, 24, 25 138:19	immediately 33:17 142:15	inside 48:22 67:24 86:7, 15 88:19 89:11, 18 90:4, 22 92:4 95:25 96:8
helicopter 11:9 31:8	homes 15:10	impact 94:11 102:8 105:2, 5, 10, 25 106:3, 25 113:10	insinuating 137:3
hell 46:11 94:7, 9 111:10	hook 72:5 74:22 78:9 87:17 92:25 121:17 138:5	impartiality 151:17	inspect 119:20, 22 120:7
he'll 8:10	hooked 7:1 45:6, 7 67:5, 9 72:4, 22 74:23 77:18, 20 78:2, 11, 21 86:13 93:5 104:19, 20 115:21 116:4 120:8 121:5, 10 131:13, 15	impeachment 9:10	Inspecting 119:19
Hello 98:9	horns 105:9	important 10:16 61:21	inspection 75:12, 15 76:2, 7, 12 77:10, 24 115:19, 19 120:11, 16, 22 121:1, 5, 10 122:1 136:10 137:9
help 7:10 141:8, 15	horse 60:6 77:5 80:11 81:10, 19 85:21 121:18	impressive 48:1	inspections 76:14, 25 115:11
helped 48:17	horses 11:12 31:11, 14, 19 38:2 39:23, 24 40:16 42:1 48:15, 16 60:4, 10, 18, 24 61:2, 7, 14, 14, 15 62:1, 2, 7 63:18 65:6 73:13 77:4 85:22 107:21 108:3, 8, 15 109:7, 8 130:6	incident 128:16	instant 89:12
here, 90:13 138:10	hot 71:16	incidents 65:17	instantaneous 59:6
hereunto 151:19	Hotel 2:11 106:9	include 77:11 128:4	instantly 94:11 110:3
Herpes 20:15	hour 8:13 58:2 66:6 67:14 73:20 93:21 97:8 99:21	included 128:8 89:10 90:4, 22 131:4	Insurance 72:10, 13
Hey 8:12 9:15 25:7 55:21 97:22 98:10 131:19	hourly 58:10 115:20	including 88:19 89:10 90:4, 22 131:4	insured 145:6
high 133:16	hours 8:3 39:9, 10 59:22 106:18 115:20	Incorporated 15:3 26:20 28:20 29:6 31:10 146:5, 7	intended 45:8
Highland 2:11, 12	house 54:11	independent 58:15 135:24 151:14, 15	interested 151:15
highlighted 36:20 123:15 125:1 127:22 131:24	hundred 131:22 137:18 147:15	INDEX 4:1, 6	interrupt 14:5
high-risk 32:21		indicate 70:7, 12	interruption 42:9
Highway 14:23 50:10 56:2 62:13 68:12, 16 95:4 109:5 110:3, 6, 18, 20 112:14, 15 114:5 140:24		indicated 32:9 49:19	intersection 49:23 132:24
highways 136:25 138:23 139:3, 8		Indicating 22:10 37:1 50:15, 16 69:11, 15 70:16 74:15 82:3, 13, 18 83:5 84:22 85:10 87:22 90:12 96:20 98:7 99:21 104:23 133:11, 13 134:6, 7 135:8	interstate 35:25 134:22
hill 66:8		individual 5:24 6:4 35:22	interview 111:3
hills 11:25		individually 69:17	intoxicated 28:5
hire 26:15 33:10, 10, 17 34:23 35:23		influence 28:4	investigated 46:25
hired 33:19		information 8:18 9:6 43:17 47:9, 13 148:14	investigating 111:2
history 19:8		informed 129:12	involved 9:12 11:16 27:23 30:3 34:4 36:23 37:4, 13 42:16 45:6 59:8 87:6 145:18 151:15, 17
hit 46:11 62:9 73:11, 14 94:7, 10, 12 95:1 97:1, 7, 10 99:24, 25 100:3, 11 101:3, 11 105:18 133:10, 18			involvement 39:6 45:12 48:9, 10

issues 24:14 25:18
34:24 83:13
it, 59:21
item 120:22
its 33:6, 23 35:1,
11, 17 95:14 124:7

< J >
jackknife 101:13
jackknifed 97:12
Jake 95:9, 11 96:1,
3, 9, 14 106:23
January 33:21
43:18
jar 105:22
JASON 3:6 5:17
68:19 78:5, 6
88:15 97:21, 22
98:14, 25 99:3
121:3 128:22
144:18, 19
JENNIFER 1:3, 10,
23, 23 3:2, 15 5:9,
10, 15, 21 145:1
JENSEN 3:17 4:4
5:20, 20 98:15
144:21, 21, 24
145:14 146:11
148:22, 24 149:2, 4,
8
jerk 22:15
 jerked 99:24 101:2
jiggle 120:19
Job 2:25 32:17
jobs 53:11
jogs 25:9
jolted 46:15
Judge 1:2 7:15
juicy 98:2
July 29:11, 14
jump 137:17
jumped 64:1
Junction 30:20
41:5, 16 68:12, 16
69:2
jury 10:7, 11, 17
JUSTIN 1:14 3:2
5:15

< K >

KATHARINE
3:17 5:20 98:15
144:21
KAY 3:12 5:23,
23 6:3, 3, 9 63:5
98:9, 12, 14, 20
146:15, 15 149:15,
15, 17, 19, 22
Kearney 65:7
keep 12:15 20:22
30:5 47:19 84:1
99:11 115:15
129:12, 13
keeping 52:7
keeps 52:16 53:12
KENNETH 3:24
5:6
kept 52:14, 17
98:5 101:11
kind 50:1 68:3
95:22 148:3
kinds 92:23
knees 75:1
knew 54:17 63:25
72:25 76:3
knocked 62:8
83:9 104:19, 21
know 8:6, 8, 10, 19
10:8 14:7, 21
16:17 17:9 22:12
23:10, 14 25:8, 9
27:12 28:12, 22
33:13 34:3, 3, 6
35:16 36:1, 2, 5
37:18 40:21
41:15 42:19
45:11, 13 46:20, 22,
24 48:2, 2 49:12,
21 51:6, 6, 7 52:2,
7, 19 53:4, 10, 12
54:1, 14, 22, 25
58:17 60:23 61:6,
24 62:20 65:4, 24
66:10, 17, 19, 21, 21,
22, 24 67:9 68:23
69:11, 17 70:17
71:20 72:20, 21, 25
73:8, 8, 17, 23 74:5,
6 76:7, 11, 16, 22,
23 77:18, 23, 25
78:16, 22 80:1, 9

81:5 83:15 85:11
86:6, 8 87:20
88:23 89:7, 15
90:2, 24, 24 92:10,
23 93:1 94:11
95:9, 19, 22, 25
96:19, 24 100:16,
17, 25, 25 101:4, 22
102:2, 4 103:2
104:1, 17, 18
107:12, 16, 18, 19
110:5, 19 111:6, 11,
15, 21 112:2, 5, 7, 9,
9, 11, 13, 14, 16, 24
113:5, 9, 11, 12
115:13, 23 116:10,
13 118:2, 3, 6
120:5, 23 121:8
124:6 126:10, 11
128:10, 12 130:20
131:7 134:18
135:19 136:8
138:8 139:9
140:4 141:9, 15
142:12 143:1, 3, 4,
11, 21, 24 144:1, 2
145:23 146:3, 8
147:19
knowing 88:23
knowledge 25:19
28:10 45:21
47:16 65:17
72:21 77:25
136:20
known 7:18 9:10
11:18 26:16
53:24 59:7 77:15
92:16 106:22
116:16 129:4
knows 132:7 133:4

< L >
lack 22:25 101:7
laid 68:14
Lamar 6:22 38:3,
4, 16, 22, 23, 24
39:1 49:3, 17, 22
50:7 59:11 65:12
68:13, 15 70:22
104:7

Lamp 127:3, 13
141:19, 21 142:3, 5
Lamps 4:20, 21
123:16, 16 126:20,
22 127:19 128:4
141:8
lamps, 126:19
Land 11:11 31:11,
25
lane 50:14 64:19
94:25 102:12, 12,
13, 15, 18, 19 104:1,
2, 5, 6 114:6
124:18, 18 133:18
lanes 50:15, 16
95:3
lap 90:13, 14
Las 148:20
Lastly 129:3, 3
136:18
latch 48:23 119:7,
14, 15
Laura 16:9, 19
LAURSEN 3:24
5:6
law 31:16 67:18
124:8
laws 65:21 66:11,
13 118:12
lawsuit 11:3, 8
lawsuits 11:16
lawyers 8:20
144:15 146:13
lax 136:6
laying 77:7
lead 92:10
leader 63:25
leading 137:25
learned 135:9, 12
leave 17:23 34:6
39:16 62:19
121:22
leaving 120:24
left 7:25 23:20
39:18 40:6, 9
41:20 49:5 63:16
67:10 75:7, 8
80:17 83:25 84:8,
11, 24 86:24 87:15
90:25 91:12
100:13 102:12

104:2, 3 115:2
 126:5 132:21
 133:21, 23, 24
 146:1
left-hand 100:12
 103:2 124:18
leg 32:19
Legal 2:9 3:25
lenses 22:16
levels 52:9
lever 86:5 87:4
levers 72:15
License 4:10 18:6,
 8, 11, 17 19:8, 17,
 23 21:25 25:22, 22
 26:5, 8
licensed 61:13
 151:5
licenses 21:23 27:4
life 10:25 11:3
 65:22
lifetime 18:8
lift 81:3
lifted 81:3
lifting 81:5
light 9:16 61:23
 62:1, 1, 4 82:1
 83:6 84:7, 11
 86:16 92:24
 107:4 127:11, 14
 132:10
Lighting 130:22
lights 64:9, 22
 66:7 67:3 72:16,
 16, 17 73:3, 5, 15,
 18 74:12 75:16
 76:15, 16, 16 77:2,
 3, 19 78:24 79:1, 2,
 6, 23 80:8, 12, 13,
 14, 15, 20 81:9, 10,
 11, 12, 12, 14, 15, 15
 82:9, 14 83:3, 8, 9,
 13, 17 84:16, 18, 19,
 24 85:2, 3, 5, 5, 12
 91:4 92:17, 23
 93:4, 13, 15 118:1,
 4, 5, 6, 8, 10, 10, 15,
 22 119:24 120:21
 123:24 124:7, 16,
 16 126:25 127:5, 6,
 8, 8, 9, 12 128:3, 8,

11 130:23 131:3, 4
 132:14, 17 142:1
 143:6 144:12
limit 61:17 66:15
limited 32:9
line 11:10 35:25
 77:13 98:13
 102:20 104:20, 21
 125:19 128:24
 131:24 134:14
 141:6 144:18
 146:17
lines 75:19 76:18
 77:3, 11, 12 78:10,
 19 79:1, 5, 21
 120:12, 15, 17, 19
Lines, 119:5
lining 12:14
list 33:3 120:10
listed 53:25 54:1
listening 50:2
litigation 11:16
little 6:2 7:3 27:1
 62:23, 24 63:2
 99:19 101:6
 103:21 108:18, 19
 115:6 134:18
 135:11 136:5
live 13:24 15:1, 23
 16:15, 19 117:3
lived 13:20 65:22,
 23
lives 15:9 38:23
Livestock 4:11
 15:3 26:20 28:19
 29:6 31:10 32:1
 33:4, 23 35:1, 16
 37:5 42:2 50:20
 57:24 145:5, 9
living 117:2
LLC 1:7, 11, 17
 3:6, 8, 11
LLP 3:12
load 48:15, 17
 60:4, 23 61:23, 23,
 25 62:1, 2, 3, 3
 66:9 141:1
loaded 38:1 39:18
 40:4, 9 67:15
loading 39:22

40:2 41:1 48:15
loads, 126:23
located 43:11
 54:5 55:3 86:14
 87:9
location 80:17
log 115:16, 18
Logan 25:1
Logandale 13:15
 16:25 17:1
logistical 7:19
logistics 7:3 14:2
long 13:20 15:18
 27:12, 22 30:16
 31:17 32:20 49:2
 64:3 91:24 93:14
 102:1, 7 108:7
 109:23 115:13
 117:3 137:1, 2, 4
 138:25
longer 8:3
look 28:22, 23
 35:5, 9 36:18
 50:4 76:21 77:7
 80:2 91:15 96:23
 99:22 101:18, 23
 116:6 123:24
 141:6
looked 99:21
 100:24 108:19
 133:8
looking 68:1, 2, 4,
 5, 9 69:4, 13 81:8
 84:17 94:8, 8, 24
 99:22 100:2, 9, 10,
 15 101:20 102:4
 108:15, 17
looks 21:19 35:8
 69:2, 9 82:1, 11, 11
 84:9, 12 97:20, 22
 120:9
loose 59:5 85:13
 119:13 120:19
lose 20:13 66:4
 73:13 75:24
loss 20:16
lost 20:11 40:23
 97:20, 23 130:13
lot 20:19 54:18
 65:3 66:4 85:13
 99:19 111:10

115:13 120:6
 124:16 134:24
 136:7 138:2, 7, 8
 144:8 146:23
loud 105:21
lower 132:21
lunch 38:4, 14, 19,
 21 42:25
lunch, 47:24
LYNN 1:23, 23
 < M >
machine 23:16
magnetic 92:16
 93:4
main 59:17, 17
 60:4 120:20
maintain 117:18
 134:21, 22
maintained 51:11
 53:17 56:7 58:18
maintenance 50:21,
 23 51:3, 20 52:14
 57:16, 19, 25 58:1,
 11 59:3 132:9
major 32:18, 19
 121:19 122:8
making 7:17
 17:17 97:10
 100:14, 17 101:11,
 17 102:23 103:16,
 22 133:7
man 114:9
Management
 11:11 31:12, 25
manager 29:19, 23
 30:1 34:15
Manual 4:23
 33:25 35:2, 18
 116:22 129:5
manuals 33:24, 24
 116:17
Manuel 47:1
marathon 8:2
March 1:6 2:8
 5:1, 4 29:12, 14, 15
Marilyn 2:24 5:7
 148:16 151:3, 22
mark 44:1 69:16,
 17 117:11 123:9

124:2 127:17
129:20
marked 12:17
19:24 36:11 44:3
68:17, 25 83:20
117:15 122:14
123:11 124:4, 24
126:8, 16 127:18
129:22
married 15:19
26:25
massive 31:14
materials 33:24
math 61:5
Matsch 1:2
matter 65:25
105:2 147:1
MCS-150 36:20
mean 10:1 20:9
21:4, 12, 15 57:25
62:2 66:15 68:6
70:1 82:16 83:9
89:22 107:7
111:8 117:8
118:17 125:2, 15,
24 127:8 129:15
133:19 134:12
135:3 141:2
meaning 118:18
145:8
means 13:2 21:16
117:23 119:9
120:3, 15 122:5
123:3, 23, 24
125:10, 11 127:4,
22
measure 129:17
mechanic 50:22, 24
51:8, 16, 17 52:11
53:4, 9, 14, 19 54:8
57:19 58:18, 22, 23
mechanic's 51:5
mechanism 106:21
Med 20:4 21:14
medical 21:17
25:14 32:4, 9, 13
medications 9:20
medium 107:4
meet 38:24 47:4
memories 45:3
memorized 48:1

memory 6:23
25:9 27:5 45:21
67:16 68:13
82:24 84:16 87:5
90:3 93:20 95:24
103:14 135:15, 25
mentioned 46:7
merged 99:2, 5
Mesquite 2:13 5:1
25:1
messages 17:19
middle 50:17
134:4, 5
mild 71:16
mile 43:5, 15 50:7
68:7, 10 138:3
Mileage 36:20, 22
miles 37:18, 20
43:15 48:12 49:3,
22, 24 66:5 67:13
73:20 93:21 97:8
99:20 137:13, 18
139:12
military 18:3
mind 25:6
mine 56:17
minimize 132:1
minimized 140:12,
17
minute 42:20
78:17 79:13 99:23
minutes 8:12, 13
46:6 55:17 62:21
63:3 64:6 76:24
92:2, 3 93:19
97:25 108:9
109:8, 25 110:5
112:21 137:22
mirror 21:5 91:12
94:9, 24 100:4, 6, 8,
9, 13, 15 133:5, 8
135:17
Mirrors 20:8, 10
21:4, 7, 9 80:3
91:11 101:15, 21
135:16, 21, 23
136:2
Mirrors, 20:2
Mock 30:5, 9
40:11 42:5, 7, 16

43:17 47:10
M-o-c-k 30:8
model 85:15
moment 13:2
24:14 27:2 68:22
months 15:2
145:22
MORGAN 1:14,
24 3:2 5:16 46:22
morning 6:17
41:7 48:14 49:15
121:2
Motor 4:24 6:21
25:22 27:25
28:16 34:17, 21
35:4 36:13 78:1
115:6, 9, 24 126:6,
21 128:16 129:6
136:24
Motorists 117:18
140:23 141:9, 15
move 8:14 18:2
106:10
moved 94:13
movement 122:24
123:5
moving 142:11
143:2, 13, 14
Murray 3:12
Musat 3:17
MUTUAL 1:19
3:20
< N >
name 5:14 6:18,
19 11:19 15:16
16:11 19:12
23:10 25:2 30:7
38:17 40:17, 20, 21
42:19 44:6 51:5,
7, 9 52:4 53:13, 23,
24 56:3, 5, 10
71:23 146:3
named 51:16
names 16:8
narrow 33:2
Nashville 38:3
60:5, 15
Nebraska 65:7
necessarily 34:3
118:17

need 8:8, 12, 12
10:3 22:8, 13
55:8, 12, 21, 24, 25
56:14, 18 62:22
65:6 66:18, 23, 23
83:23 118:1, 21
129:13 136:14
139:15 148:14
needed 40:5 55:2
56:11 87:25
130:2 145:24
needlessly 140:22
141:3, 4
neighborhood
68:21
Neither 149:4
Nephi 13:25
14:18, 20, 22, 23
15:7 23:10 50:22
51:14, 15 55:22
56:1
Nevada 2:13 4:10
5:1 13:15 18:15
25:3, 4 26:13
27:20 36:1, 2
142:23, 24 148:20
151:2, 5, 19
never 10:22 20:19
46:15 54:16 56:8
61:13, 16 62:4, 16
74:11 94:12
104:19, 21 111:8
114:2 137:7
139:11 140:22
141:5
new 59:22, 24
76:1 83:6, 8
85:16 139:15
newer 87:3
nice 14:11 114:19
night 9:23 24:9
41:6, 8, 11, 21
118:7
nodding 7:24
noise 95:22
noon 49:15 114:22
Nope 105:11
130:4, 20
norm 137:17
normal 117:18
138:16

<p>normally 24:23 40:18 61:7</p> <p>Northeast 3:4</p> <p>nose 102:25</p> <p>Noted 129:1</p> <p>notepad 12:15</p> <p>notes 142:9 144:4 151:11</p> <p>Notice 4:8 12:3</p> <p>noticed 96:21 97:9 108:5</p> <p>NRCP 151:18</p> <p>Number 4:7 13:12 16:23 17:6, 15 31:14 36:25, 25 37:2 47:18, 25 55:1, 5 56:13, 14, 21, 23 57:3, 6, 8 63:8, 13 106:17 148:18</p> <p>numbers 17:9 43:16 47:11, 14, 16 56:20</p> <p>< O ></p> <p>Oasis 5:7 148:17</p> <p>oath 5:13 10:4</p> <p>Oberg 16:10, 19</p> <p>O-b-e-r-g 16:12, 13</p> <p>Obey 4:18 124:22</p> <p>objection 7:6, 7, 14, 15, 17, 18 121:14 125:18, 22 128:20, 24</p> <p>obligation 123:19</p> <p>observe 108:21</p> <p>observed 137:24</p> <p>obtain 148:15</p> <p>obviously 45:19 82:22 85:4 102:6 135:1</p> <p>occasionally 65:4</p> <p>occurred 7:1</p> <p>o'clock 39:19 41:21 48:14, 14</p> <p>October 23:6, 6, 9, 18</p> <p>office 15:5 48:2</p> <p>officer 34:15 111:2</p>	<p>Officers 4:18 29:17 44:11 46:24 124:21</p> <p>oh 20:20 29:23 43:21 46:11 54:12 59:17 61:5, 9 65:13 94:7 95:1, 20 96:25, 25 97:9 98:8 99:2, 23 115:19 117:4 129:10 138:9</p> <p>oil 52:8, 17</p> <p>Okay 6:8, 9, 21 7:2 8:24 9:3 11:15 12:9, 11 14:1 17:11 19:6 21:25 22:18 25:10, 18, 21 29:24 32:17 36:17 37:18, 23 38:7 39:13 40:17 41:19, 22 42:1 43:21, 23 44:10, 15, 19, 23 45:19 46:13, 19 49:8 51:22 54:4, 13 55:19 56:12, 17 57:13 58:3, 17 60:17, 22 61:19 62:14, 18 63:4 68:17 69:16 70:17, 23 71:18 75:3 76:11 81:8 83:18 85:8, 15, 23 89:4 91:17, 18 92:1, 3, 22 98:1, 6, 8 99:5, 12 100:9, 13 101:9 102:10, 16 104:10 107:6, 22 108:10 112:7, 12 115:18 117:5 123:2 124:1 125:20 126:7 127:16 129:1 134:1 135:2 143:12 144:14 145:17 146:8, 13, 20 147:2, 8, 17 148:7, 16 149:1, 12, 17, 20</p> <p>old 16:8 18:5 85:18</p>	<p>Once 33:19 39:14 109:3 134:21 146:1</p> <p>oncoming 64:17 133:3, 15 141:20 142:4</p> <p>One-Page 4:15, 16, 21</p> <p>ones 65:10 82:11 87:3</p> <p>Oops 97:19</p> <p>open 75:20 108:6 144:17</p> <p>operable 118:18, 22 130:24 131:5</p> <p>operate 26:19 29:6</p> <p>operated 51:12 58:21, 25</p> <p>operating 142:2</p> <p>Operation 4:22 29:23 127:3 128:2, 14, 17, 19</p> <p>operation, 127:21</p> <p>operations 20:19</p> <p>operator 123:17 136:24 137:15 140:22</p> <p>opinion 136:23</p> <p>opposing 132:24</p> <p>opposite 104:1, 3</p> <p>option 139:7</p> <p>optometrist 23:11</p> <p>order 147:20</p> <p>orders 147:3 148:10</p> <p>orientation 33:5, 9 34:1, 5</p> <p>orientations 33:12</p> <p>outfit 65:4 124:16</p> <p>Outside 20:2, 8 21:4 32:10 54:2 111:13</p> <p>overloaded 62:5</p> <p>over-the-counter 23:1</p> <p>Overton 25:1, 3, 4</p> <p>owes 136:24 138:23</p> <p>owned 37:5, 16, 19 51:19 54:5</p>	<p>owner 130:1</p> <p>< P ></p> <p>P.A 3:4</p> <p>P.C 3:17, 22</p> <p>p.m 150:5</p> <p>Page 4:1, 7, 19 117:17 119:3, 17, 17 120:9 121:24 124:25 130:21</p> <p>pages 4:12 28:18</p> <p>paid 31:23 145:10, 15, 16</p> <p>pair 24:11</p> <p>panel 86:20</p> <p>papers 21:17 40:16, 20</p> <p>paperwork 40:6, 8</p> <p>parentheses 36:21 119:23</p> <p>park 76:22</p> <p>parked 41:16 67:11 122:16, 23 123:5</p> <p>Parking 4:16 122:15</p> <p>Parlapiano 3:4</p> <p>Part 4:15 22:7 29:18 102:17 122:15 123:2 134:7</p> <p>participate 48:15</p> <p>particular 23:12 25:7 40:1 42:1 52:21 65:11, 18 66:12 87:5 95:19 111:5 128:7, 16</p> <p>parties 151:14, 15, 16, 16</p> <p>partly 18:22 117:8</p> <p>part-time 30:21</p> <p>party 11:2</p> <p>pass 74:12 78:18 90:16</p> <p>passed 31:16 43:23</p> <p>passenger 46:4 91:20, 21</p> <p>Patrol 4:12 44:6 62:13 81:19</p>
--	---	--	--

109:5 110:3, 18, 20
 112:14, 15 114:5
patrolmen 110:6
pause 18:23, 25
 79:16
paused 11:5
pavement 62:11
pay 31:25
payments 58:6
payroll 53:10
payrolls 53:8
Pearl 3:8
people 17:23
 18:22 29:8 30:2
 34:8 40:22 53:17
 54:17 56:10 59:1
 65:8 66:17, 23
 78:23 80:9 110:8
 111:9, 15, 22
 113:19, 22 118:2
 122:9 137:10
 138:4, 9, 18 139:10,
 18 146:23
people's 51:4
percent 131:22
 147:15, 16
perfect 71:6
perform 121:25
period 27:13
 29:12 33:22 117:6
permission 109:5
 148:15
perpendicular
 102:24
person 58:15
 113:11 114:9
 122:19, 22, 24
 123:4 151:15
personal 25:22
 65:16 72:20
personally 28:2
 72:25 80:16
persons 125:6, 17
 126:2
phone 7:7 8:7
 16:23 17:2, 3, 4, 8,
 11, 12, 13, 13, 15, 17,
 17, 25 42:8 43:16
 47:11, 12, 14, 16
 48:7, 9 53:25
 55:1, 5, 20 56:13,

14, 20, 21 57:3, 6, 8
 92:9 93:23, 24
 94:1, 3 98:5
 144:15 148:18
phones 62:20
phonetically 47:3
photo 69:23 70:7,
 12 81:18, 22, 24
 82:9, 22, 24 83:2,
 23
photocopy 19:20,
 22
Photograph 4:14
 70:11 83:19
photographs 4:13
 81:8
photos 68:19, 21,
 23 69:4, 7, 8 71:8
phrase 23:1 101:7
phrased 138:13
Physical 20:3
 21:12 24:20, 20
 32:9
physicals 24:24
pick 72:6
picked 68:7 74:24
 81:6 86:13
pickup 26:14
 27:21 69:10, 14
 121:17 124:15
picture 109:9
pictures 70:1
pieces 148:2
pigtail 77:15, 16
 119:16
PL000256 4:14
place 51:1 54:24,
 25 60:5 71:2
 78:14 84:1 151:7
placed 28:11
Plaintiff 1:4, 15, 21
 3:15, 20
Plaintiffs 1:8 3:2,
 9, 9 5:15, 25 6:5
Plaintiff's 4:8
 12:13 19:23
 36:10, 19 44:25
 68:18 69:23
 70:11 83:19 84:8
 108:11 114:23
 117:12 122:11

123:9 124:2, 20
 126:9, 19 127:17
 129:21 130:21
 131:23 136:16
plan 38:3, 21
 39:13
plastic 105:18
please 5:12 6:10,
 18 13:4 63:11
 79:14 106:15
 149:4, 25
plug 66:5 77:13,
 13 119:6, 12
plug-ins 119:11
plugs 77:16
pocket 22:15, 20
point 8:10 29:10
 50:25 51:1 59:6
 67:6 70:7 71:18
 86:6 88:8 89:6,
 21 91:1, 25 97:3
 107:8 108:2
 112:10 114:17
 121:1, 10 131:12
 133:6 135:16
pointed 84:24
points 143:17
pole 134:5
police 44:11 46:24
 110:1 111:2
pop 19:1 75:20,
 22 87:8
popped 18:24
pops 25:6
position 66:3
possible 74:17
 83:11 88:13, 18
 140:13
post 15:5
post-trip 136:10,
 11, 12
potential 140:11, 19
potentially 88:21
pounds 61:10
 139:11
Power 4:20
 126:19 130:14
powered 126:20, 22
powertrain 130:14
practice 23:12

preinspection
 121:19 132:15
pre-inspection
 119:11
premarked 12:4
preparation 12:5
prepared 96:17
 121:25
preparing 102:11
prescribe 23:23
prescribed 22:25
 23:3
prescription 24:3
Present 3:24
preserving 7:14
pressed 88:21
pretrip 75:12, 14
 76:2, 7, 11, 14
 77:10 115:10, 19
 120:25 121:5, 9
 136:11 137:9, 12
Pretty 17:24 30:5
 33:18 34:6 45:12
 59:6 66:20 74:15
 75:2 90:25 102:1
 112:20 115:12
 133:16 134:23
prevent 129:16
Preventable 4:23
Preventative
 129:14, 17
prevented 103:15
Preventive 129:5
previously 29:5
pre-work 119:10
printed 148:25
prior 57:20 105:2,
 10 127:9 151:7
prison 40:3, 14, 15
 60:12 65:3, 6
private 53:9
probably 7:9
 12:14 35:21
 41:21 48:11 49:4,
 22 61:3 62:24
 85:19 97:8
 100:16, 25 108:9
 110:5 111:23
 133:13 137:16
 139:14 142:7
probation 28:11

problem 20:19
39:12 66:16
117:25 131:18
problems 24:15
83:12 120:7
procedure 25:16
119:20
procedures 132:1
proceed 98:22
99:1, 7
proceeded 121:11
proceedings 42:9
79:17
process 31:22
professional
136:23 137:7, 15
138:22 140:21
Program 20:22
projecting 126:22
prolific 23:17
Proof 4:8 12:3
proper 132:1
property 53:16
54:4 56:1
prostate 25:16
protect 125:6
protective 123:20
provide 33:23
35:1 149:10
provided 35:11
44:16 151:12
provider 17:8
provides 17:8
36:1, 2
provision 122:25
Provisions 4:18
124:22 125:3, 6
Public 4:18
124:21 136:24
138:23 139:3
141:1
pull 43:6, 25 50:9
63:18 103:21, 23,
24 113:20 135:21
138:5
pulled 43:7 49:4
50:11, 13 64:4
66:1 69:5 71:19
72:2, 3, 3 92:25
101:8 103:16, 21

104:8 108:12
109:14, 17, 19
pulling 62:3 66:16
110:19
purport 116:24
purpose 9:4, 7
22:23 31:13
64:15 80:8 95:14
pursuant 151:18
push 87:1, 3, 7
119:14
pushed 105:25
put 22:3 48:21
54:16, 19 56:8
59:18, 20, 24, 25
63:20, 23, 24 64:1,
14 66:25 78:24
81:2 82:20 86:11
130:15 138:13
147:3, 20
puts 138:16
putting 64:15

< Q >

quarter 22:21
question 7:16
8:20, 22, 23 9:2
10:2, 24 11:7
14:8 25:8, 10
31:9 37:15 44:11
45:23 49:8 53:18
62:6 80:7 82:21,
23 86:1 98:18, 23
99:9, 15 121:8
126:10, 11 138:21
questioned 151:17
questioning 125:19
128:25
questions 8:15
10:2, 20 27:3
33:3 40:24 44:10
60:18, 20 67:8
92:14 106:22
116:8 117:13
122:12 126:7
136:19 142:10
144:15, 19, 22
146:11, 16, 18
quicker 8:4 59:21
quit 50:5

quite 42:21 53:17
59:5 66:6
< R >
radio 94:16, 19
radios 11:24 31:7
ramp 69:13, 19, 20,
25 70:2, 18, 19, 20,
20 97:2 100:21
101:1, 2
ran 48:20
ranch 40:1 117:7
range 31:15 61:18
rate 24:8, 21
133:16
read 11:10 22:8,
13 24:2, 12 98:18
99:9 116:12
120:1 122:17
124:25 146:21, 24
reading 22:20
116:18
ready 57:10, 11
88:9 94:23 97:1
101:1 113:20
132:8 133:2
136:12
real 20:18 51:7
68:8 88:4 89:19
112:5
realized 133:17
really 11:23 14:2
40:19 48:5 61:25
62:4 80:1, 5 83:8
92:5 93:1, 1 94:5
103:2 104:13
111:7, 8 114:19, 19
126:12 134:19
Rear 121:24
122:1 128:4, 8
132:23
rearview 100:4, 6
reason 22:7, 13
28:12 60:4 61:19
111:5 137:7
140:15
reasonable 122:24
123:6 139:7
reasonably 151:17
rebuild 59:23

rebuilt 59:20
receive 12:5 93:23
received 12:8, 9
143:1, 3, 5
receiving 27:15
Recess 63:10
106:14
reckless 125:7
recognize 28:25
44:7 68:23 69:6
81:21 131:25
recollection 43:14
69:12
recommendation
132:12
reconstruction
61:21
reconstructionist
61:20
reconvene 62:21
record 6:18 7:6,
15, 18 10:3 13:1, 5,
7, 8, 12 19:3, 12
55:15 63:9, 12
70:8 79:13, 15, 18
106:11, 12, 16
143:15, 18, 22
147:3, 21 150:3
151:12
recorded 13:3
records 52:14
red 9:14, 17 80:23
81:12, 14 82:9
reference 21:7
81:18
referring 22:16
38:15 40:13
43:10 76:5 86:18
93:3, 7 97:13
108:10, 25 132:21
133:1
refers 128:14
Reflectors 4:22
50:12, 14 67:5
119:24 130:24
**reflectors-combinati
on** 127:20
regard 125:5, 17
126:2 132:3 138:1

<p>Regardless 28:7 96:12 137:1, 2 138:24</p> <p>regular 147:5, 17 148:3</p> <p>regulation 124:17 129:12</p> <p>Regulations 34:18, 21, 22 35:4, 11 66:20, 22 78:1, 16 115:7, 10, 24 119:1 126:6 128:10, 12, 17</p> <p>related 5:11</p> <p>relationship 151:16</p> <p>relative 151:14, 14</p> <p>relieve 123:17 125:4</p> <p>rely 123:24</p> <p>remain 55:17 105:24</p> <p>remember 18:16 23:4 24:17 27:15 30:25 32:8, 11, 15 39:24 40:17 44:9 45:14, 22, 24 49:7, 9 60:21 70:13 71:10, 23 72:15 81:11 83:1 85:6, 15 88:1, 10 90:10 92:1, 15 93:17 94:20, 23 96:3, 6 98:17 99:9, 16 100:14 102:14, 16 103:1, 10, 25 104:5 106:23 107:3 108:1, 15 109:4 110:1 113:2, 10 114:11, 13, 18, 24 116:16 136:3</p> <p>remembered 25:7 96:10</p> <p>remembering 69:25</p> <p>remembers 45:16</p> <p>renewing 128:23</p> <p>repair 59:15 145:24</p> <p>repaired 59:10, 11 60:10 145:19, 21 146:2, 3</p> <p>repairing 59:19</p>	<p>repairs 145:24, 24 146:8</p> <p>repeated 45:25</p> <p>rephrase 8:22</p> <p>report 33:16, 17 71:12 142:13, 18, 22, 23, 24 143:8, 12</p> <p>Reported 2:24 151:5</p> <p>Reporter 2:9 5:6, 13 7:8, 20 14:2, 8 98:18 99:9 106:8 122:21 127:24 146:22 147:6, 10, 14 148:15, 16, 22 149:1, 6, 10, 17, 18 151:1, 5</p> <p>Reporting 5:8 148:17</p> <p>represent 5:15 19:12, 14 144:25 145:1</p> <p>representation 114:24</p> <p>reputation 54:3</p> <p>requested 151:18</p> <p>Required 20:4 72:23 118:10 120:25 121:9, 13 123:20 126:20 142:13</p> <p>Required, 21:15</p> <p>requires 34:9 126:24, 25</p> <p>reside 13:14</p> <p>Resort 2:11</p> <p>respect 133:19</p> <p>responsibility 139:22 140:1, 3, 6, 7</p> <p>rest 24:3 63:2 103:9, 12 107:20</p> <p>restricted 134:10, 17, 18, 19</p> <p>restriction 20:8 21:3, 11 22:9 133:11 134:13 135:11</p> <p>restrictions 20:2, 5</p>	<p>result 20:17 32:22 139:22 140:2, 8 144:11 145:10, 25</p> <p>retarder 95:12 106:22, 24</p> <p>retired 30:18, 21, 25</p> <p>retrieved 62:16 88:7</p> <p>review 126:5 142:9 144:3 151:18</p> <p>reviewing 19:7 116:16</p> <p>revoked 18:9</p> <p>Richard 1:2</p> <p>ride 72:11 86:10 88:5</p> <p>right 6:6 8:1 9:4, 19 10:1, 6 11:13, 15, 18 12:7, 19 14:13 15:4, 9 16:2 18:2 20:15, 17, 23, 25 25:5 26:21 27:12 34:16 35:16 37:1 40:25 41:4 42:3, 14 43:11, 16, 21 44:22 55:10, 13 56:16, 19 57:4 58:9 62:25 63:16, 20 65:2 69:9, 10, 14, 14, 15, 21, 22 70:15, 23 71:3 72:18 73:5 74:1, 2, 10 82:2, 17, 18 83:4 84:23 85:4, 7 86:20, 22 90:11, 12 91:12 92:8 93:19 97:3, 4 98:25 99:12, 15 100:15 101:18 102:13, 15, 15, 17, 23 103:10, 20, 22 107:25 109:16 112:7, 11, 15, 17, 25 116:14 117:9 118:19 131:15 133:7, 25 134:1, 1, 4, 9, 9, 10, 14, 14, 15, 16, 17 135:2, 6, 14</p> <p>136:16 137:10, 23 138:6, 11, 20 139:5, 25 142:9, 19 146:21 148:4, 9 149:19</p> <p>right, 50:1</p> <p>rigorous 134:23</p> <p>ring 34:18</p> <p>ringing 42:8</p> <p>risk 138:14, 16</p> <p>road 12:1 14:22 46:6 48:9, 12 49:21, 23 50:2, 15 63:19 64:4, 21 66:1 67:10, 20, 23 69:8 73:14 75:20, 25 77:8 78:15, 22, 23 94:15, 25 101:6 102:20 103:20 105:25 107:2 114:6 124:14 130:5, 15 135:22 136:3 137:18 138:10 139:4, 18 140:19 141:5, 24</p> <p>roads 139:17</p> <p>roadway 65:18 103:17 104:11 120:24 121:11 135:15 140:11</p> <p>roadways 66:2</p> <p>role 31:5 34:12, 14</p> <p>room 103:23, 24</p> <p>rope 87:24, 25</p> <p>roughly 23:4 24:17 27:10 30:22 37:21 39:24 60:23 67:9 71:15</p> <p>round 31:18</p> <p>rounds 31:18</p> <p>Roundup 4:11 15:3 26:20 28:19 29:6 31:10 32:1 33:5 35:1 37:5 145:5, 9</p> <p>RPR 2:24</p> <p>RUIS 1:3, 10, 23 3:15 5:9, 10, 15, 21 46:22 145:1</p>
--	---	---

Ruis-Morgan 3:2
rule 7:15
rules 118:4, 4, 12
run 14:17 54:3
 65:5 108:13

< S >

Sada 3:22
safer 139:7
Safety 4:20, 21, 24
 28:17 33:5, 24, 25
 34:14, 15, 17, 21
 35:4 63:21 64:11,
 15 78:1 115:7, 10,
 24 116:23 119:1, 7,
 13, 15 120:20
 122:24 123:6, 7, 18,
 19 125:5, 8, 12, 17
 126:2, 6 129:7, 12,
 17 130:1, 12, 19
 135:23 137:1, 9
 138:24 140:23
 141:3
Santaquin 16:22
sat 46:7 64:1
saw 72:21 82:25
 89:6, 8, 15 90:5, 21
 111:22
saying 47:19 50:6
 67:13 69:13 75:3
 76:4 81:5 93:9
 113:3, 10 114:21
 128:1 138:7
says 17:11 20:1, 2,
 3, 4 36:19, 20 44:5
 72:17 73:25
 117:17, 18 119:4, 4,
 6, 17, 18, 19, 23
 120:11 121:25
 122:15, 15 123:3,
 13, 15, 16 124:21
 126:18, 20 127:19,
 19 129:4, 6, 14
 130:22, 23 131:24
 132:2, 10, 20, 21, 22
scatter 64:12
scattered 64:10
 114:6
scene 108:16
 109:12 112:21
 113:3

schedule 52:8, 17
 60:14
schedules 52:15
Schneider 3:8
scream 113:8, 9
screeching 105:4
screen 34:7
screened 33:18
screens 34:7
season 29:14 30:4
seat 46:16, 16
 67:25 80:3 91:21
 94:13 135:19
seated 91:8, 19
 134:3
second 7:19 18:24
 20:3 43:24 57:9
 69:24 92:13
 97:19, 23 98:3
 124:25
seconds 102:9
Section 4:16
 119:3, 18, 20, 25
 120:3 122:5, 16, 17,
 25 123:13, 15
 124:20 125:1, 3, 10
 126:18, 23 127:3, 4,
 16, 19, 22 128:13
 131:23 132:20
sections 117:14
secure 107:20, 23
 108:3, 8, 10
secured 108:24
 109:3
securing 90:4
 108:14
Security 13:12
see 22:5 25:11
 37:3 44:12, 15
 45:8, 9, 21 47:15
 48:19 50:8 55:11
 56:19, 22 76:21
 78:15 80:4, 16
 84:1, 2, 4 89:3
 91:8, 11 94:1, 24
 96:20 99:23
 100:2, 6, 10 101:18
 108:18 110:7, 24
 114:3, 16 117:19
 119:7, 25 120:11
 122:2, 9 130:24

133:12 134:7, 24
 135:2, 10, 12 136:4,
 14, 19, 22 139:15
 142:9
seeing 81:11
 92:15 100:15
 108:16 113:3
 114:13 135:15
seen 44:22 49:12
 62:16 78:9, 22, 23
 79:25 89:25
 99:22 100:24
 111:8, 10 112:16
 114:2 129:8
 138:9 139:10
semi 26:2
send 17:18
Senior 1:2
sent 43:8
separate 58:17, 20
 148:3
sequence 89:5
 90:2, 20 96:16
 137:25
seriously 114:20
served 18:3
serves 22:22
Service 4:9, 17
 12:4 123:14
 124:15
serviced 52:22, 23
 53:3, 5
Services 5:8 146:5,
 7 148:18
set 50:11, 12, 13,
 17 67:4 151:19
seven 4:13 119:20
Seventh 148:19
sex 31:20
shaking 7:25
share 93:12
sheared 104:18, 22
She'll 7:9 14:9
Shields 46:25
shift 39:14 41:13
ship 31:21
shock 104:13
shocks 46:14
shoot 48:20
shop 43:11 45:9
 50:3, 7, 8, 24, 25

51:2, 10, 11, 17, 20
 53:13, 14, 16, 19, 24
 54:5, 9, 12, 14, 18
 55:3, 21, 22 56:1, 5,
 10 59:11 68:5, 9
 71:1, 1, 2 72:19
 92:7, 7 104:22
 109:15, 17 111:9
 138:11 145:24
 146:3
short 18:12 106:6
 137:6, 6, 11
shorthand 151:9
shot 101:3 149:11
shoulder 67:11
 69:5 102:13, 14, 17
 103:17, 19 120:24
show 21:9 28:15,
 21 68:17 70:12
 81:17 116:5
 122:14 129:4
showed 17:12
 62:13 64:5 68:20
showgirl 149:9
shown 28:25
 68:24 69:6, 8
 71:7 81:21, 24
 82:10 83:2, 25
 84:20 108:11
 114:23
shows 82:17
shut 48:20, 23
 60:9 68:8 69:11
 83:16 127:15
shuts 95:13
shutting 95:23
sic 23:17
side 46:4 63:19
 66:1 71:4 75:4, 8,
 10 80:23, 25 81:14
 85:4 86:24 91:11,
 20 100:8, 19 102:4,
 22 103:3, 25
 133:24 134:9
sides 81:1 118:15
side-view 101:14,
 21
sight 20:11, 13
 121:6
sign 54:15, 16, 19
 73:12 98:20

<p>signal 80:14, 22 81:13 132:10, 17 141:19 142:4 143:6</p> <p>Signals 4:17 118:9, 13, 22 123:14 128:5, 9 131:5 141:14</p> <p>signed 40:6 109:10</p> <p>signs 89:20</p> <p>silly 80:7</p> <p>single 26:2, 2, 4, 4 119:22</p> <p>sir 127:24</p> <p>sister 84:23 85:5</p> <p>sit 45:8, 10 52:19 73:25 74:10 75:8 77:17 90:9, 13 129:24 130:9, 16 135:19, 24</p> <p>site 43:4, 12 45:15 109:24 110:7, 10 113:25 114:14 115:2</p> <p>sitting 45:9 46:5, 16, 16, 17 53:2 67:24 74:2 80:3 90:10, 11 92:6 100:17 105:23 133:20 134:6</p> <p>Six 37:11, 12 52:6 113:19</p> <p>Sixteen 18:7</p> <p>skies 71:7</p> <p>sky 114:23</p> <p>sleep 9:23 41:11, 22</p> <p>sleeper 46:5, 5, 7 49:25 67:24, 25 74:2 80:4 89:2 90:11 91:7 133:20</p> <p>slide 74:22</p> <p>slides 75:25</p> <p>slow 20:18 96:4 106:21 117:17, 24 132:24 144:12</p> <p>slowed 96:17</p> <p>slower 117:25</p> <p>slowing 98:24 102:10</p>	<p>slowly 118:5, 11, 21</p> <p>smart 17:24</p> <p>Snapshot 4:11 28:16, 19 29:5 36:9</p> <p>Social 13:11</p> <p>sold 51:2</p> <p>solicit 54:2</p> <p>solid 115:25</p> <p>Somebody 18:24 35:23 109:11, 18 113:5, 6, 24 135:8</p> <p>someplace 23:2 77:8</p> <p>son 16:9 29:18, 22 38:4, 14, 19 51:12, 22, 25 54:6 57:22</p> <p>son's 51:1</p> <p>soon 130:5, 6</p> <p>sorry 34:12 36:1 42:11 47:19 85:25 97:20 98:3 122:20 127:24 128:21, 25 146:6 149:10, 17, 18</p> <p>sort 11:2 19:8 21:5 27:25 31:20 33:5, 23 35:2, 17 36:3 53:24 58:21 75:12 77:1 83:12 92:16 96:14 106:24, 24 112:8 137:8</p> <p>sound 50:1 95:19, 20 105:1, 4, 12, 14 106:23</p> <p>sounded 6:7 96:9 105:15</p> <p>Sounds 63:6 71:25 104:25</p> <p>South 148:19</p> <p>sparse 45:12</p> <p>speak 8:19 139:19</p> <p>speaking 25:14 116:19</p> <p>special 21:5 85:21</p> <p>Speciale 2:24 5:7 148:17 151:3, 22</p> <p>S-p-e-c-i-a-l-e 148:17</p>	<p>specially 85:20</p> <p>specific 78:25</p> <p>specifically 128:13</p> <p>speed 66:15 67:12, 21 68:1 93:20 97:6 133:16</p> <p>speeding 27:7, 8, 14, 16, 18 142:16</p> <p>speedometer 68:2</p> <p>speeds 66:12 117:19</p> <p>spell 13:16 16:11 30:7</p> <p>spelling 6:18</p> <p>spend 109:23</p> <p>spoke 40:5</p> <p>spot 69:6</p> <p>squealing 105:5</p> <p>ss 151:2</p> <p>St 16:16 25:16</p> <p>stabilize 87:19 88:1</p> <p>staff 40:14, 15, 15</p> <p>Stand 13:4 63:11 79:14 106:15 149:25</p> <p>standard 78:9 136:25 138:24</p> <p>standing 111:9, 13, 21 113:7 122:23 123:4 125:18 128:24</p> <p>start 10:21 12:14 30:22 63:20 101:1 122:19, 20, 22 123:4 132:22 133:5 135:22 144:17</p> <p>started 30:21 38:1 49:20 101:1 102:23</p> <p>starting 69:22 122:16</p> <p>STATE 1:19 3:20 4:12 5:12 6:18 7:7 12:24 16:19 18:14 19:11, 14 27:18 35:17, 19, 20, 22, 23, 25 36:4, 7 38:5 44:6 64:24 81:19 116:16</p>	<p>117:5 118:4, 11 142:13, 18 143:8, 11 145:4, 7 146:19 148:11 151:2, 5, 19</p> <p>Statement 4:13 43:24 44:6, 12, 15 100:3, 11</p> <p>STATES 1:1</p> <p>stationary 105:24</p> <p>statutes 122:12 124:21 126:5</p> <p>stay 55:15 73:2</p> <p>stayed 117:9</p> <p>steep 66:8</p> <p>steer 81:7</p> <p>steering 86:9, 12, 21, 22 87:9, 11, 18, 21 88:2, 14, 20 90:4, 23 99:24</p> <p>Stegman 47:3</p> <p>Step 119:4, 20</p> <p>stepped 88:12</p> <p>sticker 69:23</p> <p>sticking 135:25</p> <p>Stockton 12:25</p> <p>stop 8:13 38:4, 19 41:9, 22 50:3 64:21 97:5 114:7 118:22 127:3, 5, 6, 8, 11, 13 128:4 141:8, 19, 21 142:1</p> <p>stoplight 9:11, 13, 14 127:13 141:22, 23</p> <p>stoplights 9:12</p> <p>stopped 41:8 122:23 123:4 141:24</p> <p>stopping 42:25 47:23 80:9</p> <p>stops 49:16</p> <p>storm 71:9</p> <p>straddling 102:13, 16</p> <p>straight 70:22 80:5 99:25 101:2, 6, 8, 9 104:11</p> <p>straightened 97:11, 17 99:17 101:4</p> <p>straightens 104:10</p> <p>straps 108:11, 13</p>
---	--	---	---

<p>Street 3:4, 8, 18 13:16 109:17 148:19 stress 138:17, 17, 18 stretch 65:12 95:3 Strike 86:1 111:18, 20 113:15 140:19 stuff 24:1 52:9, 18 56:7 68:3 72:16 103:10 109:10 126:12 128:11 subject 47:11 Subpoena 4:9 12:4 Sue 15:13, 14 suffering 32:12 Suite 3:9, 13, 18, 22 148:20 summer 13:24 14:14, 17, 19 15:1, 25 16:24 17:16 summons 12:9 sun 22:18 24:1, 10 sunlight 24:11 Supply 4:20 126:19 supposed 139:21 Sure 6:3 10:3 21:13 30:25 33:13 55:7 68:8 72:7 74:15 75:2, 16, 16, 17, 18, 21 76:16, 18, 19 77:4, 7 80:18 88:5 89:19, 19, 22 90:19 91:2 93:10 101:22, 24 103:11 109:15 112:5 119:15 120:8 122:8 130:23 131:3, 12 133:3, 9 138:5 140:12, 16 144:12 146:18 surprised 59:2 suspended 18:9 sustain 32:23 swear 6:10 swerve, 132:25 SWIFT 1:10, 23 3:15 5:20 105:1,</p>	<p>17 110:22, 24 114:1 144:25 switch 32:3 60:19 62:22 86:14, 16, 19, 25 87:6 88:20 Switching 24:13 sworn 6:13 151:9 sync 147:23 148:4 149:3 system 72:23 78:3 126:21 < T > taillight 132:10 138:19 taillights 132:14, 17 take 8:5, 8 22:20 24:10 28:22 36:17 47:24 48:5 49:2 50:4 60:19 62:19, 25 64:3 68:22 91:24 106:6, 10 108:7 109:5, 7 116:6 129:18 136:12, 15 139:10, 21 140:5, 7 147:17 Taken 2:8 63:10 81:18 106:14 130:6 takes 76:19, 21 talk 7:3 24:13 28:14 45:2 110:10, 13 112:23 115:3 talked 67:17 110:15, 18, 20 112:18 talking 14:4 27:24 33:20 36:14 42:24 69:18 92:6, 9 113:6 123:16 131:15 135:8 tandem 39:8, 14 tankers 30:19, 19 tape 8:10 62:22 tapes 60:20 tear 75:23 76:1 Telephone 3:6, 11, 16, 20</p>	<p>tell 8:21 10:5, 10 25:6 26:11 30:24 33:8 34:20 46:2, 9 48:7 55:9, 11 94:8 96:20 99:8 100:23 104:11 125:1 telling 10:16 45:22 61:25 temperature 71:15 ten 8:12 20:20 29:12 30:4 39:9, 9, 10, 10 63:3 76:24 92:2, 3 93:19 139:10 147:6 ten-minute 63:1 Tennessee 3:13 38:3 terms 18:19 29:16 52:15 53:23 64:23 81:5 101:20 102:12, 24 112:4 130:1, 12, 18 147:4 Terry 4:13 30:15 38:7, 17, 18 39:4 43:17, 18 44:7 45:13 63:24 74:2, 14 80:1, 2 90:11 92:6, 6, 9 94:3 108:25 110:16, 16, 17, 18 112:18 130:10 133:12 134:7 Terry's 73:11 test 135:11 testified 6:13 Testify 4:9 9:7 151:9 testimony 9:21 10:17 151:12 tests 34:11, 13 134:20 135:11 text 17:18 Thank 13:20 55:19 57:13, 15 116:14 125:19 146:12 149:4, 5, 22, 23, 24</p>	<p>Thanks 19:9 22:4 56:19 63:6 149:20 them, 132:1 there, 48:8 thing 7:23 8:7, 17 9:4 10:1, 16 17:21 19:8 45:24 68:8 73:11, 12, 13 75:18, 21 90:10 94:4, 6 97:9 107:22 108:5 123:7 127:14 136:4 138:10, 16 things 7:22 8:19 27:4 59:4 104:23 119:21 120:10, 20 121:19 122:8 think 10:22, 23 11:10 17:10, 16 20:1 21:16 26:13, 25 30:19 33:25 36:5, 5, 6, 8 37:2 39:9, 18, 19 40:20, 21 41:15, 17 42:20 43:13 44:9 47:7 48:19, 25 49:5 51:8 52:16, 23 53:1, 10, 11, 15 54:2, 3 57:22 59:7 61:1, 15 63:16 64:11 76:20 79:9 80:22, 25 85:13 86:8, 8, 23 87:3, 19, 21 90:7, 7 92:9, 19 94:12, 19, 22, 22 96:25 98:12 99:15 100:21 103:19 104:6, 14 105:17 107:18 110:15, 17, 18 112:17 114:11, 11 115:25 121:4, 13 129:25 130:10, 17 131:2, 19 134:24 137:2, 14, 21, 24 139:25 143:10, 11 144:4 146:22 149:12 thinking 11:6</p>
---	---	--	---

49:4, 11 70:15
third 20:3
Third-Party 1:8, 12 3:9, 15
Thirty-six 39:25
this, 50:4
thought 11:6 44:1 121:4 131:18, 21, 22
thousand 139:14 145:12
three 4:12 8:3 20:2 27:8 28:18 30:2 43:20 48:21 50:14 64:14 80:14, 24 84:12 110:8 113:21 145:22 150:2
three-quarters 50:6 68:7 138:3
throttling 95:20, 21, 22
threw 101:12
ticket 27:7, 8, 14, 18 142:17 143:5, 10
tickets 27:6
tie 107:19 108:5
tied 62:11 86:8 87:21
tight 74:1 75:8
time 5:5 6:2 8:5, 11 11:9 13:5, 9 22:14 24:5 25:8 27:12, 22 28:23 31:17 32:11, 21 33:20, 22 36:15 37:7 44:22 46:7 48:4 49:8 50:4 51:19 52:7 55:16 57:24 58:24 60:7 61:25 62:23 63:9, 14 64:3, 4, 21 66:10 67:10, 11, 16 74:8, 9 75:13 76:8, 9 79:15, 19 87:14 89:8, 9, 10 90:5, 14, 20 93:24 94:6 97:6, 17 101:16, 25 102:10, 23 106:13, 18

108:14, 21 112:16, 21 114:4 115:7, 13 117:6, 24 121:17, 20, 21 124:14 131:19 132:23 136:13 137:11 138:15 143:18, 22 146:12 147:4 150:2 151:7, 12
timeline 48:13 107:8
times 21:18 32:18 45:25 61:4 66:4 104:7 145:23
timewise 60:9 75:1 76:3
tired 40:24 137:3
tires 75:17, 24 76:1, 19, 21 77:3 105:4 119:24 139:11, 11, 14, 15, 15
Today 5:4 8:3, 17 9:9, 11, 16, 21 10:5, 13 12:6, 22 19:18 22:24 44:17 52:19 77:17 124:17 129:24 130:9, 16 135:24
today's 63:8, 13 106:17 150:1
Todd 38:16, 17, 18, 23
told 10:13 43:6 45:10 46:3 47:24 48:7 49:24 56:9 73:2 75:8 77:21 86:10 88:5, 10 90:8 91:4 94:4 131:19 133:18
Tom 42:18 43:17 47:10
Tom's 42:19
top 44:5 80:24 83:24, 25 84:8, 22 85:12 92:24 122:15 141:6
tore 62:9 85:13
total 61:6 102:3 109:23

totally 125:12 146:1
tow 26:17 128:11, 12, 15
towaway 128:19
towed 37:13 60:24 63:18 82:5 128:9, 10 130:3
TOWING 1:7, 17 3:6, 11 5:18, 23 6:4 66:25 71:24 72:1 78:23 128:2
town 70:25 97:3, 4
track 12:15 53:12
tractor 37:4, 5 46:18 52:20 61:8, 12 63:17 70:13 77:14 114:7 116:4 119:12 120:5, 6
Tractor-trailer 26:2, 3, 5 30:13 52:20 61:2 72:24 78:20 96:14 105:1 115:22 130:2, 11 135:21
tractor-trailers 26:9 53:20
trade 22:15
trade-off 39:10
traffic 49:5 64:17 65:20 66:13 107:3 114:7 117:25 123:1 133:4, 15 136:5, 6, 7, 8 138:7, 12 141:20 142:4, 12 143:2
trailer 26:14 37:12 46:18 60:24 61:8, 12, 16 62:10 64:10 67:3 69:10, 15 70:13, 14 75:25 77:6, 14, 20 79:2, 7, 22 80:11, 11 81:10, 15, 20 82:4, 10, 19, 23 83:6, 6, 8, 25 84:8, 12, 18 85:16, 17, 20 89:7, 16 92:18 102:2 104:16

105:18, 19 107:20 108:20 109:4 113:18 116:4 119:7, 12 120:5, 12 121:18, 18 122:1 128:9 131:4 146:5, 7
trailers 37:15 60:12 85:22 120:6, 22
transcribed 13:2 146:22 151:9
transcript 146:21 148:23 149:7, 16 151:11, 17
Transit 58:8
transition 22:16
transmission 39:12 50:1 59:2, 4, 21, 23 63:18 69:5 83:11
TRANSPORT 1:23 38:8 51:19, 23 52:1 53:8, 19 59:9
TRANSPORTATIO
N 1:11 3:16 4:24 5:21 129:6 144:25
travel 95:3 102:12, 13
traveled 65:11 67:10
traveling 40:10 67:18, 19, 23 94:15 97:6 118:5, 11, 21
Treece 3:17
trial 9:6, 7, 14 10:18 148:5
triangle 63:21 64:7, 13
triangles 63:20 64:11, 16 71:19 88:7, 11 89:20
trick 8:18
tried 98:4
trip 37:23 39:1, 7 136:13 137:1, 2, 4, 6, 7 138:25
trips 75:11
Trooper 46:25, 25
trouble 23:22 49:20 127:25

Troy 16:9, 15
52:5, 6 53:14
54:5 55:1 57:22
Troy's 53:16
56:20 57:7
truck 4:14 6:25
26:5, 12, 17 27:22
28:12 30:10 31:4
37:2, 18 39:2, 4, 12
41:9, 11, 22, 23
42:4, 6, 15 43:22
45:7, 10, 11, 11
46:1, 3 47:22
48:4, 19, 22, 24, 25
49:19 50:9 53:5
55:23 57:17, 19, 20
59:8, 9, 16 60:8, 10,
13 61:16 62:9
63:17 64:1, 10
66:3, 16, 25 69:12,
13 70:16 71:3
72:1, 5, 9, 10, 11, 12,
18 73:7, 9, 11, 18,
24 74:4, 8, 23
76:10 78:4, 11, 17
79:3 80:20 81:2,
3, 4, 4 86:2, 3, 10
87:5, 13 88:4, 11
89:1, 2, 14, 21, 21,
23, 25 90:8, 15
91:5, 7, 19 92:10,
14, 15, 19, 20 94:1,
4 96:23 97:5, 12
99:25 100:24
101:3, 12, 23 102:2
103:23 104:16, 19,
20, 20 105:17, 17,
19 107:14 108:17
109:11, 12, 19, 21
112:10, 18 114:5
115:12 117:8, 10
118:1, 16 124:15
127:1 128:11, 12
133:15 138:8
140:25 141:5
truck, 72:14
Trucking 4:19, 21
11:21 18:22
28:11 33:24 48:5
65:4 119:2

trucks 11:24
18:21, 21 21:6
26:12 37:9, 10
40:10 42:2 50:21
51:10, 17 52:6, 10
56:6 58:8 61:13
86:16 106:21
139:18
truck's 41:24
86:23
true 151:11
truth 10:5, 8, 13,
16 151:9, 9, 9
try 8:13, 22 14:5
92:11 107:23
trying 31:15 33:2
40:21 47:7 80:22
82:21 89:4 108:2
turn 64:18, 20
68:15 80:14, 22
81:13 85:23
86:12 94:23 96:4,
18, 21 97:2, 11, 16
98:24 99:16, 20
100:14, 18 101:11,
23 102:5, 11, 21, 23
103:4, 9, 16, 18, 22
104:2, 2, 5, 6
111:14 118:9, 13,
14, 22 120:20
128:5, 9 131:4
132:8, 10, 17 133:2,
4, 7, 14, 17 135:1, 7
141:14 143:6
turnaround 147:4
turned 49:22 50:2,
7 64:9 68:15
69:2 73:4 85:24
88:21 91:3 97:10
99:17 103:20
turning 70:22
101:18 132:1, 3, 5,
22 135:18
turnoff 49:22
turns 75:18 96:24
132:22
two 8:2 16:7
17:8 23:13 24:19,
25 30:24, 25 38:11
40:9 42:2 46:8
49:22, 23 50:14, 15,

15 53:2 56:20
62:8, 10, 15 74:18,
19 80:14, 25 81:14
82:9 83:2 84:19,
24 85:4 95:5, 6, 7
109:3 115:21
120:4, 4, 6, 18, 22
121:10 146:13
147:11, 13, 15
148:2
two-lane 94:25
Two-Page 4:18
124:23
tying 88:13, 20
112:25 113:6, 18
type 25:25 87:6
typewriting 151:11
typewritten 151:11

< U >
U.S 4:23 129:6
uh-huh 7:21 82:6
84:3, 13, 25 117:20
119:8 142:19
uh-uh 7:21 93:18
ulcer 20:15
ultimately 19:22
unavailable 148:5
underneath 74:22
understand 8:21,
21, 23 9:17 10:3
45:23 93:3, 9
125:2 126:14
141:2
understanding
21:20 23:18, 22
26:19 29:4 34:20
35:10 57:18
59:15 68:11 93:6
115:6 116:2, 21
117:23 118:11, 20,
25 119:9 120:2, 14
121:16 122:4, 13
123:3, 22 124:12
125:9 126:15, 23
127:4, 14, 21, 25
128:15 129:11
132:2, 11, 25 143:7
understood 9:2
unhooked 109:14

121:23
unhurt 62:16
unit 26:2, 3, 4, 4, 6
UNITED 1:1
unsafe, 131:20
us, 94:7, 10 95:1
97:1, 10 99:24
use 11:9, 22, 23, 24
16:25 36:7 73:10
87:23 95:15 96:7
106:21 119:19
123:16
usually 78:24
Utah 13:25 14:18,
23 15:7 16:16, 20,
21 23:10 28:18
35:17, 20 36:2
51:15
uttering 7:21

< V >
V, 20:4 21:14
vaguely 113:23
Valley 43:10
59:12 96:4
102:25 104:3, 8
111:24 121:12
Variance 20:4
21:14
VAZQUEZ 3:2
4:1 5:14, 14 6:1,
6, 10, 16 7:5, 12
12:11, 18 13:10
18:23 19:4, 4, 6, 10,
16, 21, 25 36:8, 12
40:23 42:10, 10, 13
44:4, 24 45:1
55:16, 19 62:18, 25
63:6, 15 70:9
78:6 79:12, 20
83:21 84:4 88:17
97:19, 22 98:1, 6,
10, 13, 16, 22, 25
99:5, 12, 14 106:4,
19 117:16 121:15
123:9, 12 124:2, 5,
11 125:20 126:17
128:21 129:1, 2, 20,
23 131:8 144:3, 5,
14 145:11 146:13,
17, 20 147:2, 8, 12,

17, 22, 24 148:4, 9,
12 149:12, 20
Vegas 148:20
Vehicle 4:23 6:21
21:4 25:22 27:25
36:13, 23 54:14
67:1 71:19 76:15
79:23 86:7 93:5
96:12, 17 99:17
100:5 106:24
110:22, 25 115:23
116:3 119:21, 22
122:16, 22 123:4
124:8, 13 125:4, 12,
16, 25, 25 126:21
127:5, 6 129:5
130:22 132:23
134:4 136:9, 24
137:8, 15 140:22
141:9, 15 145:17,
17 146:9
Vehicle, 119:19, 23
121:25
Vehicles 4:17, 19
25:25 26:8 37:7
53:19, 21 67:10
74:18 77:20
101:14, 19 115:21
119:4, 18 120:25
121:11 124:22
vehicles, 123:14
vein 75:24
Verizon 17:9, 10,
10
versa 7:8
version 35:7
148:25
versus 5:10, 10
vice 7:8
Victor 20:4 21:14
video 147:18, 23
149:3, 16
videographed 63:8,
13 106:17 150:1
Videographer 2:9
3:25 5:4, 6 8:9
13:4, 8 55:17
62:22, 24 63:7, 11
70:5, 6 79:14, 18
84:1, 5, 6 106:12,

15 147:22 148:1, 8
149:2, 3, 5, 25
videotape 13:3
VIDEOTAPED
1:5 2:7 4:8 12:3
violates 122:25
violation 142:11
violations 27:16
143:2, 13, 14, 17, 21,
24 144:1
vision 20:10, 16, 20,
23, 25 22:9 23:17,
20, 24 24:13, 21
32:10 133:11, 24
134:9, 16 135:11
Visual 4:17 21:7
123:14 141:19
142:4
voices 7:10
vs 1:5, 9, 16, 22

< W >
wait 14:6 149:15
waiting 92:7
111:13
waive 146:23, 24,
25
waiver 20:11, 20,
21 21:17 32:10
wake 48:14
walk 73:18, 23
74:5, 9, 19 76:8, 17,
23 77:6, 6 88:12
96:16 120:11, 15
121:6 129:16
131:10, 14
walked 72:6, 18
73:6, 17 74:16
75:2 77:23 89:13,
24 110:8
Walmart 23:2
want 8:5 27:3
48:13 61:20
78:15 98:16, 17, 22,
25 99:1, 7, 7, 8
101:25 115:5
118:13 121:18, 19,
21 124:19 132:13
133:3 140:15
144:17 147:2, 10
149:6, 16

wanted 23:25
24:1 41:9 45:21
47:14 99:12
wanting 148:23
warm 114:21
warning 50:11
72:7 81:12
watch 101:25
133:3
watched 80:2
watches 136:8
watching 68:4
100:23, 23, 24
133:5, 13, 14, 15
water 63:1
way 8:22 24:2
49:16 50:15, 16, 19
60:1 61:11, 11
65:24 73:14 74:4
76:9 79:25 88:23
89:9 90:25 93:11,
17 100:18 104:3
108:1 135:15
wear 22:5, 13, 19
23:25 24:6, 7, 9
wearing 22:24
24:7
weather 71:5, 10,
12, 13 114:17, 19,
20 144:6
website 28:17
Wednesday 2:8
5:4
weed 106:5, 6
week 53:2 135:4
weeks 43:20 59:3
weigh 61:14, 16
weighed 61:3, 15
weight 60:23 61:1,
1, 7, 17 81:6
weights 61:21
welcome 19:10
144:20
well 8:20 9:15
10:24 11:8 14:5
20:18 23:25
25:15 26:4 33:18
34:22 35:20 37:2
39:8 40:22 46:3
48:4 50:25 51:8
52:11 53:9 55:6,

12, 14 56:17 59:4
69:2, 9 70:15
73:25 74:21 80:9
81:12 82:1, 17
83:16 95:12
96:19 97:18 98:1,
16 101:22 102:6
104:13 108:25
117:24 118:6, 13
119:1, 10 120:4, 17
122:6 124:14
125:11 127:5, 9
128:13 132:4, 21
135:1 137:5, 10, 16,
21 138:15 140:3,
19 141:4, 22 142:7,
23 143:14 147:14
went 9:24 22:21,
22 24:2 43:8
47:24 48:19 50:5
57:4 59:17 60:1
63:19 65:1 67:4,
5 72:8, 19 73:19
74:3, 4, 17 75:9
82:13 86:3, 7
87:15 88:11
89:19, 20, 23 90:16,
18 97:18 99:25
104:23 107:13, 15,
16
We're 5:8 11:25,
25 13:1, 8 14:3, 21
18:23, 25 25:5
27:24 32:3, 21
33:20 36:2 47:23
48:7 61:12, 17
62:20 63:9, 12
65:9 70:4 77:3
79:14, 18 83:22
92:13 106:15
107:8 122:11
144:4 146:20
150:3
West 3:22 14:23
56:2
we've 36:5 44:10
50:12 77:4, 5
83:25 84:20
92:10 126:8
139:18

whacker 106:6
whacking 106:5
wheel 86:9, 12, 12, 21, 22 87:11, 18, 21 88:2, 14, 20 90:4, 23 97:17 99:24 101:4 104:10
wheeling 59:18
wheels 81:7 87:19, 22 119:24
WHEREOF 151:19
white 102:20
wife 15:11 17:4 29:18, 19, 20 33:9 48:6 52:11, 16 114:13
wild 60:6
Wilson 85:17
window 68:3, 4
windows 94:20
winter 13:22 14:16 15:24 16:24
wintertime 14:17
wires 85:13
wish 18:1 147:22
Witness 4:1, 12 5:8 6:10 28:24 43:23 44:6, 12 69:1 112:3, 8 116:9 146:25 148:5 151:7, 7, 12, 19
witnessing 6:23
WOLLER 1:6, 7, 17, 17 3:6, 6, 11, 11 5:10, 18, 18, 23, 24 6:3, 4 46:20, 20 66:25 67:19, 22, 23 71:24 72:1, 22 73:23 76:5 77:18 78:2 81:2, 4 86:6 87:15 89:10, 17 90:21 92:15 93:12, 23 96:13 97:5, 14 99:17 100:2 101:5 103:15 107:10, 16 108:22 110:7, 13 120:23 121:9 130:17 131:2 132:16 133:7, 21

135:16 138:1 143:1, 24 144:1
Woller's 114:13
woman 113:8, 9 114:9
women 114:11
Wonderful 19:9
work 28:10 29:11 30:21 52:8 53:20 54:17 58:7, 18, 22, 23 115:14 119:13
worked 26:22 29:9 38:16 51:17 82:15 83:8, 17
working 26:14 30:1, 22 67:3, 7, 7 75:16 76:17 82:20 90:22 118:18 127:1 128:3 142:5 144:13
works 10:21 42:20 53:11
worry 139:12
worse 144:10
worth 149:11
wrangling 11:11
wreck 46:14, 15 75:23 82:20 104:14
wrecked 4:14
wrecker 7:1 26:17 43:7, 8, 11, 14 45:7 46:8, 10 47:23 48:11 50:18 63:25 64:2, 4 71:21 72:10, 23 73:2, 22 74:22 75:4 76:6 77:22 78:3, 11, 20, 24 79:2, 22 85:24, 25 88:19 89:9, 11, 14 92:17, 21 93:6 94:17, 18 95:25 96:8, 13, 17 101:5, 15 102:3, 11 103:1 104:11, 17, 21 107:10, 23 109:10 110:13, 19 112:15 115:22 124:6 130:15

wrecking 67:23 129:13
write 44:12 57:10 69:21
written 43:24 44:7, 20
wrong 57:4 59:16 75:22 82:14, 16 139:25 146:23
< Y >
Yeah 6:25 17:5 22:17 23:21 25:4 26:10 27:11 29:18 30:5 40:8, 15 41:24 42:18 44:9 48:17 51:13, 18, 21, 24 52:2 53:1, 6 54:12 55:4, 10, 14 57:21 58:14, 25 61:11 65:13 66:14 68:15 70:15 71:9, 25 76:6 77:2, 13, 16 78:8 79:9 81:23 84:10 85:21 86:20 93:9 95:10, 20 97:24 98:12 103:19 105:13 108:12, 12, 17 109:22 110:5 112:22 115:1 117:10 120:1 127:15 128:2, 6 129:10 131:1, 10 133:22 134:5 139:24 140:14, 15 141:4, 23 142:7 145:12
year 24:19 25:17 30:6 36:20 83:7 85:18, 18 134:21
years 11:14 13:23 15:20, 22 16:1 18:20 20:7, 12, 21 24:19 26:7, 24 27:8 30:19, 24 31:1 33:15, 21 52:3 66:21 134:20, 24 135:3

136:21
yell 14:9, 10
yeller 14:12
YOUNG 3:6 5:17, 17 12:22 78:5, 5, 6 88:15, 15, 22 97:21, 24 98:4, 8, 14 99:4, 11 121:3, 3, 14 124:9 125:18 128:20, 23 131:6 143:9 144:19 149:6, 8, 11, 23
< Z >
zip 13:18
zoom 70:5