

PLAINTIFF PETER;

Plaintiff,

v.

DEFENDANT DARREN;

Defendant.

DOCKET: C-0000001 SEC: 1

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

COMPLAINT

AND NOW, comes Plaintiff, Plaintiff Peter, and files the within Complaint, the following of which is a statement:

I. PARTIES

1. Plaintiff, Plaintiff Peter, is an adult individual residing at 5064 Yoh Avenue, Baton Rouge, in the Parish of East Baton Rouge.
2. Defendant, Defendant Darren, is an adult individual residing at 37 Silver Lane, Baton Rouge, in the Parish of East Baton Rouge.

II. FACTS

3. In the later afternoon hours of September 4, 2017, Plaintiff Peter was in a parking space on Webster Street in Penn's Woods.
4. The parking space was on-street parking and Plaintiff Peter's motorcycle was legally parked in the on-street parking space.
5. At the same time, a motor vehicle being driven by Defendant Darren was making a right from Pennsylvania Avenue and continued onto Webster Street.

6. Then, without warning, Defendant Darren's vehicle violently swerved into the parking lane, apparently attempting to park in a space adjacent to the parking space where Plaintiff Peter's motorcycle was parked.

7. Plaintiff Peter had not moved from the parking space where the motorcycle was parked, when suddenly, and without warning, Defendant Darren's vehicle violently struck Peter.

8. As a result of the collision, Peter suffered multiple injuries including, but not limited to, a fractured right tibia, a fractured right femur, a fractured left tibia, a fractured pelvis, and a closed head injury.

9. All of Peter's injuries were caused by the negligence of Defendant Darren.

COUNT I

Negligence

10. Plaintiff incorporates by reference all previous Paragraphs of the Complaint as if set forth in their entirety herein.

11. As a motorist on a public thoroughfare, Defendant Darren owed Peter a duty of care.

12. Defendant Darren breached its duty to Peter insofar as:

- a. In driving the vehicle at an excessive, reckless and dangerous rate of speed under the circumstances;
- b. In failing to have the vehicle under the proper control;
- c. In failing to obey the rules of the road;
- d. In failing to keep a proper look-out;

- e. In failing to operate the brakes in such a manner that the vehicle could be stopped before colliding with the Plaintiff's vehicle;
- f. In failing to observe the condition of the highway and the traffic thereon;
- g. In failing to observe with reasonable care the traffic and road conditions including the location of the Plaintiff's vehicle;
- h. In failing to avoid the accident by changing the direction of the vehicle;
- i. In failing to bring the vehicle to a stop behind the Plaintiff's vehicle while Plaintiff was legally stopped;
- j. In failing to maintain an assured clear distance between Plaintiff's vehicle and Defendant's own vehicle; and
- k. In failing to avoid the accident by applying the brakes.

13. Defendant directly and proximately harmed Peter when Defendant struck Peter on September 4, 2017.

14. As a result of this collision, Peter suffered significant and severe injuries.

WHEREFORE, Plaintiff demands judgment against Defendant, in an amount in determined by this Honorable Court, exclusive of prejudgment interest, post-judgment interest and costs; and for such other relief as this Court seems fit to award.

A JURY TRIAL IS DEMANDED.

Respectfully submitted

/s/ Luna Swatkins
Attorney for Plaintiff

PLAINTIFF PETER;
Plaintiff/Counterclaim Defendant,

v.

DEFENDANT DARREN;
Defendant/Counterclaim Plaintiff.

DOCKET: C-0000001 SEC: 1

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ANSWER, AFFIRMATIVE DEFENSES, AND COUNTERCLAIM

AND NOW, comes Defendant Darren and files the within Answer, Affirmative Defenses and Counterclaim, the following of which is a statement:

ANSWER

1-2. The averments of Paragraphs 1 through 2 of Plaintiff's Complaint are admitted.

3-7. The averments of Paragraphs 3 to 7 of Plaintiff's Complaint are denied. Plaintiff was not in the parking space at the time of the accident; rather, Plaintiff, without warning or indication, drove directly into the path of Darren's car causing Darren to suffer injury.

8. Upon reasonable investigation and inquiry, Darren is without information sufficient to form a belief as to the truth of the averments of Paragraph 8. As such, such averments are deemed denied.

9. As the averments of Paragraph 9 of Plaintiff's Complaint constitute conclusions of law, no responsive pleading is required.

10. As the averments of Paragraph 10 of Plaintiff's Complaint are an incorporation Paragraph, no responsive pleading is required.

11. As the averments of Paragraph 11 of Plaintiff's Complaint constitute conclusions of law, no responsive pleading is required.

12-14. As the averments of Paragraphs 12-14 of Plaintiff's Complaint constitute conclusions of law, no responsive pleading is required. By way of further response, Darren incorporates Defendant's Counterclaim, which is set forth herein, as is stated in its entirety.

WHEREFORE, Defendant Darren respectfully requests that this Honorable Court enter judgment against Plaintiff and dismiss Plaintiff's Complaint in its entirety.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to set forth a cause of action upon which relief may be granted.

2. Plaintiff's Complaint is barred by Plaintiff's own negligence.

3. Plaintiff's claims were caused or contributed by the superseding and intervening acts of persons, entities, or circumstances beyond the control of Defendant.

4. Plaintiff failed to adhere to Steelton's traffic laws.

5. Plaintiff was an unlicensed motorcycle driver.

6. Plaintiff was not wearing a helmet at the time of the collision.

7. Defendant owed no duty to Plaintiff.

WHEREFORE, Defendant Daren respectfully requests that this Honorable Court enter judgment against Plaintiff and dismiss Plaintiff's Complaint in its entirety.

COUNTERCLAIM

1. Defendant incorporates the allegations of the preceding Paragraphs as if set forth in their entirety herein.

2. On September 4, 2017, Darren was carefully and lawfully driving on Webster St., when, all of sudden, a motorcycle driven by Plaintiff darted into the street as Darren was attempting to park.

3. The motorcycle did not signal or otherwise indicate that it was about to enter traffic.

4. As a motorist on a public thoroughfare, Plaintiff owed Darren a duty of care.

5. Plaintiff breached their duty to Darren insofar as:

- a. In negligently exiting a parking space;
- b. In failing to have the vehicle under the proper control;
- c. In failing to obey the rules of the road;
- d. In failing to keep a proper look-out;
- e. In failing to use a turn signal;
- f. In failing to observe the condition of the highway and the traffic thereon;
- g. In failing to observe with reasonable care the traffic and road conditions including the location of Darren's vehicle;
- h. In failing to avoid the accident by changing the direction of the vehicle;
- i. In failing to utilize mirrors or otherwise keep a lookout of vehicular traffic; and,
- j. In violating State of Louisiana traffic laws.

6. Plaintiff directly and proximately harmed Darren when Plaintiff pulled in front of Darren on September 4, 2017.

7. As a result of the sudden braking, Darren sustained several cervical fractures and a closed head injury.

WHEREFORE, Defendant Darren demands judgment against Plaintiff Peter, in an amount in excess of the prevailing arbitration limits, exclusive of prejudgment interest, post-judgment interest and costs; and for such other relief as this Court seems fit to award.

A JURY TRIAL IS DEMANDED

Respectfully submitted

/s/ Allie Blue
Attorney for Defendant /
Counterclaim Plaintiff

PLAINTIFF PETER;
Plaintiff/Counterclaim Defendant,

v.

DEFENDANT DARREN;
Defendant/Counterclaim Plaintiff

DOCKET: C-0000001 SEC: 1

19th JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**ANSWER TO COUNTERCLAIM AND
AFFIRMATIVE DEFENSES TO COUNTERCLAIM**

AND NOW, comes Plaintiff Peter and files the within Answer to Affirmative Defenses and Affirmative Defenses to Counterclaim, the following of which is a statement:

ANSWER TO COUNTERCLAIM

1. The averments of Paragraph 1 of Defendant's Counterclaim constitute an incorporation paragraph that does not require a response.
2. The averments of Paragraph 2 of Defendant's Counterclaim are denied. Peter never drove the motorcycle, nor did Peter pull the motorcycle in front of Defendant's vehicle.
3. The averments of Paragraph 3 of Defendant's Counterclaim are denied. Peter did not signal because Peter was not operating, driving or otherwise using the motorcycle.
- 4-5. As the averments of Paragraphs 4-5 of Defendant's Counterclaim constitute conclusions of law, no responsive pleading is required. As such, the averments are deemed denied.

6. The averments of Paragraph 6 of Defendant's Counterclaim are denied. Peter never drove the motorcycle, nor did Peter pull the motorcycle in front of Defendant's vehicle.

7. As the averments of Paragraph 7 of Defendant's Counterclaim constitute conclusions of law, no responsive pleading is required. As such, the averments are deemed denied.

AFFIRMATIVE DEFENSES

1. Defendant's Counterclaim fails to set forth a cause of action upon which relief may be granted.

2. Defendant's Counterclaim is barred by Defendant's own negligence.

3. Defendant's claims were caused or contributed by the superseding and intervening acts of persons, entities, or circumstances beyond the control of Plaintiff.

4. Defendant failed to adhere to State of Louisiana's traffic laws and committed negligence per se.

WHEREFORE, Plaintiff Peter respectfully requests that this Honorable Court enter judgment against Defendant and dismiss Defendant's Counterclaim in its entirety.

A JURY TRIAL IS DEMANDED

Respectfully submitted

/s/ Luna Swatkins
Attorney for Plaintiff

Exhibit A

TITLE CERTIFICATE

For Department Use Only
Bureau of Motor Vehicles • PO Box 21212 • Baton Rouge 12345

A	VEHICLE INFORMATION				
Vehicle Identification Number 0HFD123ABC456D789		Title Number 98765432109 ST		Registration Plate Number GRAYDAY	
B	VEHICLE OWNER INFORMATION				
last Name (or Full Business Name) PETER		First Name PLAINTIFF	Middle Name —	PA DI/Photo ID# or Bus. ID# 01/08/1988	
Co-Applicant last Name		First Name	Middle Name	PA DI/Photo ID# Date of Birth	
Current Street Address 5064 Yoh Avenue					
City Jena			State LA	Zip Code 12345	
C	SIGNATURE				
I hereby certify under penalty of law that All information is TRUE and CORRECT and that I understand that any misstatement of fact is a misdemeanor of the third degree punishable by a fine up to \$2,500 and/or imprisonment up to one year.					
_____ /s/ Plaintiff Peter Applicant's Signature		_____ 10/15/2017 Date		_____ Telephone Number	
_____ Co-Applicant's Signature		_____ Date		_____ Telephone Number	

EAST BATON ROUGE PARISH SHERIFF'S OFFICE

Driver's Accident Report

FORWARD THIS REPORT WITHIN 5 DAYS TO THE
LOUISIANA DEPARTMENT OF TRANSPORTATION, OFFICE OF PUBLIC SAFETY

TIME	Date of Accident (Month - Day - Year)	Parish	Day of Week	Hour (AM - PM)	Check if Hit-Run <input type="checkbox"/>
	September 4, 2017	E. Baton Rouge	Monday	1819	
	SEVERITY: Was Towing Required?	Number of Vehicles Involved	Number Injured	Number Killed	
	UNIT 1: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO UNIT 2: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	2	1	0	
LOCATION	TO PROPERLY LOCATE ACCIDENTS, USE AS LANDMARKS; OR SEGMENT NUMBERS;	City Borough Township	On: (Street Name or Highway Number)		
	MILEPOSTS; INTERSECTION OF TWO HIGHWAYS:	Penn's Woods	Webster Street		
	CITY, BOROUGH, TOWNSHIP, OR COUNTY LINES.	At Intersection With:	If Not At Intersection: Feet N S E W		
		no intersection	Of Station Marker - Intersection - Etc...		
MY VEHICLE - NO. 1	Operator's Name (First, Middle, Last)		Date of Birth	Operator's License Number and State	
	Mr. Defendant Darren		4/30/1999	Louisiana	
	Address (Street, City, State, Zip Code)		Vehicle License Number and State		
	37 Silver Lane, Baton Rouge, LA 12345				
	Owner's Name (First, Middle, Last)		Year	Make	Model
	Mr. Same		2008	Ford	Focus
Address (Street, City, State, Zip Code)		PA TITLE OR OUT-OF-STATE VIN			

USE THE FOLLOWING SECTION TO RECORD VEHICLE NUMBER 2, PEDESTRIAN, OR OTHER PROPERTY

OTHER	Operator's Name (First, Middle, Last)		Date of Birth	Operator's License Number and State	
	Mr. Plaintiff Peter		1/8/1988	Louisiana	
	Address (Street, City, State, Zip Code)		Vehicle License Number and State		
	5064 Yoh Avenue Baton Rouge, LA 12345				
	Owner's Name (First, Middle, Last)		Year	Make	Model
	Mr. Same		2016	Hurley	Road Master
Address (Street, City, State, Zip Code)		PA TITLE OR OUT-OF-STATE VIN			
Description of damaged property:					

IF MORE VEHICLES/PEDESTRIANS/OCCUPANTS ARE INVOLVED USE ADDITIONAL REPORTS.

PERSONS INVOLVED	NAME	AGE	SEX	VEH. NO.	INJURY CLASS	ACTIVE RESTRAINT	INJURY TYPE	SEATING POSITION	ACTIVE RESTRAINT	PASSIVE RESTRAINT
	Defendant Darren	18		1	0 - NO INJURY	0 - NONE	-4	-1	-1	2
	Plaintiff Peter	29		2	1 - DEATH	1 - SHOULDER HARNESS ONLY	2	1	9	9
					2 - MAJOR INJURY	2 - SEAT BELT ONLY				
					3 - MODERATE INJURY	3 - COMBINATION (HARNESS & BELT)				
					4 - MINOR INJURY	4 - CHILD RESTRAINT				
					9 - UNKNOWN	7 - MOTORCYCLE HELMET				
					POSITION	8 - OTHER				
					1 - DRIVER	9 - UNKNOWN				
					2 - 6 - PASSENGER					
				7 - PEDESTRIAN						
				8 - OTHER						
					PASSIVE RESTRAINT					
					0 - NONE OR PEDESTRIAN					
					1 - AIRBAG (DEPLOYED)					
					2 - AIRBAG (NOT DEPLOYED)					
					3 - AUTOMATIC SEAT BELT					
					8 - OTHER					
					9 - UNKNOWN					

Insurance Information	Company	Insurance Information	Company
Unit 1		Unit 2	Policy No.

WEATHER:		ROADWAY:	
<input type="checkbox"/> Rain	<input type="checkbox"/> Snow	<input checked="" type="checkbox"/> Clear	<input type="checkbox"/> Foggy
<input type="checkbox"/> Other		<input type="checkbox"/> Wet	<input type="checkbox"/> Snowy
<input checked="" type="checkbox"/> Dry		<input type="checkbox"/> Icy	<input type="checkbox"/> Rain

<div>0 = None</div> <div>1 = 1 o'clock</div> <div>2 = 2 o'clock</div> <div>3 = 3 o'clock</div> <div>4 = 4 o'clock</div> <div>5 = 5 o'clock</div> <div>6 = 6 o'clock</div> <div>7 = 7 o'clock</div> <div>8 = 8 o'clock</div> <div>9 = 9 o'clock</div> <div>10 = 10 o'clock</div> <div>11 = 11 o'clock</div> <div>12 = 12 o'clock</div> <div>13 = Top of Vehicle</div> <div>14 = Vehicle Undercarriage</div> <div>15 = Use when the initial impact was with a towed unit (such as utility trailer vehicle, horse van, etc...)</div> <div>99 = Unknown</div>	<div>12</div> <div>9</div> <div>3</div> <div>6</div>	<div>VEHICLE NUMBER 1:</div> <div>INITIAL IMPACT POINT <u>1-2</u></div> <div>LEGAL SPEED <u>25</u> MPH</div> <div>ESTIMATED SPEED <u>5-10</u> MPH</div>	<div>VEHICLE NUMBER 2:</div> <div>INITIAL IMPACT POINT <u>7-8</u></div> <div>LEGAL SPEED <u>25</u> MPH</div> <div>ESTIMATED SPEED <u>0-5</u> MPH</div>
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INSTRUCTIONS:

1. Draw Diagram As Clearly As You Can.

2. Show Your Vehicle As Number 1.

3. Label All Streets, Highways, and Landmarks.

4. Draw An Arrow In Circle Below So It Points North.

5. Complete Narrative.

Indicate North By Arrow

See attached diagram

GIVE A DETAILED DESCRIPTION OF THE ACCIDENT IMMEDIATELY PRIOR TO IMPACT, AT IMPACT, AND IMMEDIATELY AFTER IMPACT, REFER TO VEHICLES BY NUMBERS

Unit 1 was heading west bound on Webster. Unit 1 was apparently pulling into a designated parking space when the accident occurred. Unit 2 was parked directly in front of said parking space. Operator of Unit 2 was seated on vehicle when struck from behind. Speed of Unit 2 was undetermined, however, this officer discovered that the engine for Unit 2 was engaged on this officer's arrival. This officer turned Unit 2 off and removed keys. Said keys were placed into an evidence bag for safekeeping.

SIGNATURE

DATE 9/4/17

Webster

West
→



* Final resting places
of vehicles

X
Montana Max's

1 **Deposition of Plaintiff Peter**

2 And now, this 6th day of June, 2020, Plaintiff Peter, being duly sworn by the undersigned appeared at
3 the offices of MurdockPunxy, LLP, for the purposes of deposition by oral questioning.

4 (Questioning by Allie Blue)

5 Q. Good morning. We met earlier today before your deposition, but for purposes of the record, can you
6 please state your name?

7 A. Sure, my name is Plaintiff Peter.

8 Q. Peter, have you ever been deposed before?

9 A. No.

10 Q. Have you ever given testimony before in a civil or criminal case?

11 A. What is the difference? I am not sure I understand.

12 Q. Okay, sure. A civil case is like the case you filed against my client. A criminal case is a case in which
13 you are accused of violating a law.

14 A. Okay, I have testified at a criminal case before.

15 Q. What was the nature of that case?

16 A. I was charged with driving under the influence a few years back.

17 Q. Were you convicted?

18 A. No, halfway through my trial it was determined because I was first time offender, I was eligible for a
19 something called the accentuated rehab program.

20 By Ms. Swatkins

21 Q. You mean the accelerated rehabilitative disposition program, ARD?

22 A. Yes.

23 By Ms. Blue

24 Q. Okay, so you were admitted into the ARD program. Do you know what that means?

1 A. From what I understand I was never convicted of a crime, and because I met all of the requirements of the
2 program, my record has been expunged. I have been sober for three years now.

3 Q. Alright, are there any other testimony or lawsuits that you have been a part of?

4 A. No.

5 Q. Great. So, there are a couple of ground rules that I would like to set up before we begin. First, when I
6 ask you a question, I expect you to tell me what you know when you answer that question. I do not want
7 to you guess or speculate, okay?

8 A. Sure.

9 Q. If you answer one of my questions, we can agree that you have provided a full answer, right, and that you
10 are not leaving anything out?

11 A. Okay. I agree.

12 Q. If you do not hear me or the question that I ask, please ask me to repeat it and I will be happy to do so,
13 alright?

14 A. Yes.

15 Q. Similarly, if I ask you a question and you do not understand it, please ask me to rephrase my question.
16 Can you do that?

17 A. I can.

18 Q. Anytime that you answer one of my questions, I am going to assume that you both heard and understood
19 the question I asked, is that fair?

20 A. Yes.

21 Q. Okay, let's start with the hard questions, how old are you?

22 A. I am 32.

23 Q. So, at the time of the accident you would have been 29?

24 A. Yes.

25 Q. And when were you born?

1 A. January 8, 1988.

2 Q. Where do you currently live?

3 A. 5064 Yoh Avenue in Baton Rouge.

4 Q. Is that the same address you lived at when you were involved in the accident in September 2017?

5 A. Yes.

6 Q. How long have you been at that address?

7 A. Just over two years. I moved there right before the accident from my hometown of Asbury Park.

8 Q. How far away is Asbury Park?

9 A. I'd say about a thousand miles or so. It's back east.

10 Q. Had you ever been to Baton Rouge before?

11 A. No. I was looking to make a clean start. I got a job here working for Dr. Googlay.

12 Q. Who is Dr. Googlay?

13 A. It is actually a what. Dr. Googlay is a website that people can use to check their medical symptoms and
14 get information about various medical conditions and medications and things like that.

15 Q. What do you do at Dr. Googlay?

16 A. I am in advertising. I sell advertising space to companies that may be interested in advertising on the site.

17 Q. Is this something you have been trained to do?

18 A. Yes, I went to college where I majored in marketing and minored in Spanish. I then went to work for
19 Rick's, which is a sporting goods store, which is where I worked until when I moved to Baton Rouge.

20 Q. You mentioned earlier that you moved here to get, I think you said, a clean start. Can you explain what
21 you mean by that?

22 A. Sure, I just felt like I was in a rut. I was not happy with my life and I started finding comfort in drinking.
23 I was in a long-term relationship and when my partner left me, I really went into a tailspin. I was drinking
24 every night, and then I got pulled over after I had a couple too many at the bar.

25 Q. I see, and you mentioned that you no longer drink?

1 A. That is correct. I started seeing a counselor and I was diagnosed with depression and anxiety. I began
2 taking Paxil for the depression, and I would take Klonopin on a daily basis to help with the anxiety. I also
3 have prescription for Xanax, but I only take that if I am having a panic attack.

4 Q. Were you taking these medications at the time of the accident?

5 A. Well, I take my Paxil and Klonopin every morning when I wake up. I did not take any Xanax that day.

6 Q. It is my understanding that your prescription bottle for Xanax was found at the accident scene, can you
7 explain that?

8 A. Well, yeah, I mean, I always have some with me. Panic attacks are not something that you can tell are
9 going to happen.

10 Q. So you are sure that you did not take any Xanax that day.

11 A. 100%. It had been some time since I had panic attack prior to the accident.

12 Q. Do you have them now?

13 A. Almost daily, ever since the accident. I probably have two or three a week.

14 Q. And do you know why?

15 A. I believe it is trauma from the accident. There are times that I am in traffic and all of sudden I just start to
16 lose it.

17 Q. How do you handle it?

18 A. I take a Xanax. That is why I have them.

19 Q. Well, do you continue to drive after taking the medication?

20 A. I do.

21 Q. Well, is that something you should be doing on that type of medicine?

22 A. I have never had anybody tell me not to. It does not affect my ability to drive.

23 Q. Have you been in any other motor vehicle accident since September 2017?

24 A. Yes, one, I hit a patch of ice and lost control of my vehicle. It wasn't anything major, but it was scary.

25 Q. And what type of vehicle do you drive now?

1 A. That depends. In the summer and nice days in the fall and spring I drive my motorcycle. On days that
2 the weather does not permit, I will drive my car.

3 Q. And it is also my understanding that you have received some traffic citations related to your motorcycle
4 driving, is that accurate?

5 A. It is not. I had one citation.

6 Q. What was that for?

7 A. Driving without a helmet, which is completely false.

8 Q. Why is it false?

9 A. I had just pulled into Portini Sisters to get a sandwich. I took my helmet off and a cop showed up and
10 gave me a ticket. Said he been following me for a couple of blocks and that I was not wearing a helmet.
11 He must have had me confused with somebody else.

12 Q. Well did you challenge the citation?

13 A. I did, but you can't fight city hall. The traffic court judge said it was a he said/she said argument, and she
14 found in favor of the cop. Big surprise there.

15 Q. And when did this happen?

16 A. About six months ago.

17 Q. Okay, and before we move on to the day of the accident, there is one last thing I want to ask you about.
18 You mentioned a few times you moved to Steelton to get a clean start. Did you have any problems at your
19 job at Rick's?

20 A. No. Not once. I worked there for five years without a single complaint about me. I received a raise and
21 a bonus every year.

22 Q. Okay. Thank you. Let's move on to the day of the accident. It's my understanding that at the time of the
23 accident, you were not licensed to operate a motorcycle in Steelton, is that correct?

24 A. Yes.

25 Q. And yet when you were struck, you were sitting on a motorcycle, correct?

1 A. That is correct, but I was not operating the motorcycle.

2 Q. Let's talk about that. First, the motorcycle you were sitting on was registered in your name, right?

3 A. Yes.

4 Q. And it was titled in your name as well, right?

5 A. Yes, I purchased it. I had recently received a pretty decent bonus from Dr. Googlay because I made a big
6 sale to Perdue. I had always wanted a motorcycle, so I went out and bought one. I guess I got ahead of
7 myself as I had not been licensed to drive one, and I had to take the test.

8 Q. Did you ever drive a motorcycle before?

9 A. When I was a kid and into my teens I was pretty big into dirt bike racing.

10 Q. Do you mean BMX?

11 A. No, I mean real dirt bike racing. So, for a very long time, I was riding dirt bikes, which are essentially
12 motorcycles specifically made for racing on dirt tracks.

13 Q. And you do not need a license to ride them?

14 A. No, not at that age, and those types of racing.

15 Q. So how did you get the motorcycle home if you did not have a license?

16 A. The dealership was nice enough to deliver it to my house.

17 Q. And when did you take your license test?

18 A. About three weeks after the motorcycle was delivered.

19 Q. But you did not drive the motorcycle prior to that?

20 A. No, I did not. It would have been illegal.

21 Q. Where was the test?

22 A. At the Louisiana Department of Motor Vehicles testing center.

23 Q. How far away from your home is that?

24 A. About three miles.

25 Q. And how did you get the motorcycle to the testing center?

1 A. I have a good friend I worked with at Dr. Googlay who drove it for me.

2 Q. And does this good friend have a name?

3 A. Yes. Tony Stork.

4 Q. Did Tony have a license?

5 A. Yes, but Tony did not have a motorcycle, so after I did not pass the test, I let Tony keep it until I did.

16 Q. And you answered one of my questions, which is I understand that you did not pass the motorcycle
7 licensing exam, right?

8 A. That is correct. I failed by a point. It was really disheartening.

9 Q. And it is my understanding that Tony kept the vehicle until the time of the accident, correct?

10 A. Yes.

11 Q. So, what were you doing on it at the time of the accident?

12 A. I was just sitting on it. Thinking about what it would be like to get out on the road. I needed some
13 motivation for the test.

14 Q. You would agree with me that the motorcycle was on, right?

15 A. It was on. Tony had just pulled into the spot about five minutes before the accident and I wanted to sit on
16 it while it was running. It wasn't in gear, and I had no intention of taking it for a ride.

17 Q. You are aware that a witness in the police accident report told the investigating officer they had seen you
18 remove the kick stand and it appeared that you began to pull out into traffic?

19 A. I am aware of that, but it did not happen. I don't have a license.

20 Q. And to be clear, you were not wearing a helmet at the time you were struck?

21 A. Well, considering that I was not planning on riding it, no, I was not.

22 Q. You are aware there was not a helmet found at the scene either, right?

23 A. I have no idea. I really can't tell you one way or the other.

24 Q. Do you know if Tony was wearing a helmet when he pulled up?

25 A. I don't know.

1 Q. Really? You seem to remember everything else about that day, but you can't remember that?

2 A. I told you, I don't remember.

3 Q. Tell me what you remember about the conditions that day.

4 A. What do you mean conditions?

5 Q. What time of day was it? What was the weather like? Was it still light outside? Those types of things.

6 A. It was after work. I leave around 5:30 p.m. every day unless I have project or something big that I am
7 working on.

8 Q. Let me stop you right there. Do you know if you left work around 5:30 p.m. that day?

9 A. I don't know for sure.

10 Q. Well, do you know if you were working on a project or anything that would have required you to stay
11 later?

12 A. Not that I recall.

13 Q. Alright, what was the weather like?

14 A. It was a sunny, warm day. I remember being really hot, but I do not recall the exact temperature.

15 Q. Do you know what time you met Tony?

16 A. It must have been around 6:00 p.m. I walked to the spot where I was meeting Tony, and it is about a half
17 an hour walk.

18 Q. How do you know you walked?

19 A. I remember it being a nice day and thinking that since fall and winter were coming, there might not be too
20 many more like it, so I wanted to get out and enjoy it while the weather held up.

21 Q. Do you remember if it was still sunny, or was it starting to get dark?

22 A. It was still sunny outside. It usually does not start getting dark around here until around 8:00 p.m. at that
23 time of year.

24 Q. Did you get to your meeting location at the same time as Tony?

1 A. No. Tony pulled up where I was waiting. Tony wanted to grab a beer and talk, so I agreed to hang out
2 and listen. Because Tony brought my motorcycle, I decided to just sit on it for a minute or two.

3 Q. I thought you said you were sober?

4 A. I am. Just because Tony wanted a beer doesn't mean I needed to drink one.

5 Q. But you were still meeting Tony at a bar?

6 A. Yes.

7 Q. And after you got on the bike, what happened?

8 A. Well, the bike was facing forward, so I could not see behind me, which is the direction that car that hit me
9 came from. At that point I remember Tony saying, "Hey, what are you doing?" I turned around and I
10 saw a car flying . Before I knew what happened, I woke up in the hospital.

11 Q. Do you remember where the motorcycle was parked?

12 A. Yes. It was in a space on the street.

13 Q. Were there other cars parked on the street?

14 A. Yes, street parking was available on both sides of the street.

15 Q. Do you remember if there was a car parked in front of you?

16 A. I do not.

17 Q. Tell me about your injuries. What happened as a result of the collision?

18 A. I broke both of my legs. Dislocated my sacroiliac joint, that's what connects your pelvis to your spine,
19 and I suffered a significant closed head injury. I was unable to work for six months because of the pain I
20 was in.

21 Q. Have you recovered from your injuries as of today?

22 A. I suppose, I mean, I am still sore every now and then, and sometimes I walk with a limp. Also, I think I
23 mentioned it earlier, I have more frequent panic attacks.

24 Q. So, if the accident did not happen, when were you scheduled to take motorcycle license test next?

25 A. On September 5, 2017.

1 Q. And it is my understanding that you were eventually able to pass the test, is that correct?

2 A. I did. Once I healed from all my injuries and completed all of my physical therapy, I was able to pass the
3 test with flying colors the next time that I took it.

4 WHEREUPON the deposition was concluded.

1 **Deposition of Defendant Darren**

2 And now, this 11th day of June, 2019, Defendant Darren being duly sworn by the undersigned appeared
3 at the offices of the Swatkins Law Firm, for the purposes of deposition by oral questioning.

4 (Questioning by Luna Swatkins)

5 Q. Good afternoon Darren.

6 A. Hello.

7 Q. We are here today to take your deposition in the case involving Plaintiff Peter. Is this the first time
8 that you have given deposition testimony?

9 A. Yes, this is my first time I have had any legal troubles.

10 Q. Well, relax, you have insurance for a reason, right?

11 A. I guess so.

12 Q. How old are you?

13 A. I am 21.

14 Q. So you would have been 18 at the time this all happened?

15 A. Yes.

16 Q. Darren, where do you live?

17 A. Um...Baton Rouge.

18 Q. Okay, but what is your address?

19 A. Oh, 37 Silver Lane.

20 Q. Is this where you lived at the time you hit Peter?

21 A. Wait, Peter pulled out in front of me. You make it sound like I had a choice.

22 Q. Do you disagree that you hit Peter?

23 A. No, I don't disagree, but Peter darted out in front of me with no warning. I could not avoid it and I
24 ended up in pretty bad shape because of it.

25 Q. Okay, well, going back to my original question, where did you live at the time of the accident.

1 A. I lived at 37 Silver Lane. I was just getting ready to move.

2 Q. I thought you said you still lived there?

3 A. Well, I did, and I do. I lived there with my grandmother. My parents died in a motorcycle accident, so I
4 stayed with her until I was ready to go to school. Then, this past year, when the Corona virus broke out,
5 I moved back in to help her around the house, since all of my classes were virtual.

6 Q. Where are you going to school?

7 A. I am not anymore, I failed out, but I was going to University of Louisiana at Monroe.

8 Q. What happened?

9 A. I was partying a little too much. I had hope that if I moved back home, I might do better in my classes.

10 Q. I thought you said you moved back home to take care of your grandmother?

11 A. Well, I did, and that was part of it. I mean she got me around to help her out, and I got a free place to
12 stay with no distractions.

13 Q. I see. Were you working at the time of the accident?

14 A. No. I really wanted to focus on my schoolwork, plus, I could not find a job that paid more than
15 minimum wage. I mean, I was a college student. My time was certainly worth more than that.

16 Q. On the day of the accident, where were you going?

17 A. I was going to meet a friend at Montana Max's.

18 Q. And at that point, how long had you had your driver's license?

19 A. A little over a year. I think I got it a few months before my 17th birthday. I failed the test a couple of
20 times.

21 Q. Is the test still a written test, followed by a driving test?

22 A. Yes, it is.

23 Q. And which portion of the test did you fail?

24 A. I failed the written portion.

25 Q. You mean the one that tests you on the rules of the road?

1 A. Well, there were a lot of things on that test. Laws, rules and various driving situations. It is a tricky test.

2 Q. So am I to take it that you passed the driving portion of the exam all three times?

3 A. No, I only could take the driving portion of the exam if I passed the written test. So, when I could finally
4 take the driving test, I passed it with flying colors.

5 Q. Okay, so other than failing the written portion of your driving test twice, have you had any other problems
6 related to driving?

7 A. I am not sure what you mean.

8 Q. Have you ever had and tickets or been any other accidents?

9 A. Yes, I have.

10 Q. Which one?

11 A. Both.

12 Q. Okay, can you explain?

13 A. Well, about three months before the incident with Peter, I was involved in a minor fender bender, and I
14 got cited for, I think it was careless driving.

15 Q. Tell me what happened.

16 A. I was running late to pick up a friend, and I side-swiped a car when I was driving there. It wasn't my
17 fault, so I think that is why the judge did not find me guilty of that citation.

18 Q. What do you mean it was not your fault?

19 A. Well, the car was parked way out in the street, and the street was narrow. There was a car coming in the
20 opposite direction and I could not avoid hitting the parked car.

21 Q. Do you know why you were cited for not paying attention?

22 A. The other driver said I was fooling around with my stereo, but I was not. I think he just wanted me to get
23 blamed.

24 Q. And you said you were found not guilty of that citation, right?

25 A. Yes.

1 Q. Were you found guilty of anything?

2 A. Well, the officer agreed to lower the charge to failure to obey a traffic sign if I pled guilty. That way my
3 insurance rates would not go any higher.

4 Q. Do you remember the officer's name?

5 A. I do not.

6 Q. Okay, and any other citations or accidents?

7 A. No.

8 Q. What is Montana Max's?

9 A. It's this bar restauranty type of place.

10 Q. I thought you were only 18 at the time?

11 A. I was, but I did not drink. I was going to get some food. My friend Nat was at the bar and asked me to
12 come down. We were going to eat and play video games or something before I left for school.

13 Q. Does Nat have a last name?

14 A. Romanov.

15 Q. Okay. What time were you supposed to meet Nat?

16 A. Five.

17 Q. And I am correct, this accident happened at 5:30 p.m.?

18 A. Yes, I believe.

19 Q. So you were late?

20 A. Not really.

21 Q. But I thought you were meeting Nat at 5.

22 A. I was, but it's not like we were going on a date or had a job interview. Nat was with some friends and
23 they had some drinks, so I was not too concerned about the time.

24 Q. But, it is my understanding that one of Nat's friends wanted to talk with you about a job?

25 A. Well, yeah.

1 Q. And that person was leaving at 5:30 sharp, right?

2 A. Yes.

3 Q. So weren't you concerned you were going to miss out on a chance at a job?

4 A. Yes, but it was not a major concern. I was also starting school, remember, so I was not sure I could handle
5 a job and study.

6 Q. Okay, so what time did you leave your house?

7 A. About ten after five.

8 Q. And I guess it takes you about twenty minutes to get to Max's, right?

9 A. That is about right.

10 Q. And I take it that when you go to Max's, you end up on Webster St.?

11 A. Yes, about a block away.

12 Q. Are you familiar with Webster St.?

13 A. I am.

14 Q. How so?

15 A. Most of the restaurants in this area of town are located there. Ever since I was a kid, we have been coming
16 to this area of town for food or to hang out.

17 Q. What day was September 4, 2017?

18 A. It was Labor Day, so that would be a Monday.

19 Q. Can you describe what the traffic was like that day?

20 A. It was lighter than normal, by a lot. I would never have been able to get a spot that close to Max's, or
21 anywhere on that street for that matter, on a normal Monday.

22 Q. And the weather?

23 A. I remember it being a pretty nice day. It was still light out. I do know that.

24 Q. Tell us what you remember about driving down the street that day?

25 A. Well, like I said, it was nice day, and it was not busy. I saw a bunch of spots.

1 Q. Did you notice anything else before the accident?

2 A. Well, Nat was outside of the restaurant.

3 Q. Why did you notice that?

4 A. It looked like Nat was walking down the street pretty fast. I know Nat saw me because Nat looked right
5 at the car, and the next the thing I know a motorcycle pulled out in front of me.

6 Q. Well, wait a second, weren't you looking at Nat?

7 A. I was, briefly, and only because Nat was ahead and on my right walking in the same direction that I was
8 travelling.

9 Q. Why weren't you watching the road?

10 A. I was watching the road, I was looking ahead and to the right for a parking space. There were plenty, and
11 then this motorcycle that was parked in the space behind the one that I was going to park in just took off.

12 Q. It just took off?

13 A. Yes.

14 Q. You didn't turn into it?

15 A. No way. I had my turn signal on, and I was slowing down and then it shot out.

16 Q. So, you saw the motorcycle then?

17 A. Yes, right before it took off. There was a person on it without a helmet. It looked like somebody else was
18 close to the space, but it seemed like they were walking away.

19 Q. Are you sure that they were walking away?

20 A. It seemed that way to me. They certainly weren't facing me.

21 Q. So that person did not scream "look out" or something like it?

22 A. Not that I heard. And I had my windows down.

23 Q. How do you remember that you had your windows down?

24 A. My air conditioner in the car did not work, so I had them down. It was still warm that day.

25 Q. What happened next?

1 A. Well, I slammed on the brakes really hard, but there was nothing I could to stop in time. I guess I must
2 have stopped pretty hard, because I had to be taken to the hospital. The doctor told me that I had broken
3 some neck bones and a concussion from how quickly my head jerked forward.

4 Q. Okay, I have no further questions.

5 WHEREUPON the deposition was concluded.

6

1 **Deposition of Tony Stork**

2 And now, this 22nd day of April, 2019, Tony Stork, being duly sworn by the undersigned appeared at the
3 Swatkins Law Offices, for the purposes of deposition by oral questioning.

4 (Questioning by Luna Swatkins)

5 Q. Good morning Tony. I am here to ask you some questions about a motor vehicle accident that occurred
6 on September 4, 2017.

7 A. Okay.

8 Q. Before we begin, I would like to know your address.

9 A. Why?

10 Q. Well, if this matter goes to trial, we may need to reach you to testify.

11 A. What if I don't want to testify.

12 Q. Well, we can just issue a subpoena, and the sheriff could come out to get you if that is the case.

13 A. Geez, okay, I was just curious. I presently live at 1122 Shasta Drive.

14 Q. In Baton Rouge?

15 A. Yes.

16 Q. Okay, and how long have you lived there?

17 A. About ten years now.

18 Q. So, you would have been living there at the time of the accident?

19 A. Yes.

20 Q. Does anybody else live there with you?

21 A. Well, my spouse did until a couple of months ago, but they decided to leave me.

22 Q. I am sorry to hear that.

23 A. Don't be. They say I drink too much, and that I have a dead end job, so they just left. Their loss.

24 Q. Do you?

25 A. Do I what?

1 Q. Drink too much?

2 A. I don't think that's any of your business.

3 Q. Well, from what I understand, you had a couple of a drinks at the time of the accident, so I was just curious.

4 A. Listen, just because I like to go out on the weekends, and holidays and occasional weeknight to have a
5 drink with my pals does not mean I have a drinking problem.

6 Q. I did not say it did. Let's move on.

7 A. Okay.

8 Q. How old are you?

9 A. 38.

10 Q. So at the time of the accident you would have been....

11 A. 35.

12 Q. Okay. And are you presently working?

13 A. I am.

14 Q. Where.

15 A. I actually work at Montana Max's.

16 Q. I thought you worked at Dr. Googlay.

17 A. I did, but there was a holiday party a few months back, and I had a couple beers too many, so the HR
18 department decided I might not be a fit.

19 Q. So, you were terminated?

20 A. No, we agreed to mutually part ways.

21 Q. Okay, so when did you start working at Max's?

22 A. Only a few months ago. The owner joked that I spent so much time there, I might as well work there.

23 Q. I'd like to ask you some questions about the motorcycle accident involving Plaintiff Peter.

24 A. Okay.

25 Q. First, how do you know Peter?

1 A. We've known each other for a very long time. We went to summer camp together in middle school for a
2 couple of years.

3 Q. I thought you were a couple of years older than Peter?

4 A. I was, I mean, am. But we just really liked motocross. Peter was a rider, and I always wanted to try it.

5 Q. And Peter got his job at Dr. Googlay because of you, right?

6 A. Yes. I knew Peter was looking to make a move, and Dr. Googlay was really taking off, and we needed
7 talented people, so I called Peter.

8 Q. What did you tell Peter?

9 A. That this would be a good chance for him to move on and take a better job. It was not a hard sale.

10 Q. Move on from what?

11 A. Peter was not really a self-starter. Peter sometimes need a push, and I thought I would provide that
12 push.

13 Q. Okay, so let's talk about the day of the accident. What did you do that day?

14 A. Well, I do remember it was Labor Day, so we did not have work. I probably would have sat around with
15 my friends playing the new Madden. It just came out the week before.

16 Q. What is Madden?

17 A. It's a football video game. A new version comes out every year. I remember Tom Brady was on the cover
18 and I really hoped he got hit by the Madden Jinx.

19 Q. Okay, what is the Madden Jinx?

20 A. Every year there is football player on the cover of the game. And almost every year, the player on the
21 cover gets hurt. And I did not want to see those guys win another title.

22 Q. What did you do after you finished playing Madden?

23 A. I remember that we went to this new bar that just opened up. It was called Montana Max's. It was Mexican
24 Monday and they had killer tacos and three-dollar margaritas.

25 Q. So, Peter told me he was working that day.

1 A. Peter was. Peter likes to work. Peter works too much and never takes a drink. I have been trying
2 to loosen Peter up for a long, long time.

3 Q. So why did you not work that day?

4 A. It was Labor Day. A company holiday. I am not going into work if I do not have to go. It
5 was my understanding that you were meeting Peter there at 6? You were already there?

6 A. Yes.

7 Q. And what time did you get there?

8 A. Around 3 or 4.

9 Q. And you met Peter outside?

10 A. Yes.

11 Q. Why?

12 A. Peter wanted to check out the bike.

13 Q. You mean the motorcycle?

14 A. What did you think I meant, a Schwinn?

15 Q. I am just trying to be clear for the record.

16 A. Yes. The motorcycle.

17 Q. And it is my understanding that Peter walked from Dr. Googlay to meet you?

18 A. Yes.

19 Q. And that is about a 30-minute walk right?

20 A. 30 minutes, no way. More like 10 minutes.

21 Q. And when you met Peter, how much did you have to drink?

22 A. Probably three or four. They water them down when they are on special like that.

23 Q. Did you have any other drinks?

24 A. I had a couple of Coronas. Because you can't have a margarita if you don't have a Corona.

25 Q. I see. Did you eat anything?

1 A. I probably had five or six tacos. They were only a dollar on Mexican Mondays.

2 Q. And this was all before you met Peter?

3 A. Yes.

4 Q. Were you intoxicated?

5 A. Well, I wasn't driving anywhere if that is what you mean.

6 Q. No, it's not. I am trying to understand if you were drunk or not. And by you telling me you were not
7 driving anywhere, I assume the answer is yes.

8 A. I wasn't that bad. I had a bit of a buzz going, but nothing that really impaired me too much.

9 Q. Well, it was enough for you to say you would not drive the motorcycle, right?

10 A. Well, I'm not dumb. Impairment begins with the first drink you know. Besides, Peter could have given
11 me a ride home.

12 Q. How could Peter have given you a ride home if Peter did not have a license?

13 A. Well, it would not be the first time that Peter would have driven the motorcycle without a license.

14 Q. Is this something that Peter did often?

15 A. Not really. Usually just in the parking lot after work. Peter was preparing for the test.

16 Q. Do you know if you needed a license to drive in the parking lot like that?

17 A. I don't know, I mean, how else could you prepare?

18 Q. When you met Peter, what happened?

19 A. Peter was having a bad day. So, I asked Peter, do you want to sit on the bike? It might make you feel
20 better. And, Peter hopped on.

21 Q. Was the ignition on?

22 A. Peter turned it on.

23 Q. Do you know why? Was Peter planning on driving?

24 A. No way, not without a license. Peter just wanted to feel the bike running.

25 Q. Why do you say no way? I thought you said Peter drove the bike before?

1 A. Yeah. I did. In the parking lot. Peter never drove that thing on the street. Trust me. I tried to get
2 Peter to drive me home all of the time after drinking. Peter refused.

3 Q. What do you remember about the accident?

4 A. Well, Peter was facing away from the car, because I parked the motorcycle facing that way. All of a
5 sudden, I see this car coming up the street towards us and it swerved a little bit. The driver looked like
6 they were waving to somebody or something. And then the driver looked like they decided to park and
7 pulled right into Peter.

8 Q. Did Peter ever move the bike out of the space?

9 A. Not once.

10 Q. Did Peter have a helmet on?

11 A. Peter was not driving, so no.

12 Q. Did you have a helmet for the bike?

13 A. I did.

14 Q. Did you wear it that day?

15 A. I did.

16 Q. And you are aware that a helmet was never found at the scene, right?

17 A. Yeah, I am pretty upset about it. Those helmets are not cheap.

18 Q. So you are saying that you did bring a helmet and it was lost.

19 A. That is exactly what I am saying.

20 Q. What happened next?

21 A. Well Peter was in bad shape, there was blood everywhere. I heard two people arguing behind me. One
22 yelled, did you see that biker pull out in front of the car? And the other person said, no way, the driver
23 wasn't paying attention.

24 Q. Did you know who these people were?

25 A. Never seen them before.

1 Q. What about the driver of the car?

2 A. Never seen them either. They were really young.

3 Q. Did you have the chance to observe the person driving the car after the accident?

4 A. Yes.

5 Q. Did it seem like they were hurt?

6 A. No way.

7 Q. Why do you say that?

8 A. Well, this person just got out and started yelling at Peter. They seemed a bit slurry, but otherwise okay.

9 Q. What do you mean by slurry?

10 A. Almost like they were drunk, they were having some problems with words. But, I know that the police
11 said the car driver was not drinking.

12 Q. Is there anything else you can tell me about the accident?

13 A. I think I told you all that I can remember.

14 Q. Okay, thank you for your time.

15 WHEREUPON the deposition was concluded.

1 **Deposition of Nat Romanav**

2 And now, this 22nd day of April, 2020, Nat Romanov, being duly sworn by the undersigned appeared at
3 the Swatkins Law Offices, for the purposes of deposition by oral questioning.

4 (Questioning by Luna Swatkins)

5 Q. Good morning Nat. I am here to ask you some questions about a motor vehicle accident that occurred on
6 September 4, 2017

7 Q. This isn't a test, so it is okay if you don't know an answer.

8 A. Alright, I am a little bit nervous.

9 Q. No need to be nervous. I don't expect we are going to be that long, but if you need anything you let myself
10 or Ms. Blue know, okay?

11 Q. And are you being represented by counsel here today?

12 A. I am not. Should I be?

13 Q. Well, that is your call, but we just want to talk about what you do and don't remember about the accident.
14 You are not on the hook for anything here, alright? Do you want to continue?

15 A. Sure, no problem. I just wanted to make sure I am not in trouble. And now that you said that and it is
16 recorded, you can't do anything to me. I saw that on a TV show once.

17 Q. Umm. Okay. So, can you state your name and address for the record, please?

18 A. Nat Romanov, and I live in Baton Rouge at 178 Clay Street.

19 Q. Nat, how old are you?

20 A. Right now I am 22.

21 Q. And are you a student?

22 A. Yes, I am just finishing up my senior year at Louisiana Tech.

23 Q. Are you sticking around or leaving town?

24 A. I got a job lined up at a think tank in DC. It is my hope to be a lobbyist one day.

25 Q. Great. What is your major?

1 A. History.

2 Q. Before we get to the accident itself, it is my understanding that you are a friend of Darren, right?

3 A. I am.

4 Q. How long have you known Darren?

5 A. Not very long. We met at our orientation for University of Louisiana at Monroe.

16 Q. I thought you went to Louisiana Tech? Did you change schools?

7 A. Yes, I did. I started at ULM to save up some money because I knew I wanted to move to DC.

8 Louisiana Tech is expensive, and I did not want to have very much debt coming out of school. When

9 Q. did you transfer?

10 A. After my second year.

11 Q. Did you remain friends with Darren before you transferred?

12 A. Of course I did. We were roommates. Darren used to help make up for the rent a lot because I could

13 not afford it every month. Never asked me for money back. I really owe a lot to Darren. If Darren did

14 not help me, I probably would have had to move home and that would have been disastrous.

15 Q. Why do you say that?

16 A. My family and I do not get along out all. We are not even speaking. They wanted me to go into the family

17 business and I refused. If I moved home, I am sure I would have dropped out and never been able to

18 chase my dream of a life in DC.

19 Q. Sounds like Darren was a really good friend.

20 A. Yes, the best.

21 Q. And it sounds like you would do anything for Darren.

22 A. I mean, I wouldn't say anything, but a lot, that is for sure.

23 Q. Did you and Darren remain friends after you transferred?

24 A. Yes, we did. Darren seemed to be going through some stuff. Darren was really dedicated to Darren's

25 grandmother. Apparently she was not doing well, and Darren was really partying. Darren's grandmother

1 fell and broke her hip once when Darren was out with a group of friends, so Darren moved back home
2 with her to help.

3 Q. I thought Darren moved back home to help concentrate on Darren's studies?

4 A. Well, that is what Darren says, but Darren wanted to take care of Darren's grandmother. At least that is
5 what Darren told me.

6 Q. Darren also mentioned that Darren was thinking about dropping out and working. Does that sound right?

7 A. School was never for Darren. Darren did not have attention span.

8 Q. What do you mean by that?

9 A. Darren just could not sit behind a desk and learn. Darren wanted to do, but because of the situation at
10 home, Darren stuck around. Also, Darren always seemed somewhere else.

11 Q. What do you mean by that?

12 A. Well, there would be times you would be talking to Darren, and you would look over, and Darren did not
13 hear a word. This happened all of the time. At dinner, on dates, while driving.

14 Q. While driving?

15 A. Well, yes, but I never noticed that Darren was not paying attention to the road. Just not to me.

16 Q. Okay. What can you tell me about September 4, 2017, the day of the accident?

17 A. Well, we did not have class because of the holiday. A new place just opened up, some cantina type place
18 and we were going there to hang out.

19 Q. To get some drinks?

20 A. No, none of us were 21. But, the food was supposed to be good, and you can only eat the same pizza and
21 hamburgers so many times.

22 Q. Who was there with you that day?

23 A. I can't remember everybody. I do remember I had a friend that I wanted Darren to meet. I thought they
24 might hit it off. Not romantically, but my friend just started his own business, and based what I knew

about Darren, I thought that Darren might have more interest in work than school. Darren was supposed to be there by 5 because my friend had to leave at 5:30.

Q. Did Darren get there by five?

A. No, Darren was late. Darren is always late. Always rushing to get there on time. I always told Darren, look, if you not early, you're late.

Q. Did you call Darren?

A. Yes.

Q. Did Darren answer?

A. No, that is how I knew Darren was driving.

Q. How did you know that?

A. Darren refused to answer the phone when driving.

Q. What happened when Darren did not show up at five?

A. Well, we just hung out, and when my friend had to leave, I walked out with him and I saw Darren driving down the street.

Q. What did you do?

A. I started to wave at Darren, and Darren looked in my direction, and that is when the motorcycle pulled out in front of Darren.

Q. So, the motorcycle did pull out onto the street?

A. Yes. I heard a revving noise, and I looked around. Then I heard screeching and looked back, and the motorcycle was on its side in front of Darren's car.

Q. Did you actually see the motorcycle move?

A. Well, no, but how else did it get on the street?

Q. Did you know if the motorcycle was parked there before the accident?

A. I didn't see it, but I guess it had to come from somewhere.

Q. So, would you agree with me that it is possible that Darren struck a parked motorcycle?

1 A. No way.

2 Q. Why no way?

3 A. Well, after that time Darren was in the sideswipe accident, Darren was so overly cautious about driving
4 too close to the side of a street.

5 Q. Do you know if Darren was trying to park when the accident happened?

6 A. I found out about it after the fact, yes.

7 Q. And you said that Darren looked at you when you were waving, right?

8 A. Yes.

9 Q. So, you would agree with me that Darren did take Darren's eyes off of the road?

10 A. I mean, sure, briefly.

11 Q. Did Darren tell you about any injuries that night?

12 A. No, but something seemed off. However, the next day, Darren called and told me that Darren's neck
13 really hurt.

14 Q. Did you have any other conversations that night with anybody else who saw the accident?

15 A. No, but I just heard somebody yell that the motorcycle drove in front of the car.

16 Q. Did you hear anybody say that the car drove into the motorcycle?

17 A. Not exactly. I know the person that yelled that out got into an argument with somebody else. They had
18 to be restrained.

19 Q. Do you know if they spoke to the police?

20 A. They did not. Both people in the argument left quickly.

21 Q. Did you happen to see a motorcycle helmet at any time that the accident occurred?

22 A. I did, but somebody picked it up when all the commotion was going on and walked off with it.

23 Q. Thank you, no further questions.

24

25 WHEREUPON the deposition was concluded.