

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2022-CA-009833-XXXX-MB

ROWAN HUNTER and IVETTE
BOLIVAR,

Plaintiffs,

vs.

TIMOTHY GRIFFEN and
HI-TEK SECURITY SERVICES, INC.,

Defendants.

**DEFENDANTS' MOTION TO DISMISS FOR FRAUD OR IN THE ALTERNATIVE IF
NOT GRANTED MOTION TO AMEND AFFIRMATIVE DEFENSES**

COMES NOW Defendants, TIMOTHY GRIFFEN and HI-TEK SECURITY SERVICES, INC., by and through the undersigned counsel, and files this Motion to Dismiss for Fraud, pursuant to Florida law, and would state as follows:

INTRODUCTION

Plaintiffs (husband/wife) claim permanent injury stemming from a motor vehicle accident and in support thereof produced photographic evidence showing rear-end damage to their vehicle consisting of a dented bumper and broken taillight. Plaintiffs testified that the forceful impact from the accident caused their injuries and damage to their vehicle. However, overwhelming evidence has revealed there was no property damage. Plaintiffs fabricated photographic evidence and lied under oath to perpetuate a fraud on the Court and the Defendants. Plaintiffs also lied and exaggerated their physical limitations, including HUNTER using his claimed injuries as a pretext to obtain narcotic pain medication he was not even taking and eventually getting kicked out of the

pain management program by his own doctors for using a non-prescribed drug (Fentanyl), and lying about it, and a prior accident/injury; and BOLIVAR claiming her husband was a Herculean figure before our accident, when he had a prior pending claim for social security disability for the same neck/back injuries claimed in our accident. Plaintiffs are no doubt Serial Plaintiffs who have a combined fourteen (14) claims of personal injury stemming from motor vehicle and/or slip and fall accidents, with two felony convictions to boot. For the following reasons, the Court should dismiss this case for fraud. Defendants believes this case warrants a dismissal but if the Court should not dismiss the matter, the Defendants move this Court to amend their affirmative defenses to plead fraud.

FRAUD

a. **Fabricated Evidence:**

Plaintiffs fabricated the damage to their vehicle to help them overcome Florida's No-Fault Threshold and bolster their medical causation argument.

-Property Damage Photographs and Estimate Claimed by Plaintiffs:

Plaintiffs made a claim for property damage to their vehicle -Black Honda. The estimate totaled \$1,099.85 for damage to their rear bumper and taillight¹. Approximately two- and one-half months after the accident the appraiser took the following photographs of the claimed damage from the subject accident:

¹ See attached Estimate and Photographs as Exhibit 1.



-Deposition Testimony of Rowan Hunter on Damage to Vehicle²:

Deposition Testimony of Plaintiff Hunter

Q. So now -- now having the benefit of understanding of what is a felony, have you ever been convicted of a felony?

A. Yes.

Q. How many times?

A. Twice.

Note: Per his answers to interrogatories the convictions were in 2015 and 2016.

Q. Let me see if I could show you the photograph that you produced to us in response to a request for production. Do you guys see the photograph of the vehicle there?

A. Yeah.

Below Photograph Marked as A to Hunter Deposition³

²See Exhibit 2 as Hunter Deposition page 12, line 14-19; page 78 line 8 through page 79 line 24.

³ See Exhibit 3 as Photograph of vehicle marked as Exhibit A in Hunter's deposition.



Q. Do you know how long after our accident occurred that you took this photograph?

A. **It was just, like, the next day.**

Q. Is it your testimony, your sworn testimony, that the damage that's shown in this photograph which we're going to mark as Defense Exhibit A was caused solely by our accident that we're here for, for today?

A. **Yes, sir.**

Q. So it's your testimony that all of the damage shown in Defense Exhibit A, what we're going to mark here in the photograph that you took of your vehicle the day after this accident was caused by our accident?

A. **Yes, sir.**

- Deposition Testimony of Bolivar on Damage to Vehicle:

Plaintiff Bolivar claims to be legally blind so she could not see the damage but claims to have felt the damage the day of the accident. See below:

Deposition Testimony of Ivette Bolivar⁴

Q. So after the accident, if there was damage to your vehicle, would you be able to see it, or would your impairment not allow you to see it?

A. **No, my impairment would not allow me to see it. I just -- I was getting snagged on something in the back, like, my clothes was always ripping so that's.**

Q. What do you mean by your clothes snagging in the back?

A. **When I went into the back to talk and my -- my -- shirt had got snagged into the -- the headlight, the back headlight. 'Cause it was like something broken in the headlight that day, I'm sorry, my shirt ended up getting snagged on it.**

Q. Okay. When did this happen?

A. **The day of the accident.**

Q. And do you know if it was the front light or the back light?

A. **It was the back.**

Q. On the passenger side or the driver side?

A. **Oh, God. Passenger.**

⁴ See Exhibit 4 as Bolivar Deposition page 58 line 5 through page 59 line 11.

-Deposition of Defendant Tim Griffin:

Deposition of Defendant Tim Griffin taken by Plaintiff on Direct⁵

Q. And can you tell me in your own words what happened after the light turned green?

A **Yes, after the light turned green, the flow of traffic started going, there's probably two or three cars in front of them. They started going and then the car in front of me started moving and then I probably traveled maybe 30 feet and they came to a complete stop, sudden stop. And at that point, I slammed on my brakes. I was probably going maybe two to five miles an hour when I tapped him and if I had another inch probably in front of me, I wouldn't have even touched them.**

Q. What kind of vehicle were you driving?

A **Ford Focus, a Tan Ford Focus.**

Q. Do you have an independent recollection of whether or not the Ford vehicle you were driving, whether or not it had any damage on it from the impact with my clients?

A **From what I saw and I remember, there was no visible damage.**

Q Okay. I'm just going to submit to you that at least according to some of the testimony in this case from my clients, that this is damage that occurred as a result of the accident involving you. So, I'm going to ask you, do you recall seeing any damage on my client's car on the date of the incident?

A **No. Zero damage.**

-Testimony of Investigating Officer J. Sadlon and Bodycam Video:

As will be shown below, Officer Sadlon's memory of his investigation was refreshed after review of his report and bodycam video (wherein he circled the vehicles looking for any damage). Officer Sadlon testified that he was confident there was no visible damage – and certainly no broken taillight when he investigated the accident.

Deposition of Officer J. Sadlon⁶

Q So as far as preparing the report, what's your basic timeframe in doing that?

A **Once I get the cars cleared and they're on their way, you start the report immediately after.**

Q So is it fair to say that within a matter of hours, you finished preparing the report?

A **Finish? Probably less than an hour.**

Q So everything was fresh in your mind when you took down your report, fair to say?

A **Absolutely.**

Q Is it -- is it part of your normal pattern and practice, officer, when there is a traffic accident, to note whether or not there's damage to either vehicle?

A **Yes.**

Q So that's something that you're trained to do on an everyday basis?

A **Correct. Yeah, they want to know in the report if there was any damage, if it was minor, major, if it was disabling. Which is all that's noted inside the report itself, whether it's, you know, the vehicle was operable or if it was disabled.**

⁵ See Exhibit 5 as Deposition of Defendant Griffin, at Page 12 line 7-18. Page 13 lines 15 through page 16 line 6.

⁶ See Exhibit 6 as Deposition of Officer Sadlon along with exhibits used in his deposition, including bodycam video to be produced under separate cover. See Officer Sadlon deposition pages as page 1, 16, line 2-25, page 17 line 1, page 11 lines 3-13; page 10 line 2-23; page 26 line 17 through page 34 line 14.

Q Now, I'm going to show you a photograph -- -- which my clients have asserted was damage from this accident... Are you able to see that?

A **Yes I -- yup, I can see that.**

Q Okay. Now, just between me and you, after 18 years on the job, if you had seen this amount of damage, I will tell you this is the rear passenger taillight area, would you have written no visible damage in your report?

A **No, I would have written a cracked taillight.**

Q Back in August of 2021, did you have a body camera?

A **I believe that we did.**

Q And I'll share with you that I did a public records request and I have a copy of that, so we're going to go over that.

A **Okay.**

Q So looking at this photograph or let me first ask you this question, does looking at the body cam video refresh your recollection as to your investigation of this accident?

A **Yes.**

Q Very good. Looking at the body cam video and Defense Exhibit Number 4, the screen shot showing the rear of the Honda, still and clear images before the fog approached, do you see any damage to the rear of the Honda?

A **No.**

Q And is it fair to say that in this accident, you walked towards the front, the back, and the front and circled plaintiff's Honda, as well as walked towards the front and the back of the, my client's vehicle, the tan Ford --

A **Yes, sir.**

Q -- to investigate whether or not there was any damage to the vehicle?

A **Correct.**

Q. So let me ask you this question, looking at this photograph --

A **Uh-huh.**

Q -- photographs, the two images of the 3 minute and 22 second mark, the first one and the second one that is zoomed in, if the, if the plaintiffs' taillight was cracked in the manner that they claim it was in their deposition, would you have been able to detect the broken taillight and the white light showing through there?

A **If it was cracked down at the bottom right, yeah, you'd be able -- you should be able to see the white light coming out through there, yes.**

Q. So based upon your, the body cam video refreshing your recollection, and these images, the exhibits that were shown to you, are you confident that when you investigated this accident, that there was no visible damage to any of the vehicles, whether it be the black Honda or whether it be the tan Ford?

A **Yeah. Yes, I am. I'm confident.**

-Expert Accident Reconstruction and Bio-mechanical Opinions⁷:

Dr. Andrew Rentschler is an accident reconstruction and bio-mechanical expert. He concluded that it was not possible for the Plaintiff's vehicle to have sustained the damage they claimed from this very minor impact. He also concluded that the impact was so minor that the forces within the Plaintiff's vehicle that the Plaintiffs experienced was equivalent

⁷ See Exhibit 7 as Affidavit, CV, and list of documents reviewed of Biomechanical and accident reconstruction expert Andrew Rentschler.

to performing common activities, such as bending over, sitting down in a chair, and walking up/down the stairs. As a result, he concluded that the Plaintiffs did not sustain the injuries they claimed, nor any injuries from this very minor accident. While the expert relies on the documents he reviewed and technicalities within his field, it is also common sense that a minor impact producing no damage to any vehicles is a hard sell to a jury if you are the Plaintiff trying to convince them that you sustained injury, let alone a permanent life altering injury. It is clear the Plaintiffs knew this and manufactured fraudulent evidence to overcome this incredible hurdle.

b. **Serial Plaintiffs with Fourteen (14) Claims of Personal Injury:**

The following is a list of the personal injury claims that we know of thus far:

- Plaintiff BOLIVAR personal injury claims:

1. 2010 MVA⁸.
2. February 2, 2016, slip and fall at Wendy's Restaurant. Id.
3. 2015 MVA. Id.
4. October 24, 2020, MVA. Id.
5. 2019 MVA⁹.
6. August 19, 2021, MVA (the subject claim).
7. September 24, 2021 (fell at Dollar Tree Store). Supra – (answers to interrogatories).
8. January 2023 MVA with FPL Truck.

- Plaintiff HUNTER personal injury claims:

1. 2016 MVA¹⁰. (Undisclosed in answers to interrogatories or deposition of HUNTER).
2. 2019 MVA¹¹.

⁸ See Bolivar's Answers to Interrogatories as Exhibit 8.

⁹ See Bolivar's Depo page 39 as Exhibit 4.

¹⁰ See Hunter's Answers to Interrogatories as Ex 9 and Medical Record showing prior injury of 2016 as Ex 10.

¹¹ See Hunter's Depo page 38 as Exhibit 2.

3. August 2020 MVA.

4. November 2020 MVA.

5. August 19, 2021, MVA (the subject claim).

6. January 2023 MVA with FPL Truck.

- This combines for an astonishing fourteen (14) claims of personal injury within the last thirteen (13) years, and nine (9) in the last five (5) years.

c. Plaintiff Hunter Injury Claim as Pre-Text to Obtain Narcotics:

Plaintiff HUNTER testified that because of his claimed injuries his doctors placed him in a pain management program (Dr. Maldonado) where he was prescribed Oxycodone and other drugs. He testified that he was compliant with the program and was never discharged. However, record evidence shows HUNTER was not taking the opioids prescribed, but instead was using illegally obtained Fentanyl. See below:

HUNTER – PAIN MANAGEMENT NON-COMPLIANCE¹²	
Q. Did -- the doctors who treated you for this accident, did they prescribe any medications for you to take such as pain relievers or muscle relaxers or anything else like that?	
A. Yes.	
Q. Do you remember what kind of medications that these doctors prescribed for you?	
A. Oxycodone, muscle relaxers...	
Q. Where would you get these prescriptions	
13 filled at, which pharmacy?	
A. CVS.	
Q. With respect to the prescription medication that these doctors are giving you, whether they're from the 2019 accident or whether from our 2021 accident, did -- did you ever deviate from their -- their plan of treatment in taking those medications?	
A. No.	
Q. Any of the doctors that were prescribing these medications for you, whether it be Oxycodone or the other muscle relaxers, anything of that nature, <i>did any of them discharge you for being noncompliant with their treatment plan?</i>	
A. No.	
Dr. Maldonado Records of 9/1/22¹³	

¹² See Exhibit 2 as Hunter Depo from page 99-100.

¹³ See Exhibit 11 as Dr. Maldonado's medical record to be produced under separate cover.

UA from 8/22 is positive for Fentanyl and negative for meds. Pt does not get rx'd Fentanyl. This violates our medication agreement. The patient will be discharged today. Advised pt to seek out substance abuse counseling.

HUNTER is claiming to be so injured from our accident that he was forced into a pain management program. However, the truth is that his claimed injuries did not warrant any of the pain medications he was prescribed – and instead he was filling the medications at CVS and likely illegally selling them to purchase illegal recreational drugs, such as the Fentanyl he was found using. Considering he is a two-time convicted felon and has been caught in several lies in this case, showing no signs of rehabilitation, he should not be believed.

d. Plaintiff Bolivar Lies, Omissions, and Exaggerations:

Plaintiff BOLIVAR claimed that due to her blindness she relies on her husband HUNTER to help her and claimed that before this accident he was her Hercules - with no limitations¹⁴.

Q. And you mentioned that he's not the same person he was before our accident because of the injuries he's claiming in our accident. He drops things, you said?

A. Yes.

Q. What kind of things?

A. He could be holding a grocery bag. He – he can't hold it for too long. Every time he's walking, he folds in half, like, I -- just I don't -- he's in a lot of pain.

Q. Is he still able to get groceries out of the car and take them to the -- to the -- to your residence?

A. Not without dropping it.

Q. When did this start? Was it after our
9 accident?

A. Yes.

Q. After our accident, did -- was he able to bend over at the waist?

A. That man was like my Hercules.

Q. So before this accident, he didn't have any physical restrictions, he didn't have any pain, he didn't have anything like that?

A. No, he used to carry bags, but like I said, play with my daughter -- play with our daughter.

Q. Okay.

¹⁴ See Exhibit 4 as Bolivar Depo page 66 line 16 through page 76 line 13 and also page 68 line 14-23.

A. **He used to carry the -- the groceries with no issues...**

However, HUNTER was forced to admit that he applied for Social Security Disability due to the continued neck/back pain he had for the prior 2019 MVA. See below:

Plaintiff HUNTER testimony on applying for Disability for Prior MVA¹⁵

Q. Have you applied for social security disability?

A. **Yes, I have.**

Q. What specifically -- what injuries did you list when you applied for disability?

A. **My inj- -- my back injuries.**

Q. When you say your back injuries, there's the low back, the lumbar, and there's the mid back, and then there's also the neck, which is the upper part. Do you mean those?

A. **Well, yeah, I have neck and back injuries.**

Q. When you initially applied for disability because of your neck and back injuries, was that before our accident of August 19, 2021, or after?

A. **It was before.**

Q. So before our accident, you felt that you couldn't continue doing work because of your neck and back injuries; is that fair to say?

A. **Yes, sir.**

Plaintiff BOLIVAR clearly lied or at the very least grossly exaggerated her husband's pre-accident condition to gain sympathy for her alleged condition as well as to bolster her husband's claim. BOLIVAR's claim that her husband HUNTER was a Hercules at a time when he sought to be deemed physically disabled due to a prior accident is nothing but fraudulent. Furthermore, Plaintiff BOLIVAR's claim that her husband HUNTER can no longer walk without folding in half and carry grocery bags without dropping them is another lie. The video surveillance¹⁶ after our accident shows HUNTER bending at the waist on multiple occasions and carrying a heavy pack of water, the family dog, and multiple grocery bags (as many as seven in one hand). See below:

¹⁵ See Exhibit 2 as Hunter deposition page 27 line 4 through page 28 line 23.

¹⁶ See Exhibit 12 as Surveillance Report.



Plaintiff BOLIVAR who accounts for eight (8) of the fourteen injury claims is also receiving monthly payments from Social Security Disability for allegedly being completely blind claiming she cannot walk without holding on to her husband. However, video surveillance shows her being able to walk alone on multiple occasions (in a parking lot, walking their non-seeing eye dog, and shopping) all without holding on to her husband. See below portions of her deposition testimony and surveillance footage:

BOLIVAR testimony on being Blind¹⁷

Q. When did you obtain disability for that?

A. **I obtained disability for that in 2017 when I was completely blind -- was totally blind.**

Q. Do you -- to get around, do you need to use a walking cane or a walking dog or anything else like that?

A. **I don't. I use -- I hold onto my husband.**

Q. To get around, you know, as far as walking around whether it be around your home, outside, stores, do you need somebody -- somebody's assistance to do that?

A. **Yes.**

Q. It can't be a situation where you're walking around by yourself, is it?

A. **I can't, no.**

Video surveillance tells a different story:

BOLIVAR walking by herself (below)

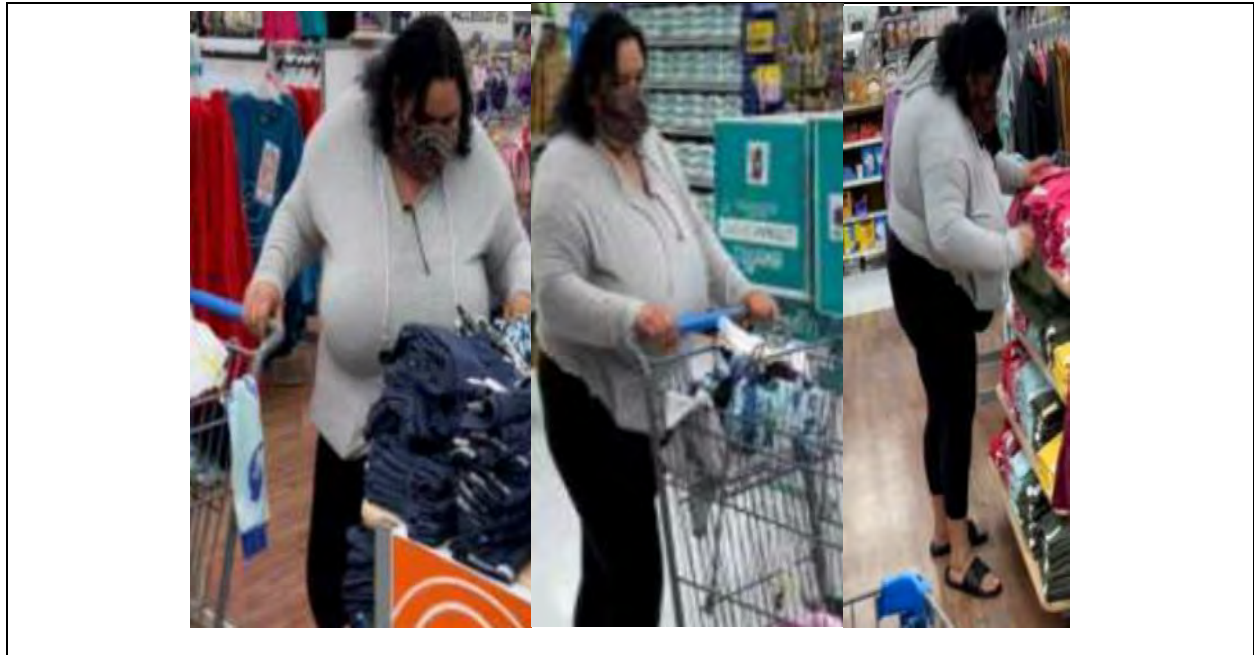


BOLIVAR with enough vision to pick up their dog (below)



BOLIVAR shopping (below)

¹⁷ See Exhibit 4 as Bolivar Depo; Page 8 Line 6-11. Page 9 line 19-25; page 10 line 1-4.



BOLIVAR walking by herself – including walking her non-seeing eye dog (below)



MEMORANDUM OF LAW AND ARGUMENT

Florida law is clear that when the Plaintiff's claim is permeated with fraud, a dismissal with prejudice is warranted. Legal research revealed that our own Fourth District Court of Appeals "DCA" (along with neighboring Third DCA) is taking the charge in not allowing such fraud to be

condoned. While the Defendants will cite to other districts, it is clear the Fourth and Third DCA have taken the charge to ferret out such claims.

As stated in Long v. Swofford, 805 So.2d 882 (Fla. 3rd DCA 2001), fraud arises when it can be demonstrated, clearly and convincingly, that a party has sentiently set-in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense.

The recent case of Oracle Elevator Co. v. 8660 Building, LLC., 353 So.2d 3d 689 (Fla. 3rd DCA 2023); involved a contract dispute over the maintenance of an elevator. The plaintiff, to support their cause of action, attached an illegible contract to their complaint. Plaintiff denied having the ability to obtain a legible copy, but discovery revealed otherwise when another contract surfaced. The trial court found that at least one contract was a fabrication, and the contract was a material misrepresentation, which was central to the plaintiff's case, and dismissed the case for fraud. This is akin to forging photographic evidence, and providing perjured testimony, about property damage in an attempt to overcome Florida's No-Fault Threshold and to bolster their medical causation theory to a jury.

In Taylor v. Martell, 893 So.2d 645 (Fla. 4th DCA 2005); the plaintiff, a real estate agent forged a deed in a case involving a property dispute, and the appellate court upheld the dismissal for fraud. Forging a deed in support of a property dispute is equivalent to forging photographic evidence/property damage as the Plaintiffs did, to support their medical causation theory. See also Piunno v. R.F. Concrete Construction Inc., citing to Taylor, dismissing a personal injury suit for fraud when the plaintiff "filed a false affidavit [about prior injuries] intended to obfuscate the truth and hamper the defendant's ability to defend". Supra at 645. In the case at bar, the Plaintiff did

more than just file a false affidavit. They fabricated property damage to their vehicle claiming to be from the subject accident so they would not face the obstacle of convincing a jury they suffered permanent injuries from an accident that revealed no damage and lied about it repeatedly in deposition.

In ICMFG & Associates, Inc. v. The Bare Board Group, 238 So.3d 326 (Fla. 2nd 2017); the trial court ruled that the party “committed fraud in the discovery process by intentionally concealing and then ultimately altering evidence, namely the 2010 and 2011 income tax returns, central to the issues in this litigation....[i]n addition...[deposition] testimony that they were not shareholders....and belied by both the Ownership Email and the original 2010 and 2011 tax returns...that were altered in order to mislead BBG and this Court...” amounted to fraud, and was upheld by the appellate court. *Id.* At 330. The appellate court, citing to Long, *supra*, found that “the trial court properly concluded that the Appellants’ conduct in this case amounted to such a scheme”. *Id.* at 334. Forging/altering tax returns is no different than forging property damage and the claimed photographs.

In Savino v. Florida Drive In Theater Management Inc., 697 So.2d 1011 (Fla. 4th DCA 1997); the appellate court upheld a dismissal when the plaintiff lied about her pre-accident intelligence when pursuing a traumatic brain injury claim against the defendants. The appellant claimed the trial court’s dismissal was improper because “the misconduct complained of pertained to only a portion of his claim.” *Id.* at 1101. The appellate court recognized Kornblum v. Schneider, 609 So.2d 138,139, “that where a party perpetrates a fraud on the court which permeates the entire proceedings, dismissal of the entire case is proper”. *Id.* In the case at bar, the Plaintiff’s claim starts with medical causation/overcoming Florida’s No-Fault Threshold defense. It is clear the Plaintiffs fabricated the photographic evidence, downplayed their prior injury claims, and

exaggerated their injury claims for the subject case, to support their medical causation arguments. Also see Desimone v. Old Dominion Ins. Co., 740 So.2d 1233 (Fla. 4th DCA 1999); citing to Savino, upheld the trial court's dismissal when the plaintiff lied/misstated their litigation history in a prior personal injury suit, employment status and income.

In the case of Storm v. Allied Universal Corp., 842 So.2d 245 (Fla. 3rd DCA 2003); the plaintiff claimed wrongful termination of employment. Defendant moved for a dismissal for fraud based on the plaintiffs lying, misleading and/or deceiving the court/jury about the timelines of employment, wages claimed, and how being termination when his father had died (he had died years before his termination). The trial court denied the motion to dismiss and allowed a jury to render a verdict. The appellate court held that “[w]e find no cognizable reason...for the trial court to...grant a new trial, rather than a dismissal with prejudice because of the plaintiffs misconduct...[o]n this record, the ends of justice preclude a miscreant like Storm from continuing, in a new trial, or otherwise, his use of the very system he corrupted.” Id at 246. Citing to Cabrerizo v. Fortune, Int’l *247 Realty, 760 So.2d 228 (Fla. 3d DCA 2000); Hanono v. Murphy, 723 So.2d 892 (Fla. 3d DCA 1998); Mendez v. Blanco, 665 So.2d 1149 (Fla. 3d DCA 1996). Here, these Serial Plaintiffs have been caught fabricating evidence and otherwise lying about several key aspects of their claim. Plaintiffs, in the case at bar, are the exact kind of miscreants the Strom court identified.

In Bryant v. Mezo, 226 So.3d 254 (Fla. 4th DCA 2017); the plaintiff filed suit claiming neck and back injuries stemming from an automobile accident. Plaintiff admitted to having sustained injury in a prior worker's compensation injury but denied it involved neck or back issues. Based upon this disclosure the defendant subpoenaed the worker's compensation records and they reflected injuries to her neck and back. The trial court found that that the plaintiff's alleged

memory lapses were selective, and that “her failure to disclose was intentional and untruthful” and as such her case was dismissed for fraud and was upheld by the appellate court. *Id* at 255 and 256. No doubt the plaintiff in Bryant, denied her prior medical history to support her medical causation argument. In the case at bar, the fraud runs much deeper, not with just forgetting to disclose a prior claim, but an active scheme to fabricate photograph evidence to support their medical causation claim.

In Herman v. Intercoastal Cardiology Center, 121 So.3d 583 (Fla. 4th DCA 2013); the appellate court upheld a dismissal in a medical malpractice claim when lies were told about the patient’s pre-surgical physical activity and prior medical history. As in the case at bar, BOLIVAR claimed that her husband was her “Hercules” before our accident, when he had a pending application for permanent disability before our accident even occurred. BOLIVAR’s claim that her husband cannot walk without bending over or carrying grocery bags without dropping them after our accident is another fabrication. Most egregious is her claim that her husband’s injuries have impacted her because she relies on him – needing to hold on to him to get around because she is completely blind. However, the video surveillance showed otherwise.

In Hogan v. Dollar Rent A Car Systems, Inc., 783 So.2d 1211 (Fla. 4th DCA2001); the plaintiff did not disclose a subsequent injury and got his doctor to change the medical records to support his medical causation argument. That is no different than fabricating property damage to support medical causation.

See also Mendez v. Blanco, 665 So.2d 1149 (Fla. 3rd DCA 1996) finding a dismissal appropriate where the plaintiff lied repeatedly under oath in deposition. Here, Plaintiffs lied about the property damage to their vehicle, BOLIVAR lied about the extent that she depends on her husband and being totally blind, lied about her husband’s pre-accident condition – being a

Hercules, lied about him not being able to walk without bending over and dropping grocery bags, and HUNTER failed to disclose his 2016 motor vehicle accident with injuries and lied about being kicked out of his pain management program.

Florida law is abundant with cases upholding dismissal with prejudice in personal injury suits when the plaintiff lies in support of their claim. See additionally Diaz v. Home Depot USA, Inc., finding dismissal appropriate in a personal injury action for failure to disclose a prior injury. See also Metropolitan Dade County v. Martinsen, 736 So.2d 794 (Fla. 3rd DCA 1999); Obregon v. Rosana Corp., 232 So.3d 1100 (Fla. 3rd DCA 2017); O'Vahey v. Miller, 644 So.2d 550 (Fla. 3rd DCA 1994); Perez v. C.H. Robinson Co., 343 So.3d 693 (Fla. 3rd DCA 2022).

CONCLUSION

Plaintiffs fabricated photographic evidence to bolster their medical causation claim to overcome Florida's No-Fault Threshold, repeatedly lied in deposition about the property damage to their vehicle, HUNTER intentionally failed to disclose a prior accident with injuries to the same areas, BOLIVAR lied about the extent of her relying on her husband due to her alleged total blindness and lied and/or grossly exaggerated their post-accident limitations. As such, their case should be dismissed with prejudice.

IN THE ALTERNATIVE MOTION TO AMEND AFFIRMATIVE DEFENSES

Defendants by and through the undersigned counsel file this Motion to Amend their affirmative defenses, and state as follows:

1. Defendants reallege, restate, and incorporate all aspects of their motion to dismiss for fraud.
2. As shown above in great detail, there is evidence of rampant fraud in the claim of the Plaintiffs. As such, the Defendants seek to include an affirmative defense of fraud, should

the case not be dismissed for fraud. See attached proposed Amended Answer to Complaint¹⁸.

3. Florida has a long history of allowing for liberal amendments to pleadings. See *Mishpaja Shajine, Inc., v. Granada Ins. Co.*, 319 So.3d 762 (Fla. 3rd DCA 2021); holding that it was an abuse of discretion in not allowing the defendant to amend their affirmative defenses, noting that Courts should be especially liberal when leave to amend is sought at or before a hearing on motion for summary judgment”. Here, there is no motion for summary judgment pending and there is no prejudice to the plaintiff – other than exposing their lies.

WHEREFORE, the Defendants move this Court to dismiss the case with prejudice due to the rampant fraud, however, should the Court not grant the dismissal, the Defendant moves this Court to grant their motion to amend.

CERTIFICATE OF SERVICE ON FOLLOWING PAGE

¹⁸ See Exhibit 13 as proposed Amended Answer and Affirmative Defenses.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this 14th day of June, 2023, this document was served using the Florida Courts E-Filing Portal system for delivery by said system to: **All Counsel of Record.**

LA CAVA JACOBSON & GOODIS

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MARIO A. GOMEZ, ESQ.

FLORIDA BAR NO.: 510971

EXHIBIT 1

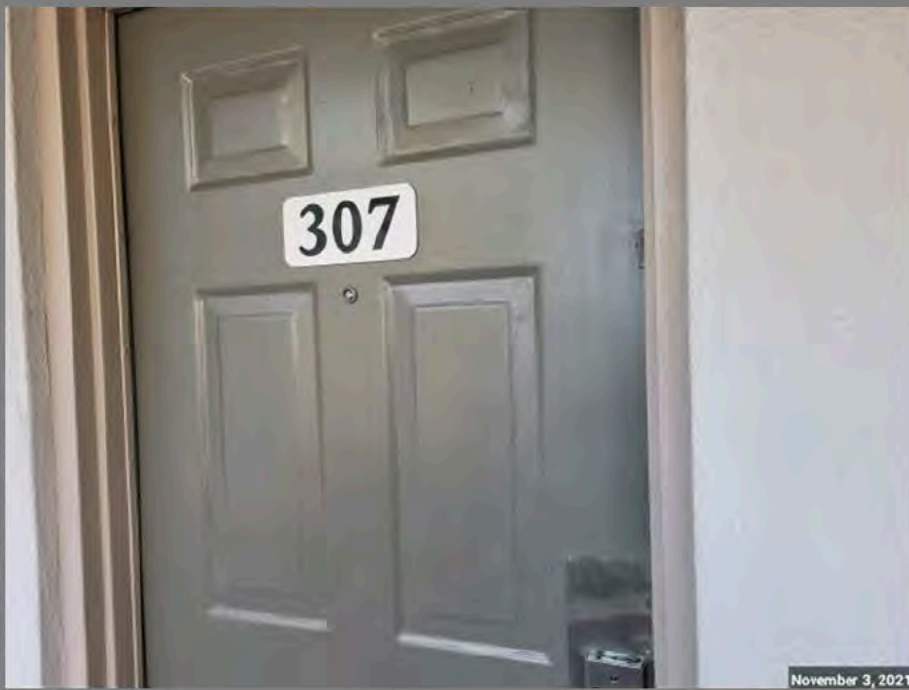


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Comment

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Name

TimePhoto_20211103_110014

Comment

rt side

Claim Summary

Owner: Ivette Bolivar

2015 HOND Accord Sedan Sport w/Continuously Variable Transmission 4D SED 4-2.4L Gasoline Gasoline Direct Injection Black

Insurance Company

Company:	Philadelphia Insurance Companies	Claim #:	1457688
Claim Office:		Adjuster:	Tracey Glenn
Address:		Policy #:	
Phone:			

Appraisal Company

Company:	METRO APPRAISAL	Estimator:	Fabian Clarke
IA Office:	Sedgwick Appraisals		
Address:	Email Supplements to seauto@sedgwick.com 2521 Technology Drive Suite 201 Elgin, IL 60124	Job #:	2152314
Phone:	(813) 286-7440		

Vehicle Owner

Insured:	Hi-Tek Security Services Inc	Loss Type:	Collision
Owner:	Ivette Bolivar		

Vehicle Information

2015 HOND Accord Sedan Sport w/Continuously Variable Transmission 4D SED 4-2.4L Gasoline Gasoline Direct Injection Black

VIN:	1HGCR2F52FA082173	Production Date:		Interior Color:	
License:	PJDP11	Odometer:		Exterior Color:	Black
State:	FL	Condition:	Fair		
Primary Impact Point:	Right Rear			Drivable:	Yes
Secondary Impact Point:					

Inspection Information

Place of Inspection:	
Address:	1535 Centrepark Dr N, Suite 307. West Palm Beach, FL 33401

Claim Summary

Owner: Ivette Bolivar

2015 HOND Accord Sedan Sport w/Continuously Variable Transmission 4D SED 4-2.4L Gasoline Gasoline Direct Injection Black

Estimate to Repair

Estimate	\$ 1,027.90
Taxable Subtotal	\$ 1,027.90
Tax	71.95
Non-Taxable Subtotal	\$ 1,099.85
Betterment	0.00
Deductible	0.00
Appearance Allowance	0.00
0% Negligence	0.00
Calculated Net Loss	<u>\$ 1,099.85</u>

LKQ Parts Included
A/M Parts Not Included
Opt OEM Parts Not Included
Recond Parts Not Included

Total Loss Valuation

Vehicle Valuation	\$ 0.00
Supp. Taxable Adjustments	0.00
Taxable Subtotal	\$ 0.00
Tax	0.00
Supp. Non-Taxable Adjustments	0.00
Non-Taxable Subtotal	\$ 0.00
Owner Retained Salvage	0.00
Deductible	0.00
0% Negligence	0.00
Calculated Net Loss	<u>\$ 0.00</u>

Vehicle Valuation Request#

Settlement Information

Settlement Type: Repairable
Negotiated Settlement: \$ 1,099.85
Settlement Outstanding: \$ 1,099.85

Comments

Unit Type: car
Drivable: yes
Unit Location: residence
Point of Impact: rt rear
LKQ/AM Parts Exceptions/Issues: lkq
UPD: n/a
Betterment: n/a
Net Amount: 1099.85
Repair Days: 4

Notes: Inspect veh at address on assignment. At time of inspection owner was not present. Impact to rt rear of veh causing damages to bumper, lamp, and quarter. With resulting damages not too severe. I allowed to replace damage part with lkq. No copy of this estimate to owner.

Events

8/19/2021		Loss occurred
11/3/2021	11:49 PM	Payer Type updated - [None]
11/3/2021	11:49 PM	Insurance Company updated - Philadelphia Insurance Companies
11/3/2021	11:49 PM	Workfile accepted
11/3/2021	11:50 PM	Workfile converted to job
11/3/2021	11:54 PM	Requested Recycled Parts. Comments: On Demand request of Recycled Part data.
11/3/2021	11:54 PM	First preliminary estimate line written.
11/3/2021	11:55 PM	Recycled Parts added. Comments: Recycled Part data files added to the workfile.
11/4/2021	12:11 AM	Advisor report on estimate requested

Claim Summary

Owner: Ivette Bolivar

2015 HOND Accord Sedan Sport w/Continuously Variable Transmission 4D SED 4-2.4L Gasoline Gasoline Direct Injection Black

11/4/2021	12:11 AM	Advisor report on estimate received
11/4/2021	12:11 AM	Advisor report on estimate received
11/4/2021	12:11 AM	Advisor report on estimate requested
11/4/2021	12:12 AM	Advisor report on estimate received
11/4/2021	12:12 AM	Advisor report on estimate requested
11/4/2021	12:12 AM	Workfile state changed from assigned to inspected.
11/4/2021	12:12 AM	Estimate of Record created.

EXHIBIT 2

Page 1

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN
 2 AND FOR PALM BEACH COUNTY, FLORIDA

3 CASE NO.: 50-2022-CA-009833-XXXX-MB

4

5 ROWAN HUNTER and IVETTE
 6 BOLIVAR,
 7 Plaintiffs,
 8 VS.
 9 TIMOTHY GRIFFEN and
 10 HI-TEK SECURITY SERVICES, INC.,
 11 Defendant.

12

13

14

15 DATE TAKEN: Monday, February 13, 2023
 16 TIME: 10:00 a.m. - 1:15 p.m.
 17 LOCATION: Via Zoom Videoconferencing

18

19

20 VIRTUAL DEPOSITION OF ROWAN HUNTER
 21 Taken before Chantinea Knight, Stenographer
 22 and Notary Public, in and for the State of Florida at
 23 Large, pursuant to Notice of Taking Deposition filed
 24 in the above-mentioned cause.

25

Page 2

1 APPEARANCES:

2

3 ROBERT VANNATTA, ESQUIRE
 4 Tim@rubensteinlaw.com
 5 Rubenstein Law
 6 250 South Australian Avenue
 7 Suite 1000
 8 West Palm Beach, Florida 33401
 9 on behalf of the Plaintiffs

10

11 MARIO GOMEZ, ESQUIRE
 12 gomezmariao531@gmail.com
 13 LaCava Jacobson & Goodis
 14 7700 North Kendall Drive
 15 Suite 411
 16 Miami, Florida 33156
 17 on behalf of the Defendants

18

19

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22

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25

ALSO PRESENT:
 The videographer

Page 3

1 INDEX

2 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
3 ROWAN HUNTER	4	117	117	

4

5 EXHIBIT INDEX

6 DEFENDANT'S	DESCRIPTION	PAGE
7 Exhibit A	Photo of plaintiff's car	79
8 Exhibit B	Photo of defendant's vehicle	80
9 Exhibit C	Police report	84
10 Exhibit D	Photographs	86

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Page 4

1 THE VIDEOGRAPHER: We are now on the record. The
 2 time is 10:14 a.m. Will the court reporter please
 3 swear in the witness.

4 THE COURT REPORTER: Will you raise your right
 5 hand, sir, so I can swear you in.

6 THEREUPON:

7 ROWAN HUNTER
 8 was called as a witness, having been first duly sworn and
 9 responding "I do," was examined and testified as follows:

10 THE COURT REPORTER: Thank you so much.

11 DIRECT EXAMINATION

12 BY MR. GOMEZ:

13 Q. Good morning, sir. Please state your name for
 14 the record?

15 A. My name is Rowan Aldwin (phonetic) Hunter.

16 Q. Mr. Hunter, my name is Mario Gomez. I represent
 17 Hi-Tek, as well as Tim Griffen, in this lawsuit that you
 18 filed against them stemming from the automobile accident
 19 of August 19th, of 2021. Have you ever had your
 20 deposition taken before today?

21 A. No, I think we had -- we had a -- a formal, I
 22 don't know if it was a deposition or mediation with you.
 23 That was the only time. The last time we met or the first
 24 time we met.

25 Q. Okay. I think you're referring to the mediation.

<p style="text-align: right;">Page 5</p> <p>1 A. Yeah, and that was mediation then that's the 2 only, um.</p> <p>3 Q. Okay. So that -- that's not a deposition. So a 4 deposition is when -- when you swear to tell the truth and 5 give your testimony and there's a court reporter taking 6 down your sworn testimony. Have you ever had that 7 experience?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Under what circumstances and when?</p> <p>10 A. For the other cases that -- that -- that I was 11 involved in. I had gone as a witness for -- for my aunt's 12 case a while back, and I think that I was -- I had to be 13 sworn in there as.</p> <p>14 Q. So you mentioned your aunt's case. Was that a 15 personal injury suit, a civil suit, a criminal issues?</p> <p>16 A. Criminal.</p> <p>17 Q. Okay. And -- and then you mentioned some other 18 cases that you may have had where you may have given your 19 deposition. Was that civil or criminal?</p> <p>20 A. Criminal again, I'm assuming. I don't think I'm 21 not understanding what you're asking me, like, as far as 22 if I had to give a deposition.</p> <p>23 Q. I'm just -- what I want to do, I want to know how 24 many times you've given your deposition testimony where 25 there's a court reporter taking down everything you say</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Okay. So when I asked you the question earlier, 2 have you ever been convicted of a felony or a crime 3 involved in dishonesty, do you understand that question?</p> <p>4 A. Yeah, if I -- no. Explain it to me.</p> <p>5 Q. So a felony is something --</p> <p>6 A. Because I wasn't dishonest about anything so I 7 don't, I mean, even if -- if I was con- -- so you're 8 saying if I was convicted of any crime, I was being 9 dishonest; is that what you're ask -- is that what you're 10 saying?</p> <p>11 Q. No, I just asked if you understood the question 12 as to what constitutes a felony or a crime involving 13 dishonesty?</p> <p>14 A. Well, a crime involved in dishonesty, I have 15 never been involved with a crime involved with dishonesty.</p> <p>16 Q. Okay.</p> <p>17 A. You're using the word dishonesty so I'm -- I'm 18 trying to make sure I understand what you're saying.</p> <p>19 Q. Okay.</p> <p>20 A. My criminal case -- my criminal case is one thing 21 and a crime of dishonesty is another case. That's two 22 different things and I'm like -- I guess I'm kinda 23 confusing what you're trying to say.</p> <p>24 Q. Okay --</p> <p>25 A. I've never been convicted of a crime of</p>
<p style="text-align: right;">Page 6</p> <p>1 and under what circumstances. You mentioned your aunt and 2 her criminal action, and then there may have been some 3 other ones for you personally. What other ones are those?</p> <p>4 A. Well, I mean, I have a, you know, I have a record 5 where I was -- I was charged with aggravated battery 6 and -- I don't remember what was the charge. I don't 7 remember. It was aggravated battery and possession charge 8 a while back that I was arrested for.</p> <p>9 Q. Are those the cases where you gave your 10 deposition testimony in?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Approximately, what year was that?</p> <p>13 A. I don't remember. I don't remember.</p> <p>14 Q. Do you have an approximation though? I 15 understand maybe you don't have the exact date, but do you 16 have an approximation? Was it 5 years ago, 2 years ago, 17 20 years ago?</p> <p>18 A. Maybe like 8, 9 years ago, almost 10 years ago.</p> <p>19 Q. Okay. All right. Have you ever been convicted 20 of a felony or in a crime involving dishonesty?</p> <p>21 A. No.</p> <p>22 Q. Okay. So those cases that you testified in for 23 the criminal nature, there was no conviction?</p> <p>24 A. Yeah, I -- I -- I pled guilty to it, because it 25 was under the circumstances that it was under.</p>	<p style="text-align: right;">Page 8</p> <p>1 dishonesty, no.</p> <p>2 Q. I'm just trying to make sure you understand the 3 question. So a crime involving dishonesty could be 4 something like writing a bad check, petit theft, 5 forgery --</p> <p>6 A. No.</p> <p>7 Q. -- something --</p> <p>8 A. No.</p> <p>9 Q. -- of that nature -- hold on. Hold on.</p> <p>10 So have you ever been convicted of a crime 11 involving dishonesty?</p> <p>12 A. No, sir, I have not.</p> <p>13 Q. Okay. A felony is something that's punish -- 14 punishable by a year or more. Not that you actually 15 served a year in prison, but it's punishable so --</p> <p>16 A. No, I haven't -- I have never served a year in 17 prison, no.</p> <p>18 Q. Okay. But -- so?</p> <p>19 MR. VANNATTA: Let me help you out here, Mario. 20 Wait and listen to his question. I need you to 21 listen carefully to his question and answer the 22 question he's asking you.</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. VANNATTA: I don't want you to guess at what 25 he's asking. He's asking you a specific question.</p>

<p style="text-align: right;">Page 9</p> <p>1 THE WITNESS: But then he said -- he made -- but</p> <p>2 he made statements that I guess I thought you served</p> <p>3 a year in prison, but that was an inaccurate</p> <p>4 statement. It was his own statement.</p> <p>5 MR. VANNATTA: No, but he's not making a</p> <p>6 statement. Relax.</p> <p>7 THE WITNESS: It sounds like it so I'm confused.</p> <p>8 Okay. I'm sorry.</p> <p>9 MR. VANNATTA: No, that's what I'm saying.</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. VANNATTA: That's what I'm telling you is you</p> <p>12 need to listen to what he's asking you.</p> <p>13 THE WITNESS: Absolutely.</p> <p>14 MR. VANNATTA: Okay. Because you're not right</p> <p>15 now so let's try that again.</p> <p>16 All right. Go ahead.</p> <p>17 MR. GOMEZ: Robert, what I'll do is I'll give him</p> <p>18 instruction for deposition.</p> <p>19 MR. VANNATTA: Okay.</p> <p>20 MR. GOMEZ: I normally do that after I figure out</p> <p>21 if he's had his deposition taken before and he's</p> <p>22 familiar with the rules, but I see it's going to be</p> <p>23 an issue so I'll do that now, okay.</p> <p>24 MR. VANNATTA: Yep.</p> <p>25 MR. GOMEZ: Okay. Mr. Hunter, so one of the</p>	<p style="text-align: right;">Page 11</p> <p>1 them specific. Hear me out and then you can give</p> <p>2 your answer, okay.</p> <p>3 THE WITNESS: Okay.</p> <p>4 MR. GOMEZ: And same -- same thing. If you're</p> <p>5 giving your answer and I think you're done, maybe</p> <p>6 I'll start to ask another question. If you're not</p> <p>7 done, I'm -- it's not my intention to cut you off,</p> <p>8 just let me know you're not done, and I'll let you</p> <p>9 finish it, okay.</p> <p>10 THE WITNESS: Okay.</p> <p>11 MR. GOMEZ: And your attorney's right, listen to</p> <p>12 my question and answer only my question, because if I</p> <p>13 ask you a question and you go on answering different</p> <p>14 ones I didn't ask, we're going to be here a lot</p> <p>15 longer than we all want to be, okay.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. GOMEZ: The court reporter, even though we</p> <p>18 have a videographer, there's a court reporter taking</p> <p>19 everything down so let's try and not speak over one</p> <p>20 another, because it's hard for her to take two people</p> <p>21 talking at the same time. Plus, all of your answers</p> <p>22 have to be verbal. You just can't nod your head or</p> <p>23 say mm-hm, yeah, mm-hm. You have to say yes or a no,</p> <p>24 and give a verbal response, okay.</p> <p>25 THE WITNESS: Okay.</p>
<p style="text-align: right;">Page 10</p> <p>1 reasons why I want to know is -- if I -- if you've</p> <p>2 taken your deposition before is because I want to</p> <p>3 make sure you're familiar with the rules regarding</p> <p>4 depositions. Let me just go over some of the rules</p> <p>5 to make sure we understand each other and that this</p> <p>6 goes as smoothly as possible, okay.</p> <p>7 THE WITNESS: Yes, sir.</p> <p>8 MR. GOMEZ: Okay. So if you don't understand my</p> <p>9 question, don't answer it. Tell me you don't -- you</p> <p>10 don't understand it. I could repeat it. I could</p> <p>11 rephrase it. If there's a glitch in the streaming,</p> <p>12 don't answer it and let me know, and we'll -- we'll</p> <p>13 take care of that, okay.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. GOMEZ: If you answer the question I'll --</p> <p>16 I'm gonna assume that you understood it, fair?</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. GOMEZ: Yes?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. GOMEZ: Okay. The other rule is let me</p> <p>21 finish my question completely, and I have to ask very</p> <p>22 specific questions, because if not, your attorney --</p> <p>23 you have a very fine attorney representing you --</p> <p>24 he's going to object to the question. So sometimes</p> <p>25 they may be a little bit long because I need to make</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. GOMEZ: If you need a break, need to go to</p> <p>2 the bathroom, need to swap with your -- with your</p> <p>3 wife to take care of the baby, just let us know and</p> <p>4 we'll take that break, okay.</p> <p>5 THE WITNESS: Okay.</p> <p>6 MR. GOMEZ: Okay. Very good.</p> <p>7 BY MR. GOMEZ:</p> <p>8 Q. So I want to make sure and clarify that, that you</p> <p>9 understood my question about -- about have you ever been</p> <p>10 convicted of a felony, because you said no, and then you</p> <p>11 ta ked about some kind of guilty plea. So I want to make</p> <p>12 sure you understood it, okay.</p> <p>13 A. Okay.</p> <p>14 Q. All right. So now -- now having the benefit of</p> <p>15 understanding of what is a felony, have you ever been</p> <p>16 convicted of a felony?</p> <p>17 A. Yes.</p> <p>18 Q. How many times?</p> <p>19 A. Twice.</p> <p>20 Q. Okay. Do you have any pending criminal charges?</p> <p>21 A. No.</p> <p>22 Q. Okay. What's your date of birth?</p> <p>23 A. [REDACTED].</p> <p>24 Q. How old does that make you now?</p> <p>25 A. 47.</p>

Page 13

1 Q. And off the record, what's your social security
2 number?

3 THE VIDEOGRAPHER: Wait one moment. We are going
4 off the record 10:24 --

5 MR. GOMEZ: Yes.

6 (Thereupon, an off-the-record discussion was had
7 and the proceedings continued as follows:)

8 THE VIDEOGRAPHER: We are back on the record
9 10:25 a.m.

10 BY MR. GOMEZ:

11 Q. Where were you born?

12 A. You said where?

13 Q. Where were you born?

14 A. I was born in St. James, Jamaica.

15 Q. And other than Jamaica and the United States,
16 have you lived in any other countries?

17 A. No, I have not.

18 Q. Okay. I'm assuming at some point you left
19 Jamaica to live in the United States permanently. What
20 age were you or what year was that?

21 A. I don't -- I was 3 years old -- 2 or 3 or 2 going
22 on 3. I don't remember.

23 Q. Okay.

24 A. When I came to the States.

25 Q. What's your highest level of education?

Page 14

1 A. I have some -- some technical school. I got my
2 GED so I got to, you know, went on to get -- get -- go get
3 to go to technical school, but I never completed it so.
4 I'll -- I'll say high school then.

5 Q. Okay. So you went to high school, but you didn't
6 graduate, but you got your GED; is that correct?

7 A. That is correct.

8 Q. Okay. Then you went to some technical schools,
9 but you didn't graduate; is that correct?

10 A. Yes, sir.

11 Q. What technical schools did you go to?

12 A. I went to Florida Career College.

13 Q. And what did you study there?

14 A. Computer engineering.

15 Q. How long did you study computer engineering for?

16 A. I only did a semester.

17 Q. Okay. Did you do any other trade schools like
18 manual labor or anything like that?

19 A. No.

20 Q. Okay. What's your current address?

21 A. My current address is at the Studio 6, but I
22 bounce back and forth between my old -- my wife's mom's
23 apartment, which is [REDACTED]
[REDACTED]. So between that and the hotel is where.

25 Q. Okay. I'm not sure I completely understood it,

Page 15

1 so I'm just going to follow up with some questions, okay.

2 Looking at your answers to interrogatories, you
3 mentioned that -- that you state that you live at [REDACTED]
[REDACTED], which is a
5 Studio 6 Extended Stay; is that correct?

6 A. No, the Studio 6 Extended Stay is a different
7 address.

8 Q. Oh, okay.

9 A. Studio 6 is Extended Stay. [REDACTED] is
10 an apartment complex which is where my mother-in-law
11 lives.

12 Q. Gotcha. Understood.

13 So who lives at the [REDACTED] apartment?

14 A. My mother-in-law.

15 Q. And your wife's mother-in-law?

16 A. My wife's mother.

17 Q. Your wife's mother, I'm sorry, yes.

18 Okay. Why is it that you go back and forth?

19 A. Because I'm staying in a hotel and it gets
20 expensive and what, but, you know, some, you know, we
21 really can't stay there. You know, it's complicated with
22 between the living arrangements there and it's
23 complicated.

24 Q. What's your mother-in-law's name?

25 A. Neyver Carmona.

Page 16

1 Q. I'm having trouble hearing you. What was that
2 name?

3 A. Neyver, N-E-Y-V-E-R, Carmona.

4 Q. Who else lives in that apartment?

5 A. It's just us, my wife, and my daughter, and her.

6 Q. Okay. How many bedrooms is in there?

7 A. It's a one bedroom.

8 Q. Okay. So sometimes you live there with your
9 mother-in-law and sometimes you live in a hotel; is that
10 correct?

11 A. Yes.

12 Q. Okay. Any particular reason why you don't live
13 full-time with your mother-in-law?

14 A. She and I don't get along too well.

15 Q. Okay. What percentage of the time do you live at
16 the 906 Grand Street apartment versus hotels?

17 A. When you say "what percentage," like, what do you
18 mean what percentage? Like, six months over here and six
19 months in a hotel? Or what, I ke, what do you mean?

20 Q. Yeah, like, if you could break it down, like,
21 for -- for all of 2022. How many months did you stay with
22 your mother-in-law? How many months did you stay in a
23 hotel, as an example?

24 A. We mostly stayed in a hotel, I mean, up until
25 recently. So, I mean, we just -- we just moved back there



Page 17

1 like two months ago.

2 Q. Okay. But like is it half and half, do you think

3 or -- or?

4 A. Yeah.

5 Q. Okay.

6 A. Roughly.

7 Q. Okay. And what's your wife's name?

8 A. Ivette with an I, I-V-E-T-T-E.

9 Q. And her last name?

10 A. Hunter.

11 Q. Okay. I believe the pleadings name her

12 Ivette Bolivar. Is that her maiden name?

13 A. Yes, it is.

14 Q. Do you know if she ever changed it to Hunter?

15 A. She did. She has it -- she has hs it as

16 Ivette Eva Bolivar Hunter.

17 Q. Okay. When did you two get married?

18 A. Two years ago. Was it two years ago?

19 Q. Two years ago.

20 What's your anniversary date? What's the date of

21 your wedding?

22 A. I don't remember, man. I don't remember. I

23 really don't.

24 Q. Do you remember the month?

25 A. You get me told on that one.

Page 18

1 Q. Well, listen, Ivette's not here so I'm not going

2 to say anything when I take her deposition, I promise.

3 Do you remember the month that you were married?

4 A. I'm going to say August.

5 Q. Okay.

6 A. August, I think.

7 Q. Okay. And --

8 A. I'm sorry, that's -- that's -- I have a bad

9 memory, I'm sorry. It's really bad. I don't remember.

10 Q. And the year, you believe it was about two years

11 ago?

12 A. That is really bad. Yeah. Yes.

13 Q. Have you ever had -- have you ever been married

14 before marrying Ivette?

15 A. Yes.

16 Q. How many times?

17 A. Once.

18 Q. And what was your prior wife's name?

19 A. Jennifer Molina.

20 Q. And from what years to what year were you

21 married?

22 A. I don't remember.

23 Q. Okay.

24 A. I don't remember. I know we were together for

25 16 years so.

Page 19

1 Q. Has Ivette ever been married other than -- than

2 being married to you?

3 A. No, I don't know. I don't think so.

4 Q. Okay. And you and Ivette share a daughter; is

5 that correct?

6 A. Yes.

7 Q. And what's your daughter's name?

8 A. Nevaeh.

9 Q. How do you spell that?

10 A. N-E-V-A-E-H.

11 Q. Okay. Is that the same name as your

12 mother-in-law or it's a little bit different?

13 A. No.

14 Q. A little bit different?

15 A. Yes.

16 Q. Okay.

17 A. My daughter's name is heaven spelled backwards,

18 Nevaeh. Her mother is Neyver.

19 Q. Understood.

20 How old is Nevaeh?

21 A. Five.

22 Q. What's her date of birth?

23 A. [REDACTED].

24 Q. What year?

25 A. [REDACTED].

Page 20

1 Q. Okay. Has Ivette had any other children other

2 than Nevaeh?

3 A. No.

4 Q. Okay. When arriving in the United States from

5 Jamaica, did you always live in the South Florida area?

6 A. Yes.

7 Q. Okay. Do you have any current health insurance?

8 MR. VANNATTA: Objection to form.

9 You can answer.

10 A. I mean, I -- I thought I did, but I'm -- it's

11 complicated as well. I'm supposed to have health

12 insurance, but I've been having problems with reality and

13 -- we're going through -- we're working it out right now.

14 So as it stands, I don't know if I'm -- if I can say I

15 have health insurance or not.

16 Q. Okay. Where are you trying to obtain the health

17 insurance from? Is it from a work source or is it from a

18 website?

19 A. No.

20 MR. VANNATTA: Object to form.

21 You can answer. Go ahead and answer.

22 A. Okay. It's through my wife's insurance.

23 BY MR. GOMEZ:

24 Q. And where does she obtain insurance from?

25 MR. VANNATTA: Object to form.

<p style="text-align: right;">Page 21</p> <p>1 You can answer.</p> <p>2 A. Aetna, I believe.</p> <p>3 BY MR. GOMEZ:</p> <p>4 Q. What was it?</p> <p>5 MR. GOMEZ: Did he answer that?</p> <p>6 A. Aetna.</p> <p>7 THE COURT REPORTER: He said Aetna.</p> <p>8 MR. GOMEZ: Oh, Aetna, okay.</p> <p>9 BY MR. GOMEZ:</p> <p>10 Q. How long has she been covered with Aetna for?</p> <p>11 MR. VANNATTA: Object to form.</p> <p>12 You can answer.</p> <p>13 A. I don't -- I don't know.</p> <p>14 BY MR. GOMEZ:</p> <p>15 Q. Okay. Is it through her -- I understand she's on</p> <p>16 disability for her vision; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Is that where she's getting the -- the</p> <p>19 health insurance from? Is it through her disability?</p> <p>20 A. Yes, I -- yeah.</p> <p>21 Q. Okay.</p> <p>22 A. I think so. I don't know how it work -- yeah, it</p> <p>23 is.</p> <p>24 Q. Okay. Do you recall any prior health insurance</p> <p>25 that you or she had before Aetna?</p>	<p style="text-align: right;">Page 23</p> <p>1 MR. VANNATTA: I'm not sure.</p> <p>2 What was it? I'm sorry.</p> <p>3 THE WITNESS: C.L. Brumback. It's a clinic.</p> <p>4 MR. VANNATTA: He said C.L. Brumback.</p> <p>5 MR. GOMEZ: C.L.?</p> <p>6 MR. VANNATTA: C as in cat, L as in Larry,</p> <p>7 Brumback.</p> <p>8 BY MR. GOMEZ:</p> <p>9 Q. Is that like a community clinic?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. When was the last time you went there?</p> <p>12 MR. VANNATTA: Go ahead. You can answer.</p> <p>13 A. I don't know. Maybe like -- like four months</p> <p>14 ago, I think, three months ago.</p> <p>15 BY MR. GOMEZ:</p> <p>16 Q. And what did you go there for?</p> <p>17 A. Well, I went for a checkup. I'm supposed to get</p> <p>18 some tests done. My whole entire physical checkup.</p> <p>19 Q. Okay. What test did you need to get done?</p> <p>20 A. You know, blood -- blood work, like, sugar, I</p> <p>21 guess, to see if I was diabetic or not and just overall --</p> <p>22 just the overall health checkup.</p> <p>23 Q. Okay. Did you mention this accident and any of</p> <p>24 the injuries you're claiming in this accident when you</p> <p>25 went to C.L. Brumback?</p>
<p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 Q. Okay. Do you have a primary care physician like</p> <p>3 a family doctor that you see for checkups or when you're</p> <p>4 sick?</p> <p>5 A. No, I don't -- I don't personally have one, no.</p> <p>6 Q. When was the last time that you had, I ke, a</p> <p>7 family doctor or a primary care physician?</p> <p>8 A. It's been a while.</p> <p>9 Q. Do you -- do you remember the names or the</p> <p>10 clinics of any of the primary care physician doctors or</p> <p>11 family doctors that you had?</p> <p>12 A. No, I don't remember.</p> <p>13 Q. In the past?</p> <p>14 A. I don't remember.</p> <p>15 Q. How about any community clinics that you -- that</p> <p>16 you have gone to for checkups or illness or anything I ke</p> <p>17 that?</p> <p>18 A. I went to see (unintelligible).</p> <p>19 Q. You've been --</p> <p>20 THE COURT REPORTER: I'm sorry?</p> <p>21 BY MR. GOMEZ:</p> <p>22 Q. You've been to where?</p> <p>23 A. C.L. Brumback.</p> <p>24 MR. GOMEZ: Robert, what did he say? I couldn't</p> <p>25 quite make that out.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Not for my checkup.</p> <p>2 Q. Okay.</p> <p>3 A. Not for a checkup.</p> <p>4 Q. Okay. Where is C.L. Brumback located at?</p> <p>5 MR. VANNATTA: Do you want the address? Mario,</p> <p>6 do you want me to give you the address?</p> <p>7 MR. GOMEZ: Yeah, that's be great.</p> <p>8 MR. VANNATTA: 1150 45th Street, West Palm Beach,</p> <p>9 Florida 33407.</p> <p>10 MR. GOMEZ: Thank you.</p> <p>11 BY MR. GOMEZ:</p> <p>12 Q. Mr. Hunter, does your wife, Ivette, also go to</p> <p>13 the C.L. Brumback for checkups?</p> <p>14 A. No.</p> <p>15 Q. Okay. Does she -- do you know where she goes for</p> <p>16 checkups for family, you know, family doctor exams or</p> <p>17 primary care physician exams?</p> <p>18 A. Oh my God, man. I -- I don't -- I don't know. I</p> <p>19 don't remember the name of it. I don't remember it.</p> <p>20 Q. Okay.</p> <p>21 A. The name of the place.</p> <p>22 Q. Okay. Any other community clinics that you've</p> <p>23 been to in the last 10 years for annual checkups or</p> <p>24 illnesses other than C.L. Brumback?</p> <p>25 A. I'm sorry, can you say that again?</p>

<p style="text-align: right;">Page 25</p> <p>1 Q. Any other clinics that you've been to for general 2 checkups, community clinics other than C.L. Brumback?</p> <p>3 A. No.</p> <p>4 Q. Okay. Are you employed?</p> <p>5 A. I'm currently not, no.</p> <p>6 Q. Do you do any work as far as independent 7 contractor or self-employed work that you do, handyman 8 work?</p> <p>9 A. I mean, that's -- that's the line of work that I 10 was in, yes.</p> <p>11 Q. But do you -- do you currently work?</p> <p>12 A. No.</p> <p>13 Q. When was the last time that you did that kind 14 of -- strike that.</p> <p>15 Why don't you tell me the kind of work that you 16 used to do or that you do regarding handyman work? What 17 specifically do you do or did do?</p> <p>18 A. Renovations, kitchen and bathroom renovations, 19 painting, tiling, you name it.</p> <p>20 Q. Okay. So I'm just going to throw some things out 21 there. I'm just trying to guess what you do, but I don't 22 want to put words in your mouth. Tell me if I'm wrong, 23 and if not, we can clear it up, okay.</p> <p>24 A. Okay.</p> <p>25 Q. Because renovation can be really broad, and I</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. It's been about 4 years since you do that kind of 2 work, you believe?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Have you applied for social security 5 disability?</p> <p>6 A. Yes, I have.</p> <p>7 Q. What year did you apply?</p> <p>8 A. It was like, I mean, I -- two years ago. Well, I 9 originally -- I originally applied, I think it's been like 10 3 years.</p> <p>11 Q. Okay.</p> <p>12 A. 3 years -- 2 or 3 years ago.</p> <p>13 Q. Okay. So have you gotten a response back whether 14 or not your application for disability was granted or 15 rejected?</p> <p>16 A. No, I have not.</p> <p>17 Q. Okay. Did you hire an attorney or did you just 18 do it yourself?</p> <p>19 A. I hired an attorney. At first -- at first, I did 20 it myself. Then it felt like I wasn't getting anywhere so 21 I hired an attorney.</p> <p>22 Q. What was the reason why you were requesting 23 disability?</p> <p>24 A. Because I was injured.</p> <p>25 Q. Okay. So when you applied for social security</p>
<p style="text-align: right;">Page 26</p> <p>1 don't know if it needs to be narrowed down with the type 2 of work that you did?</p> <p>3 A. Kitchens and bathrooms. Mainly do kitchens and 4 bathroom renovations.</p> <p>5 Q. Okay. So would that entail ripping out tile, 6 placing in new tile, ripping out kitchen cabinets, placing 7 in new kitchen cabinets?</p> <p>8 A. Yes, sir. We --</p> <p>9 Q. Okay.</p> <p>10 A. I mean, we hire -- we usually hire someone to 11 come in and do the demolition work, to rip the stuff out, 12 and we come in and put the new thing -- the new tile and 13 new appliances in.</p> <p>14 Q. Did you have your own business?</p> <p>15 A. No.</p> <p>16 Q. Okay. Would you work with other individuals, 17 other companies?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. When was the last time you did that type 20 of work?</p> <p>21 A. I don't even know. I mean, the last time -- it's 22 been a while since I was working since -- since I was out, 23 I was -- I had worked -- I was involved in a previous 24 accident and I was out for a while, and then went back to 25 work. I mean, it was -- that was like 4 years, I think.</p>	<p style="text-align: right;">Page 28</p> <p>1 disability, you have to -- you have to complete an 2 application, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And it ask you specifically why you're requesting 5 disability, what are your injuries, and they ask you to be 6 specific; is that fair?</p> <p>7 A. Right.</p> <p>8 Q. What specifically -- what injuries did you list 9 when you applied for disability?</p> <p>10 A. My inj- -- my back injuries.</p> <p>11 Q. Okay. When you say your back injuries, there's 12 the low back, the lumbar, and there's the mid back, and 13 then there's also the neck, which is the upper part. Do 14 you mean those?</p> <p>15 A. Well, yeah, I have neck and back injuries.</p> <p>16 Q. Okay. When you initially applied for disability 17 because of your neck and back injuries, was that before 18 our accident of August 19, 2021, or after?</p> <p>19 A. It was before.</p> <p>20 Q. Okay. So before our accident, you felt that you 21 couldn't continue doing work because of your neck and back 22 injuries; is that fair to say?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay.</p> <p>25 MR. GOMEZ: Counselor, I believe looking at your</p>

<p style="text-align: right;">Page 29</p> <p>1 discovery responses, there's no lost wage claim or 2 diminished future earning capacity claim; is that 3 correct? 4 MR. VANNATTA: That's fair, yes. 5 MR. GOMEZ: Okay. Thank you. 6 MR. VANNATTA: That's correct. 7 MR. GOMEZ: Should any -- so I'm not going to get 8 into the specifics of income or anything like that, 9 but should that change, please let me know so I can 10 obtain the appropriate tax records and financial 11 documents and redepose him on that. 12 MR. VANNATTA: Will do. 13 MR. GOMEZ: Thank you. That way we just save 14 some time, you know, through this. 15 BY MR. GOMEZ: 16 Q. Okay. So our accident, the one that we're here 17 about today, the one that occurred August 19, 2021. What 18 are the injuries that you're claiming as a result of our 19 accident? 20 A. My back injuries. 21 Q. Okay. Can you be a little bit more specific? 22 Remember, we talked earlier about the different parts of 23 the back? 24 A. Okay. My lower back. 25 Q. Okay. Any other -- any other body part other</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Yeah, I was -- I was in another car accident 2 where I ran into someone. 3 Q. Okay. How many other car accidents have you been 4 in where you sustained injury or claimed to have sustained 5 injury other than our accident of August 19th, of 2021? 6 A. Well, that -- that was the only other accident 7 before that one. 8 Q. So it's only one; is that fair to say? 9 A. Yes. 10 Q. Okay. What other accident, automobile accident, 11 have you been in other than ours where you sustained 12 injury, what year was it? 13 A. I don't remember, to tell you. I don't remember 14 what year it was. It was a few -- it was a couple years 15 before. 16 Q. Okay. 17 A. It was a couple years before this accident. 18 Q. Okay. So our accident was in August of 2021. So 19 when you say a couple years before our accident, do you 20 mean approximately 2019? 21 A. Yeah, I think it was 2019. 22 Q. Okay. 23 A. I believe it was '19. 24 Q. Okay. So just for the purposes of -- of, you 25 know, understanding you and for this deposition and for</p>
<p style="text-align: right;">Page 30</p> <p>1 than your lower back? 2 A. Yeah, my back and my neck. 3 Q. Okay. Any other parts? 4 A. No. 5 Q. So other than your neck and your low back, you're 6 not claiming any other injuries as a result of our 7 accident; is that fair? 8 A. As a result of your accident, yes. 9 Q. Yeah, as a result of the accident that we're -- 10 we're all here today for, the one that occurred 11 August 19th, of 2021; is that fair? 12 A. Yes. 13 Q. Okay. So other than our accident of August 19th, 14 of 2021, have you been involved in any other motor vehicle 15 accidents where you sustained or claimed injuries? 16 A. Prior to that accident? 17 Q. Yes, prior to our accident. 18 You want me to repeat the question or rephrase 19 it? 20 A. Yeah, you said have I -- what other accidents 21 have I -- what was I in, right? 22 Q. Yeah, what I want to know is other than our 23 accident, what other motor vehicle accidents have you been 24 in where you sustained or claimed to have sustained 25 injuries other than our accident?</p>	<p style="text-align: right;">Page 32</p> <p>1 the court proceedings, I'm going to refer to that prior 2 accident of the 2019 automobile accident; is that fair? 3 A. Okay. 4 Q. So when you were involved in that prior 5 automobile accident that occurred approximately in 2019, 6 what injuries did you claim to have sustained? 7 A. I had sustained a lot of injuries. It was my 8 neck, my back, my shoulder, my hip, but mainly my neck and 9 my back as well. 10 Q. Okay. Can you tell me a little bit about that 11 2019 motor vehicle accident, such as what city it 12 occurred, what street it occurred, were you driving, 13 things of that nature? 14 A. Yeah, it was in West Palm Beach. I was driving 15 and something this guy cut and we -- he cut in front of me 16 and slammed on his brakes and just caught him from the 17 back. 18 Q. Okay. Okay. Did your vehicle strike the rear of 19 his vehicle? 20 A. Yes, it did. 21 Q. Okay. Was anybody else in the car with you for 22 that prior 2019 automobile accident? 23 A. Yes. 24 Q. Who was in the vehicle with you? 25 A. My wife was in the vehicle.</p>

<p style="text-align: right;">Page 33</p> <p>1 Q. Ivette?</p> <p>2 A. Yes.</p> <p>3 Q. Anybody else in the vehicle with you for that</p> <p>4 2019 automobile accident?</p> <p>5 A. No.</p> <p>6 Q. Did your wife, Ivette, sustain or claim to have</p> <p>7 sustained any injuries from that prior 2019 automobile</p> <p>8 accident?</p> <p>9 A. She did.</p> <p>10 Q. What injuries do you remember that she sustained?</p> <p>11 A. Well, I know she sustained head injuries, and</p> <p>12 also I know of her back. I don't know which part, but I</p> <p>13 know she said her back injured as well. That's --</p> <p>14 that's -- that's what's giving her the most problems more</p> <p>15 than anything.</p> <p>16 Q. Okay. For that 2019 automobile accident, did</p> <p>17 Fire Rescue or an ambulance arrive at the scene?</p> <p>18 A. Yes.</p> <p>19 Q. Did they treat either you or your wife?</p> <p>20 A. Yeah, I mean, they -- yeah, they did. They</p> <p>21 examined us and let us go. They suggested that we go to,</p> <p>22 you know, go get further checked and it's hard for us to</p> <p>23 do that because of the head injury.</p> <p>24 Q. Do you know -- sorry, go ahead.</p> <p>25 A. No, that's -- that's it.</p>	<p style="text-align: right;">Page 35</p> <p>1 A. I believe it was a chiropractor.</p> <p>2 Q. Okay. Did you only treat with a chiropractor for</p> <p>3 the 2019 accident or did you treat with specialists I ke</p> <p>4 orthopedists and neurologists?</p> <p>5 A. No, we saw so many -- I don't know them. I don't</p> <p>6 know. It was other doctors that -- they said see, but I</p> <p>7 don't remember which ones, you know. It was so many.</p> <p>8 Q. Okay. Did you have -- do you know what an MRI</p> <p>9 is?</p> <p>10 A. Yeah, it's I ke an x-ray, right?</p> <p>11 Q. It's -- usually, they stick you in a tube, but</p> <p>12 not always, and it's with magnets so you hear loud</p> <p>13 clicking or popping noises, and it gets kinda loud in</p> <p>14 there. Have you ever had one of those?</p> <p>15 A. Yes, I have.</p> <p>16 Q. Okay. Did you have any MRIs to your neck or to</p> <p>17 your back or your spine for the 2019 automobile accident?</p> <p>18 A. I don't remember. I've been here before, but I</p> <p>19 don't remember. I really don't. I don't remember. I</p> <p>20 don't remember the last time I've been to see one of</p> <p>21 them -- been in one of those things.</p> <p>22 Q. Okay. So do you have -- have you ever been</p> <p>23 diagnosed with any memory problems?</p> <p>24 A. No, I haven't been, like, I don't -- no, I</p> <p>25 haven't been diagnosed with anything. I just -- it's</p>
<p style="text-align: right;">Page 34</p> <p>1 Q. So for that 2019 accident, do you remember if it</p> <p>2 was Fire Rescue or emergency medical services?</p> <p>3 A. I don't remember. One of the two. If it was</p> <p>4 fire -- I don't -- I don't -- I can't. I don't remember</p> <p>5 exactly.</p> <p>6 Q. Were you transported from -- from the accident</p> <p>7 scene to --</p> <p>8 A. No.</p> <p>9 Q. -- an emergency room for the 2019 accident?</p> <p>10 A. No, I was not.</p> <p>11 Q. Did you or your wife sustain any visible injury</p> <p>12 from that prior 2019 accident, cuts, bleeding, bruises,</p> <p>13 abrasions?</p> <p>14 A. I don't remember. Bruise, yes. I think she was</p> <p>15 bruised up pretty bad.</p> <p>16 Q. Okay. Where did -- after you left the accident</p> <p>17 scene, where did you start treating, the clinic or the</p> <p>18 name of the doctor for the prior 2019 automobile accident?</p> <p>19 A. Think it was -- I know it wasn't good Sam, I</p> <p>20 don't -- I don't know the name of the doctor. I don't</p> <p>21 remember. I don't remember the name of the doctor.</p> <p>22 Q. Do you remember the -- the -- the types of</p> <p>23 doctors that you saw, whether it was a chiropractor,</p> <p>24 neurologist, neurosurgeon, orthopedic, orthopedic surgeon,</p> <p>25 anything like that?</p>	<p style="text-align: right;">Page 36</p> <p>1 just -- all I can tell you I don't remember anything.</p> <p>2 She, like, I don't. And she -- and she get -- and she</p> <p>3 knows it already. So she won't be surprised if I -- if --</p> <p>4 if you tell her that I didn't remember our anniversary,</p> <p>5 because she won't do nothing. She'll -- she'll say that's</p> <p>6 him, that's Rowan, he don't remember it.</p> <p>7 Q. Okay. I understand, sir. I just -- I still have</p> <p>8 to go through -- through the questions and figure out what</p> <p>9 you remember and what you don't remember, okay. And if</p> <p>10 you don't remember, just tell me you don't remember, okay.</p> <p>11 A. Okay.</p> <p>12 Q. Okay. Have you ever complained to any medical</p> <p>13 doctor about having memory problems?</p> <p>14 A. No.</p> <p>15 Q. Okay. Did you take any medications in the last</p> <p>16 12 hours that could alter or effect your testimony here</p> <p>17 today?</p> <p>18 A. No.</p> <p>19 Q. Okay. So for the 2000 -- the prior 2019</p> <p>20 automobile accident, have you received any injections to</p> <p>21 to any part of your body?</p> <p>22 A. No.</p> <p>23 Q. Was that a no, I didn't hear?</p> <p>24 A. No. No, I did not.</p> <p>25 Q. Okay. Did you have any surgery to any part of</p>

<p style="text-align: right;">Page 37</p> <p>1 your body for the prior 2019 accident?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did any medical doctor recommend that you</p> <p>4 have surgery or that you needed surgery from the injuries</p> <p>5 that you claimed for the prior 2019 accident?</p> <p>6 A. No.</p> <p>7 Q. Okay. Did any doctor diagnose you with having</p> <p>8 sustained a permanent injury, a permanent impairment for</p> <p>9 the prior 2019 automobile accident?</p> <p>10 A. No. Any permanent injury, you said?</p> <p>11 Q. Yes.</p> <p>12 A. Not that I recall.</p> <p>13 Q. Okay. How long did you get treatment for, for</p> <p>14 the prior 2019 automobile accident?</p> <p>15 A. I don't know. Maybe a couple months, probably.</p> <p>16 I don't know.</p> <p>17 Q. Okay. I'm looking just for an approximation. Is</p> <p>18 it just a couple of months or do you think it was longer,</p> <p>19 six months, a year, or do you have any time frame?</p> <p>20 A. No, a couple months probably.</p> <p>21 Q. Okay. What kind of treatment do you recall</p> <p>22 receiving for that prior 2019 automobile accident?</p> <p>23 A. Just adjustments, you know, back adjustments.</p> <p>24 Q. You mean, adjustments from the -- adjustments</p> <p>25 from the chiropractor?</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Yeah, please.</p> <p>2 Q. Okay. Sure. All right.</p> <p>3 So what I'm trying to do is get a full</p> <p>4 understanding of your medical background with respect to</p> <p>5 automobile accidents, understand?</p> <p>6 A. Right.</p> <p>7 Q. Okay. So far we've talked about two automobile</p> <p>8 accidents where you have claimed injury, the one that</p> <p>9 we're here for today, the one occurred in 2019 in August,</p> <p>10 and then we talked about the 2000 -- I'm sorry, strike</p> <p>11 that. Strike the ans- -- strike the question. I mixed up</p> <p>12 the dates, okay.</p> <p>13 So far we've talked about our accident that</p> <p>14 occurred August 19th, of 2021, where you're claiming</p> <p>15 injuries to your neck and your back, and we ta ked about</p> <p>16 your prior 2019 automobile accident where you also claim</p> <p>17 to have sustained injuries to your neck and your back.</p> <p>18 What I want to know is other than those two automobile</p> <p>19 accidents other have there been any other automobile</p> <p>20 accidents other than those two where you claim to have</p> <p>21 sustained injury?</p> <p>22 A. No, I haven't been in other accidents, no, no.</p> <p>23 Q. Is that a no?</p> <p>24 A. No.</p> <p>25 Q. Okay. Okay. So it's just the two; is that</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall receiving any other treatment other</p> <p>3 than chiropractic adjustments for the prior 2019</p> <p>4 automobile accident?</p> <p>5 A. No.</p> <p>6 Q. Okay. Thus far, we have our accident of</p> <p>7 August of 2021 and we have the 2019 accident where you</p> <p>8 were involved in an automobile accident and you claim to</p> <p>9 have sustained injuries. Have you been in any other</p> <p>10 automobile accidents where you've claimed to sustain</p> <p>11 injuries other than those two?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. How many others?</p> <p>14 A. All right. You said how many other accidents</p> <p>15 I've been in -- involved in where I sustained -- where I</p> <p>16 sustained injuries, is that what you're asking? I want to</p> <p>17 make sure I answer right. I didn't hear your question</p> <p>18 correctly.</p> <p>19 Q. I want -- if you're not clear on the question, I</p> <p>20 want to make sure you understand it so I want to repeat</p> <p>21 it, okay.</p> <p>22 A. Uh-huh.</p> <p>23 Q. And if you don't understand, again, let me know.</p> <p>24 Don't answer it and I'll repeat it or rephrase it till we</p> <p>25 get it right, okay.</p>	<p style="text-align: right;">Page 40</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Thank you.</p> <p>4 MR. VANNATTA: Mario, and I'm not -- I'm not</p> <p>5 trying to jump you, but I just want to make sure he</p> <p>6 understands. Are you asking before and after or just</p> <p>7 before?</p> <p>8 BY MR. GOMEZ:</p> <p>9 Q. My question was any other, as in before or after</p> <p>10 in your life. So we've talked about -- so do you</p> <p>11 understand that, sir?</p> <p>12 A. Okay. If I was involved in any other accidents.</p> <p>13 Q. Yes.</p> <p>14 A. That I was sustaining, what, any injuries; is</p> <p>15 that what you're asking me?</p> <p>16 Q. I'll ask -- I'm going to restate the question to</p> <p>17 make sure you understand it, okay, sir?</p> <p>18 A. Yes, please.</p> <p>19 Q. Okay.</p> <p>20 A. One more time.</p> <p>21 Q. One more time.</p> <p>22 Okay. We talked -- I'm asking questions about</p> <p>23 automobile accidents and injuries you're claiming and</p> <p>24 automobile accidents that you've had in your life,</p> <p>25 understood?</p>

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1 A. Uh-huh.

2 Q. All right. So far we've talked about two. We've

3 talked about our accident that we're here for today for

4 August 19th, of 2021, where you're claiming neck and back

5 injuries, correct?

6 A. Yes.

7 Q. We talked -- and we talked about the prior 2019

8 automobile accident, where you hit somebody from behind,

9 and you were with your wife, and you claimed neck and back

10 injuries, correct?

11 A. Right.

12 Q. Other than those two automobile accidents of

13 August 19, 2021, and 2019, have you been involved in any

14 other automobile accidents, whether before or after our

15 accident, where you have sustained or claim to have

16 sustained injury?

17 A. Well, yes, I have.

18 Q. Okay. How many others, other than the two that

19 we've talked about?

20 A. Well, I was in two more car accidents.

21 Q. Okay. Before or after our car accident of

22 August 19th, of 2021?

23 A. After.

24 Q. Okay. All right. So our accident, again, was

25 August 19th, of 2021. How long after our accident were

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1 you involved in another automobile accident?

2 A. This one was -- what year was this one again? I

3 don't remember.

4 Q. Our accident was --

5 (Speaking simultaneously)

6 BY MR. GOMEZ:

7 Q. Hold on, sir -- sir.

8 Our accident was August of 2021. What I want to

9 know is how long after our accident were you involved in

10 another accident where you claim to have sustained injury?

11 A. It was -- okay. It was almost exactly a year

12 later.

13 Q. Okay.

14 A. I think it was, yeah.

15 Q. Okay. So that would be some time in 2022; is

16 that fair?

17 A. Yes.

18 Q. Okay. Where did that accident occur?

19 A. On Okeechobee Boulevard.

20 Q. How did that accident occur, the one in 2022 in

21 Okeechobee Boulevard?

22 A. I was driving -- I was heading east on Okeechobee

23 and this lady just -- she just sideswiped us on -- on

24 the -- on the passenger side on the right side, and, yeah,

25 our two cars were, like, as one for a second and then, you

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1 know.

2 Q. Who was in the vehicle -- sorry, go ahead.

3 A. No, then I said I was sideswiped, I guess, if

4 that's what you want to call it. I don't know how to -- I

5 don't know the right terminology for it.

6 Q. Okay. What vehicle were you driving in the 2022

7 accident where you got sideswiped on Okeechobee Boulevard?

8 A. I was driving a black Honda Accord.

9 Q. Is that the same Honda Accord that you were

10 involved with, with our accident?

11 A. Yes.

12 Q. For the prior 2019 automobile accident, were you

13 also driving the Honda Accord.

14 A. No.

15 Q. What kind of car were you driving in that one?

16 A. It was a Hyundai -- Hyundai Sonata.

17 Q. Okay. Was there anybody in the vehicle with you

18 for the 2022 accident where you were sideswiped on

19 Okeechobee Boulevard?

20 A. No, it was just my wife and I.

21 Q. Okay. So -- so the answer is yes. Your wife was

22 with you, correct?

23 A. Oh, yea -- yes.

24 Q. Okay. Was your child in the car with you for

25 that 2022 accident?

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1 A. No.

2 Q. Was your child in the car when this accident

3 occurred, our accident of August of 2021?

4 A. No.

5 Q. Okay. Did -- did Fire Rescue or EMS or an

6 ambulance arrive for the 2022 accident that occurred on

7 Okeechobee Boulevard?

8 A. No.

9 Q. Okay. What injuries did you claim for the 2022

10 accident that occurred on Okeechobee Boulevard?

11 A. My shoulder and my -- my -- my wrist.

12 Q. Which shoulder and which wrist?

13 A. My left -- my left shoulder. My left side,

14 really. I banged the side of the car.

15 Q. Okay.

16 A. On the door inside. My shoulder and my -- my

17 hip -- my hip and my -- my knee and my wrist, sorry.

18 Q. And did you say your left knee?

19 A. Yes, sir.

20 Q. Okay. Now that was a sideswiping that occurred,

21 I believe you said, on the passenger side of your vehicle,

22 correct?

23 A. Yes, sir.

24 Q. And you were driving, correct?

25 A. Yes, sir.

<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. But you're claiming left side injuries to 2 your body for the 2022 accident, correct? 3 A. Well, I -- yeah, I don't -- I mean, like I said, 4 I don't know it just happened. I know after that, my 5 knee -- this -- the whole side was hurting, and my arm was 6 banging on the side, you know, during the impact or what. 7 I can't -- I can't explain it. It was -- that's what 8 happened. 9 Q. Did you -- for the 2022 accident that occurred on 10 Okeechobee Boulevard, did you sustain or receive any 11 treatment of -- sustain injury or receive any treatment 12 for your -- either your neck or your back? 13 A. No, I didn't. 14 Q. Okay. Where did -- what -- where did you treat 15 at? Which clinic and which doctors did you treat at for 16 the 2022 accident that occurred on Okeechobee Boulevard? 17 A. I don't remember, man. I don't know. It wasn't 18 the same. 19 Q. Okay. How long did that -- strike that. 20 What kind of treatment did you receive for the 21 2022 accident that occurred on Okeechobee Boulevard? 22 A. I didn't. 23 Q. I'm sorry, was that an answer? 24 A. No, no, no. No, I'm thinking. I'm thinking, 25 because --</p>	<p style="text-align: right;">Page 47</p> <p>1 heating pad and electro shock. 2 Q. Okay. How long did that treatment last for, for 3 the 2022 Okeechobee Boulevard accident? 4 A. Actually, I'm still going for that. 5 Q. Okay. Did you -- other than physical therapy, 6 did you receive any other kind of treatment for the 2022 7 Okeechobee Boulevard accident, such as MRIs, CAT scans, 8 injections, surgery? 9 A. No, no surgery. No -- yeah, I did MRIs or yeah, 10 MRIs. No injections, no. 11 Q. Okay. So no injections, no surgery, but MRIs for 12 the 2022 accident on Okeechobee Boulevard; is that 13 correct? 14 A. Yes. 15 Q. Okay. Do you still have injuries and pain to 16 your left shoulder and left wrist, left hip, and left knee 17 because of that 2022 accident that occurred on Okeechobee 18 Boulevard? 19 A. Yeah, I still have -- I still have injuries to 20 that side, yeah, I do. 21 Q. In what ways do those injuries affect your life? 22 A. Well, I mean, I ke now my knees are like -- it's 23 really bother me. It really bother me. When I go to get 24 out the car, it feel like my knees are going to give out 25 on me, and I have -- I have like a this pain on my -- in</p>
<p style="text-align: right;">Page 46</p> <p>1 Q. Okay. Okay. 2 A. It's so -- it was so, many accidents that I was 3 involved in, I'm trying to collectively think, you know, 4 because I just -- it was a really bad time. It was like I 5 was a accident magnet. I mean, I'm trying to rem- -- I'm 6 trying to remember all these -- all these -- it was just 7 really bad, really bad. 8 Okay. What was the name? And I know it's in 9 Lake -- it was in Lake Worth. In Lake Worth, most of it 10 was -- it was very resorting for -- for that -- for that 11 treatment for that accident. I think it's Dr. Legarski, I 12 believe. I think is his name. 13 Q. What was his name? 14 A. I think it's Legarski. Dr. Legarski, I believe. 15 Q. Okay. So just so we understand each other, I 16 previously asked you where you treated and you said you 17 didn't remember. My question was: What kind of treatment 18 did you receive for the 2022 Okeechobee Boulevard 19 accident? So do you remember what kind of treatment you 20 received for that accident? 21 A. Yeah, I mean, I received just regular -- just 22 therapy, you know, ther- -- therapy treatment. 23 Q. Okay. What kind of therapy? There's 24 different -- many different types of therapy? 25 A. Massage -- what's it called -- heating pad --</p>	<p style="text-align: right;">Page 48</p> <p>1 this -- in this left hand and it was a -- from the -- this 2 I don't know if you can see it or not, but it was a rise 3 in my -- in this wrist from the accident. 4 Q. Okay. Are you left-handed or right-handed? 5 A. I'm right-handed. 6 Q. Okay. Does -- does the knee pain limit your 7 ability to walk and have the kind of movement that you 8 want? 9 A. Yeah. 10 Q. Okay. I want to go back into the 2019 prior 11 accident a little bit, and then we'll go back into the 12 accident that occurred after ours, okay? 13 A. Okay. 14 Q. For the 2019 accident where you sustained injury 15 to your neck and your lower back, did those injuries 100 16 percent resolve before our car accident of August 19th, of 17 2021? 18 A. No, I don't -- no, I don't -- I don't know. I 19 don't think it was resolve. I don't believe it resolved 20 because I was still having, you know, I'm still having 21 pains. I'm still having pains and it just -- it's just 22 gotten worse. You know, it wasn't as bad. It started to 23 get better. 24 Q. Before our accident of August of 2021, when was 25 the last time that you had treatment for your neck and</p>

<p style="text-align: right;">Page 49</p> <p>1 your back for the prior 2019 accident?</p> <p>2 A. I don't remember. It was -- I had stopped that</p> <p>3 treatment a long time -- a long time probably before this</p> <p>4 accident -- before our accident.</p> <p>5 Q. For the 2019 accident and the prior accident, did</p> <p>6 you ever have any radiating pain that went from your neck</p> <p>7 into your shoulders or your hands or your elbows?</p> <p>8 A. I -- I did. I did.</p> <p>9 Q. Okay. So same question for your low back. For</p> <p>10 the 2019 prior accident, did you ever have any radiating</p> <p>11 pain that went from your low back and it went into your</p> <p>12 hips and your thighs and down your legs?</p> <p>13 (Phone rings)</p> <p>14 MR. GOMEZ: I'm sorry, I didn't catch that. Did</p> <p>15 he answer that?</p> <p>16 THE WITNESS: Yes, sir.</p> <p>17 BY MR. GOMEZ:</p> <p>18 Q. Was that a yes?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. I mean, it's hard to, I mean, for me, I can't</p> <p>22 tell you one -- one -- never mind. Go.</p> <p>23 Q. Okay. Do you have any -- any plans to have any</p> <p>24 surgery or have you been recommended for surgery for the</p> <p>25 2022 Okeechobee Boulevard accident?</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Okay. So let's refer to that accident as the</p> <p>2 FP&L truck accident. Is that fair?</p> <p>3 A. Okay.</p> <p>4 Q. Okay. So what vehicle were you driving that --</p> <p>5 in that FP&L truck accident?</p> <p>6 A. The lucky Honda.</p> <p>7 Q. Lucky, yeah.</p> <p>8 Was anybody else in the vehicle with you?</p> <p>9 A. Yeah, my wife and my daughter.</p> <p>10 Q. Okay. And you were driving?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And was your daughter injured in that FP&L truck</p> <p>13 accident?</p> <p>14 A. Yes, she was.</p> <p>15 Q. What kind of injuries did your daughter receive?</p> <p>16 A. She, I mean, she -- she had -- she received head</p> <p>17 injuries, bruise to the face, and hip misplacement.</p> <p>18 Q. Okay. Can you tell me how that accident</p> <p>19 occurred?</p> <p>20 A. Yeah, it was night and we was going back to the</p> <p>21 hotel, and from -- from right here right up the street</p> <p>22 right on -- from -- on Belvedere, leaving the Wawa. I was</p> <p>23 making a left turn on Mercer, and as I'm turning, you</p> <p>24 know, I -- I just remember it being -- I was blinded by</p> <p>25 the lights of the FP&L truck. I couldn't see. I mean, I</p>
<p style="text-align: right;">Page 50</p> <p>1 A. No.</p> <p>2 Q. Okay. All right. So now we're going to ta k</p> <p>3 about the second car accident that you had where you</p> <p>4 had -- where you claimed injury after our car accident of</p> <p>5 August of 2021, okay.</p> <p>6 A. Okay.</p> <p>7 Q. So you mentioned you were involved in two</p> <p>8 accidents after our accident where you sustained injury.</p> <p>9 You mentioned the 2022 Okeechobee Boulevard accident.</p> <p>10 What other accident did you have where you claim to have</p> <p>11 sustained injury after our accident?</p> <p>12 A. The -- the last one I -- it was involved with an</p> <p>13 FP&L truck. I hit the front of a -- of the FP&L truck.</p> <p>14 Not my side, the passenger side.</p> <p>15 Q. Do you recall the month and the year that was</p> <p>16 involving the FP&L truck?</p> <p>17 A. No. I think it was -- I don't -- I don't</p> <p>18 remember. My wife can tell you that. She'll tell you</p> <p>19 what year and what month it was. I don't remember.</p> <p>20 Q. Okay. Was it -- well, we know it was after our</p> <p>21 accident of August of 2021. Do you know if it was later</p> <p>22 in the year 2012? Was it in 2022 or was it in 2023?</p> <p>23 A. Later -- oh man. It was end of 20 -- was it the</p> <p>24 end -- the ending of 2021, I believe, going into 2022, I</p> <p>25 believe. I'm not for sure.</p>	<p style="text-align: right;">Page 52</p> <p>1 couldn't see anything. I remember my -- I remember my</p> <p>2 daughter saying, mommy is it morning, is it morning</p> <p>3 already, by how bright it was. But, yeah, I was blinded</p> <p>4 by the lights and I couldn't see anything, and I ended up,</p> <p>5 you know, hitting the truck, right, like, I'm -- I ke, I</p> <p>6 almost missed him though. They said, like, if -- they</p> <p>7 said if I would have just been a couple more inches to the</p> <p>8 right I would have missed him.</p> <p>9 Q. When you were making a -- when you were making a</p> <p>10 left turn was traffic controlled with the intersection,</p> <p>11 like, intersectional light? I'm sorry, like a traffic</p> <p>12 light?</p> <p>13 A. Yeah, it was a traffic light. He was at a red</p> <p>14 light. He was at a red light on Mercer and I had got the</p> <p>15 green so I was making the left turn on Mercer.</p> <p>16 Q. Was it a green ball or a green arrow?</p> <p>17 A. I don't remember. I don't remember.</p> <p>18 Q. Okay.</p> <p>19 A. I can't tell you one or the other if it was a</p> <p>20 green ball or arrow.</p> <p>21 Q. Okay. And where was your -- where was your Honda</p> <p>22 impacted in that FP&L truck accident?</p> <p>23 A. On the dri- -- on the driver side. My -- my side</p> <p>24 hit the corn -- hit the driver side of his truck. So</p> <p>25 right at the corner, I see -- I hit the corner of the FP&L</p>

<p style="text-align: right;">Page 53</p> <p>1 truck on the left side -- the left side.</p> <p>2 Q. Okay. What injuries did you sustain in that FP&L</p> <p>3 truck accident?</p> <p>4 A. I had head injuries and I had neck, and back, and</p> <p>5 my shoulder, and my wrist. All this was -- I was pretty</p> <p>6 banged up on that one. That one was pretty bad.</p> <p>7 Q. Okay. What shoulder and which wrist?</p> <p>8 A. My left shoulder.</p> <p>9 Q. And left wrist?</p> <p>10 A. Yes, my left side.</p> <p>11 Q. Okay. And how much damage was there to your</p> <p>12 Honda?</p> <p>13 A. It was, I mean, it was -- it was damaged pretty</p> <p>14 good. The whole -- the whole bumper and the hood was up.</p> <p>15 Q. Did you have your Honda repaired after the FP&L</p> <p>16 accident or was it deemed a total loss?</p> <p>17 A. No, I had it repaired. I fixed it.</p> <p>18 Q. Okay.</p> <p>19 A. I had to fix it.</p> <p>20 Q. Did you fix it yourself --</p> <p>21 (Speaking simultaneously)</p> <p>22 BY MR. GOMEZ:</p> <p>23 Q. I'm sorry. Did you fix it yourself or did you</p> <p>24 have it repaired in an auto shop?</p> <p>25 A. I mean, I had it at -- it was in the auto shop.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. And I'm also -- did you take any photographs of</p> <p>2 your Honda after you finished the repairs to it after you</p> <p>3 repaired it from the FP&L accident?</p> <p>4 A. Yeah, but that -- it was -- it was a long story,</p> <p>5 but, yeah, I have -- not a lot, but I some photos of it.</p> <p>6 I have to look for.</p> <p>7 Q. Okay. Same thing. Please don't delete them,</p> <p>8 destroy them. I'm going to make a request through your</p> <p>9 attorney for those, okay?</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So where did you treat for the injuries</p> <p>12 that you sustained to your neck and your back and your</p> <p>13 left shoulder and your left wrist in that FP&L accident?</p> <p>14 A. I think Gunther Legarski, I believe.</p> <p>15 Q. Legarski, you said?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know what kind of specialist he is or she</p> <p>18 is?</p> <p>19 A. He's a -- he's a -- a chiropractor.</p> <p>20 Q. Okay. For the two accidents that you had after</p> <p>21 ours, the FP&L accident and the Okeechobee accident, did</p> <p>22 you treat for those two accidents at the same doctors you</p> <p>23 treated for our accident?</p> <p>24 A. No. No, I don't -- I don't know. I don't think</p> <p>25 so, no.</p>
<p style="text-align: right;">Page 54</p> <p>1 But, yeah, I -- I fixed it myself.</p> <p>2 Q. Okay. Can you tell me the parts that you</p> <p>3 purchased and what you did to repair the -- the Honda</p> <p>4 after the FP&L truck accident?</p> <p>5 A. Well, the hood, side panels, a whole bunch of</p> <p>6 things for the front -- it was really the -- man, the</p> <p>7 whole -- the front end -- the front end of the car. Some</p> <p>8 internal things, wires, I guess. 'Cause I know that the</p> <p>9 cop -- the police had to -- they cut the -- they cut the</p> <p>10 wires to the battery I guess so the car would shut off,</p> <p>11 because the car was still running.</p> <p>12 Q. Is your Honda running now after you repaired it?</p> <p>13 A. Yes.</p> <p>14 Q. Is that how you -- you got to your attorney's</p> <p>15 office today is driving the Honda?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Do you have any photographs of the Honda</p> <p>18 showing the damage that it sustained in the FP&L truck</p> <p>19 accident? Not with you today, but just generally do you</p> <p>20 have them?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Okay. I want you to save and hold on to those,</p> <p>23 because I'm going to make a request to your attorney to</p> <p>24 provide those to us, okay.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Okay. Did you -- the doctors that you treated</p> <p>2 with for our -- our accident, did you tell them about</p> <p>3 these other accidents that you were involved in and the</p> <p>4 injuries that you sustained?</p> <p>5 A. Ask that question again. Did I tell the doctors</p> <p>6 that -- for the injuries for this case? For this -- for</p> <p>7 this?</p> <p>8 Q. The doctors -- I'll rephrase it for you.</p> <p>9 The doctors that you treated with for our</p> <p>10 accident from August 19th, of 2021, did you tell them</p> <p>11 about the prior accident where you sustained injuries to</p> <p>12 your neck and your back and the other injuries that you</p> <p>13 sustained from the two accidents that you had after ours?</p> <p>14 A. I don't -- no, I don't know. I don't -- I</p> <p>15 don't -- I don't recall the -- I don't know what happened.</p> <p>16 Q. Okay. What kind of treatment did you receive for</p> <p>17 your -- the injuries that you're claiming in that FP&L</p> <p>18 truck accident?</p> <p>19 A. What kind of injuries am I claiming?</p> <p>20 Q. What -- what kind of treatment did you receive</p> <p>21 for the injuries that you're claiming from that FP&L truck</p> <p>22 accident?</p> <p>23 A. The same therapy, you know, the same therapy</p> <p>24 treatment that I've been -- nothing really -- there's</p> <p>25 really nothing else I can do.</p>

<p style="text-align: right;">Page 57</p> <p>1 Q. Did the FP&L accident further hurt your neck or 2 your low back? 3 A. Yeah, but yeah. 4 Q. Yeah. It made it worse; is that fair to say? 5 A. Yeah, I guess, yeah. 6 Q. Okay. Can you specify how it made it worse? 7 What kind of symptoms that you felt in addition after the 8 FP&L accident? 9 A. More -- it was -- more tingling in my -- in my -- 10 in my fingers, and just more pain. It was just -- it was 11 just -- it hurt and it started hurting more. More -- more 12 pain. I can't describe it any more than that. It was 13 more pain. 14 Q. Okay. After the FP&L accident, your neck got 15 worse and that caused the radiating pain down into your 16 fingers to get worse; is that fair to say? 17 A. Yes. 18 Q. Okay. Did the radiating -- after the FP&L truck 19 accident, did you experience any worse radiating pain into 20 your lower back? 21 A. Yeah, I did, you know, yeah. 22 Q. Did you -- did you undergo any MRIs for the FP&L 23 accident to any part of your body? 24 A. Yes. 25 Q. To what parts of your body?</p>	<p style="text-align: right;">Page 59</p> <p>1 injury or a permanent impairment to any part of your body? 2 A. No. 3 Q. Okay. Are you still treating for the FP&L 4 accident? 5 A. Yes. 6 Q. When was the last time that you had treatment for 7 the FP&L accident? 8 A. Last week. 9 Q. And where did you go? 10 A. Into -- it was in Lake Worth, I believe. In Lake 11 Worth. 12 Q. Do you remember the name of the doctor or 13 chiropractor? 14 A. Legarski. 15 Q. Okay. Have you seen any orthopedist or 16 neurologist for the FP&L accident? 17 A. No. 18 Q. When was the last time you received treatment for 19 the 2022 sideswiping accident that occurred on Okeechobee 20 Boulevard? 21 A. That was also, like, a week ago also. 22 Q. Do you -- were you treating at the same place for 23 the Okeechobee sideswiping accident and the FP&L accident? 24 A. Yes. 25 Q. Okay. So Legarski is treating you for the two</p>
<p style="text-align: right;">Page 58</p> <p>1 A. To my -- I believe it was just my back and also 2 my neck. 3 Q. Okay. Did you receive any injections to either 4 your neck or any part of your back as a result of the FP&L 5 accident? 6 A. No, I didn't. But, also, I did MRIs for the -- 7 for the -- for the side. I think it was one of them or -- 8 way at minute. I don't know if it was from that accident. 9 I don't even remember where I did the MRI at, but so it 10 doesn't even matter to me but. 11 Q. Did you receive any surgeries for your neck or 12 any part of your back as a result of the FP&L accident? 13 A. No, I didn't. 14 Q. Has any doctor recommended you or said to you or 15 recommended neck surgery or back surgery because of the 16 FP&L accident? 17 A. No. 18 Q. Okay. Has -- to your recollection or knowledge, 19 has any doctor that treated you for the FP&L accident told 20 you that you sustained a permanent injury for that 21 accident? 22 A. All right. Can you repeat that question again 23 for me, please? 24 Q. Sure. For the FP&L accident, did any doctor tell 25 you, that you remember, that you sustained a permanent</p>	<p style="text-align: right;">Page 60</p> <p>1 accidents that you had after our accident; is that 2 correct? 3 A. Correct. 4 Q. Do you have any future medical appointments 5 currently scheduled for the FP&L truck accident or the 6 Okeechobee accident? 7 A. Yes. 8 Q. When is your next appointment? 9 A. I think it's Friday. I think it's Friday. 10 Q. The last treatment -- last week when you went to 11 treat with the chiropractor, Legarski, for the FP&L and 12 Okeechobee accident, what -- what kind of treatment did 13 they give you? What body parts? What kind of therapy or 14 what did they do for you? 15 A. They did -- they put me in a -- hydro bed and 16 they did electro therapy. 17 Q. To what part of your body? 18 A. My shoulder. They did the electro therapy and 19 then they did the -- the hydro -- the hydrotherapy on my 20 back. 21 Q. Okay. Okay. So do you believe we've covered all 22 of the automobile accidents where you sustained injury, 23 and just to recap it, we've got the 2019 prior accident, 24 we have our accident of August, 2021, and we have the two 25 subsequent accident, the Okeechobee sideswipe and the FP&L</p>

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1 truck. Are those all of the accidents that you've been in
2 where you've claimed injury?
3 A. Yes, sir.
4 Q. Okay. Have you ever been involved in a
5 slip-and-fall accident where you sustained injury?
6 A. Yes. Slip-and-fall, I mean, it was -- I fell at
7 work. It was at work. I fell in some -- I fell into a
8 hole. We was digging a manhole and I slipped and fell
9 into the hole.
10 Q. Where were you working at the time?
11 A. I don't remember the name of the place. It's --
12 it was -- it was like a labor place. Don't remember the
13 name of it. It -- it was -- it was like a labor or day
14 labor job. I was working there for a couple weeks.
15 Q. Where were you working?
16 A. It's -- I forgot the name of it. It's -- but
17 they find you jobs. They have jobs. You go in and get a
18 ticket and you go to work and --
19 Q. Not to cut you off, but there's -- in your
20 answers to interrogatories, you referred to one employer
21 as GL Staffing Services. Is that it?
22 A. Yes, that's it.
23 Q. Okay.
24 A. That's it. That's it.
25 Q. Okay. So GL Staffing is like an agent where they

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1 send you and direct you to places to work; is that
2 correct?
3 A. Yeah, that's them.
4 Q. Okay. And while you were performing some kind of
5 work for somebody associated with GL Staffing, you fell
6 into a hole and you sustained injury; is that correct?
7 A. Yes, sir.
8 Q. Okay. Do you recall -- were you working for a
9 company specifically or was it, like, you -- you were just
10 doing, like, handyman work independently?
11 A. No, I was working for a company.
12 Q. Do you remember the name of the company?
13 A. GL Staffing. It was a staffing company.
14 Q. Okay. You got -- you got paid through them; is
15 that fair?
16 A. Yes.
17 Q. Okay. Gotcha. When you fell through the hole,
18 how many feet did you fall through the hole?
19 A. Oh, man. It was like -- I think it was like 2
20 1/2 feet, almost 3 feet.
21 Q. Do you remember what year this was?
22 A. No, I don't remember.
23 Q. What body parts did you injure in that fall while
24 you were working for GL Staffing?
25 A. It was my ankle.

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1 Q. Which ankle?
2 A. My left ankle.
3 Q. What happened to your left ankle? Did it break,
4 did it fracture, anything like that?
5 A. Yeah, it fractured.
6 Q. Did you need to have surgery?
7 A. No.
8 Q. Okay. Did you injure your neck or any part of
9 your back in that fall that occurred while you were
10 working for GL Staffing?
11 A. No.
12 Q. Okay. What kind of treatment did you receive to
13 your ankle, was it just a cast or a bandage?
14 A. Yeah, they put it in a -- in a splint for a
15 while.
16 Q. Did you apply for workers' compensation?
17 A. Yes, sir.
18 Q. Okay. Okay. Any other slip or trip-and-fall or
19 worker's compensation claim other than the one at GL
20 Staffing where you fell into a hole?
21 A. No.
22 Q. Okay. We're going to talk a little bit about our
23 accident now with some of the specifics of it, okay?
24 A. Uh-huh.
25 Q. Okay. Do you recall what day of the week -- of

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1 the week our accident occurred?
2 A. No.
3 Q. Was it a weekday or weekend to your recollection?
4 A. A weekday. It was during the week.
5 Q. Okay. And -- and you were driving your Honda; is
6 that correct?
7 A. Yes, sir.
8 Q. And your wife was in the car with you and nobody
9 else; is that correct?
10 A. Yes, sir.
11 Q. Where was your wife seated at?
12 A. Next to me.
13 Q. Okay. Where were you coming from? Like the
14 location, where were you coming from?
15 A. 306.
16 Q. 306, you said?
17 A. Yes, sir.
18 Q. Where is that?
19 A. The hotel right here on -- off of Bel- --
20 Australian.
21 Q. Oh, the Studio Extended Stay and where you guys
22 were living at, at that time?
23 A. Yes, sir.
24 Q. And where were you driving to?
25 A. I was on our way to pick up our daughter from

<p style="text-align: right;">Page 65</p> <p>1 her -- my wife's mother's house.</p> <p>2 Q. Okay. Do you know -- go ahead.</p> <p>3 A. We were picking our daughter up to take her to</p> <p>4 school.</p> <p>5 Q. Okay. Do you remember what time the accident</p> <p>6 occurred?</p> <p>7 A. Around -- I don't know. I think it's -- it's in</p> <p>8 the morning. I don't know, it was like seven, I guess,</p> <p>9 because she had to be -- yeah. She had to be at school by</p> <p>10 7:30 so, yeah, around seven, I think. Sevenish, around</p> <p>11 that time.</p> <p>12 Q. Okay. And what was the weather like around that</p> <p>13 time?</p> <p>14 A. I mean, it was -- it was clear. It was morning.</p> <p>15 Q. And were the streets dry?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And do you remember what street you were</p> <p>18 traveling on?</p> <p>19 A. I was traveling on Australian. On -- as far as I</p> <p>20 know I was Australian Boulevard.</p> <p>21 Q. Okay. And how many -- what lane were you</p> <p>22 traveling on at the time this accident occurred on</p> <p>23 Australian?</p> <p>24 A. The far left lane.</p> <p>25 Q. The far left lane?</p>	<p style="text-align: right;">Page 67</p> <p>1 with there at the intersection?</p> <p>2 A. Banyan, I believe.</p> <p>3 Q. Okay. And when you were stopped at the red light</p> <p>4 waiting for the light to change, approximately how long</p> <p>5 were you there stopped prior to the accident?</p> <p>6 A. I'm sorry, you cut off. I didn't get the first</p> <p>7 part of the question.</p> <p>8 Q. Okay. Well, when you were stopped at the</p> <p>9 intersection of South Australian Avenue and Banyan on</p> <p>10 the -- on the left inside lane, how long were you stopped</p> <p>11 there before the accident occurred?</p> <p>12 A. A few minutes, probably.</p> <p>13 Q. Okay.</p> <p>14 A. A minute or two.</p> <p>15 Q. Okay. And when the accident occurred was your</p> <p>16 light still red?</p> <p>17 A. I believe so. I'm not sure. I don't remember.</p> <p>18 Q. Do you remember if the light changed to green and</p> <p>19 then the impact occurred, or you just don't remember?</p> <p>20 A. I don't remember.</p> <p>21 Q. Okay. Did you anticipate that there was going to</p> <p>22 be an accident just prior to the accident?</p> <p>23 A. No.</p> <p>24 Q. Okay. Where were you looking at? Were you</p> <p>25 looking straight ahead?</p>
<p style="text-align: right;">Page 66</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. And is that far left lane, is there a turn</p> <p>3 lane involved in that?</p> <p>4 A. No -- well -- no. No, the turning -- the turning</p> <p>5 lane is in the right lane, make a right turn.</p> <p>6 Q. Okay. So let's try and separate the lanes from</p> <p>7 through lanes as if you're going through the intersection</p> <p>8 and a turn lane, that way we could figure out how many</p> <p>9 through lanes there are, okay.</p> <p>10 A. Okay.</p> <p>11 Q. On Australian.</p> <p>12 So you were on the far left lane, meaning the</p> <p>13 inside lane; is that correct?</p> <p>14 A. Yeah, I guess, yes.</p> <p>15 Q. Okay. And that's a through lane as if you're</p> <p>16 going to drive through the intersection, correct?</p> <p>17 A. Right.</p> <p>18 Q. Okay. And were you approaching or -- were you</p> <p>19 approaching an intersection just prior to the accident?</p> <p>20 A. No, I was stopped at the light.</p> <p>21 Q. Okay. But where you were stopped at the light is</p> <p>22 the intersection?</p> <p>23 A. Right.</p> <p>24 Q. Correct?</p> <p>25 Okay. What did -- what did Australian intersect</p>	<p style="text-align: right;">Page 68</p> <p>1 A. Might have been looking down. Yeah, I looked</p> <p>2 away from the light. I was talking, me and my wife -- I</p> <p>3 know my wife and I was talking so I couldn't. I was</p> <p>4 probably looking at her.</p> <p>5 Q. Okay.</p> <p>6 A. And she's always telling me watch the road, don't</p> <p>7 watch me, look at the road.</p> <p>8 Q. Did you have a cell phone with you at the time of</p> <p>9 the accident?</p> <p>10 A. I believe so, yeah.</p> <p>11 Q. Okay. Were you using your cell phone or any cell</p> <p>12 phone at the time of the accident, whether it be texting,</p> <p>13 talking, using the internet, GPS, streaming music,</p> <p>14 anything of that nature?</p> <p>15 A. No.</p> <p>16 Q. Okay. And who was the carrier that you had on</p> <p>17 your phone back then in August of 2021, for example,</p> <p>18 Sprint, T&T [sic] T -- T-Mobile, anything like that?</p> <p>19 A. When was it? It might have been AT&T. I don't</p> <p>20 know.</p> <p>21 Q. Okay. And --</p> <p>22 A. Metro, I'm not sure.</p> <p>23 Q. What other carrier do you believe that you may</p> <p>24 have had at that time?</p> <p>25 A. It's either those two, either AT&T or Metro.</p>

<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. And what phone number did you have back 2 then? 3 A. I had the same number I have now. 4 Q. What is that? 5 A. I have the same number. 6 Q. I'm sorry, what is the phone number? 7 A. (561) 541-1149. 8 THE COURT REPORTER: Can you repeat that, I'm 9 sorry. 10 THE WITNESS: (561) 541-1149. 11 BY MR. GOMEZ: 12 Q. Where was your cell phone at the time of the 13 impact? 14 A. I don't remember. 15 Q. Was your wife using your cell phone just prior to 16 or at the time of the accident? 17 A. I don't know, maybe. Maybe she was calling her 18 mom and let her see if her daughter -- our daughter was 19 ready. I don't remember, man. I don't think she was 20 using it, but I know she had called her that morning to 21 let her know we were on our way and stuff. 22 Q. Did she have her own cell phone with her at that 23 time? 24 A. She does. 25 Q. And if she would have had -- if she would have</p>	<p style="text-align: right;">Page 71</p> <p>1 part of yours strike the interior of the Honda that you 2 were driving? 3 A. No. 4 Q. Okay. Did any part of the inside of your Honda, 5 was it damaged or break off or anything like that because 6 of this accident? 7 A. On the inside, you said? 8 Q. On the in- -- on the inside? 9 A. Not the inside, no. 10 Q. Okay. After the accident occurred did you -- 11 str ke that. 12 Before I ask that question, when you were stopped 13 there for a few minutes at the red light just prior to the 14 accident, was there any vehicles in front of you in that 15 inside left lane? 16 A. I didn't -- I don't know. I didn't see -- I 17 didn't -- I wasn't paying attention to that at that time. 18 I don't know. 19 Q. Okay. After the accident, while at the accident 20 scene, did you get out of your vehicle to see if there was 21 any damage to your Honda as a result of our accident? 22 A. You said right after the accident? 23 Q. Yeah, let me restate the question to make sure 24 you understood it, okay. 25 A. Mm-hm.</p>
<p style="text-align: right;">Page 70</p> <p>1 called her mom on the way to go pick up your daughter, do 2 you believe most likely she would have used her own cell 3 phone? 4 A. Probably. Most likely if some -- yeah. 5 Q. Okay. Prior to the accident, did you hear any 6 noises prior to the accident such as screeching tires or 7 anything that would alert you that there was going to be 8 an accident? 9 A. No. 10 Q. Okay. What was traffic like at that time? Was 11 it light, medium, heavy? 12 A. It was somewhat heavy, I guess. It was early 13 morning everyone was on the way to work. 14 Q. Okay. Did any airbags deploy in your Honda at 15 the time of our accident? 16 A. No. 17 Q. Did -- were you wear -- were you and your wife 18 wearing your seat belt at the time of our accident? 19 A. I believe she was. I don't think -- I wasn't. 20 Q. Why were you not wearing your seat belt? 21 A. I know I had it on. I probably took it off, 22 because I feel -- it makes -- I feel claustrophobic with 23 it on, but I try -- I got to get over that and wear it. I 24 often take it off. 25 Q. Okay. As a result of the accident, did any body</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. The accident occurs while you're there at the 2 accident scene, either waiting for the police officer or 3 when the police officer arrived, did you get out of your 4 vehicle to assess if there was any damage to your Honda? 5 A. Well, I -- I got -- I got out -- at the scene -- 6 at the accident scene where it occurred, I got out of the 7 car to talk to mister -- I forgot his name, but he left. 8 So we -- he ran off. He drove off so we didn't get to 9 speak at the scene of the accident. I guess he got -- he 10 panicked and took off. I went to talk to him, but I don't 11 know. So we didn't -- we -- we didn't -- we didn't have 12 any conversation or anything like that at the scene of the 13 accident. 14 Q. Okay. So the accident occurs, you're at a red 15 light, and what happens from there? Does he just 16 instantly drive off when the light changes green? How 17 does that work? 18 A. No, he -- okay. I guess he -- after the impact, 19 I -- I couldn't tell you whether or not if the light was 20 green or red or blue or whatever. I guess the proper 21 thing to do is to wait and to -- to assess before we move 22 and so I went to do that, and I went to assess the 23 situation and went to speak to him, and like I said, he 24 just -- he -- he looked at me and he just took off. I 25 mean, he just took off.</p>

<p style="text-align: right;">Page 73</p> <p>1 Q. Okay. Let -- let me -- let me take this step by 2 step to make sure I understand what occurred there. I 3 know you lived through it and I know you have an 4 understanding in your mind, but I'm not understanding what 5 you're saying, okay. 6 A. He left the scene of the accident. 7 Q. No, I -- 8 A. After he hit me, he left the scene of the 9 accident, so then I proceeded to follow him. 10 Q. Okay. So -- so after the accident occurs, okay, 11 did you -- did you drive off to go get away from traffic, 12 and were you expecting him to follow or did he just 13 immediately take off? 14 A. He just immediately took off. 15 Q. Okay. And where did he drive to? Which street 16 did he drive on? 17 A. He -- I followed -- he -- I guess he made -- he 18 made a right on Banyan, and he went up Banyan, and we 19 found him hiding behind the Channel 5 -- in the Channel 5 20 News entrance there behind the brick -- behind a wall. It 21 was like a wall there, but he was hiding his car. Him and 22 his boy was hiding. 23 Q. Okay. 24 A. And that's -- and that's where we had our 25 conversation and I looked -- and I went up to look to see</p>	<p style="text-align: right;">Page 75</p> <p>1 like a minute. It was like a minute drive from where we 2 were to where he stopped. Not even a minute, I don't 3 think. 4 Q. Okay. Do you know who called the police 5 department? 6 A. I believe my wife did. 7 Q. Okay. So when you got to the parking lot where 8 you saw the other driver, did you have a discussion with 9 him? 10 A. Well, yeah, I asked him, you know, why did he 11 take off, you know. We just want to talk and see, you 12 know, what was going on. 13 Q. And what did he say? 14 A. I don't remember what he said, man. I just know 15 he -- he -- all he kept on saying was, I'm sorry. I kept 16 on hearing I'm sorry, I'm sorry. I don't, you know, I 17 don't remember what he said. 18 Q. Okay. And at that point in time when you were 19 stopped in a parking lot, did you look around your vehicle 20 to assess if there was any damage? 21 A. Yes, sir, I did. 22 Q. Okay. And did you notice any damage to your 23 vehicle that you claim as a result of our accident? 24 A. Yeah, the bumper was detached. 25 Q. Okay. And was there any other damage other than</p>
<p style="text-align: right;">Page 74</p> <p>1 the damages on the car. 2 Q. Okay. Did -- 3 A. And then at that point, it started to rain. 4 Q. Okay. What distance were you -- what distance -- 5 or how far was that drive from the point of impact to 6 where you guys ended up at? Was it a block, less than a 7 block, more than a block? 8 A. I don't know how -- what's -- what's -- what's 9 the size of -- what's the distance of a block? Like, I 10 don't know here. Like, in New York, a block is so long 11 and here, I don't know. Like, maybe like a mile or so, 12 half a mile, maybe, from the scene. 13 Q. Let's try to put it in terms where you can give 14 an approximation. How -- as far as seconds or minutes, 15 how long did you drive following him before you guys 16 reached that point? 17 A. Not long. It was right around -- actually, as a 18 matter of fact, because it -- it was -- like I said, the 19 accident was right -- it was right there. Like I said, 20 Channel 5 -- I don't know if you're familiar with the area 21 it was really in now, but Channel 5 from here right now is 22 like right next. So he went to -- like I said, he went to 23 the light, maybe, like, I don't know a couple of feet or, 24 you know, yeah, a couple of feet, and he hid inside of the 25 front entrance way of Channel 5 News area so maybe it was</p>	<p style="text-align: right;">Page 76</p> <p>1 your bumper being detached? 2 A. The bumper and the -- and the -- and the right 3 light, the rear -- the rear taillight was broken. 4 Q. Okay. Did you take any photographs there at the 5 scene showing the damage to your vehicle? 6 A. I think -- I don't remember if I took -- if I 7 took any. I know I took both yeah. 8 Q. Okay. 9 A. No, I didn't take any -- not at the scene. I 10 didn't take any there at the scene. 11 Q. Okay. Now you did produce one photograph to us 12 of your vehicle and the taillight. Do you know where you 13 took that photograph? 14 A. I don't remember. 15 Q. Okay. 16 A. I don't remember where I took it. 17 Q. I'm going to try and share screen. I may have 18 to -- let me see if I could find it. 19 MR. VANNATTA: Hey, Mario. Could we take like a 20 five-minute break just for me to take a break for a 21 second. 22 MR. GOMEZ: Yes. 23 MR. VANNATTA: You okay with that? 24 MR. GOMEZ: Yeah, absolutely. How long do you 25 need?</p>

<p style="text-align: right;">Page 77</p> <p>1 MR. VANNATTA: Just five minutes' fine.</p> <p>2 MR. GOMEZ: Okay. Sounds good. Let's take a</p> <p>3 five-minute break.</p> <p>4 THE VIDEOGRAPHER: We are going off record at</p> <p>5 11:59 a.m.</p> <p>6 (Thereupon, a brief recess occurred, after which</p> <p>7 the proceedings continued as follows:)</p> <p>8 THE VIDEOGRAPHER: We are back on the record</p> <p>9 12:09 p.m.</p> <p>10 BY MR. GOMEZ:</p> <p>11 Q. Okay. So we were talking about the accident and</p> <p>12 when you were in the -- the left inside lane at the time</p> <p>13 of the accident, was your vehicle within that lane</p> <p>14 straight, looking forward, or was it turned in any kind of</p> <p>15 way?</p> <p>16 A. Okay. Are you asking me was my lane straight?</p> <p>17 Was I in a straight lane?</p> <p>18 Q. What I want to know is if your vehicle -- strike</p> <p>19 that.</p> <p>20 Let me see if I can ask a better question so you</p> <p>21 can understand what I'm getting at.</p> <p>22 Your intention was to drive straight through the</p> <p>23 intersection, correct?</p> <p>24 A. That's where I was going, yeah. My -- my</p> <p>25 destination, you mean?</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. Where were you living at the time?</p> <p>2 A. Um.</p> <p>3 Q. Was it the Studio 6 or somewhere else?</p> <p>4 A. Yeah, it was Studio 6.</p> <p>5 Q. Okay. Do you know how long after our accident</p> <p>6 occurred that you took this photograph?</p> <p>7 A. It was just, like, the next day.</p> <p>8 Q. Okay. Is it your testimony, your sworn</p> <p>9 testimony, that the damage that's shown in this photograph</p> <p>10 which we're going to mark as Defense Exhibit A was caused</p> <p>11 solely by our accident that we're here for, for today?</p> <p>12 A. Yes, sir.</p> <p>13 (Thereupon, Defendant's Exhibit A was marked for</p> <p>14 identification)</p> <p>15 BY MR. GOMEZ:</p> <p>16 Q. Did your Honda have any other damage prior to our</p> <p>17 accident to its rear bumper or rear taillight as shown in</p> <p>18 Exhibit A before our accident?</p> <p>19 A. No.</p> <p>20 Q. Okay. Okay. So it's your testimony that all of</p> <p>21 the damage shown in Defense Exhibit A, what we're going to</p> <p>22 mark here in the photograph that you took of your vehicle</p> <p>23 the day after this accident was caused by our accident?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Thank you.</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Yes.</p> <p>2 A. Where I was going, yes.</p> <p>3 Q. Okay. Okay. And your vehicle was facing the</p> <p>4 intersection, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And it was within the lane, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Very good. Let me see if I could show you</p> <p>9 the photograph that you produced to us in response to a</p> <p>10 request for production. Let me know if you could see it.</p> <p>11 MR. GOMEZ: Do you guys see the photograph of the</p> <p>12 vehicle there?</p> <p>13 THE WITNESS: Yeah.</p> <p>14 MR. GOMEZ: Okay. Very good.</p> <p>15 BY MR. GOMEZ:</p> <p>16 Q. All right. Let's scroll a little bit up and</p> <p>17 down. There's going to be some gravel. Is that the</p> <p>18 photograph that you took of your vehicle some time after</p> <p>19 our accident?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And looking at the surroundings of the</p> <p>22 vehicle, the gravel road, can you tell me where that</p> <p>23 photograph was taken?</p> <p>24 A. That's -- that's at where I live -- where I was</p> <p>25 living at, at the time.</p>	<p style="text-align: right;">Page 80</p> <p>1 Okay. At the time that you were parked off in</p> <p>2 the parking -- parking lot, speaking to my client and</p> <p>3 looking around at the vehicle of your vehicle, did you</p> <p>4 also happen to look at my client's vehicle to see if there</p> <p>5 was any damage to their vehicle as a result of this</p> <p>6 accident?</p> <p>7 A. I mean, I -- I -- no. I didn't really look at</p> <p>8 his car. I didn't -- I didn't examine his car.</p> <p>9 Q. Do you know what kind of car he was driving?</p> <p>10 A. It was a brown car. It was brown.</p> <p>11 Q. Okay.</p> <p>12 A. It was brown or tan, I believe. I'm not sure.</p> <p>13 It was either tan or brown.</p> <p>14 Q. Okay. I'm going to show you what we're going to</p> <p>15 mark as Defense Exhibit B, which is I'm going to represent</p> <p>16 to you that this is a photograph provided to me by my</p> <p>17 client of the vehicle that was involved in the accident</p> <p>18 with you shortly after the accident. Does the vehicle</p> <p>19 that was involved in the accident with you of my client,</p> <p>20 does it look similar to this or is it this, if you could</p> <p>21 tell me?</p> <p>22 A. Yes, it looks like that car.</p> <p>23 (Thereupon, Defendant's Exhibit B was marked for</p> <p>24 identification)</p> <p>25 BY MR. GOMEZ:</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. Okay. Well, when you looked at the car by -- my 2 client's vehicle at the accident scene, did you notice any 3 damage to it? 4 A. Like I said, I didn't examine his car. I didn't 5 look at his car. 6 Q. Okay. 7 A. I didn't -- I didn't examine his car. 8 Q. You didn't notice any damage to his car; is that 9 correct? 10 A. I didn't -- I did not examine his car. 11 Q. Okay. But you looked at it, you said, right? 12 A. I mean, he was standing in front of it. 13 Q. Right. Well, I mean, you said -- when I asked 14 you about my client's vehicle at the accident scene before 15 I showed you this photograph, Exhibit B, you mentioned it 16 was a tan colored car -- 17 A. Right. 18 Q. -- so you noticed that. My question to you is: 19 At the accident scene, when you looked at my client's car, 20 did you notice or observe any damage that you believe was 21 caused by our accident? 22 MR. VANNATTA: Objection to form. You can 23 answer. 24 A. No. Because I didn't, I mean, you can look at 25 min -- you could look at my car and you can tell. You see</p>	<p style="text-align: right;">Page 83</p> <p>1 remember. 2 Q. Was he -- was he white? Was he African American? 3 Was he Hispanic? 4 A. He was white. I know he was white, but I can't 5 give you a physical description of what he looked like. 6 Q. Okay. Fair enough. Fair enough. 7 Did -- did you show the police officer the damage 8 to your vehicle that is what you -- what you show here -- 9 what I -- what we show here as Defense Exhibit A, the 10 photograph that you took depicting the damage to your 11 vehicle after the accident? 12 A. I didn't even much speak to the police officer. 13 I didn't really speak to him. He came, you know, he asked 14 what happened, we told him what happened, it started to 15 rain at that point, he got in his car, he wrote a -- he 16 wrote a report and he left. 17 Q. Do you know if the police officer, just by your 18 own recollection, if he ever looked around at the rear of 19 your vehicle to see if there was any damage? 20 A. I mean, I -- I don't -- I don't know. I don't 21 know if he did or not. I don't know if he did, you know. 22 Like I said, I don't know if he did. 23 Q. Okay. But you -- you interacted with him enough 24 to -- to give you -- to give you -- him your driver's 25 license and registration and all of that, fair enough?</p>
<p style="text-align: right;">Page 82</p> <p>1 how -- how small of -- of a detachment it wasn't -- my 2 bumper wasn't hanging off my car, right. 3 Q. Okay. So -- but my question to you is simple, 4 yes or no, did you -- did you observe any damage to my 5 client's vehicle at the accident scene? 6 A. No, I didn't observe any -- any damages to his 7 vehicle. 8 MR. VANNATTA: I'm going to object to form. Go 9 ahead. He already answered. Go ahead. 10 MR. GOMEZ: Okay. 11 BY MR. GOMEZ: 12 Q. Okay. How long did it take for the police 13 officer to arrive at the scene? 14 A. I don't know. Couple minutes. A few minutes 15 probably. 16 Q. That's what it felt like to you? 17 A. Yeah. 18 Q. Okay. 19 A. I mean, I couldn't tell. A few minutes, yeah. 20 Q. Okay. Do -- do you remember -- do you remember 21 what the police officer looked like? Can you describe 22 him? 23 A. He had a blue uniform on. He was tall. I mean, 24 he was a tall guy. I think he had a -- I don't remember. 25 I don't know if he had a beard or I don't -- I don't</p>	<p style="text-align: right;">Page 84</p> <p>1 A. That was it. 2 Q. How long was it bef- -- how long did it take for 3 the police officer to conclude his investigation before he 4 left? 5 A. I don't know. I don't know how long it took 6 really. Couple minutes, probably. 7 Q. Okay. Did you hear anything that my client said 8 at the scene of the accident that you overheard or at 9 the -- at the parking lot? 10 A. No. 11 Q. Okay. Here's a copy of the police report for our 12 accident. 13 MR. GOMEZ: We'll mark that as Defense 14 Exhibit No. 3. 15 (Thereupon, Defendant's Exhibit C was marked for 16 identification) 17 BY MR. GOMEZ: 18 Q. And you could see here it's dated the day of our 19 accident, August 19th, of 2021, and we'll scroll down and 20 it has vehicle number two which is your Honda 2015 black. 21 You see that there? 22 A. Mm-hm. 23 Q. And it has you, Rowan Hunter, as the owner, and 24 it has the person of record driver number one, my client, 25 Timothy Griffen, just to make sure we're looking at the</p>

<p style="text-align: right;">Page 85</p> <p>1 police report for our accident. And one of the things</p> <p>2 that I noticed in the police report with respect to the</p> <p>3 vehicle is the police officer wrote, no visible damage to</p> <p>4 any of the vehicles. Did you have a discussion with the</p> <p>5 police officer regarding damage to your vehicle?</p> <p>6 MR. VANNATTA: Object to form.</p> <p>7 You can answer.</p> <p>8 A. No, I didn't.</p> <p>9 BY MR. GOMEZ:</p> <p>10 Q. I'm sorry, what's that?</p> <p>11 A. No, I didn't have any discussion with him.</p> <p>12 Q. Okay. Okay.</p> <p>13 MR. GOMEZ: We'll mark as the -- that was Defense</p> <p>14 Exhibit No. 3, the accident report. I may have said</p> <p>15 4, but that would be 3.</p> <p>16 BY MR. GOMEZ:</p> <p>17 Q. And do you recall somebody coming out to your</p> <p>18 then place of residence, the Studio 6, to take photographs</p> <p>19 of your vehicle to document any damage that there was? Do</p> <p>20 you remember that, sir?</p> <p>21 A. No.</p> <p>22 Q. No?</p> <p>23 A. No.</p> <p>24 Q. Okay. Maybe -- maybe the person interacted with</p> <p>25 your wife. I know these photographs were taken, I</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Sir --</p> <p>2 A. I'm sorry.</p> <p>3 Q. -- when you --</p> <p>4 A. Yeah, yeah, yeah, yeah.</p> <p>5 Q. When you cover your mouth, we can't hear you.</p> <p>6 A. No, no, yeah, I'm sorry. I was just stretching.</p> <p>7 I was trying to remember. I think we went to get</p> <p>8 the tire re -- get a new tire because our -- the spare was</p> <p>9 not -- was flat, I think. I'm not sure. I don't</p> <p>10 remember, man. I don't -- I don't -- I don't remember</p> <p>11 what happened.</p> <p>12 Q. Okay. That's okay.</p> <p>13 A. Yeah, I think that's what happened.</p> <p>14 Q. Okay. I'm just going to scroll through all the</p> <p>15 pictures so you could take a look at them since we marked</p> <p>16 them as an exhibit.</p> <p>17 Did you remove -- are you the one who removed</p> <p>18 that tire to have it repaired?</p> <p>19 A. Mm-hm.</p> <p>20 Q. Yes?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And where did you take it to get it</p> <p>23 repaired?</p> <p>24 A. I don't remember, I'm sorry. I'm really sorry, I</p> <p>25 am. I don't remember. I don't remember where I took it.</p>
<p style="text-align: right;">Page 86</p> <p>1 believe, a few months after the accident, and it's -- this</p> <p>2 Exhibit No. 4 is seven pages long and it shows</p> <p>3 similar-type damage to the vehicle that -- to the</p> <p>4 photograph that you produced which we marked as Exhibit A?</p> <p>5 A. Mm-hm.</p> <p>6 Q. See that there on page 3, sir?</p> <p>7 A. Well, yeah, I see and.</p> <p>8 Q. Okay.</p> <p>9 A. I see.</p> <p>10 Q. Okay. And then I'm going to scroll through all</p> <p>11 photographs here on page 4 of --</p> <p>12 MR. GOMEZ: I've been mixing up the ex bits and</p> <p>13 so I'm sorry, madam court reporter. We'll just keep</p> <p>14 it A, B -- A, B, C, and D. We'll keep this one D. I</p> <p>15 referred to it as Exh bit No. 4 earlier. We'll keep</p> <p>16 it number D.</p> <p>17 (Thereupon, Defendant's Exh bit D was marked for</p> <p>18 identification)</p> <p>19 BY MR. GOMEZ:</p> <p>20 Q. I see that there is a front-left tire missing, a</p> <p>21 rim of your vehicle, do you know how that happened?</p> <p>22 A. I forgot what happened that day.</p> <p>23 (Unintelligible).</p> <p>24 THE COURT REPORTER: Sorry, you can't.</p> <p>25 BY MR. GOMEZ:</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Okay. So did -- when -- when you removed that --</p> <p>2 that front left tire that's shown in as well as page 6 of</p> <p>3 Exh bit D, how did you take it to the store to get it</p> <p>4 repaired? Did somebody drive you?</p> <p>5 A. Yeah, I think -- yeah, somebody did take us. I</p> <p>6 don't.</p> <p>7 Q. Okay. Did you have any help removing that --</p> <p>8 that -- that tire from -- from the vehicle?</p> <p>9 A. I don't -- I don't.</p> <p>10 MR. GOMEZ: I'm sorry, did he answer, because I</p> <p>11 didn't hear.</p> <p>12 A. No, I didn't answer, because I'm trying to</p> <p>13 remember, because I don't -- I don't -- I remember the</p> <p>14 incident, but I don't -- I don't even -- I don't remember</p> <p>15 taking, like, I don't remember that day taking it off. I</p> <p>16 know I did but.</p> <p>17 Q. Okay.</p> <p>18 A. I don't remember who we went -- or who took us.</p> <p>19 Q. So when the -- when the -- when the tire was</p> <p>20 repaired, did you -- did you place it back on -- on the</p> <p>21 ti -- on the vehicle?</p> <p>22 A. I mean, I'm assuming so, yeah.</p> <p>23 Q. What's that?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Okay. At the accident scene, did you</p>

<p style="text-align: right;">Page 89</p> <p>1 request any medical attention for either you or your wife?</p> <p>2 A. No.</p> <p>3 Q. Did you or your wife sustain any visible injuries</p> <p>4 as a result of this accident, whether striking your head</p> <p>5 or did you have cuts, or bleeding, or bruises, anything</p> <p>6 like that?</p> <p>7 A. No, that's -- no.</p> <p>8 Q. Did -- to your knowledge or recollection, did any</p> <p>9 part of your wife's body strike the inside of the Honda as</p> <p>10 a result of our accident?</p> <p>11 A. I know my -- I didn't see my wife. I don't think</p> <p>12 she -- I don't know. I don't think. I don't know. I</p> <p>13 don't remember. I know -- I know right as soon as it</p> <p>14 happened my wife was I ke, oh babe. She was, like, the</p> <p>15 first thing she said was, my back. The first thing she</p> <p>16 said, it popped and her back popped, and that's -- that's</p> <p>17 all -- that's all I remember as far as that accident.</p> <p>18 Q. When -- when you were -- when you were impacted</p> <p>19 from behind, did your vehicle move up any? Did it get</p> <p>20 pushed up any?</p> <p>21 A. Yeah, it rocked -- he rocked us.</p> <p>22 Q. Okay. Rocking is different than being pushed up.</p> <p>23 Did it rock you --</p> <p>24 A. Rocked.</p> <p>25 Q. -- or did it push up?</p>	<p style="text-align: right;">Page 91</p> <p>1 treatment or your wife for the injuries that you're</p> <p>2 claiming in this accident in any emergency room or urgent</p> <p>3 care center?</p> <p>4 A. No, sir.</p> <p>5 Q. When is the first time that you sought any kind</p> <p>6 of medical attention after our accident?</p> <p>7 A. I don't know the date, maybe like a week or so</p> <p>8 after I think. I'm not sure. I don't remember. I don't</p> <p>9 know how long it was after.</p> <p>10 Q. Okay.</p> <p>11 A. It wasn't right after.</p> <p>12 Q. The records that -- that I have that your</p> <p>13 attorney produced to us shows that you waited six days to</p> <p>14 get treatment for the injuries you're claiming in this</p> <p>15 accident. Do you know why it took you that long?</p> <p>16 A. I mean, it wasn't convenient.</p> <p>17 Q. Okay. Do you remember the name of the clinic or</p> <p>18 the doctor that you started treating with six days after</p> <p>19 our accident?</p> <p>20 A. No, I don't remember.</p> <p>21 Q. Do you know what type of doctor it was that you</p> <p>22 first started treating with six days after this accident?</p> <p>23 A. What type of a doctor, you asked?</p> <p>24 Q. Yes.</p> <p>25 A. I don't know. I know -- I believe it was a</p>
<p style="text-align: right;">Page 90</p> <p>1 A. Rocked. It Rocked.</p> <p>2 Q. Okay. It just rocked it, it didn't push it up</p> <p>3 forward?</p> <p>4 A. I don't think so, no.</p> <p>5 Q. Okay. Was your vehicle drivable after this</p> <p>6 accident?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. After the accident left, did you go and</p> <p>9 pick up your daughter?</p> <p>10 A. Yes, we did.</p> <p>11 Q. And did you -- did you and your wife drive her to</p> <p>12 school?</p> <p>13 A. I don't remember if she went to school that day,</p> <p>14 maybe because we got there late. I think -- I think we</p> <p>15 did end up taking her. I'm not sure. I don't remember.</p> <p>16 Q. Okay.</p> <p>17 A. I don't remember -- I don't remember if she went</p> <p>18 to school that day or not, you know.</p> <p>19 Q. Okay. So after this accident occurred, you were</p> <p>20 still able to drive to your mother-in-law's house, pick up</p> <p>21 your child, you just don't remember whether you drove her</p> <p>22 to school or whether you just went back to the Studio 6;</p> <p>23 is that fair to say?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Did you ever receive any kind of medical</p>	<p style="text-align: right;">Page 92</p> <p>1 chiropractor. I'm not sure.</p> <p>2 Q. Okay. How did you hear about this chiropractor?</p> <p>3 MR. VANNATTA: I'm going to instruct him not to</p> <p>4 answer based on privilege.</p> <p>5 MR. GOMEZ: Okay.</p> <p>6 BY MR. GOMEZ:</p> <p>7 Q. When you went to this chiropractor six days after</p> <p>8 the accident, what were your complaints about the injuries</p> <p>9 you claim to have sustained from our accident?</p> <p>10 A. What were my -- what were my complaints?</p> <p>11 Q. Yep.</p> <p>12 A. Same complaints that I've always been having.</p> <p>13 It's just gotten worse in, like, in my back.</p> <p>14 Q. Okay. Were those the only body parts that were</p> <p>15 bothering you when you went to se the chiropractor six</p> <p>16 days after our accident was your neck and your back?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Did you tell that chiropractor about the</p> <p>19 2019 automobile accident and your application for</p> <p>20 disability for your neck and your back that you had before</p> <p>21 our accident?</p> <p>22 A. I don't remember. I think so. I'm pretty</p> <p>23 sure -- yeah, I did, because I told him I was involved in</p> <p>24 an accident and the because they compared that and do --</p> <p>25 they did a comparison.</p>

<p style="text-align: right;">Page 93</p> <p>1 Q. Okay.</p> <p>2 A. Of -- of --</p> <p>3 Q. So you start --</p> <p>4 A. Of how my back was then till now.</p> <p>5 Q. So you started treating with this chiropractor</p> <p>6 six days after the accident, and what kind of treatment</p> <p>7 did you receive from -- from that doctor -- from the</p> <p>8 chiropractor?</p> <p>9 A. I mean, adjustments done, you know, massages.</p> <p>10 Q. Is that it?</p> <p>11 A. Yeah, I believe so.</p> <p>12 Q. How long did that treatment take from that</p> <p>13 chiropractor?</p> <p>14 A. You say how long what now?</p> <p>15 Q. The treatment that you received from the</p> <p>16 chiropractor following our accident, how long did you</p> <p>17 receive that physical therapy treatment for?</p> <p>18 A. I can't remember. I don't know. I don't know</p> <p>19 how long the therapy was for.</p> <p>20 Q. Okay. Did the -- did the treatment that the</p> <p>21 chiropractor gave to you, the one that you started seeing</p> <p>22 six days after our accident, did it help you any?</p> <p>23 A. I mean, temporarily.</p> <p>24 Q. Okay. Did you see any other -- any other doctors</p> <p>25 that treated you for our accident other than the</p>	<p style="text-align: right;">Page 95</p> <p>1 remember the name. Dr. Roos.</p> <p>2 Q. Okay. Did -- before seeing doctor -- Dr. Russo,</p> <p>3 you said?</p> <p>4 A. I believe that's the name, but I don't remember.</p> <p>5 Q. Okay. After -- before seeing Dr. Russo, did you</p> <p>6 see any other doctor, like, another specialist other than</p> <p>7 the chiropractor?</p> <p>8 A. There was another doctor, I think.</p> <p>9 Q. So one of -- one of the doctors' names that I --</p> <p>10 that I -- that I found in the medical records was a</p> <p>11 Dr. Edwin Maldonado. Does that ring a bell?</p> <p>12 A. Maldo, yeah, Mal- -- no, Maldonado is not. I</p> <p>13 haven't seen Maldonado for you guys for this -- this case,</p> <p>14 I don't think. Yeah, Dr. Maldonado was from -- that was</p> <p>15 from before. That's what -- that's not from -- that's</p> <p>16 not -- he doesn't have anything to do with this, I don't</p> <p>17 think.</p> <p>18 Q. Okay. So Dr. Edwin Maldonado didn't treat you</p> <p>19 for our accident?</p> <p>20 A. Maybe he did. I don't -- I don't know. I</p> <p>21 thought it was him so I don't know. I think it was</p> <p>22 Maldonado.</p> <p>23 Q. Okay. Do you know if Dr. Edwin Maldonado treated</p> <p>24 you for any other accidents where you claimed injury?</p> <p>25 A. Maybe he did. He did.</p>
<p style="text-align: right;">Page 94</p> <p>1 chiropractor?</p> <p>2 A. No.</p> <p>3 Q. Okay.</p> <p>4 A. I think I -- I don't know. I don't remember. I</p> <p>5 think I -- I think there was -- there was -- there was a</p> <p>6 guy that was, I don't know if he was from -- I don't know</p> <p>7 if he was from the insurance company or from where he was</p> <p>8 from, but we had to -- it was -- we had to go see him. It</p> <p>9 was an evaluation, I believe, and that was the only thing.</p> <p>10 Q. Okay. I just want to make sure I cover all the</p> <p>11 treatment that you had ave for our accident, so I'm going</p> <p>12 to follow up with that, okay?</p> <p>13 A. Okay.</p> <p>14 Q. Okay. So we know six days after the accident you</p> <p>15 started treating with a chiropractor, you get some</p> <p>16 physical therapy, it help form you a little bit, okay.</p> <p>17 And then what did you do for treatment after that, after</p> <p>18 you finished the physical therapy? Did you do anything</p> <p>19 else?</p> <p>20 A. I mean, I ended up having surgery.</p> <p>21 Q. Okay. Do you remember the name of the doctor who</p> <p>22 performed that surgery?</p> <p>23 A. I think it was doc- -- I don't remember. Dr.</p> <p>24 Roos (phonetic) or something like that. I don't know,</p> <p>25 Roos -- Roos -- Russo -- Roos. I don't remember. I don't</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Okay. How many -- what of the other accidents</p> <p>2 that we talked about that he treated you for?</p> <p>3 A. When was this case? And it was this.</p> <p>4 Q. Okay. But did he treat you for -- did</p> <p>5 Dr. Edwin Maldonado treat you for any of the other</p> <p>6 accidents where you claimed to sustain injury?</p> <p>7 A. No, I never been in no -- no.</p> <p>8 Q. Okay. Before you had surgery -- strike that.</p> <p>9 You mentioned that you had surgery from a -- from</p> <p>10 a Dr. Russo. Do you know to what part of your body?</p> <p>11 A. Yeah, I know you're going to laugh about it,</p> <p>12 because actually I think it was my on back. I don't</p> <p>13 remember exactly what -- what -- what section it was.</p> <p>14 Q. What part of your back?</p> <p>15 A. I don't want to give you the wrong part. I don't</p> <p>16 know. I know if it was the upper or lower back. I don't</p> <p>17 remember. I don't. I have all that. All the information</p> <p>18 is at the house.</p> <p>19 Q. Okay. Does Dr. Russo, how many -- did he just do</p> <p>20 one surgery on you or was it more than one?</p> <p>21 A. He did two.</p> <p>22 Q. Okay. So what other surgery did he do on you?</p> <p>23 A. He also did surgery on my neck as well.</p> <p>24 Q. Okay. So one was to your back. You don't</p> <p>25 remember whether it was the mid back or the low back, and</p>

<p style="text-align: right;">Page 97</p> <p>1 the other one was to your neck; is that correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. Before you received the surgeries and</p> <p>4 while getting treatment for the injuries you're claiming</p> <p>5 in our accident, did you receive any injections to any</p> <p>6 part of your body?</p> <p>7 A. No.</p> <p>8 Q. Did -- to your knowledge, did -- did any doctor</p> <p>9 recommend that you receive injections before taking the</p> <p>10 measure of having a surgery?</p> <p>11 A. No.</p> <p>12 Q. Okay.</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. At least from looking at the medical</p> <p>15 records provided to me by your attorney, it appears that</p> <p>16 there were recommendations for you to have epidural</p> <p>17 injections to those parts of your body before you take the</p> <p>18 step of having a surgery. If that's the case, do you know</p> <p>19 why you didn't try the epidural injections first before</p> <p>20 having the surgery?</p> <p>21 A. No, I don't -- I -- I don't know -- okay. I</p> <p>22 remember -- I remember going -- I remember going to get</p> <p>23 the injection, right, but I couldn't do it because, I</p> <p>24 guess they said my oxygen level was too long, like, I</p> <p>25 couldn't breathe and, like, my stomach it was hard for me</p>	<p style="text-align: right;">Page 99</p> <p>1 Q. Okay. Did -- the doctors who treated you for</p> <p>2 this accident, did they prescribe any medications for you</p> <p>3 to take such as pain relievers or muscle relaxers or</p> <p>4 anything else like that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you remember what kind of medications that</p> <p>7 these doctors prescribed for you?</p> <p>8 A. Oxycodone, muscle relaxers, there's -- the other</p> <p>9 one is diclofenac which is a cream -- which is a cream</p> <p>10 that we use, and I forgot the name of the other one. It's</p> <p>11 another one.</p> <p>12 Q. Okay. Where would you get these prescriptions</p> <p>13 filled at, which pharmacy?</p> <p>14 A. CVS.</p> <p>15 Q. Would you also use like a Walgreens, or Publix,</p> <p>16 or anything else like that?</p> <p>17 A. No.</p> <p>18 Q. It's always CVS?</p> <p>19 A. Yes.</p> <p>20 Q. Which location would you go to?</p> <p>21 A. The one on mist -- Military and Okeechobee?</p> <p>22 Q. Were you also being prescribed Oxycodone and</p> <p>23 other medications for -- for -- for your pain for the</p> <p>24 prior 2019 accident?</p> <p>25 A. Yeah -- yes.</p>
<p style="text-align: right;">Page 98</p> <p>1 to breathe and that's -- that's -- that -- that was that</p> <p>2 time so.</p> <p>3 Q. So you --</p> <p>4 A. But other than that, I didn't get any -- I</p> <p>5 didn't -- I didn't -- I didn't get any at that time, any</p> <p>6 of those injections.</p> <p>7 Q. Okay. You didn't get injections because of some</p> <p>8 kind of breathing problems that you were having?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. But it was okay for you to have surgery?</p> <p>11 A. I guess.</p> <p>12 Q. Okay. When -- when this -- when the doctor</p> <p>13 who -- who did the surgery to your neck and your back,</p> <p>14 when you recommended those surgeries, did you get a second</p> <p>15 opinion?</p> <p>16 A. Yes, I did actually. I did. I went to</p> <p>17 Dr. Kitzel (phonetic), I think, Kitzel.</p> <p>18 Q. How do you spell that? Dr. What?</p> <p>19 A. Kitzel. Dr. Kitzel, I think that's how you say</p> <p>20 his name. I'm not sure. I'm not a. But he -- he -- he</p> <p>21 had -- I was having a second opinion through him and he</p> <p>22 wanted to put rods in my back.</p> <p>23 Q. Okay.</p> <p>24 A. So I didn't. I didn't, I mean, I didn't want --</p> <p>25 I didn't want to do that.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Where would you get those prescriptions filled</p> <p>2 at?</p> <p>3 A. Same place.</p> <p>4 Q. Okay. Did any -- did any of the doctors comment</p> <p>5 or tell you that you had an opiate dependency problem?</p> <p>6 A. No.</p> <p>7 Q. Okay. With respect to the prescription</p> <p>8 medication that these doctors are giving you, whether</p> <p>9 they're from the 2019 accident or whether from our 2021</p> <p>10 accident, did -- did you ever deviate from their -- their</p> <p>11 plan of treatment in taking those medications?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did any of the doctors, whether it be from</p> <p>14 any of the accidents where you claim to sustain injury,</p> <p>15 did any of them discharge you for being noncompliant with</p> <p>16 the treatment plan with respect to the prescription drugs?</p> <p>17 A. I'm sorry, say that again.</p> <p>18 Q. Sure. Any of the doctors that were prescribing</p> <p>19 these medications for you, whether it be Oxycodone or the</p> <p>20 other muscle relaxers, anything of that nature, did any of</p> <p>21 them discharge you for being noncompliant with their</p> <p>22 treatment plan?</p> <p>23 A. No.</p> <p>24 Q. Okay. When you started treating for our accident</p> <p>25 six days after the accident, did you have any radiating</p>

<p style="text-align: right;">Page 101</p> <p>1 pain that went in from your neck into your arms and hands?</p> <p>2 A. Yes, I started having pains from -- yes, I did.</p> <p>3 I started having pains from the accident.</p> <p>4 Q. Okay. And that was six days after when you went</p> <p>5 to see the chiropractor?</p> <p>6 A. If that's what -- that -- if it was six days, I</p> <p>7 guess it's when it started.</p> <p>8 Q. Okay. Did you also have, when you started</p> <p>9 treating with the chiropractor six days after the</p> <p>10 accident, radiating pain that went from your lower back</p> <p>11 down into your hips into your legs?</p> <p>12 A. Yes.</p> <p>13 Q. When you started treating six days after the</p> <p>14 accident, what was the pain level to your neck and to your</p> <p>15 back? 10 being absolutely 100 percent severe and 1 being</p> <p>16 you could barely feel anything at all?</p> <p>17 A. It was around like a 7, like a 7 to an 8.</p> <p>18 Q. Okay. Same question for your low back. How</p> <p>19 would you rate that when you started treating with a</p> <p>20 chiropractor six days after our accident?</p> <p>21 A. I mean, it would -- it would fluctuate. It would</p> <p>22 go -- it would, I mean, some days were worse than others.</p> <p>23 Q. Okay.</p> <p>24 A. It was really, really, really, really, really</p> <p>25 bad.</p>	<p style="text-align: right;">Page 103</p> <p>1 A. Yeah, I did. I had to carry -- sometimes it will</p> <p>2 drop -- I would drop them, but I, I mean, I had to do it.</p> <p>3 Q. Okay.</p> <p>4 A. It was hard. It hurt. It was pain. It kept</p> <p>5 hurting.</p> <p>6 Q. When you had your first surgery for the back was</p> <p>7 in, coming from my records, May of 2022. Did you have it</p> <p>8 in a hospital or an outpatient surgical center?</p> <p>9 A. I don't -- no, it was -- I don't know. I know it</p> <p>10 was -- it was a center, I guess, I don't know. I don't</p> <p>11 know the pallet -- I never -- I don't know if it was -- it</p> <p>12 was -- I guess it was a formal hospital. I don't know.</p> <p>13 Q. Okay.</p> <p>14 A. I don't know what that was. I don't know what a</p> <p>15 outpatient center is. I don't know what that is.</p> <p>16 Q. So, well, you -- you know -- you know what a</p> <p>17 hospital is, right?</p> <p>18 A. Yeah, I know what a hospital is.</p> <p>19 Q. Okay. Did you have the surgery in the hospital?</p> <p>20 A. No.</p> <p>21 Q. Okay. To me, an outpatient surgical center is a</p> <p>22 building or center that's separate and apart from a</p> <p>23 hospital and they perform surgery there where you don't</p> <p>24 have to spend the night. You get the surgery done and you</p> <p>25 go out and spend the night at your home. Understand?</p>
<p style="text-align: right;">Page 102</p> <p>1 Q. Okay.</p> <p>2 A. So, you know.</p> <p>3 Q. I'm just trying to understand your claimed</p> <p>4 injuries from our accident from -- from the FP&L truck</p> <p>5 accident where you reinjured or aggravated your neck and</p> <p>6 your back. It appears that after the FP&L accident is</p> <p>7 when you had your neck and back surgeries. Do you relate</p> <p>8 your neck and back surgeries to the FP&L accident or to --</p> <p>9 or to our accident?</p> <p>10 A. I was already -- I was already -- I was already</p> <p>11 scheduled for surgery when that accident happened.</p> <p>12 Q. Okay. Had -- had -- had you been recommended for</p> <p>13 surgery for our accident prior to being in our accident?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. Prior to your -- the lumbar surgery that</p> <p>16 you had in May of 2022, did you have any difficulty</p> <p>17 bending over at the waist?</p> <p>18 A. You said -- okay. I'm sorry. Prior to what now?</p> <p>19 Q. After our accident, but before you had the back</p> <p>20 surgery in 2022, did you have any difficulties bending at</p> <p>21 the waist?</p> <p>22 A. Yes, sometimes.</p> <p>23 Q. Okay. Did you have any difficulty carrying items</p> <p>24 from, like, you know, the grocery store and things of that</p> <p>25 nature?</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Gotcha.</p> <p>2 Q. Okay. So is it fair to say that you had both of</p> <p>3 your surgeries, the neck and the back, at an outpatient</p> <p>4 surgery call center; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Were there any complications with either</p> <p>7 the neck or the back surgery?</p> <p>8 A. I guess the neck. You know, from what I</p> <p>9 understood. I guess it was from -- it the neck surgery</p> <p>10 from -- there was some complications for the neck.</p> <p>11 Q. What were the complications?</p> <p>12 A. They said that it was -- it was much more -- it</p> <p>13 was, I guess, it was -- it was more worse off than the</p> <p>14 aneurism he saw.</p> <p>15 Q. Did you discuss the complications with your</p> <p>16 surgeon?</p> <p>17 A. No.</p> <p>18 Q. Okay. Why not?</p> <p>19 A. I was already under surgery.</p> <p>20 Q. Okay. Did you have to get any other follow-up</p> <p>21 treatment for the complications to your neck surgery?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What kind of treatment?</p> <p>24 A. Well, I mean, physical therapy, you know, therapy</p> <p>25 treatment.</p>

<p style="text-align: right;">Page 105</p> <p>1 Q. Okay. So I'm not sure if we're on the same page 2 with respect to complication or, you know, follow-up 3 treatment. What I want to know, you know, for example, if 4 I have a surgery and there's a complication with the 5 anesthesia, an infection, anything that went wrong with 6 the surgery, that's what I mean by complication. 7 Without understanding, I want to re-ask you the 8 question: To your knowledge, did you have any 9 complications with the neck or the back surgery that you 10 claimed as a result of our accident? 11 A. No, I don't know, no. 12 Q. Okay. So now we're going to go and we're going 13 to talk about the results of the surgery and how you feel 14 you recovered, okay? 15 A. Uh-huh. 16 Q. Yes? 17 A. Okay. 18 Q. Okay. With respect to your back, okay, do you 19 believe that the surgery was a success? 20 A. No. 21 Q. Why not? 22 A. Because I'm still having pains. 23 Q. You have less pain or the same pain after the 24 surgery? 25 A. I'm having more pains.</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. Did you sign any, and to any doctors that treated 2 you for the injuries you're claiming in this accident, to 3 your recollection, did you ever sign to them a lien in 4 your case so they could treat you? 5 A. A lien? 6 Q. A lien. A document that gives them a lien in the 7 case? 8 A. I don't -- I don't know. I don't think so. I 9 don't remember signing anything like that. 10 Q. With respect to your neck, you said that you 11 don't have anymore pain, correct? 12 A. Yes, sir. 13 Q. Okay. And with respect to your back, do you have 14 any restrictions or changing to your life because of the 15 back pain? 16 A. Yeah, I mean, yes, I do. 17 Q. Okay. Please tell me how these injuries that 18 you're claiming in this accident affected your life, what 19 you can and cannot do anymore or things that you can do 20 with limitations? 21 A. I mean, everything, you know, since then. I 22 can't, you know, I can't carry my daughter, you know. I 23 can't pick my daughter up like I could before. I can't 24 walk for a long period of time, and if I do, then I feel 25 like I'm starting to walk in a hunchback, like, in a</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. Okay. How about the neck? Was the neck surgery 2 a success? 3 A. Yeah, I would say so the neck is. 4 Q. Okay. Do -- so did it relieve the pain to your 5 neck? 6 A. Yes. 7 Q. Okay. Did you go back to the doctor who did the 8 surgery on your back and tell them that you have worse 9 pain? 10 A. Yes. 11 Q. And what did that doctor say? 12 A. I guess, they -- they want -- they want to do a 13 laser some -- some, I don't know, a laser treatment or 14 something, I don't know. I don't know what it was recall, 15 I gotta -- I got the paperwork at home, I ke, it, I guess 16 the nerves, like, I don't know if the nerves are healed 17 right or what. I don't know, but it's something -- I 18 guess it and it didn't heal properly or something. I'm 19 not sure. 20 Q. Do you know how much the doctor and the 21 outpatient center charged for your neck and your back 22 surgery? 23 A. No, I don't. 24 Q. Okay. Have they ever sent you a bill? 25 A. No.</p>	<p style="text-align: right;">Page 108</p> <p>1 hunchback position, humped over. It's really bad, man. 2 The pain is really bad. It's really bad. 3 Q. Okay. Any other ways? Anything else you can 4 tell me? 5 A. Other than -- other than things like that, I 6 mean, I can't -- I can't run and play with my daughter 7 like -- like -- like I could before. You know, walking 8 hurts -- after walking for a long period of time, it 9 hurts. It hurts really bad. 10 Q. With respect to the -- the FP&L accident, were 11 you given a citation for causing that accident? 12 A. No, sir. 13 Q. To your knowledge, was FP&L denied liability for 14 that accident? 15 A. I don't know. 16 Q. Okay. 17 A. Yeah, I guess. I think so. I'm not sure. 18 Q. Did you hire an attorney for that accident, the 19 FP&L accident? 20 A. Yes, I did. 21 Q. Is it a different attorney than what you have for 22 this accident? 23 A. Yes, it is. 24 Q. Did you hire an attorney for the sideswipe 25 accident that occurred after our accident?</p>

<p style="text-align: right;">Page 109</p> <p>1 A. Yes, I did.</p> <p>2 Q. Is it a different attorney than what you have for</p> <p>3 our accident?</p> <p>4 A. Yes, it is.</p> <p>5 Q. Did you hire an attorney for the 2019 automobile</p> <p>6 accident where you injured your neck and back?</p> <p>7 A. No, I did not. 2000 -- no, I didn't.</p> <p>8 Q. Right. When we talked about any prior automobile</p> <p>9 accidents that you have before ours, you mentioned the</p> <p>10 2019 where you hurt your neck and your back, and you had</p> <p>11 to apply for disability. Did you hire an attorney for</p> <p>12 that accident?</p> <p>13 A. No.</p> <p>14 Q. Were you at fault for causing that accident?</p> <p>15 A. I'm sorry?</p> <p>16 Q. Were you at fault for causing the 2019 accident?</p> <p>17 A. Yeah, that one I -- that one, I think so. I</p> <p>18 think they -- I think. Because my license suspended at</p> <p>19 the time, I didn't know. That's the reason why, because</p> <p>20 my license was suspended.</p> <p>21 Q. Okay. When this accident occurred was your</p> <p>22 license still suspended?</p> <p>23 A. Which accident?</p> <p>24 Q. Our accident of August of 2021?</p> <p>25 A. No, it was not.</p>	<p style="text-align: right;">Page 111</p> <p>1 accident?</p> <p>2 A. We took my daughter to Lego -- Peppa World. She</p> <p>3 wanted to go to Peppa World.</p> <p>4 Q. Which one?</p> <p>5 A. Huh?</p> <p>6 Q. You said Lego and then something else? Where --</p> <p>7 where did you take her?</p> <p>8 A. It's Pe- -- they're right next to each other,</p> <p>9 Legoland and Peppa World. So we took her to Peppa World.</p> <p>10 Q. Oh, never heard of this Pickled [sic] World, you</p> <p>11 said?</p> <p>12 A. Peppa's World, yes. Peppa's World.</p> <p>13 Q. Peppa's -- you mean, like Peppa Pig?</p> <p>14 A. Peppa the pig, yeah.</p> <p>15 Q. Okay, okay. That's a new one to me. My kids are</p> <p>16 older so. I remember Legoland, but I don't know Peppa Pig</p> <p>17 World. Does Peppa Pig World have rides?</p> <p>18 A. Pep- -- no, it's just a little park to run around</p> <p>19 and they have little -- little -- little things for them</p> <p>20 to -- to get on. I think they may have had -- it may have</p> <p>21 had one little mini roller coaster ride, but she didn't</p> <p>22 get on any -- she didn't get on any rides.</p> <p>23 Q. When was this trip to -- to Peppa Pig amusement</p> <p>24 park?</p> <p>25 A. It was -- it was for her -- it was for her 5th</p>
<p style="text-align: right;">Page 110</p> <p>1 MR. VANNATTA: Objection, form.</p> <p>2 You can answer.</p> <p>3 He already answered it.</p> <p>4 MR. GOMEZ: Okay.</p> <p>5 BY MR. GOMEZ:</p> <p>6 Q. What was your license suspended for previously?</p> <p>7 MR. VANNATTA: Objection, form.</p> <p>8 You can answer.</p> <p>9 A. I don't remember what it was suspended for. I</p> <p>10 think it was a ticket.</p> <p>11 BY MR. GOMEZ:</p> <p>12 Q. Okay. I think I'm done. I'd just like to look</p> <p>13 over my notes.</p> <p>14 A. All right. What?</p> <p>15 MR. VANNATTA: I think he said he's almost done,</p> <p>16 he's just checking.</p> <p>17 BY MR. GOMEZ:</p> <p>18 Q. Have you been on any vacations after our</p> <p>19 accident?</p> <p>20 A. Have I been on any vacation?</p> <p>21 Q. Any -- have you been on any vacations with, you</p> <p>22 know, you, your family, you're alone, Disney World, the</p> <p>23 park, cruises, anything?</p> <p>24 A. Yes.</p> <p>25 Q. Which vacations have you been on after our</p>	<p style="text-align: right;">Page 112</p> <p>1 birthday.</p> <p>2 Q. And what -- was that a few months ago, 6 months</p> <p>3 ago?</p> <p>4 A. Yeah, she just turned -- she just turned 5 in</p> <p>5 September. September 17th, she turned 5.</p> <p>6 Q. And did you and your wife and your daughter drive</p> <p>7 up there in your -- your Honda?</p> <p>8 A. No.</p> <p>9 Q. How did you get there?</p> <p>10 A. I think we had -- we have a -- I think we took</p> <p>11 the van. I think we took the van at that time.</p> <p>12 Q. Whose van?</p> <p>13 A. Our van. We have a van.</p> <p>14 Q. Oh, you have your own van as well, okay.</p> <p>15 And how many days did you stay up there?</p> <p>16 A. I don't know, a couple days. I don't think --</p> <p>17 for the weekend, I think. Yeah, it was for the weekend.</p> <p>18 Q. Okay.</p> <p>19 A. Three days.</p> <p>20 Q. Other than Peppa Pig's, did you have any other</p> <p>21 vacations after our accident?</p> <p>22 A. Yeah, we had -- we went up there -- we did go --</p> <p>23 we were there -- we went back and first time we went just</p> <p>24 to get a -- just to get away from down here and just to</p> <p>25 get out of West Palm, because it was a lot of -- it was a</p>

<p style="text-align: right;">Page 113</p> <p>1 lot stress and a lot of -- a lot of personal things going 2 on and we wanted to get away from here so. Yeah, we went 3 away one other time. 4 Q. Okay. Just to kind of shortcut it. Just rapid 5 fire, other than the -- her 5th birthday when you went to 6 Peppa Pig's, how many other vacations or trips did you 7 take? 8 A. One. One. 9 Q. Okay. So two trips to Peppa Pig's amusement park 10 after our accident; is that correct? 11 A. I think so, yeah, it was one or two. 12 Q. With respect to our accident of August 19th, of 13 2021, the one that we're here for today, did your wife 14 sustain any injuries? 15 A. Say that again. I'm sorry, what was the 16 beginning part? I didn't hear the beginning part. 17 Q. Sure. Your wife, Ivette, did she sustain any 18 injuries as a result of our accident, the one that we're 19 here for, for today, the August 19, 2019, accident? 20 A. Yes. 21 Q. Okay. What are her injuries, as far as you know? 22 A. She -- she hit her -- I noticed her neck as well 23 and her back as well, and I believe it's her shoulder. I 24 know definitely it's the back that was the first -- that 25 was -- that was the first thing that started hurting her</p>	<p style="text-align: right;">Page 115</p> <p>1 you understand the question, okay? 2 A. Okay. 3 Q. So before our accident of August 19th, of 2021, 4 to your knowledge, has your wife, Ivette, ever been 5 involved in any other accident where she sustained injury 6 to her neck and her back before our accident? 7 A. Yes, the 2019 accident. 8 Q. She was with you in that car accident too? 9 A. Yes. 10 Q. Okay. Did she ever receive any injections or -- 11 or recommendations for surgery for the 2019 accident for 12 her neck or her back? 13 A. I don't think so. I don't know. 14 Q. And for the two accidents that she was involved 15 in with you that occurred after our accident, the 16 sideswiping on Okeechobee and FP&L accident, did she also 17 injure her neck and her back in both of those accidents? 18 A. Yes. 19 Q. Has she received any injections or 20 recommendations for surgery or had surgery for either the 21 sideswiping accident on Okkechobee or the FP&L accident? 22 A. I don't even know, to be honest with you. I 23 don't know anymore. I don't know. I don't think so. 24 Q. Okay. 25 A. I don't know.</p>
<p style="text-align: right;">Page 114</p> <p>1 right away was her back -- her low back. I mean, like, 2 right after, I mean, right at the scene, and her back, 3 like, swole up. And she was in a lot of pain that day. 4 So she sustained -- she started getting -- she started 5 feeling pain before I did. 6 Q. To your knowledge, has your wife received any 7 injections or had surgery as a result of the injuries 8 she's claiming in our accident? 9 A. I think that she -- I don't know if she did it or 10 not. I don't know. She -- I think she was supposed to 11 get one, but I don't know if she did the injection. 12 Q. Before our car accident of August 19, 2021, to 13 your knowledge, has your wife ever been involved in any 14 other accidents where she had neck and back injuries? 15 A. Before -- yeah, the one that she was involved 16 with me when she was in the car with. 17 Q. You mean the FP&L one? 18 A. I'm sorry? 19 Q. You mean the FP&L accident and the sideswipe 20 accident? 21 A. Yeah. 22 Q. Okay. So I'm talking about before. Before our 23 accident August 19th -- 24 A. No, I don't -- no, I don't know, no. 25 Q. All right. You cut me off. I want to make sure</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Has this accident and the injuries you're 2 claiming in this accident affected the relationship with 3 your wife in any kind of way? 4 A. Has this accident? 5 Q. Affected the relationship with your wife in any 6 kind of way? 7 A. Yeah. 8 Q. How so? 9 A. I mean, you know, we -- we -- and we -- intimacy 10 has become a problem. 11 Q. Did intimacy become a problem after the both of 12 you were injured in the 2019 automobile accident and 13 before our 2021 accident? 14 A. No. 15 Q. Okay. Did any intimacy issues get worse after 16 the Okeechobee sideswipe accident and FP&L accident, both 17 of which occurred after our accident? 18 A. Well, yeah -- yeah. Not the Okeechobee accident. 19 Q. Okay. Okay. Any other ways other than the 20 intimacy with your wife that this accident has affected 21 your relationship with her? 22 A. No. 23 Q. Okay. 24 MR. GOMEZ: I don't have any further questions. 25 I don't know if your attorney will.</p>

<p style="text-align: right;">Page 117</p> <p>1 MR. VANNATTA: I just have a quick question.</p> <p>2 CROSS-EXAMINATION</p> <p>3 BY MR. VANNATTA:</p> <p>4 Q. Earlier, you were asked about whether or not you</p> <p>5 were wearing your seat belt. Do you recall one way or</p> <p>6 another whether you were wearing your seat belt at the</p> <p>7 time of the accident in the acc- -- in the accident</p> <p>8 involved in our case on August 19, 2021?</p> <p>9 A. I don't. I don't remember. I really don't</p> <p>10 remember. I don't. I don't.</p> <p>11 Q. Okay.</p> <p>12 A. I'm sorry. It's -- I'm sorry, I don't -- and</p> <p>13 my -- she don't even ask me questions anymore, because she</p> <p>14 know I tell my wife the same thing, I don't remember, and</p> <p>15 she gets mad at me.</p> <p>16 MR. VANNATTA: All right. No more questions.</p> <p>17 MR. GOMEZ: I just have a follow up to that.</p> <p>18 REDIRECT EXAMINATION</p> <p>19 BY MR. GOMEZ:</p> <p>20 Q. So when I asked you if you were wearing your seat</p> <p>21 belt when this accident occurred, your answer to me was,</p> <p>22 no, you were not wearing it; is that correct?</p> <p>23 A. No. I said I don't know. I said I think I may</p> <p>24 have taken it off. I don't know. I said I may have taken</p> <p>25 it off is what I said to you, but I don't remember. I may</p>	<p style="text-align: right;">Page 119</p> <p>1 asked me that. I just don't remember.</p> <p>2 Q. Okay.</p> <p>3 MR. GOMEZ: All right. No further questions.</p> <p>4 You want to take, I ke, a quick lunch break?</p> <p>5 MR. VANNATTA: That's entirely up to you guys. I</p> <p>6 can plow through, but if everybody else wants to take</p> <p>7 a break, that's up to you guys.</p> <p>8 MR. GOMEZ: Just I ke 20 minutes. Is everybody</p> <p>9 okay with that?</p> <p>10 THE VIDEOGRAPHER: We are going off the --</p> <p>11 MR. GOMEZ: I don't mind taking half an hour, but</p> <p>12 if we could do 20 minutes, I'm fine with that. Do we</p> <p>13 have a consensus or?</p> <p>14 MR. VANNATTA: I mean, if we're going to break, I</p> <p>15 need at least 30 minutes.</p> <p>16 MR. GOMEZ: Okay. Let's do 30 minutes. Listen,</p> <p>17 it's 1:12 now so how about 1:45. Is that okay?</p> <p>18 MR. VANNATTA: That works.</p> <p>19 THE VIDEOGRAPHER: We are going off record at</p> <p>20 1:12 p.m.</p> <p>21 MR. GOMEZ: We still have the court reporter</p> <p>22 here. Is he going to read or is he going to waive?</p> <p>23 MR. VANNATTA: He'll read.</p> <p>24 MR. GOMEZ: Okay. And we're going to order.</p> <p>25 MR. VANNATTA: Madam court reporter, I'll also</p>
<p style="text-align: right;">Page 118</p> <p>1 have. I don't remember.</p> <p>2 Q. Okay. Well, the court reporter took it down</p> <p>3 and --</p> <p>4 A. Yeah.</p> <p>5 Q. -- if it's different, then it's different, but</p> <p>6 you said that you feel -- from my recollection, you said</p> <p>7 you feel claustrophobic wearing the seat belt and that's</p> <p>8 why you don't like wearing the seat belt. Is that --</p> <p>9 A. But I still -- that doesn't mean I don't wear it.</p> <p>10 I do, I still feel like that, but that doesn't mean I</p> <p>11 don't wear my seat belt.</p> <p>12 Q. Okay. My recollection, you said you had to</p> <p>13 overcome that so you could wear it.</p> <p>14 A. No, that's not what I said.</p> <p>15 Q. Okay. Okay. Very good.</p> <p>16 Okay. Your final answer then is you don't know</p> <p>17 one way or the other whether you were wearing your seat</p> <p>18 belt; is that fair?</p> <p>19 A. No, I don't remember. I don't remember. I</p> <p>20 don't.</p> <p>21 Q. Is that -- is that be- -- is that because</p> <p>22 sometimes you wear it and sometimes you don't wear it?</p> <p>23 A. No, I -- no.</p> <p>24 Q. Okay.</p> <p>25 A. I just don't -- you asked me for that day, you</p>	<p style="text-align: right;">Page 120</p> <p>1 take an electronic mini and you can work with our</p> <p>2 office to set up the read, please.</p> <p>3 MR. GOMEZ: And we'll also take a copy of the</p> <p>4 video. And I just need electronic or e-mail with</p> <p>5 word index, a regular, and mini, okay.</p> <p>6 We'll be back at 1:45.</p> <p>7 (Thereupon, the deposition was concluded at</p> <p>8 approximately 1:15 p.m. Signature and formalities were not</p> <p>9 waived.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 C E R T I F I C A T E O A T H

2

3 THE STATE OF FLORIDA)

4 COUNTY OF BROWARD)

5

6 I, the undersigned authority, certify that

7 ROWAN HUNTER personally appeared before me via Zoom

8 videoconference on February 13, 2023 and was duly sworn by

9 me.


10

11 WITNESS my hand and official seal this

12 13th day of February, 2023.

13

14

15 

16 Chantinea Knight

17 Notary Public - State of Florida

18 My Commission No. GG341651

19 Expires: June 4, 2023

20

21

22

23

24

25

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1 E R R A T A S H E E T

2 RECORD CHANGES HERE - DO NOT WRITE ON THE TRANSCRIPT

3 IN RE: ROWAN HUNTER and IVETTE BOLIVAR V. TIMOTHY GRIFFEN

4 AND HI-TEK SECURITY SERVICES, INC.

5

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24	(Date)	ROWAN HUNTER
25		

Under penalties of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

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1 C E R T I F I C A T E

2

3

4 THE STATE OF FLORIDA)

5 COUNTY OF BROWARD)

6

7 I, CHANTINEKIA KNIGHT, a Notary Public for

8 the State of Florida at Large, do hereby certify that I

9 was authorized to and did stenographically report the

10 deposition of ROWAN HUNTER, a witness called in the

11 above-styled cause; that the witness was first duly sworn

12 by me; that a review of the transcript was requested; and

13 that the transcript is a true and complete record of my

14 stenographic notes.

15 I further certify that I am not an


16 attorney or counsel of any of the parties, nor a relative

17 or employee of any attorney or counsel connected with the

18 action nor financially interested in the action.

19 WITNESS my hand and official seal in the

20 State of Florida, this 9th day of March, 2023.

21 

22 CHANTINEKIA KNIGHT

23 Florida Professional Reporter

24

25

EXHIBIT 3



EXHIBIT 4

Page 1

1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN
 2 AND FOR PALM BEACH COUNTY, FLORIDA
 3
 4 CASE NO.: 50-2022-CA-009833-XXXX-MB
 5 ROWAN HUNTER and IVETTE
 6 BOLIVAR,
 7 Plaintiffs,
 8 VS.
 9 TIMOTHY GRIFFEN and
 10 HI-TEK SECURITY SERVICES, INC.,
 11 Defendant.
 12
 13
 14
 15 DATE TAKEN: Monday, February 13, 2023
 16 TIME: 1:45 p.m. - 3:55 p.m.
 17 LOCATION: Via Zoom Videoconferencing
 18
 19 VIRTUAL DEPOSITION OF IVETTE BOLIVAR HUNTER
 20 Taken before Chantinea Knight, Stenographer
 21 and Notary Public, in and for the State of Florida at
 22 Large, pursuant to Notice of Taking Deposition filed
 23 in the above-mentioned cause.
 24
 25

Page 2

1 APPEARANCES:
 2
 3 ROBERT VANNATTA, ESQUIRE
 4 Tim@rubensteinlaw.com
 5 Rubenstein Law
 6 250 South Australian Avenue
 7 Suite 1000
 8 West Palm Beach, Florida 33401
 9 on behalf of the Plaintiffs
 10
 11 MARIO GOMEZ, ESQUIRE
 12 gomezmariao531@gmail.com
 13 LaCava Jacobson & Goodis
 14 7700 North Kendall Drive
 15 Suite 411
 16 Miami, Florida 33156
 17 on behalf of the Defendants
 18
 19 ALSO PRESENT:
 20 The videographer
 21
 22
 23
 24
 25

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1 THE VIDEOGRAPHER: We are now on the record. The
 2 time is 1:54 p.m. Would the court reporter please
 3 swear in the witness.
 4 THE COURT REPORTER: Ms. Bolivar, if you'll raise
 5 your right hand so I can swear you in, please.
 6 THEREUPON:
 7 IVETTE BOLIVAR HUNTER
 8 was called as a witness, having been first duly sworn and
 9 responding "I do," was examined and testified as follows:
 10 THE COURT REPORTER: Thank you so much.
 11 DIRECT EXAMINATION
 12 BY MR. GOMEZ:
 13 Q. Please state your name for the record, ma'am?
 14 A. My name is Ivette Boli- -- Eva Bolivar Hunter.
 15 Q. Okay. My name is Mario Gomez. I'm going to be
 16 asking you some questions regarding the automobile
 17 accident of August 19th, of 2021, and the lawsuit in which
 18 you filed, which is why we're here today, understand?
 19 A. Yes.
 20 Q. Okay. Before today, have you ever had your
 21 deposition taken?
 22 A. Yes.
 23 Q. On how many occasions?
 24 A. One.
 25 Q. Under what circumstances and when was that?

<p style="text-align: right;">Page 5</p> <p>1 A. It was an accident, 2016.</p> <p>2 Q. Okay. And did you file a lawsuit in that 2000 --</p> <p>3 for that 2016 motor vehicle accident?</p> <p>4 A. It was not a motor vehicle accident. It was a</p> <p>5 slip-and-fall.</p> <p>6 Q. Okay. Slip-and-fall.</p> <p>7 Okay. Where did that slip-and-fall occur?</p> <p>8 A. In Wendy's.</p> <p>9 Q. Okay. And you were deposed in that -- for that</p> <p>10 lawsuit?</p> <p>11 A. I'm sorry?</p> <p>12 Q. You were deposed for that lawsuit?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Since it was a while ago, I'm going to go</p> <p>15 through the ground rules to make sure we understand each</p> <p>16 other, okay?</p> <p>17 A. Okay.</p> <p>18 MR. GOMEZ: If you don't understand my question</p> <p>19 don't answer it. Just tell me and I'll repeat it or</p> <p>20 I'll rephrase it for you, okay.</p> <p>21 THE WITNESS: Okay.</p> <p>22 MR. GOMEZ: Let me finish my question and then</p> <p>23 I'll let you finish your answer. If we talk over one</p> <p>24 another, one, you don't get a complete question and I</p> <p>25 don't get a complete answer. And, two, the court</p>	<p style="text-align: right;">Page 7</p> <p>1 A. We got married in August, 2 years ago it's gonna</p> <p>2 be 3. But I've known Rowan for, like, 19 years. We've</p> <p>3 been on and off for 19 years.</p> <p>4 Q. Okay. But on and off for 19 years and August,</p> <p>5 what day and what year were you married?</p> <p>6 A. I -- I don't remember that. It was August 17, 2</p> <p>7 years ago.</p> <p>8 Q. Two year -- so we're in 2000 -- so you mean we're</p> <p>9 in 2023 now. Do you mean --</p> <p>10 A. '21.</p> <p>11 Q. 2021, then?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And have you ever been married to anyone</p> <p>14 else?</p> <p>15 A. No.</p> <p>16 Q. Okay. And you and Mr. Hunter have a child; is</p> <p>17 that correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And that child's name and age?</p> <p>20 A. Her name is Nevaeh Esther Hunter and she is 5</p> <p>21 years young.</p> <p>22 Q. Okay. Do you have any other children?</p> <p>23 A. No.</p> <p>24 Q. Okay. Have you and Mr. Hunter ever been</p> <p>25 separated?</p>
<p style="text-align: right;">Page 6</p> <p>1 reporter has difficulty taking down two people</p> <p>2 talking at the same time, understood?</p> <p>3 THE WITNESS: Correct. Understood.</p> <p>4 MR. GOMEZ: Okay. And especially since you're</p> <p>5 wearing a mask, it may be difficult to understand</p> <p>6 you, so make sure all of your answers are clear and</p> <p>7 verbal. You have to say yes or no. You just can't</p> <p>8 say mm-hm or nod your head, okay.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MR. GOMEZ: If you need any kind of break just</p> <p>11 let us know and we'll take a break.</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MR. GOMEZ:</p> <p>14 Q. What's your date of birth?</p> <p>15 A. [REDACTED].</p> <p>16 Q. And what age are you now?</p> <p>17 A. I am 35 years old.</p> <p>18 Q. Okay. And you're married?</p> <p>19 A. I'm sorry.</p> <p>20 Q. You're married?</p> <p>21 A. Yes.</p> <p>22 Q. And what's your husband's name?</p> <p>23 A. Rowan Aldwin (phonetic) Hunter.</p> <p>24 Q. And how long -- what's the anniversary date of</p> <p>25 you and Mr. Hunter?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No, we live together.</p> <p>2 Q. No, but -- and -- and -- while you're married</p> <p>3 have you ever been separated?</p> <p>4 A. No, no, no, no. We're always together because</p> <p>5 I'm vision impaired.</p> <p>6 Q. Okay. I understand you're on disability for your</p> <p>7 vision impairment?</p> <p>8 A. Yes.</p> <p>9 Q. When did you obtain disability for that?</p> <p>10 A. I obtained disability for that in 2017 when I was</p> <p>11 completely blind -- was totally blind.</p> <p>12 Q. Okay. Are you completely totally blind now?</p> <p>13 A. I am vision impaired. I have blood and</p> <p>14 inflammation in both eyes. I have a condition called</p> <p>15 uveitis.</p> <p>16 Q. You mentioned earlier you got disability in 2017</p> <p>17 when you came -- when you became --</p> <p>18 A. Totally blind in 2017.</p> <p>19 Q. Okay. Remember, let me finish my question, okay.</p> <p>20 A. Okay.</p> <p>21 Q. I know in conversations you can sometimes</p> <p>22 anticipate where I'm going with it and you're going to</p> <p>23 give an answer. In deposition, we have to be a bit more</p> <p>24 formal, okay?</p> <p>25 A. Okay.</p>

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1 Q. And one of the reasons is because if I don't ask
2 a complete question and a specific question, your attorney
3 may object and that's the reason why it may be a little
4 bit longer, okay?
5 A. All right.
6 Q. And if I cut you off, it's not intentional. It's
7 because I thought you were finished with your answer, but
8 if you're not finished, just let me know, okay.
9 A. Okay.
10 Q. Okay. All right. So I don't fully know your
11 condition and I don't know the difference between fully
12 blind as in only seeing black or different levels of it.
13 Can you explain your -- your vision disability?
14 A. I see very blurry.
15 Q. Okay.
16 A. Very blurry. It's like when you're driving in a
17 fog and it's full blurry and everything, that's what I
18 see, like, a fog.
19 Q. Okay. Do you -- to get around, do you need to
20 use a walking cane or a walking dog or anything else I ke
21 that?
22 A. I don't. I use -- I hold onto my husband.
23 Q. Okay. To get around, you know, as far as wa king
24 around whether it be around your home, outside, stores, do
25 you need somebody -- somebody's assistance to do that?

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1 A. Yes.
2 Q. Okay. It can't be a situation where you're
3 walking around by yourself, is it?
4 A. I can't, no.
5 Q. Okay. That's been the case since 2017; is that
6 fair?
7 A. Yes.
8 Q. Okay. And as far as this. Can you -- if I were
9 to give you, like, a contract or a piece of paper to read,
10 would you be able to read it?
11 A. No.
12 Q. It would have -- it would have to be explained to
13 you and you would read it?
14 A. Yes.
15 Q. Okay. Does it matter with distance or short
16 distance, like your attorney sitting across the table from
17 you, do you see him but just blurry?
18 A. I see him very blurry. I see like him -- his
19 shadow.
20 Q. Okay.
21 A. I don't even know what he looks like.
22 Q. And -- and that's why if you were to be walking
23 around outside or in the store, you would need somebody's
24 assistance?
25 A. Yes.

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1 Q. Okay. Understood.
2 We're going to go off the record for a quick
3 second to take down your social security number to secure
4 your privacy. So once we do that, please give me your
5 social security number.
6 THE VIDEOGRAPHER: We are going off the record,
7 2:02 p.m.
8 (Thereupon, an off-the-record discussion was had
9 and the proceedings continued as follows:)
10 THE VIDEOGRAPHER: We are back on the record,
11 2:02 p.m.
12 BY MR. GOMEZ:
13 Q. What's your current address?
14 A. Where I receive mail, [REDACTED]
[REDACTED].
16 Q. You said you receive mail there, but where do you
17 reside? Where do you live?
18 A. I'm back and forth from Studio 6 to my mom's
19 house, because my husband and my mom don't get along. So
20 we're back and forth, back and forth, back and forth.
21 Q. Okay. So Studio 6 is like a hotel?
22 A. Yes, it's an extended stay hotel.
23 Q. Gotcha.
24 So whatever -- I want to do it delicately. I
25 don't want to -- but whenever you -- your husband and your

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1 mother are at it and you're not getting, is that when you
2 guys move out to the extended stay?
3 A. Yes, with our child, correct.
4 Q. Okay. And what percentage of that, like, for
5 example, last year 2022, how many months were you visiting
6 your mom's apartment as opposed to the hotel or the motel?
7 A. We've been in the hotel. We were staying there
8 for a whole 8 months without staying at my mom's house,
9 but the money is just not there, you know, so we have to
10 go back and forth.
11 Q. Where are you living at now?
12 A. Well, we're staying at my mom's house right now.
13 Q. Okay. And I've -- having the benefit of taking
14 your husband's deposition, I kinda know a little bit more
15 about your background and circumstances so I think this
16 deposition in that aspect may go a little bit quicker. I
17 understand your -- how many bedrooms is your mom's
18 apartment?
19 A. Well, she's now staying in a one bedroom.
20 Q. Okay.
21 A. She moved from a two to a one.
22 Q. Okay. When did she do that?
23 A. She did that, oh my god, I don't know. I'm
24 trying to -- I gotta remember from what month. It's I ke
25 maybe, like, six months. Six months.

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay.</p> <p>2 A. Six months or so. Maybe I ke six -- between six</p> <p>3 or seven months.</p> <p>4 Q. Okay. And what's your highest level of</p> <p>5 education?</p> <p>6 A. I graduated from high school. I have -- I</p> <p>7 graduated from high school, I have a secondary diploma in</p> <p>8 full specialist.</p> <p>9 (Speaking simultaneously)</p> <p>10 BY MR. GOMEZ:</p> <p>11 Q. I don't know if it's 'cause of the mask or not,</p> <p>12 but I didn't catch it. I got you graduated from high</p> <p>13 school and then what else?</p> <p>14 A. I'm a full specialist in my training.</p> <p>15 Q. A what specialist?</p> <p>16 A. Full specialist.</p> <p>17 THE COURT REPORTER: Is she saying food</p> <p>18 specialist?</p> <p>19 THE WITNESS: No, full, F-U-L-L. Full</p> <p>20 specialist.</p> <p>21 BY MR. GOMEZ:</p> <p>22 Q. What is --</p> <p>23 A. I didn't take off my mask, because I have</p> <p>24 bronchitis and pneumonia, and I don't want to get him</p> <p>25 sick.</p>	<p style="text-align: right;">Page 15</p> <p>1 A. No, it was in Miami.</p> <p>2 Q. Oh, it was in Miami, okay.</p> <p>3 Is it a private school?</p> <p>4 A. No, it was just a school. A regular school.</p> <p>5 Q. Oh, I'm sorry. I've lived here all my life. I</p> <p>6 never heard of it, you know.</p> <p>7 A. No, for real?</p> <p>8 Q. Yeah.</p> <p>9 A. Man, it's in Miramar, Florida.</p> <p>10 Q. What year did you graduate?</p> <p>11 A. 2004.</p> <p>12 Q. Okay. Very good.</p> <p>13 And what does a full specialist do?</p> <p>14 A. Well, full specialist does, basically, facials,</p> <p>15 microdermabrasion, galvanic, also the nail, be a nail</p> <p>16 tech, do the toes, the nails, and the eyebrows.</p> <p>17 Q. Okay. Okay. Understood.</p> <p>18 Was that before you got on disability? Was --</p> <p>19 was that your source of income, doing that sort of work?</p> <p>20 A. Yes.</p> <p>21 Q. When you -- so you went to a special school</p> <p>22 for -- is it cosmetology or is that different?</p> <p>23 A. It's different. It's different. I went to</p> <p>24 Hollywood Institute and I just went to do the full</p> <p>25 specialist. Cosmetology was more hours for me and I</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. I understand and we all -- we don't want to make</p> <p>2 you uncomfortable, that's, you know, but to ensure that, I</p> <p>3 want to make sure I understand your answer, okay?</p> <p>4 A. Yes.</p> <p>5 MR. GOMEZ: And, madam court reporter, if you</p> <p>6 get -- if you don't understand a word, don't -- I</p> <p>7 mean, feel free to interrupt us and make sure you get</p> <p>8 that, okay?</p> <p>9 THE COURT REPORTER: Yes.</p> <p>10 MR. GOMEZ: All right.</p> <p>11 BY MR. GOMEZ:</p> <p>12 Q. So you mentioned -- so you -- where did you</p> <p>13 graduate high school from?</p> <p>14 A. At Continental Academy.</p> <p>15 Q. Where is that located at?</p> <p>16 A. In Miramar, Florida.</p> <p>17 Q. Okay. Where were you born at?</p> <p>18 A. I was born in Brooklyn, New York.</p> <p>19 Q. And when did you come to South Florida to live?</p> <p>20 What age were you?</p> <p>21 A. When I was 18 years old.</p> <p>22 Q. How old?</p> <p>23 A. 18.</p> <p>24 Q. Okay. So the Continental Academy, that was over</p> <p>25 in Brooklyn?</p>	<p style="text-align: right;">Page 16</p> <p>1 needed to just get in there and make the money so I could</p> <p>2 provide for myself.</p> <p>3 Q. Okay. And I see you have your nails done today.</p> <p>4 Did you do them yourself or did you do it with somebody</p> <p>5 else?</p> <p>6 A. I went to somebody else.</p> <p>7 Q. Okay.</p> <p>8 A. I can't do this.</p> <p>9 Q. Okay. No, very good.</p> <p>10 I also -- I believe I saw in your answers to</p> <p>11 interrogatories, or maybe I got it mixed up with your</p> <p>12 husband's, but I think you also worked at GL Staffing or</p> <p>13 did I understand?</p> <p>14 A. I did -- I did worked with GL Staffing. I did.</p> <p>15 I worked him.</p> <p>16 Q. Okay. What was your job at GL Staffing?</p> <p>17 A. I really didn't really do much. My husband did</p> <p>18 it all. I tried to but I couldn't do it and that's why</p> <p>19 I'm no longer there.</p> <p>20 Q. What kind of job tasks would you do at GL</p> <p>21 Staffing?</p> <p>22 A. Well, they put us to, like, work in, like,</p> <p>23 construction sites to, like, do clean, like, clean up</p> <p>24 debris and stuff like that.</p> <p>25 Q. Okay. What was the last time you did that kind</p>

<p style="text-align: right;">Page 17</p> <p>1 of work?</p> <p>2 A. A long -- it was -- I don't remember. I don't</p> <p>3 remember.</p> <p>4 Q. Okay.</p> <p>5 A. Maybe 2 years ago or so.</p> <p>6 Q. Until what?</p> <p>7 A. Maybe 2 years ago or so. I don't really remember</p> <p>8 and I don't want to lie.</p> <p>9 Q. I think, and this is just looking at my notes. I</p> <p>10 don't want to misinterpret it. I think what you answered</p> <p>11 was you worked there, I believe, in the year 2020. So</p> <p>12 that would be two maybe 3 years ago, because we're early</p> <p>13 on in 2023?</p> <p>14 A. Okay.</p> <p>15 Q. But I know you -- you received disability in</p> <p>16 2017. And I know there's different types of disability,</p> <p>17 some that you could still do some work on disability. Is</p> <p>18 that what you had?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Very good.</p> <p>21 What was the last work or job that you had?</p> <p>22 A. That was it right there.</p> <p>23 Q. Okay.</p> <p>24 A. They stopped me.</p> <p>25 Q. When -- when you -- when you applied for</p>	<p style="text-align: right;">Page 19</p> <p>1 A. (Indicating.)</p> <p>2 Q. Yes?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. All right. Remember, you just can't nod</p> <p>5 your head. You can nod your head, but you have to say</p> <p>6 something, yes or no, okay?</p> <p>7 A. Yes.</p> <p>8 Q. Very good.</p> <p>9 Okay. Let's talk about any prior accidents or</p> <p>10 injuries that you had before August 19th, of 2021</p> <p>11 accident. How do you think it works best for you in your</p> <p>12 mind? Do you want to do it going from the most recent in</p> <p>13 time before August of 2021, or do you want to start all</p> <p>14 the way back in time and work your way towards, you know,</p> <p>15 towards the present time?</p> <p>16 A. From the back.</p> <p>17 Q. Okay.</p> <p>18 A. Back in time.</p> <p>19 Q. Okay. So with that said, what is -- to your</p> <p>20 recollection, what is the first slip-and-fall or</p> <p>21 trip-and-fall accident case that you had before our</p> <p>22 accident where you claimed some type of injury?</p> <p>23 A. All right. Let me think a minute. The very</p> <p>24 first accident I had was in 2010. It was actually a car</p> <p>25 accident.</p>
<p style="text-align: right;">Page 18</p> <p>1 disability and were awarded disability was the only reason</p> <p>2 was because of the vision or was it that you had other</p> <p>3 ailments or illnesses?</p> <p>4 A. It was for my vision.</p> <p>5 Q. Only?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. How did you meet your husband?</p> <p>8 A. How did I meet my husband?</p> <p>9 Q. Yeah.</p> <p>10 A. It was a party. I walked in and he was sitting</p> <p>11 down, and we just couldn't stop looking at one another,</p> <p>12 and every since that day, which was, like I said, 19 years</p> <p>13 in coming and two weeks before Thanksgiving, and we've</p> <p>14 been together every since. We've been best friends and,</p> <p>15 you know, grown-up things. That's how we met, in a party.</p> <p>16 Q. Okay. So you -- you mentioned earlier that you</p> <p>17 gave your testimony regarding, I think, a slip or</p> <p>18 trip-and-fall in Wendy's. What I want to do is I want to</p> <p>19 talk about any other accident or injury claims that you</p> <p>20 may have had, and the way I think is probably, for me,</p> <p>21 with the way I want to do it is we can talk about any</p> <p>22 prior slip-and-falls or trip-and-falls or automobile</p> <p>23 accident injury claims that you may have had before our</p> <p>24 accident, and then we could talk about any ones that</p> <p>25 you've had after our accident, okay?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Okay.</p> <p>2 A. Go ahead.</p> <p>3 Q. Okay. So what I'm going to do now is -- so what</p> <p>4 I'm going to do is I'm going to ask you questions about</p> <p>5 how that accident occurred, who was in the accident with</p> <p>6 you, what injuries did you have, what medical treatment</p> <p>7 did you have to get an understanding for that accident,</p> <p>8 and then we'll move on to the next one and we'll do the</p> <p>9 same thing, okay?</p> <p>10 THE WITNESS: Can I ask him something real quick,</p> <p>11 though?</p> <p>12 MR. GOMEZ: Sure.</p> <p>13 THE WITNESS: To ask him something. Can we pause</p> <p>14 this real fast?</p> <p>15 MR. VANNATTA: Are we off the record?</p> <p>16 THE VIDEOGRAPHER: We are going off the record</p> <p>17 2:12 p.m.</p> <p>18 (Thereupon, an off-the-record discussion was had</p> <p>19 and the proceedings continued as follows:)</p> <p>20 THE VIDEOGRAPHER: We are back on at 2:13 p.m.</p> <p>21 BY MR. GOMEZ:</p> <p>22 Q. Okay. So let's talk about that 2010 motor</p> <p>23 vehicle accident. Were you driving?</p> <p>24 A. No.</p> <p>25 Q. Who was driving the vehicle that you were in?</p>

<p style="text-align: right;">Page 21</p> <p>1 A. It was a friend. He was giving me a ride home. 2 I wasn't aware -- I think he was probably intoxicated and 3 he went in through a building in Forest Hill and Dixie 4 area. 5 Q. What was the name of your friend? 6 A. His name was Tony Moore Jenkins. 7 Q. Huh? What was his last name? 8 A. Jenkins. 9 Q. Oh, Jenkins, okay. 10 Anyone other than you and Tony that was in -- 11 that was in that -- your vehicle? 12 A. It wasn't my car. It was his car. 13 Q. In the vehicle that you were in? 14 A. No, it was just him and I. 15 Q. Okay. And you believe that -- that he was 16 intoxicated and you ran into a building, is that -- did I 17 understand -- 18 A. I smelled it after the fact that I was already in 19 his car. I wanted to get out of his car, but then it just 20 happened like that. 21 Q. Okay. But you said something about intoxicated 22 and I didn't quite understand you. Do you believe -- 23 A. Because I could smell the alcohol in his mouth. 24 Q. Okay. So you believe that Tony was intoxicated 25 at the time of the accident?</p>	<p style="text-align: right;">Page 23</p> <p>1 the building, did you sustain any injuries or receive any 2 treatment down the road? 3 A. I did. I did. I went to a chiropractor and that 4 was -- I had a surgery in my back. 5 Q. Okay. So now there's -- when you say back -- 6 when people say back, in general, I've learned after doing 7 this for, you know, 20 something years, when they say 8 back, sometimes they refer to the back of their neck, 9 sometimes they refer to their mid back, their lower back. 10 Any specific body part that you're referring to when you 11 say you had surgery to your back from the 2010 accident? 12 A. It was in my lower-left side of my back. 13 Q. Okay. And knowing that chiropractors cannot do 14 surgery, I'm assuming you treated with an orthopedic 15 surgeon or a neurosurgeon. Do you know which one? 16 A. I really don't remember his name. It was so long 17 ago. 18 Q. Okay. 19 A. Yeah, I'm trying to remember his name. It's just 20 not coming to me. 21 Q. Do you know the type of specialist that he was, 22 whether it was orthopedic -- orthopedic or neurosurgeon. 23 A. I think he was a neurosurgeon, I think. I don't 24 remember. 25 Q. Did you also injure your neck in that 2010</p>
<p style="text-align: right;">Page 22</p> <p>1 A. Mm-hm. 2 Q. Yes? 3 A. Yes, sir. 4 Q. Okay. 5 A. Yes, sir. 6 Q. Did I understand it correctly that you guys 7 crashed into a building? 8 A. He crashed into a building. 9 Q. Right. Okay. And you were a passenger in his 10 vehicle when he crashed into the building? 11 A. Yes. 12 Q. Was it a bad accident? 13 A. It was bad. It was bad. 14 Q. Okay. And did Fire Rescue or an ambulance arrive 15 at the scene of that accident? 16 A. Yes, they did. 17 Q. Were you injured in that accident? 18 A. They took him. 19 Q. Okay. My understanding then is that you 20 weren't -- you weren't seen or treated by Fire Rescue or 21 emergency medical services; is that correct? 22 A. Correct. 23 Q. Okay. 24 A. Correct. 25 Q. Okay. So in that 2010 accident with Tony hitting</p>	<p style="text-align: right;">Page 24</p> <p>1 accident? 2 A. No. 3 Q. Is the only injury that you sustained for that 4 2010 accident with Tony, was it only for your low back? 5 A. Yes. 6 Q. Okay. And before having the surgery to your low 7 back, did you receive any injections, any other type of 8 treatment before you took that next step and had the 9 surgery? 10 A. No. 11 Q. Okay. There's different kinds of levels of 12 surgery. Did you have any hardware put in your low back 13 for that surgery that you had stemming from the 2010 14 accident? 15 A. I'm sorry, what was that again? 16 Q. Sure. I want to know the type of surgery that 17 you had for the 2010 accident to your low back. Do you 18 remember the name of it? 19 A. No, I don't. 20 Q. Do you know if any hardware was inserted, whether 21 it be screws or plates, anything I like that in your lower 22 back? 23 A. No. 24 Q. Okay. No, you didn't or, no, you don't know, 25 which way or the other?</p>

<p style="text-align: right;">Page 25</p> <p>1 A. No, I don't have any of those things in my back.</p> <p>2 Q. Okay. Very good.</p> <p>3 Okay. Did the -- did the surgery alleviate the</p> <p>4 pain to your low back?</p> <p>5 A. Yes.</p> <p>6 Q. After you recovered from that surgery from that</p> <p>7 2010 accident, were you pain free in your low back</p> <p>8 leading --</p> <p>9 A. Yes.</p> <p>10 Q. -- leading all the way up until our accident?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Okay. So after the 2010 accident, when is</p> <p>13 the next motor vehicle accident or slip-and-trip-and-fall</p> <p>14 in chronological order that you had?</p> <p>15 A. Right now my mind is going blank. I don't know.</p> <p>16 It's hard to remember.</p> <p>17 Q. I'm sorry, what did you say?</p> <p>18 A. I said, I'm having a hard time remembering right</p> <p>19 now. It's like my mind's in a blank.</p> <p>20 Q. Don't take offense to this. I asked your husband</p> <p>21 the same question. Have you ever complained of memory</p> <p>22 issues to any doctor or been treated with memory issue --</p> <p>23 for memory issues?</p> <p>24 A. Yes, currently, I'm taking a medication, and</p> <p>25 don't ask me the name of it, because my husband, again,</p>	<p style="text-align: right;">Page 27</p> <p>1 at.</p> <p>2 Q. Okay. Let me see if I understood your testimony</p> <p>3 correctly. You have seen this neurologist via</p> <p>4 videoconferencing --</p> <p>5 A. Yes.</p> <p>6 Q. -- beforehand and he prescribed medication for</p> <p>7 you, but the first time you're going to see him in person,</p> <p>8 that's coming up; is that correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. All right. How many times have you seen</p> <p>11 this neurologist videoconferencing or anyone in his office</p> <p>12 for your -- for your -- the thing of memory loss?</p> <p>13 A. I believe it was like two times. Two times.</p> <p>14 Q. Was it this year in 2023?</p> <p>15 A. Yes.</p> <p>16 Q. Both times it was -- here we are, just for record</p> <p>17 sake, if we ever read or listen to this video back, it's</p> <p>18 February 13th, of 2023, very early on in the year. Both</p> <p>19 times that you saw him, was it this year in 2023?</p> <p>20 A. I spoke to him once before. Let me make sure you</p> <p>21 got my records right. Once before, I believe it was like</p> <p>22 2 years ago I talked to him only one time, but -- and then</p> <p>23 they didn't think anything of me. But my mother started</p> <p>24 noticing, my family, because that ones always first,</p> <p>25 your -- your -- your ex, right? They were like, we're</p>
<p style="text-align: right;">Page 26</p> <p>1 he's the one that feeds me my medication. I'm vision</p> <p>2 impaired. I have two detachments in my head. So I am</p> <p>3 taking this medication for because I am having memory</p> <p>4 loss.</p> <p>5 Q. All right. How long have you had memory loss</p> <p>6 for?</p> <p>7 A. I've been -- I've been -- now when my family has</p> <p>8 been noticing it with me. They've been noticing me that</p> <p>9 I've been forgetting things or just things that I'm saying</p> <p>10 repeatedly, and my mom was telling me, you have to go see</p> <p>11 a neuro because I'm getting real concerned with you. So</p> <p>12 my neuro -- my neuro gave me medication. It was this</p> <p>13 month he started me off with something.</p> <p>14 Q. Okay. What's the name of that doctor?</p> <p>15 A. Oh, my God. My phone is off too. I don't</p> <p>16 remember right now. I don't know. I got his phone</p> <p>17 number, a neurologist.</p> <p>18 Q. When did you -- when did you start treating for</p> <p>19 memory loss?</p> <p>20 A. Well, me -- him and I have always been talking on</p> <p>21 the phone and but he's got really concerned with me and</p> <p>22 I'm going to go on the first time to his office next month</p> <p>23 on the 16th, I believe, I have to go to his office. We</p> <p>24 always been ta king on the phone, but he told me he had to</p> <p>25 give me a medication for my memory and that's where I'm</p>	<p style="text-align: right;">Page 28</p> <p>1 really concerned about you, like, you need to go see</p> <p>2 someone. So I called back and I arranged to make an</p> <p>3 appointment this year, yes.</p> <p>4 Q. Okay. But the first time you saw him was, what,</p> <p>5 about 2 years ago?</p> <p>6 A. 2 years ago. We spoke 2 years ago. I never saw</p> <p>7 him, we spoke.</p> <p>8 Q. Okay. Videoconference, you mean?</p> <p>9 A. No, we did phone call, because I can't see, so</p> <p>10 it's no point for me to talk to him because I can't see</p> <p>11 him. I just talked to him regularly.</p> <p>12 Q. Okay. But he could see you, right, that's the</p> <p>13 point of videoconferencing?</p> <p>14 A. Yeah, he can, but I just don't like it. I really</p> <p>15 feel self-conscious with my vision.</p> <p>16 Q. Okay. And the first time that you spoke to him</p> <p>17 about 2 years ago, did he have a plan of action</p> <p>18 recommended?</p> <p>19 A. He just had, like, questionnaires for me, you</p> <p>20 know, and then he -- he told me that -- that we were</p> <p>21 supposed to reschedule, but with a lot of things going on</p> <p>22 with my life, I was just like I'm tired of doctors. I'ma</p> <p>23 be quite honest with you, I go to doctors a lot and I'm</p> <p>24 just tired of it. So I called it off, me. I just said I</p> <p>25 had enough. I just need a break.</p>

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1 Q. And in your second phone visit was earlier this
2 year?

3 A. Yes, sir.

4 Q. Okay. Has your -- do you have -- have you made
5 an appointment with him to see him live or are you trying
6 to make an appointment?

7 A. No, we are going to see each other live next
8 month, I believe on the 16th or -- I don't. I just -- I
9 don't write my appointments neither, like we write it in
10 the calendar, because I forget, but I have to see him
11 because I have so many doctors. But, yes, I'm seeing him
12 next month.

13 Q. Okay.

14 A. In person.

15 Q. Did he tell you what -- what he believes the
16 cause of this memory loss is?

17 A. He just said he really needs to see me. He
18 really wants to see me because of the concern, but he was
19 going to give me some medication for my memory. I think
20 he said elderly people thinking, that's all I can remember
21 was he said to me on the phone was that elderly people
22 take this medication don't feel nothing, it's just for
23 memory loss.

24 Q. But as far as what caused the memory loss, do you
25 know what it was?

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1 A. Whiplash from my head. I hit my head three
2 times.

3 Q. From our accident?

4 A. From your accident, then the Schumacher accident,
5 and the FP&L, I hit my head three times.

6 Q. Okay. So -- let me see if I understand your
7 testimony correctly. You're claiming that because of our
8 accident that occurred on August 19th, of 2021, and two
9 subsequent motor vehicle accidents you're having memory
10 issues?

11 A. I didn't have any memory issues before these
12 accidents.

13 Q. What I want to know is this, is that -- is that
14 your claim? Are you claiming memory problems because of
15 this accident and the two subsequent accidents?

16 A. Yes.

17 Q. Okay. Understood.

18 Do you have a primary care physician or a family
19 doctor that you see?

20 A. I do.

21 Q. And what is the name of that primary care
22 physician?

23 A. It's called from MedFlorida and his name is
24 David Cohen.

25 Q. Dr. David Cohen at met?

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1 A. Med, M-E-D, Florida.

2 Q. MedFlorida.

3 And do you know where -- where that's located at?

4 A. I know it's off of Jog somewhere.

5 Q. Where?

6 A. Jog. Jog Road.

7 Q. Jog Road, gotcha.

8 Okay. And how long have you been seeing
9 Dr. Cohen or any other doctors at MedFlorida?

10 A. 2 years. 2, let me see, like, 1, 2, 3, like
11 about 2 to 3 years.

12 Q. Okay. And before Dr. Cohen and before MedFlorida
13 over at Jog Road, who was your primary care physician
14 before then or family doctor?

15 A. AC Medical and his name was Andre Celestin.

16 Q. Andre what?

17 A. Celestin.

18 Q. How do you spell that?

19 A. C-L-I -- Celestine. I think his last name was
20 Celestine or Celestin. I don't, Celestine. I remember
21 Celestine or Celestin.

22 Q. Okay.

23 A. 'Cause I always call him doc.

24 Q. Gotcha.

25 And what was the name of his clinic, I didn't get

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1 that?

2 A. His name of his clinic is AC Medical.

3 Q. Like air-conditioning, AC?

4 A. Yes, sir.

5 Q. Okay. And where is that located at?

6 A. That is located on Forest Hill by -- I don't know
7 if you're familiar where Bodegon is at, right in the
8 Bodegon. The supermarket Bodegon, he's right inside on
9 Forest Hill.

10 Q. Forest Hill, you said?

11 A. Yes.

12 Q. Okay. And how long did you see him or any other
13 doctors at AC Medical?

14 A. I haven't seen him over --

15 (Noise in the room)

16 A. Sorry. I haven't seen him, like, 3 years, but I
17 was seeing him for, like, maybe -- I haven't seen him for,
18 like, 3 years too -- 3, 4 years.

19 BY MR. GOMEZ:

20 Q. Okay. I understand you hadn't seen him, because
21 you started treating with Dr. Cohen, but while you were
22 seeing Dr. Andre at AC Medical --

23 (Noise in the room)

24 BY MR. GOMEZ:

25 Q. Do you think that was about a 2, 3 or 4-year

<p style="text-align: right;">Page 33</p> <p>1 span?</p> <p>2 A. I'm sorry, what happened? I'm sorry.</p> <p>3 Q. Do you have -- I see you're getting some kind of</p> <p>4 reminders on your phone. Do you need to do something with</p> <p>5 that?</p> <p>6 A. No, no, no, no, this is -- it's saying like I'm</p> <p>7 calling the emergency line, but I'm not.</p> <p>8 Q. Okay. Okay. How many years do you think that</p> <p>9 you were call treating with Dr. Celestin? Just an</p> <p>10 approximation.</p> <p>11 A. The first time I ever seen him, I believe it was</p> <p>12 20 -- oh, my God, I think it was 18. 2018, I think I</p> <p>13 started seeing him.</p> <p>14 Q. Okay. Before Dr. Andre at AC Medical, who was</p> <p>15 your primary care physician?</p> <p>16 A. I used to go to the health care clinic -- Health</p> <p>17 Care District clinic. I didn't have no Medicare or</p> <p>18 anything like that so I went to health care clinic in the</p> <p>19 health district, I think it's called.</p> <p>20 Q. Health district?</p> <p>21 A. Health Care District, something I ke that. It's</p> <p>22 on 45th Street.</p> <p>23 Q. 45th Street and where?</p> <p>24 A. 45th Street and I don't, oh, my God. It's like</p> <p>25 right across from, like, Jerome Golden Center, and I don't</p>	<p style="text-align: right;">Page 35</p> <p>1 your head. So before our car accident of August 19th, of</p> <p>2 2021, you mentioned we talked about the 2010 accident with</p> <p>3 Tony and you hit a wall. Do you remember any other car</p> <p>4 accidents or slip-and-fall accidents?</p> <p>5 A. I do.</p> <p>6 Q. We could start with the Wendy's you mentioned.</p> <p>7 You want to do that?</p> <p>8 A. I'm sorry?</p> <p>9 Q. Well, you mentioned a slip-and-fall at Wendy's,</p> <p>10 do you want to start there?</p> <p>11 A. I don't really want to talk about that, but I</p> <p>12 really don't want to talk about Wendy's.</p> <p>13 Q. Well, I'm -- I understand that, and I appreciate</p> <p>14 that. Unfortunately, that's what we're here for today, to</p> <p>15 talk about things like that.</p> <p>16 A. Okay. Tell me. Ask me the questions.</p> <p>17 Q. Okay. So let's ta k about the Wendy's. It was a</p> <p>18 slip-and-fall or a trip-and-fall?</p> <p>19 A. It was a slip-and-fall.</p> <p>20 Q. What did you slip on?</p> <p>21 A. On feces. There was feces coming out the toilet.</p> <p>22 Q. Oh, feces, okay.</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. So you were in the women's bathroom?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 34</p> <p>1 remember. It's on 45th Street, I ke, right on the corner.</p> <p>2 Q. Is that in West Palm Beach as well?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did you go there with your husband as well?</p> <p>5 A. No, I was going there alone.</p> <p>6 Q. I know your husband gave a name of a clinic that</p> <p>7 he goes through. I'm just going to go through my notes</p> <p>8 and say the name of the clinic to see if it's the same one</p> <p>9 or if it rings a bell, okay?</p> <p>10 A. Okay.</p> <p>11 Q. Just give me a minute while I look through my</p> <p>12 notes.</p> <p>13 A. All right.</p> <p>14 Q. C.L. Brumback, does that ring a bell?</p> <p>15 A. Yes, that's the name of it too. I used to go</p> <p>16 there too. That's what it's called now, but, before, it</p> <p>17 was the Health Care District when I was going there.</p> <p>18 Q. Okay. Gotcha. Okay. Thank you.</p> <p>19 Okay. So we deviated a little bit from our</p> <p>20 initial questions about prior automobile slip-and-fall</p> <p>21 accidents. Let's go back into that, okay.</p> <p>22 A. All right.</p> <p>23 Q. So we could do -- because, you know, you say you</p> <p>24 have some memory issues, we could do it chronologically or</p> <p>25 you can just kind of tell me the first one that pops into</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. And were you alone or were you with somebody</p> <p>2 else?</p> <p>3 A. I was alone.</p> <p>4 Q. Okay. Did the toilet overflow or was there</p> <p>5 just --</p> <p>6 A. It was coming out of the bottom area, you know,</p> <p>7 the bottom of the toilet. Different colors, nasty. I</p> <p>8 didn't want to fall on top of it so I put all my weight to</p> <p>9 the stall so I don't fall down, and I messed up my ankle</p> <p>10 where I have a pin right now in the left ankle.</p> <p>11 Q. Okay. What -- okay. So you had surgery to your</p> <p>12 left ankle and you had to put some hardware in there?</p> <p>13 A. Yes, I had knee surgery on my left knee, and then</p> <p>14 I had ankle surgery as well.</p> <p>15 Q. Okay. Did you make a full recovery from that or</p> <p>16 are you still having problems with your left knee or left</p> <p>17 ankle?</p> <p>18 A. I'm still having problems. I have my issues.</p> <p>19 Q. Okay. Did you injure your neck or your back or</p> <p>20 strike your head in that slip-and-fall accident?</p> <p>21 A. No.</p> <p>22 Q. Is it fair to say the only injuries that you</p> <p>23 sustained in that Wendy's slip-and-fall was --</p> <p>24 A. Was to the left ankle.</p> <p>25 Q. All right. It was to the left ankle and to the</p>

<p style="text-align: right;">Page 37</p> <p>1 left knee?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. But then as I was asking the question, I</p> <p>4 saw you were rubbing your left elbow. Did you also hit</p> <p>5 your left e bow?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did you have any injections or surgeries</p> <p>8 to your left elbow?</p> <p>9 A. No.</p> <p>10 Q. Okay. All right. All right. So now we've</p> <p>11 ta ked about two prior injury claims before our accident:</p> <p>12 2010 with Tony motor vehicle accident and the Wendy's</p> <p>13 slip-and-fall accident. What other ones did you have, if</p> <p>14 any?</p> <p>15 A. I went with Rowan when we was driving my mom and</p> <p>16 I Hyundai on Forest Hill on our way to Dr. Celestin we got</p> <p>17 swiped on his side. That's what I remember.</p> <p>18 Q. And Rowan was driving your mom's Hyundai?</p> <p>19 A. Yes.</p> <p>20 Q. And how did that accident occur?</p> <p>21 A. Well, the guy cut Rowan off and when he was</p> <p>22 braking, and I guess Rowan hit him from -- I don't know.</p> <p>23 I don't really remember everything, but I know he got -- I</p> <p>24 think he hit him from the back, I think.</p> <p>25 Q. Okay. What year was that accident, the one with</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Okay. What kind of treatment did you receive for</p> <p>2 your neck and your back for the 2019 accident?</p> <p>3 A. Just chiropractor.</p> <p>4 Q. Okay. Did you undergo any MRIs or CT scans for</p> <p>5 your neck or your back for the 2019 accident?</p> <p>6 A. Oh my. All right. Hold on. I gotta think.</p> <p>7 Yes. Yes, we did.</p> <p>8 Q. Okay. You said, we did. Do you mean Rowan as</p> <p>9 well?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So let's start with you first for the 2019</p> <p>12 accident and then we'll talk about Rowan, okay.</p> <p>13 To what area did you receive injections, like,</p> <p>14 your neck and your back or both for the prior 2019</p> <p>15 accident?</p> <p>16 A. We didn't get no injections. You said MRI,</p> <p>17 right?</p> <p>18 Q. You're right. I mixed it up. I'm sorry. Okay.</p> <p>19 That was going to be my next question.</p> <p>20 So -- okay. So -- so -- so you got MRIs to your</p> <p>21 neck and your back for the 2019 accident?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And I'm sorry about the mix up. That was</p> <p>24 going to be my next question.</p> <p>25 Did you receive any injections to any part of</p>
<p style="text-align: right;">Page 38</p> <p>1 Rowan driving your mom's Hyundai?</p> <p>2 A. I think 2019.</p> <p>3 Q. Okay. What year was the Wendy's slip-and-fall</p> <p>4 accident?</p> <p>5 A. 2016.</p> <p>6 Q. And what your injuries did you sustain from the</p> <p>7 2019 accident when Rowan was driving your mom's Hyundai?</p> <p>8 A. My lower back, my lumbar, and my neck.</p> <p>9 Q. Okay. Did you receive any treatment from Fire</p> <p>10 Rescue or emergency medical service for the 2019 accident?</p> <p>11 A. No.</p> <p>12 Q. Did -- did you -- where did you treat for the</p> <p>13 2019 accident for your neck, for your prior neck and back</p> <p>14 injuries?</p> <p>15 A. In Good Samaritan there's a doctor named Dr. H.</p> <p>16 We went to him. He's at the Good Samaritan -- right</p> <p>17 across from the Good Samaritan. I forgot what you call</p> <p>18 that building.</p> <p>19 Q. Okay. Is Dr. H a chiropractor?</p> <p>20 A. Yes, she is. No, Dr. Zipp, sorry. His name was</p> <p>21 Dr. Zipp, Jeffrey Zipp.</p> <p>22 Q. Okay. And did you al -- did you also treat with</p> <p>23 any specialists I ke an orthopedist or -- or a neurologist</p> <p>24 or a neurosurgeon for the 2019 accident?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 40</p> <p>1 your body for the 2019 accident?</p> <p>2 A. No.</p> <p>3 Q. Okay. And did Rowan, to your knowledge or</p> <p>4 recollection, have any injection for the 2019 accident?</p> <p>5 A. I don't know.</p> <p>6 Q. Did you ever get a recommendation for surgery</p> <p>7 from any of the doctors that you treated with for the 2019</p> <p>8 accident?</p> <p>9 A. Okay.</p> <p>10 Q. Okay. So is it your testimony after the 2019</p> <p>11 accident all you received was chiropractic, physical</p> <p>12 therapy, and an MRI?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did your neck and back pain continue up</p> <p>17 until the time our accident occurred or did it resolve?</p> <p>18 A. I'm sorry, what was that question again?</p> <p>19 Q. Sure. After the -- after the 2019 accident with</p> <p>20 Rowan in your mom's Hyundai, did you continue to have neck</p> <p>21 and back pain leading up to our accident?</p> <p>22 A. No. Not -- not, no.</p> <p>23 Q. Okay. They had all resolved before our accident?</p> <p>24 A. Well, I reinjured old injuries. That's what</p> <p>25 happened and it got worse.</p>

<p style="text-align: right;">Page 41</p> <p>1 Q. Okay. No, but I want to know, for example, our 2 accident was on August 19th, of 2020, right? 3 A. Mm-hm. 4 Q. Yes? 5 A. Yes. 6 Q. Okay. And I understand you had the prior 7 accident of 2019 where you injured similar body parts, 8 your neck and your low back, correct? 9 A. Yes. 10 Q. So what I want to know is after you received 11 treatment for the 2019 accident for your neck and your 12 back, did they all resolve before the August 19th, of 2021 13 accident or did -- 14 A. Yes. 15 Q. Yes, they did? Okay. 16 A. Yes. 17 Q. How long before our accident did they all 18 resolve? 19 A. Well, I was really good, you know, till this -- 20 till the accident with you guys. 21 Q. Okay. 22 A. I was doing good. I was able to play with my 23 daughter, do her hair, you know, just do things around the 24 house here and there, because you know I'm vision impaired 25 so I couldn't do much, but I was all right. I was good.</p>	<p style="text-align: right;">Page 43</p> <p>1 Okeechobee Road. Is that your recollection? 2 A. Yes. 3 Q. Okay. Do you remember what year or month that 4 was? 5 A. It was two weeks before Thanksgiving. Two weeks 6 before Thanksgiving of 2020, yeah. 7 Q. Our accident was 2021 so was that -- 8 A. '22, excuse -- sorry. See my mind is not right. 9 2022. 10 Q. So the first -- so the one with the sideswiping 11 on Okeechobee was in November of 2022; is that your 12 recollection? 13 A. Yes. 14 Q. Okay. And what injuries did you sustain in this 15 sideswiping-Okeechobee accident? 16 A. It was my hip. My hip, my left -- my right hip, 17 toe bone, my elbow -- my right elbow. I hit my head. I'm 18 always hitting my head. I guess that's it. 19 Q. Okay. Did you injure your neck or your low back 20 for that subsequent of Okeechobee-sideswiping accident? 21 A. No, I don't know. 22 Q. Okay. 23 A. No. 24 Q. Where did you get treatment at for the 25 Okeechobee-sideswiping accident?</p>
<p style="text-align: right;">Page 42</p> <p>1 Q. But did any doctor recommend or give an opinion 2 that you sustained a permanent injury for the 2019 3 accident as far as you know? 4 A. Permanent with the 2019 accident? 5 Q. Let me re -- let me rephrase the question, okay. 6 Did any doctor give the opinion that for this 7 2019 motor vehicle accident that you sustained a permanent 8 injury? 9 A. I don't remember. I don't. 10 Q. Okay. 11 A. I don't. 12 Q. Okay. So we discussed three prior injuries or 13 accidents before our accident, Tony's 2010, Wendy's 2016, 14 and 2019 with Rowan. Any other slip-and-fall or 15 trip-and-fall injury claims that you have before our 16 accident of August 19, 2021, other than what we've talked 17 about? 18 A. That's it. That's it. 19 Q. Okay. All right. Have you -- and you mentioned 20 earlier -- you mentioned in passing that you had two 21 subsequent accidents after ours, correct? 22 A. Yes, it's very unfortunate, but it's correct. 23 Q. Okay. So the -- and having the benefit of taking 24 your husband's deposition before yours, he explained that 25 there was a sideswiping accident after our accident on</p>	<p style="text-align: right;">Page 44</p> <p>1 A. We go to -- it's on 10th, iRISE Spine and Joint. 2 Q. Okay. iRISE, you said? 3 A. iRISE Spine and Joint. 4 Q. Why didn't you continue treating with the doctors 5 that were familiar with your condition for our accident, 6 why didn't you treat with them for these two other 7 accidents that you had afterwards? 8 A. Well, I -- who are you referring to? 9 Q. That kind of tells me -- I'm not sure if you 10 understand my question so let me try and rephrase it for 11 you, okay. 12 A. Okay. Yes. 13 Q. For our accident, you were treating with a 14 chiropractor and you saw some other specialists as well, 15 correct? 16 A. Correct. 17 Q. And you then get involved in another accident 18 after that where you're sideswiped and then you get 19 involved with the FP&L, which my understanding was pretty 20 bad; is that correct? 21 A. Yes. 22 Q. Okay. My question is: Because the chiropractor 23 and the other specialists that you were treating with for 24 our accident were familiar with your medical condition and 25 you were still treating with them, why didn't you tell</p>

<p style="text-align: right;">Page 45</p> <p>1 them about these other two accidents and treat with them?</p> <p>2 A. Because I wasn't comfortable no more with the</p> <p>3 other chiropractor. He was just too rough with me so, I</p> <p>4 mean, these gadgets that he was using doesn't -- it wasn't</p> <p>5 helping me. So I looked for other treatment elsewhere.</p> <p>6 Q. Okay. Why did you contreating -- why did you</p> <p>7 continue treating with the chiropractor for our accident</p> <p>8 then, if you were uncomfortable with him?</p> <p>9 A. It was just the machines they was using just, you</p> <p>10 know, the machines they was using, it was just rough. I</p> <p>11 didn't, you know, I just -- they didn't feel like -- it</p> <p>12 give me comfort just for that little bit, and then after I</p> <p>13 go home, I'll be in pain again. So it was just I ke why</p> <p>14 am I going to go back to him and the other chiropractors</p> <p>15 probably could do something better, right?</p> <p>16 Q. So I'm -- so for our accident, I understand you</p> <p>17 treated with a chiropractor for a while and did some</p> <p>18 physical therapy. I believe you also saw some specialists</p> <p>19 too, correct?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember the names of any of those</p> <p>22 specialists.</p> <p>23 A. Yes. Dr. Catcello (phonetic), Dr. Rodge</p> <p>24 (phonetic), and I don't remember no more.</p> <p>25 Q. Okay. Do you know what kind of doctor</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. You're still treating for that?</p> <p>2 A. Yes.</p> <p>3 Q. Where is -- what's the name -- you're still</p> <p>4 treating at iRISE?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And what was -- what was the last time</p> <p>7 that you treated there?</p> <p>8 A. Last week.</p> <p>9 Q. Okay. What kind of treatment did they give to</p> <p>10 you?</p> <p>11 A. We roll on the -- on the hydro bed, which is so</p> <p>12 relaxing. It feels et so good. We do stands. We do</p> <p>13 massages. We do some heat, some cold. We got adjusted.</p> <p>14 Q. Okay. To what parts of your body?</p> <p>15 A. We get it back, neck, right up here, my knees, my</p> <p>16 hip, my toe bone.</p> <p>17 Q. Okay. And that's for the sideswiping accident?</p> <p>18 A. That's for the FP&L and the sideswipe.</p> <p>19 Q. Okay. Because it's my understanding only for the</p> <p>20 sideswiping accident, you only injured your hip, your</p> <p>21 right elbow, and your head, not your neck and your back.</p> <p>22 A. Right.</p> <p>23 Q. Right. But then you mentioned that last week you</p> <p>24 had therapy to your neck and your back. Was that --</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 46</p> <p>1 Dr. Catcello is and Dr. Rodge is?</p> <p>2 A. They are surgeons, right?</p> <p>3 Q. There's all kinds of surgeons. Do you know what</p> <p>4 kinds of surgeons they are?</p> <p>5 A. Spine surgeons and neck surgeons.</p> <p>6 Q. Okay. Have you had -- have you had surgery to</p> <p>7 any part of your body as a result of our accident?</p> <p>8 A. I'm not able to because I can't clear from this</p> <p>9 bronchitis and pneumonia that I have. I can't go under</p> <p>10 the knife, but I'm supposed to. I was scheduled to have</p> <p>11 neck and back.</p> <p>12 Q. How long have you had the bronchitis for?</p> <p>13 A. Oh, my God, it's going to be like 2 years. I got</p> <p>14 it -- I got it in 20 -- 20 -- 2021 in like November or</p> <p>15 December, I got bronchitis and pneumonia.</p> <p>16 Q. Okay.</p> <p>17 A. It's still not clearing up. Because I have a</p> <p>18 autoimmune disease -- I have a autoimmune so it's not -- I</p> <p>19 can't heal faster than other people.</p> <p>20 Q. What's the name of the autoimmune?</p> <p>21 A. Uveitis.</p> <p>22 Q. Okay. So going back to the subsequent accident</p> <p>23 that you had where you were sideswiped on Okeechobee Road,</p> <p>24 how long did you treat for?</p> <p>25 A. We're still treating for that.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Was that from the FP&L accident?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. You're treating at iRISE for the</p> <p>4 subsequent sideswipe accident and the FP&L --</p> <p>5 A. Yeah, both of them, yes.</p> <p>6 Q. Okay. All right. So is it fair to say that in</p> <p>7 the FP&L accident you injured your neck and your back?</p> <p>8 MR. VANNATTA: Hang on one second, Mario.</p> <p>9 Ivette.</p> <p>10 THE WITNESS: Yes?</p> <p>11 MR. VANNATTA: You have got to let him finish his</p> <p>12 questions.</p> <p>13 THE WITNESS: Okay.</p> <p>14 MR. VANNATTA: You keep butting in. That's not</p> <p>15 going to work.</p> <p>16 THE WITNESS: All right.</p> <p>17 MR. VANNATTA: Listen to his full question and</p> <p>18 then answer it, okay.</p> <p>19 I'm sorry, Mario. Go ahead.</p> <p>20 MR. GOMEZ: No, I appreciate that. Thanks.</p> <p>21 BY MR. GOMEZ:</p> <p>22 Q. Okay. For that subsequent FP&L accident, do you</p> <p>23 remember the month and year that that was in?</p> <p>24 A. For FP&L?</p> <p>25 Q. Yeah, FP&L accident?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. It was Decem- -- it was the 31st of January.</p> <p>2 Q. Of what year?</p> <p>3 A. Last year.</p> <p>4 Q. Of January 31st, of 2022?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Who -- for that -- for the accident</p> <p>7 involving the FP&L truck, what -- whose vehicle were you</p> <p>8 in?</p> <p>9 A. We was in my Honda.</p> <p>10 Q. The Honda Accord, the same one that was involved</p> <p>11 in our accident?</p> <p>12 A. Yes.</p> <p>13 Q. And Rowan was driving?</p> <p>14 A. Yes, he was.</p> <p>15 Q. Was your daughter in the car too?</p> <p>16 A. Yes, she was.</p> <p>17 Q. And your daughter was injured, I understand?</p> <p>18 A. Yes.</p> <p>19 Q. What were her injuries?</p> <p>20 A. Her face, her hip.</p> <p>21 MR. VANNATTA: Do you need to take a break?</p> <p>22 MR. GOMEZ: We can take a break.</p> <p>23 MR. VANNATTA: Hang on just one second.</p> <p>24 MR. GOMEZ: Of course.</p> <p>25 MR. VANNATTA: Take a break?</p>	<p style="text-align: right;">Page 51</p> <p>1 A. I was bruised.</p> <p>2 Q. Oh, bruised, okay.</p> <p>3 And, Rowan, he was driving. Did air bag deploy</p> <p>4 on him?</p> <p>5 A. In his face and in his arm, like, he was bruised</p> <p>6 as well.</p> <p>7 Q. Okay. And did he have bruises on his face?</p> <p>8 A. He had one in his arm and he had one, like, in</p> <p>9 this side -- in the left side of the face.</p> <p>10 Q. Do you -- do you and Rowan have any photographs</p> <p>11 depicting any of the injuries from that FP&L accident?</p> <p>12 A. He took pictures of me. Yes, he took pictures of</p> <p>13 me, and I -- yes, I think we do. I think we do.</p> <p>14 Q. Okay. Did you say Rowan took pictures of you?</p> <p>15 A. He took a picture of my boob, 'cause -- in my</p> <p>16 boob area.</p> <p>17 Q. Okay. Do you know if he took any pictures of</p> <p>18 himself showing the injuries from the air bag?</p> <p>19 A. I don't really know.</p> <p>20 Q. I'm going to ask that -- that you hold on to</p> <p>21 those and ask your husband to hold on to those so I can</p> <p>22 make a request through your -- through your attorney,</p> <p>23 okay?</p> <p>24 A. Okay.</p> <p>25 Q. We need those.</p>
<p style="text-align: right;">Page 50</p> <p>1 THE WITNESS: Yes.</p> <p>2 MR. VANNATTA: Can we take a five-minute break,</p> <p>3 please?</p> <p>4 MR. GOMEZ: Yeah, sure can.</p> <p>5 THE VIDEOGRAPHER: We're going off at 2:51 p.m.</p> <p>6 (Thereupon, an off-the-record discussion was had</p> <p>7 and the proceedings continued as follows:)</p> <p>8 THE VIDEOGRAPHER: We are back on the record at</p> <p>9 2:56 p.m.</p> <p>10 BY MR. GOMEZ:</p> <p>11 Q. Okay. Okay, ma'am, we were talking about the</p> <p>12 FP&L accident that occurred after our accident. What</p> <p>13 injuries did she sustain in that FP&L accident?</p> <p>14 A. My neck, my back, my head, my breast, it was</p> <p>15 pretty bad. My eye had glass in it. It was a bad</p> <p>16 accident. Very bad.</p> <p>17 Q. Did air bags deploy in that accident?</p> <p>18 A. Yes.</p> <p>19 Q. Which air bags?</p> <p>20 A. Driver and passenger.</p> <p>21 Q. Okay. The air bags made contact with you?</p> <p>22 A. It did. In my boob and in my face.</p> <p>23 Q. Did you have any air bag abrasions on your face?</p> <p>24 A. No. I was bruised.</p> <p>25 Q. I'm sorry, did you say you were bleeding?</p>	<p style="text-align: right;">Page 52</p> <p>1 Okay. Did any of the doctors that you're</p> <p>2 treat -- that you're treating with for the FP&L accident,</p> <p>3 did any of them recommend that you receive any injections</p> <p>4 or surgery to your neck or your back?</p> <p>5 A. No.</p> <p>6 Q. So with respect to the claim that -- that you</p> <p>7 were scheduled for your neck and back surgery, is your</p> <p>8 claim that it was from our accident and not from the FP&L</p> <p>9 accident?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did you and your husband hire an attorney</p> <p>12 to represent you on the FP&L accident?</p> <p>13 A. Yes, it was Kyle Silverman.</p> <p>14 Q. Is he still representing you?</p> <p>15 A. Yes.</p> <p>16 Q. To your knowledge, has suit been filed for that</p> <p>17 FP&L accident?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay. Do you know whose fault the accident was,</p> <p>20 whether it was Rowan's or FP&L, to your knowledge?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. Do you know if FP&L has taken the position</p> <p>23 that the accident was not their fault?</p> <p>24 A. No, I don't know.</p> <p>25 Q. Okay. With respect to the medical treatment that</p>

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1 you received for the subsequent sideswiping accident
2 and -- strike that.

3 For the subsequent sideswipe accident on
4 Okeechobee, did you also, you and your husband, hire an
5 attorney to represent you guys in that accident?

6 A. Yes.

7 Q. And what's that attorney's name?

8 A. It Kyle Silverman.

9 Q. Okay. So with respect to any medical records and
10 photographs for those two accidents, is it fair to say
11 that, if they exist, your attorney, Kyle Silverman, would
12 have them?

13 A. I think so.

14 Q. Okay. Is that something that you would be able
15 to obtain through them since it's a --

16 A. I have to talk to him.

17 Q. Okay. Very good.

18 So I want to make sure I have a complete picture
19 of all the accident and injury claims that you've made so
20 far. We talked about three of them before our accident,
21 the 2010 one with Tony, the Wendy's 2016 slip-and-fall,
22 the 2019 motor vehicle accident when Rowan was driving
23 your mom's Hyundai, the subsequent Okeechobee sideswipe,
24 and a subsequent FP&L accident. Have I missed -- and our
25 accident. Have I missed any other motor vehicle accidents

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1 or slip-and-fall or trip-and-fall accidents other than
2 those?

3 A. No.

4 Q. Okay. Very good.

5 The day of -- of -- the day of the accident,
6 where -- where were -- of our accident, the one that we're
7 here for today, where were you coming from?

8 A. I was going to pick up my daughter for school.

9 Q. Okay. Where were you -- but what loca- -- were
10 you coming from where, from the Studio 6?

11 A. Yeah, I was coming from Studio 6.

12 Q. And where were you going to?

13 A. To my mom's house, 906 Grant Street.

14 Q. Okay. And -- did the accident occur on the way
15 to your mom's house?

16 A. Yes, sir.

17 Q. Okay. And I know you're visually impaired so,
18 you know, there's certain things I can ask you about the
19 accident and what you observed, but I kinda want to know
20 what you know, you know, what you felt, and -- and, you
21 know, what, if anything, you observed that you can testify
22 about, okay?

23 A. Yes.

24 Q. So at the time of -- of the -- of our accident,
25 do you know if your vehicle was at a standstill or was it

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1 still mov- -- moving?

2 A. We was at a light.

3 Q. Okay. Can you tell -- and I don't know your
4 vision, can you tell -- can you see the color of the light
5 from where you guys were at?

6 A. No.

7 Q. Okay. So you couldn't testify whether it was red
8 or green or anything else like, could you?

9 A. Yes, I could see red, green. I could see colors.

10 Q. Okay. Again, that's why I have to ask. I don't
11 know.

12 So do you know if you were stopped at a red
13 light?

14 A. Yes, I was.

15 Q. And you could see the color -- the color red of
16 the light; is that fair to say?

17 A. Yes.

18 Q. Okay. And do you know which lane you were
19 traveling in?

20 A. We was in the, like, I would say we was in the
21 far left lane.

22 Q. Far left lane, okay.

23 A. Yeah.

24 Q. Okay. So just to make sure we understand what
25 the left lane is, there's the in- -- the left lane is

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1 often called the inside lane, which is next to the median,
2 and the outside lane, if there would be a sidewalk, the
3 outside lane would be closest to the sidewalk so --

4 A. No, we were on this side.

5 Q. Okay.

6 A. Right to the sidewalk. I don't know if I'm --
7 I'm, like, trying to think really, because I don't want to
8 lie. Again, like I said, I don't -- because there's the
9 middle and then there's this side. I'm -- yeah, it was
10 this way.

11 Q. Okay. Okay. Very good.

12 So, in other words, if you're sitting in your car
13 and you have your left hand out straight and you have your
14 right hand out straight, you -- your -- the left lane
15 would be all the way where your left hand would be, the
16 one to your far left, correct?

17 A. (Indicating.)

18 Q. Yes?

19 A. Yes. Yes.

20 Q. Okay. And is that the lane that you and your
21 husband were in, the left lane, the inside lane, at the
22 time of the accident when you were stopped at a red light?

23 A. Yes.

24 Q. Okay. How do -- how long were you stopped at the
25 red light before getting -- before the accident?

<p style="text-align: right;">Page 57</p> <p>1 A. I don't remember that. I don't remember.</p> <p>2 Q. Do you have any approximation how long you were</p> <p>3 stopped for?</p> <p>4 A. I know we was talking for a little bit, for, you</p> <p>5 know, we were saying some strange words and stuff, and</p> <p>6 that's when it happened when we just got.</p> <p>7 Q. Okay. Okay.</p> <p>8 A. It happened so -- it just happened so fast.</p> <p>9 Q. Were there any vehicles in the left lane -- in</p> <p>10 the left lane that you were in stopped directly in front</p> <p>11 of you?</p> <p>12 A. No, I think we was the first one.</p> <p>13 Q. Okay.</p> <p>14 A. I think. It's hard to, you know, because I can't</p> <p>15 see that, 'cause it's, like, I don't want to be saying</p> <p>16 something that I wasn't able to see. I don't know if</p> <p>17 there was someone in front of me or -- I can't say that.</p> <p>18 Q. Right.</p> <p>19 A. Through a blurry vision, you know.</p> <p>20 Q. Right. And -- and if I show you a photograph now</p> <p>21 on the screen, would you be able to make it out or would</p> <p>22 it be all blurry?</p> <p>23 A. I can't see that.</p> <p>24 Q. Understood.</p> <p>25 A. I can't even see your face. I'm talking to you,</p>	<p style="text-align: right;">Page 59</p> <p>1 everything. That's all I know.</p> <p>2 Q. Okay. So the day -- after the accident occurred</p> <p>3 when you were wa king by your car and you say your clothes</p> <p>4 got snagged on -- on the light of your car, was that at</p> <p>5 the accident scene or was that later on at your home?</p> <p>6 A. No, that was later on at my home.</p> <p>7 Q. Okay. And do you know if it was the front light</p> <p>8 or the back light?</p> <p>9 A. It was the back.</p> <p>10 Q. On the passenger side or the driver side?</p> <p>11 A. Oh, God. Passenger.</p> <p>12 Q. Okay. And you had never noticed that damage</p> <p>13 before the accident?</p> <p>14 A. No.</p> <p>15 Q. Okay. To your knowledge, was -- has your -- had</p> <p>16 your car ever sustained taillight damage after our</p> <p>17 accident?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 A. It was a new car. Well, for us it was new.</p> <p>21 Q. When did you purchase it in relation to the</p> <p>22 accident?</p> <p>23 A. We -- we got it at CarMax. It wasn't even a</p> <p>24 year. I don't think it was even a year.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 58</p> <p>1 I'm just hearing your voice.</p> <p>2 Q. Okay. I -- I had to ask 'cause I -- I don't know</p> <p>3 what it's like, you know, so that's why I had to ask.</p> <p>4 A. Yeah.</p> <p>5 Q. So after the accident, if there was damage to</p> <p>6 your vehicle, would you be able to see it or would your</p> <p>7 impairment not allow you to see it?</p> <p>8 A. No, my impairment would not allow me to see it.</p> <p>9 I just -- I was getting snagged on something in the back,</p> <p>10 like, my clothes was always ripping so that's.</p> <p>11 Q. I'm not following. What do you mean by your</p> <p>12 clothes snagging in the back?</p> <p>13 A. When I went into the back to talk and my -- my --</p> <p>14 my shirt had got snagged into the -- the headlight, the</p> <p>15 back headlight. 'Cause it was I ke something broken in</p> <p>16 the headlight that day, I'm sorry, my shirt ended up</p> <p>17 getting snagged on it.</p> <p>18 Q. Okay. When did this happen?</p> <p>19 A. The day of the accident. I went to the back with</p> <p>20 my husband and my shirt ended up getting snagged, because</p> <p>21 I got too close. And he said, don't get too close to the</p> <p>22 bumper and this. I was like, oh, wow. So that's how I</p> <p>23 find out and then I felt. Because what I do is I feel for</p> <p>24 things. Being vision impaired you know your four senses,</p> <p>25 right, so the other four I just felt, and then you feel</p>	<p style="text-align: right;">Page 60</p> <p>1 A. The car wasn't even with us a year, I don't</p> <p>2 think. I don't think. It was a year. Yes, it was with</p> <p>3 us a year. A year and a couple of months.</p> <p>4 Q. All right. At the accident scene, do you know if</p> <p>5 your husband went around to look at the -- to see if there</p> <p>6 was any damage from -- in the accident from -- at your</p> <p>7 car?</p> <p>8 A. Not at the -- not at the -- at this -- at the</p> <p>9 light, 'cause we had to chase him so. When we got</p> <p>10 somewhere where we had to call the police, then that's</p> <p>11 where he went and visualized the car himself. I was just</p> <p>12 in total shock at that time.</p> <p>13 Q. Okay. How would you descr be our accident?</p> <p>14 A. I just felt -- when it hit, I felt a pop in my</p> <p>15 lower back, and I told my husband right there and then. I</p> <p>16 said, my back hurt, it's I ke I just felt a pop, like a</p> <p>17 (sound effect) in my back.</p> <p>18 Q. Okay.</p> <p>19 A. My lower back.</p> <p>20 Q. The question was: How would you characterize the</p> <p>21 impact from our accident? Light, medium, or heavy or you</p> <p>22 can characterize any way you want?</p> <p>23 A. He wasn't heavier than the FP&L. It was like</p> <p>24 medium. It was bad. It was bad.</p> <p>25 Q. Our accident was bad, you said?</p>

<p style="text-align: right;">Page 61</p> <p>1 A. But I had worse. It was pretty bad.</p> <p>2 Q. But the FP&L was worse?</p> <p>3 A. Worse.</p> <p>4 Q. Okay. As a result of our accident, did any part</p> <p>5 of your body strike the inside of the vehicle that you</p> <p>6 were in?</p> <p>7 A. I'm sorry, what was that?</p> <p>8 Q. As a result of our accident, did any part of your</p> <p>9 body strike the inside of the vehicle compartment?</p> <p>10 A. I don't remember. I hit my -- it was my back and</p> <p>11 my head -- and the head.</p> <p>12 Q. All right. What did you hit your back against?</p> <p>13 Was it the backseat?</p> <p>14 A. Well, my body went boom, boom, my back.</p> <p>15 Q. Yeah, let me rephrase the last question.</p> <p>16 When you say you hit your back, was it up against</p> <p>17 the seat that you were sitting in?</p> <p>18 A. The door -- my seat belt was on and it just,</p> <p>19 I ke, tightened me up. I just went forward and back.</p> <p>20 Yes, the seat.</p> <p>21 Q. Okay. And you said you hit your head. Where did</p> <p>22 you hit your head against?</p> <p>23 A. On the side. There's like a little handle right</p> <p>24 here. I don't know what they're called. I'm a girl. You</p> <p>25 know, all I do is drive. In the door, there's like a</p>	<p style="text-align: right;">Page 63</p> <p>1 You never know, right?</p> <p>2 Q. Okay. Did -- did -- did you suffer any cuts or</p> <p>3 bleeding from this accident?</p> <p>4 A. Cuts or bleeding, no.</p> <p>5 Q. Okay.</p> <p>6 A. No cuts, and I didn't bleed.</p> <p>7 Q. Any bruising from this accident?</p> <p>8 A. My thighs but I didn't take pictures of that.</p> <p>9 That was my fault.</p> <p>10 Q. Okay. Did you go to a hospital or an urgent care</p> <p>11 center following our accident?</p> <p>12 A. We didn't go anywhere because we don't have no</p> <p>13 one to come and pick us up, you know, so we just don't go</p> <p>14 there. We just go follow up the next day or something</p> <p>15 like that. I don't have family member here, so taking</p> <p>16 busses and my mother didn't have a car at the time, so we</p> <p>17 don't take -- we don't go on the Fire Rescue. We just go</p> <p>18 to the doctors.</p> <p>19 Q. At the time of the accident?</p> <p>20 A. Yeah.</p> <p>21 Q. At the time of the accident, you had the Honda</p> <p>22 Accord, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And from my understanding in -- in -- in taking</p> <p>25 Rowan's deposition now, it was still drivable after this</p>
<p style="text-align: right;">Page 62</p> <p>1 panel. Like, right there, I think is a door panel. I hit</p> <p>2 my head right there.</p> <p>3 Q. Okay. Did you lose consciousness?</p> <p>4 A. It got kinda loopy.</p> <p>5 Q. My question is -- my question is: Did you lose</p> <p>6 consciousness?</p> <p>7 A. No, I did not.</p> <p>8 Q. Okay. Did -- as far as you know, did your</p> <p>9 husband lose consciousness from this accident?</p> <p>10 A. I'm not a -- I don't -- I don't know. I don't</p> <p>11 remember.</p> <p>12 Q. Okay. Was your husband wearing his seat belt</p> <p>13 when this accident occurred?</p> <p>14 A. Yes, sir.</p> <p>15 Q. How do you know that?</p> <p>16 A. Because I'm always telling him to put his seat</p> <p>17 belt on.</p> <p>18 Q. Okay.</p> <p>19 A. I make sure he always got his seat belt on.</p> <p>20 Q. Okay. Does he sometimes drive without a seat</p> <p>21 belt?</p> <p>22 A. Never. I will not allow it. I'm safety. I'm a</p> <p>23 safety hazard.</p> <p>24 Q. You're a safety hazard?</p> <p>25 A. Yeah. One of us got to have our seat belt on.</p>	<p style="text-align: right;">Page 64</p> <p>1 accident, right?</p> <p>2 A. Yes, it was.</p> <p>3 Q. Okay. Any reason why you couldn't drive to the</p> <p>4 hospital or an emergency room if you were in pain?</p> <p>5 A. We was picking up our baby from school. Like, we</p> <p>6 don't have nobody to watch the baby. My mother's really</p> <p>7 strict with us so it's just -- I don't want to get into my</p> <p>8 family matters neither right now, you know, but I'm</p> <p>9 just -- it's just -- it's hard on us. We -- we are just</p> <p>10 these two parents that have nobody basically on our side</p> <p>11 so it makes it hard for us to do things when want to do</p> <p>12 them.</p> <p>13 Q. How many vehicles did you have when this accident</p> <p>14 occurred?</p> <p>15 A. I'm sorry?</p> <p>16 Q. How many vehicles did you have when this accident</p> <p>17 occurred?</p> <p>18 A. One.</p> <p>19 Q. Just the Honda?</p> <p>20 A. Mm-hm. Yes.</p> <p>21 Q. How about now?</p> <p>22 A. I have two.</p> <p>23 Q. And what other kind -- what -- the other vehicle,</p> <p>24 what kind is it?</p> <p>25 A. 2015 Dodge Caravan, van Caravan.</p>

<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. And why do you have two vehicles?</p> <p>2 A. Because of the FP&L totalled my car and I had to</p> <p>3 get a car so my daughter could get back to from school to</p> <p>4 gymnastics, you know, just you need a car in Florida.</p> <p>5 Q. Okay. So after that FP&L accident you had bought</p> <p>6 the Caravan?</p> <p>7 A. Correct.</p> <p>8 Q. And the -- the Honda Accord, was it repaired?</p> <p>9 A. Yes, it was. It was getting repaired.</p> <p>10 Q. Where did you get it repaired?</p> <p>11 A. Well, we went to this one person for Mystic Auto</p> <p>12 Repair and he didn't do a good job so and we ended up</p> <p>13 going to ARS and they did an amazing job, and now my</p> <p>14 bestie's back out. We actually came in her today.</p> <p>15 Q. Okay. Did Rowan make any repairs on the car?</p> <p>16 A. I'm sorry?</p> <p>17 Q. Did Rowan make any repairs on -- on the car after</p> <p>18 the FP&L accident?</p> <p>19 A. He can't make no repairs. That man can't even</p> <p>20 walk. No, we sent it to a shop, sir.</p> <p>21 Q. Okay. So you're saying his injuries would have</p> <p>22 enabled him to make those repairs?</p> <p>23 A. My husband is not the same, you know, he's not.</p> <p>24 He's really injured, you know. He can't even carry a bag</p> <p>25 without dropping it.</p>	<p style="text-align: right;">Page 67</p> <p>1 A. He could be holding a grocery bag. He -- he</p> <p>2 can't hold it for too long. Every time he's walking, he</p> <p>3 folds in half, like, I -- just I don't -- he's in a lot of</p> <p>4 pain.</p> <p>5 Q. Is he still able to get groceries out of the car</p> <p>6 and take them to the -- to the -- to your residence?</p> <p>7 A. Not without dropping it.</p> <p>8 Q. Okay. When did this start? Was it after our</p> <p>9 accident?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. After our accident, did -- was he able to</p> <p>12 bend over at the waist?</p> <p>13 A. That man was like my Hercules.</p> <p>14 Q. I'm sorry, what was your answer?</p> <p>15 A. He was like my Hercules, like, he was able to</p> <p>16 carry my daughter, play with our daughter. He can't even</p> <p>17 do that anymore. Our love life sucks. We don't -- you</p> <p>18 know, it's just -- just been hard.</p> <p>19 Q. Okay. Do you need to take another break?</p> <p>20 A. I just want -- I think I want to go home already.</p> <p>21 Yes, I want to take a break.</p> <p>22 MR. GOMEZ: Okay. Let's take a five-minute</p> <p>23 break, okay.</p> <p>24 THE WITNESS: Yes.</p> <p>25 THE VIDEOGRAPHER: We're going off the record</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. Okay.</p> <p>2 A. He's really severely injured.</p> <p>3 Q. Okay. So your testimony is because of the</p> <p>4 injuries he's claiming in our accident, he couldn't make</p> <p>5 repairs on the Honda that -- from the accident of the FP&L</p> <p>6 truck?</p> <p>7 A. Himself, no way.</p> <p>8 THE WITNESS: He's breaking up. You see that?</p> <p>9 You're going in and out.</p> <p>10 MR. GOMEZ: Okay. Let's -- let's make sure</p> <p>11 that -- that you hear my question, okay, because</p> <p>12 you're interrupting me a few times and it could be</p> <p>13 because I was breaking in and out.</p> <p>14 THE WITNESS: Oh, okay.</p> <p>15 BY MR. GOMEZ:</p> <p>16 Q. Okay. So is it your testimony that because of</p> <p>17 the injuries that Rowan is claiming from our accident, he</p> <p>18 didn't have the strength to make any repairs to the Honda</p> <p>19 after the FP&L accident?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. And you mentioned that he's not the same</p> <p>22 person he was before our accident because of the injuries</p> <p>23 he's claiming in our accident. He drops things, you said?</p> <p>24 A. Yes.</p> <p>25 Q. What kind of things?</p>	<p style="text-align: right;">Page 68</p> <p>1 3:20 p.m.</p> <p>2 (Thereupon, an off-the-record discussion was had</p> <p>3 and the proceedings continued as follows:)</p> <p>4 THE VIDEOGRAPHER: We're back on at 3:31 p.m.</p> <p>5 BY MR. GOMEZ:</p> <p>6 Q. Okay. Ms. Bolivar, you were telling me about</p> <p>7 your husband's physical condition before this accident.</p> <p>8 Do you recall that testimony?</p> <p>9 A. Before what?</p> <p>10 Q. Before -- we were talking about your husband's</p> <p>11 medical condition or physical condition before our</p> <p>12 August 19, 2021, accident. Do you recall that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You mentioned something like he was your</p> <p>15 Hercules. Is that what you said?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So before this accident, he didn't have</p> <p>18 any physical restrictions, he didn't have any pain, he</p> <p>19 didn't have anything like that?</p> <p>20 A. No, he used to carry bags, but like I said, play</p> <p>21 with my daughter -- play with our daughter.</p> <p>22 Q. Okay.</p> <p>23 A. He used to carry the -- the groceries with no</p> <p>24 issues. He used to be more sexual, excuse me, but it's</p> <p>25 true. You know, it was a dramatic [sic]. There was a</p>

<p style="text-align: right;">Page 69</p> <p>1 dramatic [sic] change.</p> <p>2 Q. Okay. But he didn't have any -- as far as you</p> <p>3 know, before our accident of August 19th, of 2021, he</p> <p>4 didn't have any physical restrictions?</p> <p>5 A. No. He used -- like I said, he carried bags, he</p> <p>6 done things differently from this. I'm comparing that to</p> <p>7 this. He's totally different.</p> <p>8 Q. Okay.</p> <p>9 A. Not the same man.</p> <p>10 Q. Same what?</p> <p>11 A. He's not the same man.</p> <p>12 Q. Okay. Did you -- did any doctor prescribe to you</p> <p>13 for our accident or any of the two subsequent accidents</p> <p>14 prescription medication for you?</p> <p>15 A. I've been on prescriptions for a very long time,</p> <p>16 yes.</p> <p>17 Q. Okay. I'm talking specifically about pain</p> <p>18 killers, muscle relaxers, things of that nature?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. How long have you been taking those?</p> <p>21 A. I have been on it for I ke 7, 8 years, I think.</p> <p>22 Yeah, 7, 8 years. Who knows, 2016 from some -- since</p> <p>23 2016. From the Wendy's accident.</p> <p>24 Q. Since the Wendy's slip-and-fall accident?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. Where -- where do you get the</p> <p>2 prescriptions filled at? Which pharmacy?</p> <p>3 A. CVS.</p> <p>4 (Noise in the room)</p> <p>5 A. I'm sorry. This is doing some weird stuff.</p> <p>6 CVS, 2077 North Military Trail. I've been going</p> <p>7 them for everything. For all my medications.</p> <p>8 BY MR. GOMEZ:</p> <p>9 Q. Okay. How long have you been using that CVS?</p> <p>10 A. A very long time. I don't know.</p> <p>11 Q. In the last 5 years, have you used any other</p> <p>12 pharmacies other than that particular CVS to fill your</p> <p>13 medications?</p> <p>14 A. Yes.</p> <p>15 Q. Which one?</p> <p>16 A. Oh, Jesus. That's crazy. I don't remember the</p> <p>17 Latina store I did this. I don't remember.</p> <p>18 Q. I mean, there's Walgreens, there's Publix.</p> <p>19 A. It wasn't either -- it wasn't either all those.</p> <p>20 It was not a Wal- -- I think it was like a mom and pops or</p> <p>21 something at 10th Avenue, because I didn't have Medicaid</p> <p>22 before, you know, so I had to pay out of pocket for my</p> <p>23 stuff.</p> <p>24 Q. How many years ago was that, that you went to the</p> <p>25 mom-and-pop one?</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Has any doctor ever given -- given you the</p> <p>2 opinion or told you that you had an opiate dependency?</p> <p>3 A. No.</p> <p>4 Q. Where do you get your -- your -- your</p> <p>5 prescription medical -- your prescription medicines filled</p> <p>6 at?</p> <p>7 A. I go to Dr. Peter Warheit.</p> <p>8 Q. Dr. Who?</p> <p>9 A. Peter Warheit.</p> <p>10 Q. How do you spell that last name?</p> <p>11 MR. VANNATTA: I think it's W-A-R-H-E-I-T.</p> <p>12 MR. GOMEZ: Thank you.</p> <p>13 BY MR. GOMEZ:</p> <p>14 Q. Is he one of the doctors that treated you for one</p> <p>15 of the accidents?</p> <p>16 A. Yes.</p> <p>17 Q. Which accident?</p> <p>18 A. The FP&L and the, like, the one that we got</p> <p>19 sideswiped.</p> <p>20 Q. Okay. But you -- before our accident, what other</p> <p>21 doctors prescribed to you those kinds of prescription</p> <p>22 painkillers and muscle relaxers?</p> <p>23 A. Peter Warheit in 2016. He's the one who</p> <p>24 prescribed them to me. Dr. Maldonado, Edwin Maldonado for</p> <p>25 your accident -- for ours, and now Peter Warheit.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. It was like 2016.</p> <p>2 Q. Okay.</p> <p>3 A. 2016.</p> <p>4 Q. Okay. But in the last 4 -- in the last 4 or</p> <p>5 5 years or so, it's always been the CVS?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Okay. I understand your husband was</p> <p>8 involved in the -- in the 2019 automobile accident with</p> <p>9 you in your mom's Hyundai, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And he also injured his neck and his back, his</p> <p>12 low back, in that 2019 accident, correct?</p> <p>13 A. I don't remember that.</p> <p>14 Q. Okay. Do you know if he made a full recovery</p> <p>15 from that 2019 accident before our accident?</p> <p>16 A. Yes.</p> <p>17 Q. He did?</p> <p>18 A. Yes.</p> <p>19 Q. To your knowledge, has your husband been involved</p> <p>20 in any other prior accidents before our accident other</p> <p>21 than the 2019 accident?</p> <p>22 A. He had a slip-and-fall.</p> <p>23 Q. Where was the slip-and-fall at?</p> <p>24 A. It was when he was working for GL Staffing.</p> <p>25 Q. Working where?</p>

<p style="text-align: right;">Page 73</p> <p>1 A. GL Staffing.</p> <p>2 Q. How did that slip-and-fall accident occur?</p> <p>3 A. He fell in a ditch in a hole.</p> <p>4 Q. Okay.</p> <p>5 A. He was digging a hole and he fell right in there.</p> <p>6 Q. What were his injuries?</p> <p>7 A. I don't remember that.</p> <p>8 Q. Okay.</p> <p>9 A. I really don't remember that. It's been so long,</p> <p>10 I mean, my brain is not right. It's not up there.</p> <p>11 Q. Okay.</p> <p>12 A. Sorry. I'm so sorry.</p> <p>13 Q. That's okay. Just try -- try to see, you know,</p> <p>14 what you remember, what you understand, okay?</p> <p>15 A. Yes.</p> <p>16 Q. All right. So my understanding of -- of your</p> <p>17 recollection of your husband's pre-accident condition,</p> <p>18 meaning our accident, is he had a slip -- he had a</p> <p>19 slip-and-fall or trip-and-fall, he fell down the hole, but</p> <p>20 you don't remember what injuries he had and then he had --</p> <p>21 is that correct?</p> <p>22 A. I don't remember.</p> <p>23 Q. Okay. That's what I said, you don't remember</p> <p>24 what his injuries were when he fell in the hole, right?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 75</p> <p>1 Q. But you -- you -- your neck and your low back on</p> <p>2 your right side by your hip, you were pointing to,</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. And then you said you had radiating pain going</p> <p>6 from your neck on into your right arm, correct?</p> <p>7 A. Yes. And then I got radiating pain going down</p> <p>8 this way. Sometimes this gets so numb that I have to be</p> <p>9 smacking it.</p> <p>10 Q. Right. And you -- so just for the record, you</p> <p>11 were smacking the right side of your hip, correct?</p> <p>12 A. All my right side.</p> <p>13 Q. Okay.</p> <p>14 A. Yes.</p> <p>15 Q. Anything else that you complained about when you</p> <p>16 went to the chiropractor other than your neck and your low</p> <p>17 back?</p> <p>18 A. My head.</p> <p>19 Q. Your head, okay.</p> <p>20 Okay. How long did you receive treatment with</p> <p>21 the chiropractor for -- for our accident?</p> <p>22 A. I think it was like two -- couple of months, I</p> <p>23 think. Few months.</p> <p>24 Q. Okay. Did that treatment help any?</p> <p>25 A. No. Like I told you, that's the -- that's the</p>
<p style="text-align: right;">Page 74</p> <p>1 Q. Okay. That's fine.</p> <p>2 And then he had the 2019 accident with you when</p> <p>3 he was driving your mom's car. To your recollection, he</p> <p>4 made a full recovery, correct?</p> <p>5 A. He did, yes.</p> <p>6 Q. Right?</p> <p>7 A. He was fine.</p> <p>8 Q. All right. Okay.</p> <p>9 A. Carried bags and all. Carried baby.</p> <p>10 Q. Yeah, okay. Very good.</p> <p>11 After -- when you started treating for our</p> <p>12 accident, it looks like it was about six days after the</p> <p>13 accident you went to the chiropractor. Why did you guys</p> <p>14 wait six days to start treating?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. I don't.</p> <p>18 Q. And when you went to the chiropractor six days</p> <p>19 after the accident, what were your complaints? What was</p> <p>20 bothering you?</p> <p>21 A. My back, my back, my neck.</p> <p>22 Q. What part of your back?</p> <p>23 A. Right here and then in my neck is, like, in here.</p> <p>24 Over to my arm, these two fingers be getting numb, like,</p> <p>25 tingling and stuff.</p>	<p style="text-align: right;">Page 76</p> <p>1 reason why I don't go to him now is I had felt alleviation</p> <p>2 at the time, but when I went back home, I have the same</p> <p>3 pain for my back and my neck. It just alleviate just for</p> <p>4 the time being.</p> <p>5 Q. All right. And did you receive any injections</p> <p>6 either to your neck or your low back or any other part of</p> <p>7 your body as a result of the injuries you're claiming in</p> <p>8 our accident?</p> <p>9 A. No.</p> <p>10 Q. Okay. And you said earlier that you were</p> <p>11 scheduled for surgery for your neck and your back, but</p> <p>12 because of your bronchitis, you didn't go forward with</p> <p>13 that; is that correct?</p> <p>14 A. Yes. I'm not clear.</p> <p>15 Q. Okay. If you were to become clear, would you</p> <p>16 have the surgeries?</p> <p>17 A. I really need my surgery. Like, I have a lot of</p> <p>18 pain. It's -- I have a lot of pain. I'm always in pain</p> <p>19 constantly. The morning is the worst.</p> <p>20 Q. Okay. But would you -- would you go forward with</p> <p>21 the surgeries if you can clear your bronchitis?</p> <p>22 A. Yes, I would.</p> <p>23 Q. Okay. With respect to your neck and back pain</p> <p>24 for the FP&L accident, how are they different from our</p> <p>25 accident?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. I'm just always constant in pain so I can't -- I 2 can't compare any of those, because them 20 nights what 3 you're asking, I was in pain, and I'm still in pain, and 4 it's just I'm in a lot of pain. The pain is just there. 5 It's just there, the pain. I can't compare them. 6 Q. Did your neck and back pain get worse after that 7 FP&L accident? 8 A. Yes. That pain, yes. 9 Q. Okay. 10 A. But I was already in pain from prior, you know, 11 so it's just like it's just the pain. I'm always in pain. 12 Q. So -- so let's ta k about -- we'll do first the 13 neck and then the back. We'll do it for our accident 14 before the FP&L and then after the FP&L, I ke, rating the 15 pain, okay? 16 A. Yeah. 17 Q. So after our accident, but before the FP&L 18 accident, how would you rate your neck pain on average 10 19 being severe and 1 being barely noticeable? 20 A. Yours is like an 8 1/2 and FP&L is a 10. 21 Q. Hold on. Let's do one at a time. So you're 22 saying our accident for your neck -- 23 A. [Zoom audio distortion]. 24 Q. Ivette, hold on. You're cutting me off, okay. 25 So I want to make sure we get a clear question and a clear</p>	<p style="text-align: right;">Page 79</p> <p>1 Q. How about for your back for the 2019? When you 2 were undergoing treatment, how would you rate your -- your 3 back pain, your low-back pain? 4 A. This was one of them doctors. I didn't want to 5 go to the doctors. I don't -- I don't -- 7. 6 Q. Okay. Is that the first time that you ever 7 sustained an injury or pain to your neck or your low back 8 was the 2019 automobile accident? 9 A. I told you 2010 I had a back procedure in my left 10 side -- in my -- in my -- yeah, in my left side. 11 Q. That's right. I forgot about that I'm sorry. 12 Okay. How about your neck? Had you ever had 13 neck pain before the 2019 motor vehicle accident? 14 A. No, sir. 15 Q. Okay. Have you ever been convicted of a crime 16 involving a felony involving dishonesty? 17 A. No, sir. 18 Q. Okay. Have you been on any vacations after our 19 accident? 20 A. Yes, we went two times to Orlando. 21 Q. Okay. To the theme parks? 22 A. Yes, I went to my daughter's 5 year old birth -- 23 Peppa World, but we had to cut it short because my husband 24 and I was feeling a lot of pain so we had to cut that one 25 really, really short. We were only there for like an</p>
<p style="text-align: right;">Page 78</p> <p>1 answer, okay? 2 A. [Zoom audio distortion]. 3 Q. Okay? 4 A. Yes. 5 Q. Okay. So be -- for our accident, can you rate 6 your neck pain on a scale of 1 to 10. 10 being severe, 1 7 being barely noticeable, but before the FP&L accident? 8 A. I said 8 1/2. 9 Q. And then after the FP&L accident, how would you 10 rate your neck pain? 11 A. 10. 12 Q. Okay. And now the same thing, but with your low 13 back. After our accident, but before the FP&L accident? 14 A. 10 and 10. 15 Q. Okay. So how -- the accident that you were in, 16 in 2019 with Rowan driving the Hyundai, when you were 17 receiving treatment, how would you rate your neck pain on 18 a scale of 1 to 10 on average? 19 A. I would put like a 6, 6 1/2. 20 Q. Okay. And that was for -- was that for your neck 21 or for your back that you answered? 22 A. For my neck. 23 Q. Okay. For your neck -- 24 (Speaking simultaneously) 25 BY MR. GOMEZ:</p>	<p style="text-align: right;">Page 80</p> <p>1 hour. 2 Q. You were in the park for only an hour? 3 A. Yeah, we had to go. It was a waste of money and 4 time. 5 Q. Okay. And you said you went, I think twice. 6 What was the other time? 7 A. The second time was just we had to get out. It 8 was just everything was getting too hyped there. You 9 know, when you feel, like, overwhelmed, you just want to 10 go with your family and just block the whole world and 11 just be with your family. So we just got in the car and 12 just decided to just go. 13 Q. Which theme park did you go to? 14 A. I think it was Legoland, I think. 15 Q. Okay. 16 A. I think it was Legoland and, again, they have 17 little benches and things like that. We didn't stay for 18 long neither then. Our stay -- we stayed there the 19 longest, I ke, an hour and a half and go. As long as, you 20 know, the baby having her own playtime it was fun for us, 21 but we was in a lot of pain. When we used to go before to 22 now, we -- we cut them really short. Before, we used to 23 be there like 5, 4 1/2 hours, but now we can't even do 24 that. It's just -- just bad. It's really bad. 25 Q. Okay. Have you had to stop doing anything</p>

<p style="text-align: right;">Page 81</p> <p>1 because of the injuries you're claiming in this accident?</p> <p>2 A. What was that? I didn't hear you.</p> <p>3 Q. Have you had to stop doing anything because of</p> <p>4 the injuries you're claiming in this accident?</p> <p>5 A. I'm not the same no more neither, you know. I'm</p> <p>6 always in a lot of pain. I'm always crying from pain</p> <p>7 'cause I have a short term for pain, like, I'm really a</p> <p>8 big baby. But, yeah, my lower back hurts a lot more in</p> <p>9 the morning. You know, I can't play with my daughter, you</p> <p>10 know, like how I used to. 'Cause I used to just run in</p> <p>11 back of her even though I can't see stuff, but I just be</p> <p>12 playing goofy in the house, you know, because at least I'm</p> <p>13 safe there, right. Just a lot of my activities are not</p> <p>14 the same as before like it's not.</p> <p>15 Q. My question is a little bit different. So the --</p> <p>16 the question you answered is do you do anything</p> <p>17 differently or do you have any restriction, which I'll get</p> <p>18 to which you really kind of answered. But what I want to</p> <p>19 know is have you had to stop doing something that you used</p> <p>20 to do before this accident and now you can't do it</p> <p>21 anymore?</p> <p>22 A. What, hobbies?</p> <p>23 Q. What?</p> <p>24 A. What are you ta king about, hobbies?</p> <p>25 Q. I'm not -- I didn't understand you.</p>	<p style="text-align: right;">Page 83</p> <p>1 Legoland, correct?</p> <p>2 A. Not Legoland. One was Peppa World. The other</p> <p>3 one was Legoland.</p> <p>4 Q. Okay. But as far as the park outside, right, is</p> <p>5 you're testimony that you've never taken your daughter to</p> <p>6 the park after this accident?</p> <p>7 A. After this accident, we only gone like maybe once</p> <p>8 or twice, and it was limited, the timing, because, again,</p> <p>9 my husband is the one that chases after her while I sit</p> <p>10 down on the bench, and he would, I ke, follow her, play</p> <p>11 with her, and it's limited, because by the time he runs</p> <p>12 from here to there, his back is out or he's not feeling</p> <p>13 good. So we only went, like, maybe once or twice.</p> <p>14 Q. Okay. In any other way this accident has</p> <p>15 affected your life other than that?</p> <p>16 A. I'm sorry?</p> <p>17 Q. Any other ways this accident has affected your</p> <p>18 life other than what you've already testified to?</p> <p>19 A. That's it.</p> <p>20 Q. Okay.</p> <p>21 MR. GOMEZ: Okay. I don't have any other</p> <p>22 questions.</p> <p>23 THE WITNESS: I don't want to talk about other</p> <p>24 things neither, but I just want to talk about so, you</p> <p>25 know, just leave it like that and just go to the next</p>
<p style="text-align: right;">Page 82</p> <p>1 A. Are you speaking about hobbies?</p> <p>2 Q. Yeah, hobbies or any of that, after this accident</p> <p>3 you just can't do it at all anymore, anything I ke that?</p> <p>4 A. Walks with my husband, you know, we don't take</p> <p>5 the baby no more to the park. He doesn't run after her.</p> <p>6 I just -- we just -- our activities are limited, because</p> <p>7 we're always in a lot of pain. He's -- we're just home</p> <p>8 now. Like, it's not the same. You know, we don't go out</p> <p>9 to the parks. We don't go out to eat. We don't -- we</p> <p>10 don't have long walks on the beach no more. It's just</p> <p>11 it's limited now. We just always home because we're in</p> <p>12 pain.</p> <p>13 Q. Okay. And if -- are you saying you don't take</p> <p>14 your child to the park at all anymore after this accident?</p> <p>15 A. No more.</p> <p>16 Q. Have you ever taken your daughter to the park</p> <p>17 after this accident?</p> <p>18 A. We used to take the baby to the park, like, maybe</p> <p>19 three times a week, but we no longer do so. We don't do</p> <p>20 that.</p> <p>21 Q. My question is: After this accident, have you</p> <p>22 never taken your -- your daughter to the park?</p> <p>23 A. Well, we go to the theme park, but we don't go to</p> <p>24 the actual park park.</p> <p>25 Q. I understand you went twice to the theme park</p>	<p style="text-align: right;">Page 84</p> <p>1 question.</p> <p>2 MR. GOMEZ: Well, I don't have any other</p> <p>3 questions.</p> <p>4 THE WITNESS: Okay. Thank you.</p> <p>5 MR. GOMEZ: Thank you.</p> <p>6 Counsel?</p> <p>7 MR. VANNATTA: No questions.</p> <p>8 MR. GOMEZ: Okay. Read or waive -- I'm</p> <p>9 ordering -- ordering the transcript and video.</p> <p>10 MR. VANNATTA: I would like an electronic mini,</p> <p>11 please. We'll waive.</p> <p>12 THE VIDEOGRAPHER: We are going off the record</p> <p>13 3:53 p.m. eastern time.</p> <p>14 (Thereupon, the deposition was concluded at</p> <p>15 approximately 3:55 p.m. Signature and formalities were</p> <p>16 waived.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1
2 CERTIFICATE OF OATH
3
4 THE STATE OF FLORIDA)
5 COUNTY OF BROWARD)
6
7 I, the undersigned authority, certify that
8 IVETTE BOLIVAR HUNTER personally appeared before me via
9 Zoom videoconference and was duly sworn.
10
11 WITNESS my hand and official seal this
12 13th day of February, 2023.
13
14
15 
16
17 Chantinea Knight
18 Notary Public - State of Florida
19 My Commission No. GG341651
20 Expires: June 4, 2023
21
22
23
24
25


1
2 CERTIFICATE
3
4 THE STATE OF FLORIDA)
5 COUNTY OF BROWARD)
6
7 I, CHANTINEKIA KNIGHT, a Notary Public for
8 the State of Florida at Large, do hereby certify that I
9 was authorized to and did stenographically report the
10 deposition of IVETTE BOLIVAR HUNTER, a witness called in
11 the above-styled cause, that the witness was first duly
12 sworn by me and that the transcript is a true and complete
13 record of my stenographic notes.
14
15 I further certify that I am not an
16 attorney or counsel to any of the parties, nor related to
17 any of the parties, nor financially interested in the
18 action.
19
20 Dated this 9th day of March, 2023.
21
22 
23 CHANTINEKIA KNIGHT
24 Florida Professional Reporter
25

EXHIBIT 5

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

CASE NO.: 502022CA009833XXXXMB

ROWAN HUNTER; and IVETTE
BOLIVAR,

Plaintiffs,

vs.

TIMOTHY GRIFFIN; and HI-TEK
SECURITY SERVICES, INC,

Defendants.

_____/

VIDEOTAPED DEPOSITION OF TIMOTHY KYLE GRIFFIN

TAKEN ON BEHALF OF THE PLAINTIFF

MARCH 3, 2023
9:59 A.M. TO 10:19 A.M.

ALL PARTIES APPEARED REMOTELY
PURSUANT TO
FLORIDA SUPREME COURT ORDER AOSC20-23

REPORTED BY:
GABRIELA GONZALEZ, CER, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA

1 Q Okay. And did you at some point come to a
2 complete stop?

3 A Yes.

4 Q All right. And was there a time after you had
5 come to a complete stop that the light turned green?

6 A Yes.

7 Q Okay. And can you tell me in your own words
8 what happened after the light turned green?

9 A Yes, after the light turned green, the flow of
10 traffic started going, there's probably two or three
11 cars in front of them. They started going and then the
12 car in front of me started moving and then I probably
13 traveled maybe 30 feet and they came to a complete stop,
14 sudden stop.

15 And at that point, I slammed on my brakes. I
16 was probably going maybe two to five miles an hour when
17 I tapped him and if I had another inch probably in front
18 of me, I wouldn't have even touched them.

19 Q Okay. And so, there was at least some impact?

20 A I guess, you could say that, yes.

21 Q Okay. And with regard -- after the incident
22 happened, did you stay at the intersection until the
23 police arrived or did you go somewhere else?

24 A No, after the accident I got out of the car
25 and talked to the driver and we agreed on going

1 somewhere safer and getting out of traffic and then
2 calling the cops. So, that's what we did.

3 We pulled into the nearest shopping center or
4 whatever you want to call it and then that's where we
5 called the cops.

6 Q Okay. And do you know where that was, is that
7 the Channel 5, the television station that's on the
8 corner there?

9 A I can't remember exactly where we pulled into,
10 but that could have possibly been it.

11 Q Okay. And did you and my client's vehicle,
12 you went to the same place and waited for the police
13 officer?

14 A Correct.

15 Q Okay. All right. Now, I'm going -- What kind
16 of vehicle were you driving?

17 A Ford Focus, a Tan Ford Focus.

18 Q All right. I'm going to show you a picture
19 and let me know if you can see it. I'm going to mark
20 this as Plaintiff's Exhibit 1. Are you able to see
21 that, sir?

22 (Thereupon, Plaintiff's Exhibit 1 was entered
23 into the record.)

24 A Yes, sir.

25 BY MR. VANNATTA:

1 Q Okay. Was that the vehicle that you were
2 driving?

3 A Correct.

4 Q Okay. And that was a vehicle that was
5 provided to you by Hi-Tek Security Services?

6 A Yes.

7 Q And they own that vehicle?

8 A Yes.

9 Q All right. Now, is this a picture or do you
10 know if this picture was taken after the incident
11 involving my clients?

12 A I do not know.

13 Q Okay. Do you know when or where that picture
14 was taken?

15 A I do not.

16 Q Okay. Do you have -- I'm going to stop
17 sharing that screen. Do you have an independent
18 recollection of whether or not the Ford vehicle you were
19 driving, whether or not it had any damage on it from the
20 impact with my clients?

21 A From what I saw and I remember, there was no
22 visible damage.

23 Q Okay. Do you know if that vehicle was ever
24 required to be repaired in any way?

25 A I do not, no.

1 Q Okay. All right. How much longer after that
2 incident did you continue to work for Hi-Tek Services in
3 West Palm?

4 A Not too much longer. I had the family
5 relative that got really sick with COVID, so I had to
6 move back home.

7 Q Okay. Well, I'm sorry to hear that.

8 A Thank you.

9 Q Where are you currently employed?

10 A I'm currently employed at Brewer Cabinets.
11 It's actually, I just started this job this week. It is
12 a new job I just acquired.

13 Q Okay. And as far as Hi-Tek Services, once you
14 left Florida, did you work for them in any other
15 capacity once you left Florida?

16 A No, I did not.

17 Q Okay. All right. I'm going to share my
18 screen again, and I'm going to mark this as Plaintiff's
19 Exhibit 2. Are you able to see that photograph, sir?

20 (Thereupon, Plaintiff's Exhibit 2 was entered
21 into the record.)

22 A Yes, I am.

23 BY MR. VANNATTA:

24 Q Okay. I'm just going to submit to you that at
25 least according to some of the testimony in this case

1 from my clients, that this is damage that occurred as a
2 result of the accident involving you.

3 So, I'm going to ask you, do you recall seeing
4 any damage on my client's car on the date of the
5 incident?

6 A No. Zero damage.

7 Q Okay. Do you recall whether or not you looked
8 at the whole car, in other words, did you like look at
9 the whole back of their car to make sure there was no
10 damage?

11 A I did, I made a very close inspection upon it
12 to make sure there was no damage and there wasn't any.

13 Q Okay. And just so I'm clear, and I'm not
14 arguing with you because I don't want you to think that,
15 I just want to make sure I understand your testimony.

16 Your testimony would be that this photograph
17 that we're looking at here that if that damage occurred,
18 it was not as a result of the incident involving you,
19 correct?

20 A Correct.

21 Q Okay. All right. Let me stop sharing that.
22 Now, I'm going to show you a picture of the same car,
23 it's just a little further back just to let you look at
24 it, so hang on one second.

25 A Okay.

EXHIBIT 6

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502022-CA-009833

ROWAN HUNTER and IVETTE BOLIVAR,

Plaintiffs,

vs.

TIMOTHY GRIFFIN and HI-TEK SECURITY
SERVICES, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF OFFICER J. SADLON

APRIL 27, 2023
10:00 A.M. TO 10:41 A.M.

ALL PARTIES APPEARED REMOTELY
PURSUANT TO
FLORIDA SUPREME COURT ORDER AOSC20-23

Tambria Lee Dery, RPR, FPR,
Registered Professional Reporter,
Florida Professional Reporter
Notary Public in and for
the State of Florida at Large

<div>Page 2</div> <div> <p>1 APPEARANCES OF COUNSEL</p> <p>2 ON BEHALF OF THE PLAINTIFF:</p> <p>3 R. TIMOTHY VANNATTA, ESQUIRE</p> <p>4 Rubenstein Law, P.A.</p> <p>5 9130 S. Dadeland Blvd., PH</p> <p>6 Miami, Florida 33156</p> <p>7 tim@rubensteinlaw.com</p> <p>8 (REMOTELY VIA ZOOM)</p> <p>9</p> <p>10 ON BEHALF OF THE DEFENDANTS:</p> <p>11</p> <p>12 MARIO A. GOMEZ, ESQUIRE</p> <p>13 LaCava Jacobson & Goods, P.A.</p> <p>14 7700 North Kendall Drive, Suite 411</p> <p>15 Miami, Florida 33156</p> <p>16 ggomez@ljglegal.com</p> <p>17 (REMOTELY VIA ZOOM)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>	<div>Page 4</div> <div> <p>1 INDEX OF EXHIBITS</p> <p>2 EXHIBIT DESCRIPTION PAGE</p> <p>3 Defendants'</p> <p>4 Exhibit 1 Traffic Crash Report 13</p> <p>5 Exhibit 2 Photograph 18</p> <p>6 Exhibit 3 Video 24</p> <p>7 Exhibit 4 Photograph 26</p> <p>8 Exhibit 5 Photo 28</p> <p>9 Exhibit 6 Video 29</p> <p>10 Exhibit 7 Video 30</p> <p>11 Exhibit 8 Photo 32</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div>
<div>Page 3</div> <div> <p>1 INDEX OF EXAMINATION</p> <p>2 WITNESS: OFFICER J. SADLON</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY MR. VANNATTA</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MR. GOMEZ</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> </div> <div> <div>PAGE</div> <div>6</div> <div>11</div> </div>	<div>Page 5</div> <div> <p>1 VIDEOTAPED DEPOSITION OF OFFICER J. SADLON</p> <p>2 APRIL 27, 2023</p> <p>3 THE VIDEOGRAPHER: We are now on the record</p> <p>4 for the video deposition of Officer John Sadlon</p> <p>5 taken in the matter of Rowan Hunter and Ivette</p> <p>6 Bolivar vs. Timothy Griffin and Hi-Tek Security</p> <p>7 Services, Inc.</p> <p>8 Today is April 27th, 2023 and the time is</p> <p>9 10:00 a.m. This deposition is being conducted</p> <p>10 remotely. The court reporter is Tambria Dery with</p> <p>11 Universal Court Reporting.</p> <p>12 Would counsel please introduce themselves,</p> <p>13 after which, the court reporter will swear in the</p> <p>14 witness.</p> <p>15 MR. VANNATTA: Tim Vannatta on behalf of the</p> <p>16 plaintiff.</p> <p>17 MR. LOPEZ: Mario Gomez on behalf of the</p> <p>18 defendant.</p> <p>19 THE COURT REPORTER: Sir, please raise your</p> <p>20 right hand. Do you swear or affirm the testimony</p> <p>21 you're about to give will be the truth, the whole</p> <p>22 truth, and nothing but the truth?</p> <p>23 THE WITNESS: I do.</p> <p>24 Thereupon,</p> <p>25 OFFICER JOHN SADLON,</p> </div>

<p style="text-align: right;">Page 6</p> <p>1 having been first duly sworn and answered, "I do,"</p> <p>2 testified upon his oath as follows:</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY MR. VANNATTA:</p> <p>5 Q All right. Good morning, officer. My name is</p> <p>6 Tim Vannatta and I'm here on behalf of my clients,</p> <p>7 Ivette Bolivar and Rowan Hunter.</p> <p>8 To begin, could you please tell me your</p> <p>9 educational background beginning with high school?</p> <p>10 A High school degree and I've got my bachelor's,</p> <p>11 got my four-year.</p> <p>12 Q All right. And where'd you get that from?</p> <p>13 A SUNY Brockport.</p> <p>14 Q Now, have you, you're currently a police</p> <p>15 officer with the City of West Palm Beach, is that</p> <p>16 correct?</p> <p>17 A That is correct.</p> <p>18 Q How long have you been in that position?</p> <p>19 A Starting my 18th year in August.</p> <p>20 Q Have you worked for any other agencies prior</p> <p>21 to working for West Palm Beach PD?</p> <p>22 A I have. I did about two years in Hinesville,</p> <p>23 Georgia.</p> <p>24 Q And any others other than Hinesville and West</p> <p>25 Palm Beach?</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. LOPEZ: Oh, I missed that, thank you.</p> <p>2 MR. VANNATTA: No problem.</p> <p>3 BY MR. VANNATTA:</p> <p>4 Q Officer, do you have access to your Florida</p> <p>5 Traffic Crash Report that you prepared?</p> <p>6 A I do.</p> <p>7 Q And when you prepared that report, is the</p> <p>8 information fresh in your mind?</p> <p>9 A Yes, it is.</p> <p>10 Q Now, if I could have you go to, I believe it's</p> <p>11 Page 3 of 4, the narrative section.</p> <p>12 A Okay.</p> <p>13 Q And when -- when you took this report, do you</p> <p>14 recall where the vehicles of the persons involved in the</p> <p>15 accident were; in other words, were they at the accident</p> <p>16 scene, had they pulled over, do you know where they</p> <p>17 were?</p> <p>18 A No, I don't remember offhand, but I think they</p> <p>19 were still on the road. I'm not a hundred percent sure.</p> <p>20 That was a couple years ago.</p> <p>21 Q Okay. No problem. Now, there is a portion of</p> <p>22 your report if you go to the last line in the narrative</p> <p>23 section that says: No reports of injury.</p> <p>24 Is -- that would have been information that</p> <p>25 you would have only been able to garner from the persons</p>
<p style="text-align: right;">Page 7</p> <p>1 A Nope.</p> <p>2 Q Okay. Since you've been an officer at West</p> <p>3 Palm Beach PD, have you done strictly traffic or road</p> <p>4 patrol or have you had other assignments?</p> <p>5 A No, strictly patrol.</p> <p>6 Q Do you need to get that, sir?</p> <p>7 A Yup, I got it. Sorry about that.</p> <p>8 Q No, that's okay. I didn't know if you needed</p> <p>9 to answer it.</p> <p>10 A Nope, I didn't, just stupid messages, sorry</p> <p>11 about that.</p> <p>12 Q All right. No problem. Okay.</p> <p>13 And sir, as I understand it, you had an</p> <p>14 opportunity to or you were called to an accident dated</p> <p>15 August 19th, 2021, is that correct, at approximately</p> <p>16 7:02 a.m.?</p> <p>17 A That is correct.</p> <p>18 Q And do you have any independent recollection</p> <p>19 of your interaction with any of the persons that were</p> <p>20 present for that accident?</p> <p>21 A No, I do not.</p> <p>22 Q Okay.</p> <p>23 MR. LOPEZ: Mr. Vannatta, did you say 2:00</p> <p>24 a.m., the time?</p> <p>25 MR. VANNATTA: No, 7:02 a.m.</p>	<p style="text-align: right;">Page 9</p> <p>1 involved in the accident, correct?</p> <p>2 A Correct.</p> <p>3 Q Now, the main reason that we're here today, at</p> <p>4 least I'm here today to talk to you about is where you</p> <p>5 have the notation where it says no visible damage.</p> <p>6 A Okay.</p> <p>7 Q Do you see that?</p> <p>8 A Yes.</p> <p>9 Q Is that something when you say no visible</p> <p>10 damage, is that a reference to the individuals in the</p> <p>11 accident or is it a reference to the vehicles in the</p> <p>12 accident?</p> <p>13 A No, that's in reference to the vehicles.</p> <p>14 Q Now, when you see that in your normal course</p> <p>15 and scope, you've been doing this approximately 18</p> <p>16 years, if you write a notation that states no visible</p> <p>17 damage, does that mean that you would have personally</p> <p>18 surveyed both vehicles --</p> <p>19 A Yes.</p> <p>20 Q -- or does that mean someone would have told</p> <p>21 you that?</p> <p>22 A No, I would have looked at the vehicles.</p> <p>23 Q Okay. So you would have walked around both</p> <p>24 vehicles and you would have made that notation at or</p> <p>25 near the time of viewing those vehicles?</p>

<p style="text-align: right;">Page 10</p> <p>1 A Correct.</p> <p>2 Q Now, I'm going to show you a photograph --</p> <p>3 A Okay.</p> <p>4 Q -- which my clients have asserted was damage</p> <p>5 from this accident. And hang on one second. If you</p> <p>6 can't see it, please just let me know, sir.</p> <p>7 Are you able to see that?</p> <p>8 A Yes I -- yup, I can see that.</p> <p>9 Q Okay. Now, just between me and you, after 18</p> <p>10 years on the job, if you had seen this amount of damage,</p> <p>11 I will tell you this is the rear passenger taillight</p> <p>12 area, would you have written no visible damage in your</p> <p>13 report?</p> <p>14 A No, I would have written a cracked taillight.</p> <p>15 Q Okay. So based on your pattern and practice,</p> <p>16 would it -- would you say that it is less likely that or</p> <p>17 it was -- I'm sorry, let me rephrase that.</p> <p>18 Based on your pattern and practice, do you</p> <p>19 have an opinion as to whether or not you believe that</p> <p>20 damage was present at the time that you viewed the</p> <p>21 vehicles?</p> <p>22 A No. If I had seen that, I would have</p> <p>23 documented it.</p> <p>24 Q Okay. And you would have -- and as part of</p> <p>25 your pattern and practice, you would have walked around</p>	<p style="text-align: right;">Page 12</p> <p>1 So I have some questions with respect to your</p> <p>2 accident report --</p> <p>3 A Sure.</p> <p>4 Q -- as well as some other issues regarding the</p> <p>5 accident, okay?</p> <p>6 A Okay.</p> <p>7 Q First of all, with respect to your, it sounds</p> <p>8 like you, you have nearly 20 years or about 20 years of</p> <p>9 background being a police officer, is that correct?</p> <p>10 A That's correct.</p> <p>11 Q Have you always done traffic, traffic accident</p> <p>12 investigation?</p> <p>13 A It's part of patrol, but there's times, yes,</p> <p>14 we have to handle traffic accidents.</p> <p>15 Q Have you had any training with respect to</p> <p>16 traffic investigation and accidents?</p> <p>17 A Just during the FTO program where we rode with</p> <p>18 a, the traffic guys and they showed us how to -- they</p> <p>19 showed us how to do the, how to conduct a traffic</p> <p>20 accident.</p> <p>21 Q As part of -- as part of conducting a traffic,</p> <p>22 traffic accident investigation, would you consider a key</p> <p>23 component of your training and background and experience</p> <p>24 of about 20 years, a key component to be observed and</p> <p>25 document the damage to vehicles so you can write that in</p>
<p style="text-align: right;">Page 11</p> <p>1 the car to look and see if that damage was present?</p> <p>2 A Correct.</p> <p>3 Q Is it -- is it part of your normal pattern and</p> <p>4 practice, officer, when there is a traffic accident, to</p> <p>5 note whether or not there's damage to either vehicle?</p> <p>6 A Yes.</p> <p>7 Q So that's something that you're trained to do</p> <p>8 on an everyday basis?</p> <p>9 A Correct. Yeah, they want to know in the</p> <p>10 report if there was any damage, if it was minor, major,</p> <p>11 if it was disabling. Which is all that's noted inside</p> <p>12 the report itself, whether it's, you know, the vehicle</p> <p>13 was operable or if it was disabled.</p> <p>14 MR. VANNATTA: I don't think I have any more</p> <p>15 questions. Mr. Gomez may have questions for you.</p> <p>16 MR. GOMEZ: I do, thank you, counselor.</p> <p>17 CROSS-EXAMINATION</p> <p>18 BY MR. GOMEZ:</p> <p>19 Q Officer, good morning and thank you for</p> <p>20 appearing at the deposition.</p> <p>21 I represent the defendant in this civil</p> <p>22 lawsuit. My client is Tim Griffin, he's the driver of</p> <p>23 the tan Ford. And he's been sued by the two individuals</p> <p>24 in the black Honda claiming to have sustained permanent</p> <p>25 injuries.</p>	<p style="text-align: right;">Page 13</p> <p>1 the report?</p> <p>2 A Correct.</p> <p>3 Q Okay. And is that what you did in this</p> <p>4 particular case, did you observe the vehicles, known</p> <p>5 whether or not there was any damage, and document that</p> <p>6 in your report?</p> <p>7 A Yes.</p> <p>8 Q Okay. So I know that, that you have access to</p> <p>9 your report. I'm going to talk a little bit about your</p> <p>10 report.</p> <p>11 A Uh-huh.</p> <p>12 MR. GOMEZ: I'm going to mark it as Defense</p> <p>13 Exhibit Number 1.</p> <p>14 (Defendants' Exhibit 1 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. GOMEZ:</p> <p>17 Q A few questions. It says that the date of the</p> <p>18 crash and the time of the crash, we all agree it was</p> <p>19 August 19th of 2021, that it was at 7:02 a.m., correct?</p> <p>20 A Correct.</p> <p>21 Q Okay. And it looks like you arrived at 7:16</p> <p>22 a.m., about 13 minutes after it was reported?</p> <p>23 A That sounds about correct.</p> <p>24 Q Okay. And it was cleared at 7:40, meaning</p> <p>25 that you were there for approximately 24 minutes</p>

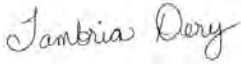
<p style="text-align: right;">Page 14</p> <p>1 investigating the accident, is that correct?</p> <p>2 A Sounds about right.</p> <p>3 Q Okay. And the report says that the time that</p> <p>4 you wrote the report was, was 12:00 a.m. And I</p> <p>5 understand this accident occurred or you were reporting</p> <p>6 it at 7 -- you started investigating it at 7:16 a.m.</p> <p>7 When you write -- when the report reflects</p> <p>8 12:00 a.m., does that mean noon or does that mean</p> <p>9 midnight?</p> <p>10 A Okay, I'm not sure what you're talking about.</p> <p>11 Q So on the first page of your report, if you</p> <p>12 could look at it, it says date of report.</p> <p>13 A Okay.</p> <p>14 Q And it says 12:00 a.m.</p> <p>15 A I'm not seeing that on my report.</p> <p>16 Q Let me see if I can share my screen with you.</p> <p>17 Okay. And I'm going to highlight here.</p> <p>18 Can you see that?</p> <p>19 A Yes, I do see that.</p> <p>20 Q Okay. So when you say -- because I know that</p> <p>21 you're reporting it, you started reporting it at 7:16</p> <p>22 a.m. and --</p> <p>23 A That auto fills. I'm not sure how that got --</p> <p>24 how that is on there, because that top part auto fills</p> <p>25 for us.</p>	<p style="text-align: right;">Page 16</p> <p>1 getting any passengers, witnesses.</p> <p>2 Q So as far as preparing the report, what's your</p> <p>3 basic timeframe in doing that?</p> <p>4 A Once I get the cars cleared and they're on</p> <p>5 their way, you start the report immediately after.</p> <p>6 Q So is it fair to say that within a matter of</p> <p>7 hours, you finished preparing the report?</p> <p>8 A Finish? Probably less than an hour.</p> <p>9 Q Less than an hour?</p> <p>10 A Yeah.</p> <p>11 Q Okay. So everything was fresh in your mind</p> <p>12 when you took down your report, fair to say?</p> <p>13 A Absolutely.</p> <p>14 Q Very good. Okay. Let's see here, and with</p> <p>15 respect to when you, when you are called to a scene to</p> <p>16 investigate an accident such as this, is it your common</p> <p>17 practice -- well, first of all, let me ask you a</p> <p>18 question, do you have a body camera?</p> <p>19 A I do.</p> <p>20 Q Back in August of 2021, did you have a body</p> <p>21 camera?</p> <p>22 A I believe that we did.</p> <p>23 Q Okay. And I'll share with you that I did a</p> <p>24 public records request and I have a copy of that, so</p> <p>25 we're going to go over that.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q Okay.</p> <p>2 A The times I put in is time dispatched, time of</p> <p>3 arrival and time that I cleared the scene.</p> <p>4 Q So --</p> <p>5 A So I'm not sure why that 12:00 a.m. is there,</p> <p>6 because when I pull up -- hold on. How do I get -- I'm</p> <p>7 trying to pull up my report to see --</p> <p>8 Q Okay.</p> <p>9 A -- but you're blocking me with this.</p> <p>10 Q Well, I'll -- let me stop the share. So</p> <p>11 basically, I want to ask you, the timeframe, after you</p> <p>12 finished investigating it, when do you start preparing</p> <p>13 and finalizing your report? That's what I want to know.</p> <p>14 What is your basic business practice?</p> <p>15 A Once I show up on scene, I do my</p> <p>16 investigation, I get all the information. When I start</p> <p>17 the report depends on if I have to wait for tow trucks</p> <p>18 to show up or not, but it sounds like on this one, both</p> <p>19 vehicles were drivable, so once they leave, I usually</p> <p>20 find somewhere that I can park and that's when I start</p> <p>21 doing my report.</p> <p>22 Q Okay. So is it simultaneously while you're</p> <p>23 investigating the accident?</p> <p>24 A Writing the report? No, I'm taking notes as</p> <p>25 I'm doing that. I'm getting the driver's info, I'm</p>	<p style="text-align: right;">Page 17</p> <p>1 A Okay.</p> <p>2 Q I'm going to show that to you.</p> <p>3 But when you investigate an accident, is it</p> <p>4 your normal practice to turn on a body camera so when</p> <p>5 you approach the individuals, everybody knows, it's</p> <p>6 recording what's going on?</p> <p>7 A Before I talk to anybody, my body camera is</p> <p>8 activated.</p> <p>9 Q Okay. So what I want to do, the body camera</p> <p>10 footage that was shared with us by your department when</p> <p>11 we did the public records request is three minutes and</p> <p>12 29 seconds long.</p> <p>13 A Okay.</p> <p>14 Q And I'll share with you that, that it looks</p> <p>15 like the body camera when you got out of the car shortly</p> <p>16 thereafter started fogging up because of the heat and</p> <p>17 the air conditioning that was hitting on it.</p> <p>18 A Okay.</p> <p>19 Q But we're going to go through it and then what</p> <p>20 I want to do is I did some still frames and we can talk</p> <p>21 about the still frames after that. But first I want to</p> <p>22 roll through it, let you see it and then we'll talk</p> <p>23 about it, okay?</p> <p>24 A Sure.</p> <p>25 Q Thank you. If I can share this. Okay. Do you</p>

<p style="text-align: right;">Page 18</p> <p>1 see that screen there?</p> <p>2 A I do.</p> <p>3 Q Okay. I'm going to -- I have -- just so I'm</p> <p>4 tilting my head because I have my laptop and I have two</p> <p>5 monitors, so to find the play button, I have to move my</p> <p>6 head, so I apologize for that.</p> <p>7 A That's okay.</p> <p>8 Q I'm going to let it play. The first two</p> <p>9 seconds are silent because I guess you're in the car.</p> <p>10 A The first 30 seconds -- the first 30 seconds</p> <p>11 when we activate the camera, there's no audio. After</p> <p>12 the first 30 seconds, the audio starts.</p> <p>13 Q Okay, perfect. So it's going to be silent for</p> <p>14 the first 30 seconds or so and then we'll let it play</p> <p>15 for three minutes and 29 seconds. And we'll mark this</p> <p>16 as -- well, first -- before we do that, let me, let me</p> <p>17 once again share with you, I wanted to share with you</p> <p>18 another image.</p> <p>19 A Okay.</p> <p>20 Q And this is the image of, it's a different --</p> <p>21 it's a similar photograph to the Honda that Mr. Hunter</p> <p>22 was driving.</p> <p>23 MR. GOMEZ: And we're going to mark this as</p> <p>24 Defense Exhibit Number 2.</p> <p>25 (Defendants' Exhibit 2 was marked for</p>	<p style="text-align: right;">Page 20</p> <p>1 BY MR. GOMEZ:</p> <p>2 Q Do you see the play, do you see it moving?</p> <p>3 A Yup.</p> <p>4 Q Okay. So we'll just wait until the sound</p> <p>5 starts. And if I can get the sound, I'm going to tell</p> <p>6 you I hear it, just in case you don't hear it. I've had</p> <p>7 that a few times.</p> <p>8 Did you hear that ringing noise?</p> <p>9 A No.</p> <p>10 Q No? Do you hear that?</p> <p>11 A No. I don't have any sound.</p> <p>12 MR. VANNATTA: Mario, I don't either.</p> <p>13 MR. GOMEZ: You don't have any sound?</p> <p>14 MR. VANNATTA: No, just so you know.</p> <p>15 MR. GOMEZ: Okay.</p> <p>16 BY MR. GOMEZ:</p> <p>17 Q Do you have an email address that I can send</p> <p>18 to you the video, officer?</p> <p>19 A I can pull the video up from here.</p> <p>20 Q Oh. Can you do that?</p> <p>21 MR. GOMEZ: And then what I'll do is I'll send</p> <p>22 you, Tim, I'll send you the video, that way when he</p> <p>23 plays it, you can hear it as well, okay? So let me</p> <p>24 first send it over to counsel for the plaintiff.</p> <p>25 Tim, what's your email address? Mr. Vannatta,</p>
<p style="text-align: right;">Page 19</p> <p>1 identification.)</p> <p>2 BY MR. GOMEZ:</p> <p>3 Q And I'm going to zoom in there.</p> <p>4 Do you see that there, officer?</p> <p>5 A I do, yup.</p> <p>6 Q Okay. So I'm going to represent to you that</p> <p>7 both Mr. Bolivar and the driver of the black Honda and</p> <p>8 then the wife, Mrs. -- I'm sorry, Mr. Hunter, the driver</p> <p>9 of the black Honda and both -- and the passenger, his</p> <p>10 wife, Ms. Hunter, Mrs. Bolivar testified that as a</p> <p>11 result of this accident, their bumper was damaged. And</p> <p>12 if you can see, there's some bumper scrapage off to the</p> <p>13 side and the bumper is a little bit disjointed.</p> <p>14 A Okay.</p> <p>15 Q And the taillight is broken.</p> <p>16 Do you see that there?</p> <p>17 A I do.</p> <p>18 Q And they represented in their deposition that</p> <p>19 they took this photograph the day after the accident.</p> <p>20 So just so we know what we're talking about</p> <p>21 and when we look at the video and the still images, if</p> <p>22 we could see that in there. So that's Defense Exhibit</p> <p>23 Number 2 and then we're going to go back to the video.</p> <p>24 And let me press play here.</p> <p>25 (Video played.)</p>	<p style="text-align: right;">Page 21</p> <p>1 what's your email address?</p> <p>2 MR. VANNATTA: Sorry, I was on mute, I didn't</p> <p>3 realize it. It's Tim@Rubensteinlaw.com.</p> <p>4 That's R-U-B-E-N-S-T-E-I-N law.com.</p> <p>5 MR. GOMEZ: Gotcha, okay. Okay. I just sent</p> <p>6 it to you, Tim. Let me know when you get it.</p> <p>7 MR. VANNATTA: Okay. It may take a minute,</p> <p>8 because we have like, you know, with all the</p> <p>9 firewalls and stuff, so let me just check my junk</p> <p>10 mail here.</p> <p>11 MR. GOMEZ: Right, yeah. So I what I want to</p> <p>12 do, when you're playing it, I want Tim to be able</p> <p>13 to have an opportunity to see and hear what we're</p> <p>14 seeing, what we're seeing and hearing on our end.</p> <p>15 That way, he can follow up with any questions on</p> <p>16 the video as well, okay?</p> <p>17 THE WITNESS: Okay.</p> <p>18 MR. GOMEZ: So that will just take a minute</p> <p>19 until he gets it.</p> <p>20 MR. VANNATTA: I'm sorry, but it's not getting</p> <p>21 -- it's not -- I don't know what the deal is. If</p> <p>22 you want to just go ahead and if I get it during</p> <p>23 the course of it, I'll figure it out. But if you</p> <p>24 want to go ahead, Mario. If you just put it up on</p> <p>25 the screen, maybe I can hear the officer's version</p>

<p style="text-align: right;">Page 22</p> <p>1 while I'm watching your version.</p> <p>2 MR. GOMEZ: That sounds fair.</p> <p>3 THE WITNESS: I'm trying to pull it up and I'm</p> <p>4 -- it's not finding -- it's 2021, 0011994 and it's</p> <p>5 giving me nothing. Why is it giving me nothing.</p> <p>6 MR. GOMEZ: You know, it's strange, because I</p> <p>7 hear it so loud and it's hard for me to believe</p> <p>8 that you guys don't hear it.</p> <p>9 MR. VANNATTA: Like literally, I didn't hear</p> <p>10 anything.</p> <p>11 MR. GOMEZ: Yeah, no, no, I believe you.</p> <p>12 I've had this before sometimes. I don't know</p> <p>13 why my computer does this.</p> <p>14 MR. VANNATTA: Let me see if I have it --</p> <p>15 I might have it in my files, so hang on a</p> <p>16 second. Let me just check.</p> <p>17 MR. GOMEZ: Okay.</p> <p>18 MR. VANNATTA: Hang on one second.</p> <p>19 MR. GOMEZ: Found it?</p> <p>20 THE WITNESS: Yeah, but it's running slow.</p> <p>21 Probably because of the zoom.</p> <p>22 MR. VANNATTA: Hang on, I'm loading mine,</p> <p>23 Mario. Let me see if I can get it. Because for</p> <p>24 whatever reason, the email is not going through.</p> <p>25 MR. GOMEZ: If he can play it for me, I'll</p>	<p style="text-align: right;">Page 24</p> <p>1 when you're ready.</p> <p>2 THE WITNESS: I'm ready.</p> <p>3 MR. GOMEZ: One, two, three.</p> <p>4 (Video played.)</p> <p>5 MR. VANNATTA: Mario, your video is not</p> <p>6 playing. Mario, I can't see your video.</p> <p>7 MR. GOMEZ: You see it there?</p> <p>8 THE WITNESS: It's just kind of -- my internet</p> <p>9 is running a little slow, so it's kind of --</p> <p>10 MR. GOMEZ: Tim, can you see my video?</p> <p>11 MR. VANNATTA: I can, thank you.</p> <p>12 THE WITNESS: I'm going to hit pause a second,</p> <p>13 see if I can get it to -- come on.</p> <p>14 Sorry about that, it's just kind of --</p> <p>15 MR. GOMEZ: That's okay. Are you watching my</p> <p>16 screen, officer?</p> <p>17 THE WITNESS: I'm watching my feed, because I</p> <p>18 got the audio to go with it.</p> <p>19 MR. GOMEZ: Okay.</p> <p>20 THE WITNESS: And that's the end of the video.</p> <p>21 MR. GOMEZ: Okay, very good.</p> <p>22 (Defendants' Exhibit 3 was marked for</p> <p>23 identification.)</p> <p>24 BY MR. GOMEZ:</p> <p>25 Q So first, by looking at the video and even</p>
<p style="text-align: right;">Page 23</p> <p>1 appreciate that.</p> <p>2 MR. VANNATTA: No, I will if I have it.</p> <p>3 I'm not sure if I have it or not.</p> <p>4 MR. GOMEZ: While he's doing that, officer,</p> <p>5 what I'll do is I'll play, I'll play the video and</p> <p>6 you can just watch it, because I'm more interested</p> <p>7 in what you observed at the scene, okay?</p> <p>8 THE WITNESS: Okay. Did you hear my beeping</p> <p>9 on my end?</p> <p>10 MR. GOMEZ: I did, yes.</p> <p>11 THE WITNESS: Okay. That's my video. If you</p> <p>12 want, I can play it on my end so the sound comes</p> <p>13 in.</p> <p>14 MR. GOMEZ: Yup, sounds good.</p> <p>15 THE WITNESS: Okay. So I'm starting at 30</p> <p>16 seconds in, that's when the audio kicks in.</p> <p>17 MR. GOMEZ: Okay. I'm going to start playing</p> <p>18 it, that way, Mr. Vannatta can watch it as well.</p> <p>19 THE WITNESS: All right. Let me know -- let</p> <p>20 me know when you hit play, I'll hit play at the</p> <p>21 same time.</p> <p>22 MR. GOMEZ: At what second, what mark?</p> <p>23 THE WITNESS: At thirty seconds. Thirty</p> <p>24 seconds in.</p> <p>25 MR. GOMEZ: Okay. I'm going to -- let me know</p>	<p style="text-align: right;">Page 25</p> <p>1 looking at Defense Exhibit Number 3, the screen here,</p> <p>2 the video is paused at 47 seconds, can you tell if the</p> <p>3 black Honda's lights are on?</p> <p>4 A Yes.</p> <p>5 Q Okay. Very good. And I think if we go to, I</p> <p>6 think two minutes and 50 seconds, I'm scrolling down</p> <p>7 now, you could see their headlights on, the black Honda</p> <p>8 has their headlights on as well?</p> <p>9 A Yes.</p> <p>10 Q Okay. So we know that, we know that when you</p> <p>11 were investigating this accident, the black Honda's</p> <p>12 lights were on, fair to say?</p> <p>13 A Fair to say.</p> <p>14 Q Okay. And is it fair to say that in the</p> <p>15 video, the body cam video that we just reviewed, you not</p> <p>16 only viewed the rear of the Honda --</p> <p>17 A Uh-huh.</p> <p>18 Q -- but you also walked all the way around the</p> <p>19 Honda?</p> <p>20 A Uh-huh.</p> <p>21 Q You went to the front of, of the Ford vehicle</p> <p>22 and to the back of it, fair to say?</p> <p>23 A Fair to say.</p> <p>24 Q Okay. So I just want to -- I'm going to try</p> <p>25 to wrap this up and I'm going to go through a few</p>

<p style="text-align: right;">Page 26</p> <p>1 exhibits. They're still images.</p> <p>2 So first, I want to do the still image of the</p> <p>3 33 second mark. Let me see if I can pull that up. Do</p> <p>4 you see that there?</p> <p>5 A I see the image, yes, I do.</p> <p>6 Q Okay. So I'm going to see if I zoom in a</p> <p>7 little bit.</p> <p>8 MR. GOMEZ: We're going to mark this as</p> <p>9 Defense Exhibit Number 4.</p> <p>10 (Defendants' Exhibit 4 was marked for</p> <p>11 identification.)</p> <p>12 BY MR. GOMEZ:</p> <p>13 Q And it looks like this is when you got out of</p> <p>14 your car, right after you got out of your car before the</p> <p>15 video started fogging, fair to say?</p> <p>16 A Yes.</p> <p>17 Q Okay. So looking at this photograph or let me</p> <p>18 first ask you this question, does looking at the body</p> <p>19 cam video refresh your recollection as to your</p> <p>20 investigation of this accident?</p> <p>21 A Yes.</p> <p>22 Q Okay. Very good. Looking at the body cam</p> <p>23 video and Defense Exhibit Number 4, the screen shot</p> <p>24 showing the rear of the Honda, still and clear images</p> <p>25 before the fog approached, do you see any damage to the</p>	<p style="text-align: right;">Page 28</p> <p>1 closer during the video, you would see a white glare</p> <p>2 coming from the back of that vehicle if the pieces had</p> <p>3 been missing like you had shown me in the other</p> <p>4 pictures.</p> <p>5 Q Very good, okay.</p> <p>6 Is it fair to say that when you get out of</p> <p>7 your vehicle here, your attention is focused on the</p> <p>8 individuals who are approaching you and the vehicle that</p> <p>9 you're seeing?</p> <p>10 A I take it all in. I -- the people, the</p> <p>11 vehicle. Because I mean, you can hear him when he comes</p> <p>12 out saying there's no damage to the vehicle, so I'm also</p> <p>13 looking at that as they're saying that.</p> <p>14 Q Right, right.</p> <p>15 (Defendants' Exh bit 5 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. GOMEZ:</p> <p>18 Q And so there's -- I'm going to share with you</p> <p>19 Defense Exhibit Number 5.</p> <p>20 A Okay.</p> <p>21 Q And this is stopped at the 38 second mark.</p> <p>22 A Okay.</p> <p>23 Q And this is the still image of your body cam</p> <p>24 video and does it appear that my client Mr. Griffin</p> <p>25 wearing the black tank top is pointing at the rear of</p>
<p style="text-align: right;">Page 27</p> <p>1 rear of the Honda?</p> <p>2 A No.</p> <p>3 Q Okay. Do you remember what the cracked light</p> <p>4 looked like, the one, the prior exhibits that both</p> <p>5 plaintiffs' counsel and I showed you of the rear</p> <p>6 taillight?</p> <p>7 A Yeah.</p> <p>8 Q Okay. How many accidents have you</p> <p>9 investigated where there's a broken taillight and you</p> <p>10 see the lightbulb and you see the color difference</p> <p>11 because of the cracked taillight?</p> <p>12 A Correct, and it would be -- looking at that</p> <p>13 picture right there, it would be a lot brighter, the</p> <p>14 white would stand out because the lightbulb would be</p> <p>15 blasting through that.</p> <p>16 Q So are you saying that based upon your</p> <p>17 experience, experience in investigating automobile</p> <p>18 accidents, you could tell looking at Defense Exhibit</p> <p>19 Number 4, the still image at the 33 second mark, that</p> <p>20 the taillight is not cracked?</p> <p>21 A Well, I will tell you that looking at the</p> <p>22 video, the full video I just watched when I walked up</p> <p>23 close to it, you would have seen a bright light glaring</p> <p>24 off of that. I'm not saying this particular image,</p> <p>25 because it's still kind of far away, but as we get</p>	<p style="text-align: right;">Page 29</p> <p>1 the black Honda?</p> <p>2 A Yeah.</p> <p>3 Q Okay. Is it fair to say that when you're</p> <p>4 investigating an accident and one of the key component</p> <p>5 is to determine whether or not there's any damage to the</p> <p>6 vehicles and one of the people who are involved in the</p> <p>7 accident is pointing to the rear of the vehicle, is it</p> <p>8 fair to say that your attention is drawn to the rear of</p> <p>9 that vehicle?</p> <p>10 A Yes.</p> <p>11 Q For the purposes of determining whether or not</p> <p>12 there's any damage to it?</p> <p>13 A Yes.</p> <p>14 Q Okay. Very good. I'm just going to go</p> <p>15 through a few more of these.</p> <p>16 MR. GOMEZ: At the two minute and 24 second</p> <p>17 mark, which I'm going to mark as Defense Exh bit</p> <p>18 Number 6.</p> <p>19 (Defendants' Exhibit 6 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. GOMEZ:</p> <p>22 Q This is two minutes and 34 seconds of the body</p> <p>23 cam video and does that appear to be the tan Ford that</p> <p>24 was involved in this accident, the front of it?</p> <p>25 A I'm going to say yes. It's really hard to</p>

<p style="text-align: right;">Page 30</p> <p>1 tell. That's really foggy.</p> <p>2 Q Okay. Well, based upon your recollection of</p> <p>3 the body cam video as well, in corporation with this</p> <p>4 exhibit, Exhibit Number 6, do you remember walking</p> <p>5 towards the front of the --</p> <p>6 A Yeah, watching the vehicle, I walked around</p> <p>7 both vehicles, yes, sir.</p> <p>8 Q Okay. And since you're there investigating an</p> <p>9 accident to determine whether or not there's damage, is</p> <p>10 it fair to say that when you approached the tan Ford,</p> <p>11 specifically as shown at the 2 minute and 34 second</p> <p>12 mark, you were looking at the front of the vehicle to</p> <p>13 determine whether or not there's any damage?</p> <p>14 A Yes, sir.</p> <p>15 Q Okay. Did you see any damage to the Ford?</p> <p>16 A Not that I recollect, no, sir.</p> <p>17 Q And with respect to your report, is it fair to</p> <p>18 say that because you wrote no visible damage to any of</p> <p>19 the vehicles involved in this accident, you did not see</p> <p>20 any visible damage to the Ford?</p> <p>21 A That is correct.</p> <p>22 Q Thank you. Two more. Okay.</p> <p>23 MR. GOMEZ: This is at the, we're going to</p> <p>24 mark this as Defense Exhibit Number 7.</p> <p>25 (Defendants' Exhibit 7 was marked for</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. Very good. One last image I want to</p> <p>2 share. This is at the 3 minute and 22 second mark.</p> <p>3 Okay. There's a few -- there's a photograph of -- that</p> <p>4 we talked about earlier that we marked, I believe it was</p> <p>5 marked as Defense Exhibit Number 3 and then we scrolled</p> <p>6 down here to two different images, both screen shots at</p> <p>7 the 3 minute and 22 second mark.</p> <p>8 Do you see those images there?</p> <p>9 A I do, and --</p> <p>10 Q Okay.</p> <p>11 A -- sir, I'm going to tell you, if you scroll</p> <p>12 down to the body cam footage --</p> <p>13 Q Yup.</p> <p>14 A -- if you scroll down, if you -- no, no, up</p> <p>15 one, that one's -- that one's just as good, you'll be</p> <p>16 able to see that's more of a reflection of my headlights</p> <p>17 on that, because the crack would have been down on right</p> <p>18 bottom part of that, which you're not seeing that.</p> <p>19 Q Understood. You kind of beat me to my</p> <p>20 question, but let me go ahead and get it out there.</p> <p>21 (Defendants' Exh bit 8 was marked for</p> <p>22 identification.)</p> <p>23 BY MR. GOMEZ:</p> <p>24 Q Okay. So again, this, on the Exhibit Number</p> <p>25 8, there's three images. The first image is defenses'</p>
<p style="text-align: right;">Page 31</p> <p>1 identification.)</p> <p>2 BY MR. GOMEZ:</p> <p>3 Q This is at the 3 minute and 7 second mark. And</p> <p>4 this is your body cam video.</p> <p>5 Do you remember watching your body cam video</p> <p>6 going to, one towards the front, going towards the back</p> <p>7 of the Ford to write down the license plate number?</p> <p>8 A Yes. Yeah, I walked the back, both of them to</p> <p>9 get their license plate numbers, yes, sir.</p> <p>10 Q Okay. Very good. Okay.</p> <p>11 A Sir, just to let you know, not only am I</p> <p>12 getting the license plate number, but I'm getting the</p> <p>13 make of the vehicle also. Because when you pull up a</p> <p>14 tag, it'll give you it's a Ford, but it won't tell you</p> <p>15 what type of Ford it is, so I'm also writing down what</p> <p>16 model the vehicles are.</p> <p>17 Q Okay. And is it fair to say that in this</p> <p>18 accident, you walked towards the front, the back and the</p> <p>19 front and circled plaintiff's Honda, as well as walked</p> <p>20 towards the front and the back of the, my client's</p> <p>21 vehicle, the tan Ford --</p> <p>22 A Yes, sir.</p> <p>23 Q -- to investigate whether or not there was any</p> <p>24 damage to the vehicle?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 33</p> <p>1 prior Exhibit Number 2 which the plaintiffs, both of</p> <p>2 them, the driver and the passenger of the black Honda</p> <p>3 represented that this accident that you investigated</p> <p>4 caused this damage to their vehicle, and then we scroll</p> <p>5 down to the second image and it's a screen shot at 3</p> <p>6 minutes and 22 seconds, and then when you scroll down to</p> <p>7 the third page of the third image, it's a closer image</p> <p>8 of their taillight that they claim that was cracked and</p> <p>9 broken as a result of this accident.</p> <p>10 So let me ask you this question, looking at</p> <p>11 this photograph --</p> <p>12 A Uh-huh.</p> <p>13 Q -- photographs, the two images of the 3 minute</p> <p>14 and 22 second mark, the first one and the second one</p> <p>15 that is zoomed in, if the, if the plaintiffs' taillight</p> <p>16 was cracked in the manner that they claim it was in</p> <p>17 their deposition, would you have been able to detect the</p> <p>18 broken taillight and the white light showing through</p> <p>19 there?</p> <p>20 A If it was cracked down at the bottom right,</p> <p>21 yeah, you'd be able -- you should be able to see the</p> <p>22 white light coming out through there, yes.</p> <p>23 Q Okay. And then you mentioned that there's a</p> <p>24 white light on the, on the taillight of the Honda, but</p> <p>25 that's not, that's not the Honda's taillight, that's a</p>

<p style="text-align: right;">Page 34</p> <p>1 reflection of your taillight?</p> <p>2 A I believe that's -- because the way I ended up</p> <p>3 parked behind it, to me, that's a reflection on my</p> <p>4 headlights on their taillight.</p> <p>5 Q Right. Yeah, just from looking at the body</p> <p>6 cam video, when you circle it, you see those lights</p> <p>7 everywhere and just not in that area, so yes.</p> <p>8 So based upon your, the body cam video</p> <p>9 refreshing your recollection, and these images, the</p> <p>10 exhibits that were shown to you, are you confident that</p> <p>11 when you investigated this accident, that there was no</p> <p>12 visible damage to any of the vehicles, whether it be the</p> <p>13 black Honda or whether it be the tan Ford?</p> <p>14 A Yeah. Yes, I am. I'm confident.</p> <p>15 Q As part of investigating an accident, is one</p> <p>16 of your roles to determine whether or not anybody</p> <p>17 sustained any injury and if so -- well, first let me ask</p> <p>18 you that question, if anybody sustained any injury?</p> <p>19 A To my knowledge, no.</p> <p>20 Q Okay. Okay. I'm not sure you answered my</p> <p>21 question. I think you're answering a question did</p> <p>22 anybody report it to you.</p> <p>23 My question to you is, as part of your</p> <p>24 accident investigation training and when you investigate</p> <p>25 an accident, is one of your responsibilities and duties</p>	<p style="text-align: right;">Page 36</p> <p>1 THE COURT REPORTER: Going off the record at</p> <p>2 10:41 a.m.</p> <p>3 (Deposition concluded at approximately 10:41</p> <p>4 o'clock a.m.)</p> <p>5 (Signatures and Formalities were waived.)</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 35</p> <p>1 as a police officer is to determine whether or not any</p> <p>2 of the parties involved in the accident was injured so</p> <p>3 you could call the appropriate paramedics --</p> <p>4 A Yes.</p> <p>5 Q Okay.</p> <p>6 A Yes.</p> <p>7 Q All right. In this accident that you</p> <p>8 investigated, whether it be somebody holding their neck</p> <p>9 or walking or, you know, holding their back or having</p> <p>10 any visible injuries, did you feel it necessary to call</p> <p>11 any kind of medical attention, whether it be ambulance</p> <p>12 or Fire Rescue to the scene of this accident?</p> <p>13 A No.</p> <p>14 Q Okay. To your knowledge, were any of the</p> <p>15 individuals involved in this accident injured in this</p> <p>16 accident?</p> <p>17 A Not to my knowledge, no.</p> <p>18 MR. GOMEZ: Okay. I don't have any further</p> <p>19 questions. Thank you, officer.</p> <p>20 MR. VANNATTA: No further questions from me.</p> <p>21 Officer, you have the right to read or waive this</p> <p>22 deposition. If you trust the court reporter took</p> <p>23 down what you said appropriately, you can waive it.</p> <p>24 If you wish to read it, you certainly can.</p> <p>25 THE WITNESS: I'll waive.</p>	<p style="text-align: right;">Page 37</p> <p>1 CERTIFICATE OF OATH</p> <p>2 STATE OF FLORIDA</p> <p>3 COUNTY OF PALM BEACH</p> <p>4</p> <p>5 I, the undersigned authority, certify that OFFICER</p> <p>6 JOHN SADLON was duly sworn.</p> <p>7</p> <p>8 WITNESS my hand and official seal this 10th day of</p> <p>9</p> <p>10 May, 2023.</p> <p>11</p> <p>12 </p> <p>13</p> <p>14 TAMBRIA LEE DERY</p> <p>15 NOTARY PUBLIC - STATE OF FLORIDA</p> <p>16 COMMISSION #HH 140340</p> <p>17 MY COMM. EXPIRES JUNE 29, 2025</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 OATH OF REPORTER

2 STATE OF FLORIDA

3 COUNTY OF PALM BEACH

4

5 I, TAMBRIA LEE DERY, Court Reporter, certify that
6 I was authorized to and did stenographically report the
7 videotaped deposition of OFFICER JOHN SADLON, that a
8 review of the transcript was not requested, and that
9 the transcript is a true and complete record of my
10 stenographic notes.

11

12 I further certify that I am not a relative,
13 employee, attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

16

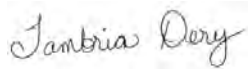
17 DATED this 10th day of May, 2023.

18

19

20

21



TAMBRIA LEE DERY

22

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FLORIDA TRAFFIC CRASH REPORT

LONG FORM ☐ SHORT FORM ☒ UPDATE ☐

HIGHWAY SAFETY & MOTOR VEHICLES,
TRAFFIC CRASH RECORDS
NEIL KIRKMAN BUILDING, TALLAHASSEE, FL 32399-0537

(Electronic Version)

Date of Crash 19/Aug/2021 07:02 AM	Time of Crash 19/Aug/2021 07:02 AM	Date of Report 19/Aug/2021 12:00 AM	Invest. Agency Report Number 20210011994	HSMV Crash Report Number 24599644
---------------------------------------	---------------------------------------	--	---	--------------------------------------

CRASH IDENTIFIERS

County Code 06	City Code 94	County of Crash PALM BEACH	Place or City of Crash WEST PALM BEACH	Within City Limits Yes	Time Reported 19/Aug/2021 07:02 AM	Time Dispatched 19/Aug/2021 07:05 AM
Time on Scene 19/Aug/2021 07:16 AM	Time Cleared Scene 19/Aug/2021 07:40 AM	Completed Yes	Reason (if Investigation NOT Completed)			Notified By Motorist

ROADWAY INFORMATION

Crash Occured On Street, Road, Highway S AUSTRALIAN AVE			1 At Street Address#		2 At Latitude and Longitude	
At Feet 10	Or Miles	Direction South	3 From Intersection With Street, Road, Highway BANYAN BLVD			4 Or From Milepost #
Road System Identifier 4 County		Type Of Shoulder 3 Curb		Type Of Intersection 1 Not at Intersection		

CRASH INFORMATION (Check if Pictures Taken) ☐

Light Condition 1 Daylight	Weather Condition 1 Clear	Roadway Surface Condition 1 Dry	School Bus Related 1 No	Manner Of Collision 1 Front to Rear	
First Harmful Event Type	First Harmful Event 14	First Harmful Event Location 1 On Roadway	Within Interchange No	First Harmful Event Relation to Junction 1 Non-Junction	
Contributing Circumstances: Road 1 None		Contributing Circumstances: Road		Contributing Circumstances: Road	
Contributing Circumstances: Environment 1 None		Contributing Circumstances: Environment		Contributing Circumstances: Environment	
Work Zone Related 1 No	Crash In Work Zone	Type Of Work Zone	Workers In Work Zone	Law Enforcement In Work Zone	

VEHICLE (Check if Commercial) ☐

Vehicle 1	Motor Vehicle Type 1 Vehicle in Transport	Hit and Run 1 No	Veh License Number JGEJ40	State FL	Reg. Expires 30/Jun/2023	Permanent Reg. No	VIN 1FAHP34N46W137413
Year 2006	Make FORD	Model 4D	Color TAN	Extent of Damage Functional	Est. Damage 100	Towed Due To Damage No	Vehicle Removed By OWNER
Insurance Company PHILADELPHIA INDEMNITY INSURANCE CO				Insurance Policy Number PHPK2172846			
Name of Vehicle Owner (Check Box If Business) <input checked="" type="checkbox"/> HI-TEK SECURITY			Current Address (Number and Street) 1869 OLD OKEECHOBEE RD 503		City and State WEST PALM BEACH FL		Zip Code 33409
Trailer One:	License Number	State	Reg. Expires	Permanent Reg.	VIN	Year	Make
Trailer Two:	License Number	State	Reg. Expires	Permanent Reg.	VIN	Year	Make
Vehicle Traveling:	Direction North	On Street, Road, Highway S AUSTRALIAN AVE				At Est. Speed 2	Posted Speed 30
CMV Configuration		Cargo Body Type		Area of Initial Impact		Most Damaged Area	
Comm GWR/GCWR		Trailer Type (trailer one)		Trailer Type (trailer two)			
Haz. Mat. Release	Haz. Mat. Placard	Number	Class				
Motor Carrier Name			US DOT Number				
Motor Carrier Address				City and State		Zip Code	Phone Number

Comm/Non-Commercial	Vehicle Body Type 1 Passenger Car	Vehicle Defects (one) 1 None	Vehicle Defects (two)	Emergency Vehicle Use 1 No	Special Function of MV 1 No Special Function
Vehicle Maneuver Action 1 Straight Ahead	Trafficway 1 Two-Way, Not Divided	Roadway Grade 1 Level	Roadway Alignment 1 Straight	Most Harmful Event 2 Collision with Non-Fixed Object	Most Harmful Event Detail 14 Motor Vehicle in Transport
Traffic Control Device For This Vehicle 1 No Controls	First (1) Sequence of Events 2 Collision with Non-Fixed Object 14 Motor Vehicle in Transport	Second (2) Sequence of Events	Third (3) Sequence of Events	Fourth (4) Sequence of Events	

VEHICLE (Check if Commercial) ☐

Vehicle 2	Motor Vehicle Type 1 Vehicle in Transport	Hit and Run 1 No	Veh License Number PJDP11	State FL	Reg. Expires 08/Mar/2023	Permanent Reg. No	VIN 1HGCR2F52FA082173
Year 2015	Make HOND	Model 4D	Color BLK	Extent of Damage Functional	Est. Damage 100	Towed Due To Damage No	Vehicle Removed By OWNER
Insurance Company SECURITY NATIONAL INS				Insurance Policy Number G01097173400			

Date of Crash 19/Aug/2021 07:02 AM	Date of Report 19/Aug/2021 07:02 AM	Invest. Agency Report Number 20210011994	HSMV Crash Report Number 24599644
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Name of Vehicle Owner (Check Box If Business) <input type="checkbox"/>		Current Address (Number and Street) 906 GRANT ST 308		City and State WEST PALM BEACH FL		Zip Code 33407		
Trailer One:	License Number	State	Reg. Expires	Permanent Reg.	VIN	Year	Make	
Trailer Two:	License Number	State	Reg. Expires	Permanent Reg.	VIN	Year	Make	
Vehicle Traveling:	Direction North	On Street, Road, Highway S AUSTRIALIAN AVE				At Est. Speed	Posted Speed 30	Total Lanes 4
CMV Configuration		Cargo Body Type		Area of Initial Impact		Most Damaged Area		
Comm GVWR/GCWR		Trailer Type (trailer one)		Trailer Type (trailer two)				
Haz. Mat. Release	Haz. Mat. Placard	Number		Class				
Motor Carrier Name				US DOT Number				
Motor Carrier Address				City and State		Zip Code Phone Number		
Comm/Non-Commercial	Vehicle Body Type 1 Passenger Car	Vehicle Defects (one) 1 None		Vehicle Defects (two)		Emergency Vehicle Use 1 No	Special Function of MV 1 No Special Function	
Vehicle Maneuver Action 13 Stopped in Traffic	Trafficway 1 Two-Way, Not Divided	Roadway Grade 1 Level	Roadway Alignment 1 Straight	Most Harmful Event 2 Collision with Non-Fixed Object		Most Harmful Event Detail 14 Motor Vehicle in Transport		
Traffic Control Device For This Vehicle 1 No Controls	First (1) Sequence of Events 2 Collision with Non-Fixed Object		Second (2) Sequence of Events		Third (3) Sequence of Events		Fourth (4) Sequence of Events	
		14 Motor Vehicle in Transport						

PERSON RECORD

Person# 1	Description 1 Driver	Vehicle # 1	Name TIMOTHY GRIFFIN		Date of Birth 06/Jan/1994	Sex 1 Male	Phone Number (478)213-4425	Re-Exam No
Address 124 OLYMPIA DR		City DOTHAN		State AL		Zip Code 36303		
Driver License Number 8721984		State AL	Expires 07/Jan/2025	DL Type 5 E/Operator	Req. End. 2 No	Injury Severity 1 None	Ejection 1 Not Ejected	
Restraint System 3 Shoulder and Lap Belt Used	Air Bag Deployed 1 Not Applicable	Helmet Use 3 No Helmet	Eye Protection 3 Not Applicable	Seating Location Seat 1 Left	Seating Location Row 1 Front	Seating Location Other 1 Not Applicable		
Drivers Actions at Time of Crash (first) 10 Followed too Closely		Drivers Actions at Time of Crash (second)		Driver Distracted By 1 Not Distracted		Vision Obstruction 1 Vision Not Obscured		
Drivers Actions at Time of Crash (third)		Drivers Actions at Time of Crash (fourth)		Drivers Condition at Time of Crash 1 Apparently Normal				
Suspected Alcohol Use 1 No	Alcohol Tested	Alcohol Test Type	Alcohol Test Result	BAC	Suspected Drug Use 1 No	Drug Tested	Drug Test Type	Drug Test Result
Source of Transport to Medical Facility 1 Not Transported		EMS Agency Name or ID		EMS Run Number		Medical Facility Transported To		

PERSON RECORD

Person# 2	Description 1 Driver	Vehicle # 2	Name ROWAN ALDWIN HUNTER		Date of Birth 08/Mar/1975	Sex 1 Male	Phone Number (561)541-1149	Re-Exam No
Address 906 GRANT ST 308		City WEST PALM BEACH		State FL		Zip Code 33407		
Driver License Number H536721750881		State FL	Expires 08/Mar/2029	DL Type 5 E/Operator	Req. End. 2 No	Injury Severity 1 None	Ejection 1 Not Ejected	
Restraint System 3 Shoulder and Lap Belt Used	Air Bag Deployed 2 Not Deployed	Helmet Use 3 No Helmet	Eye Protection 3 Not Applicable	Seating Location Seat 1 Left	Seating Location Row 1 Front	Seating Location Other 1 Not Applicable		
Drivers Actions at Time of Crash (first) 1 No Contributing Action		Drivers Actions at Time of Crash (second)		Driver Distracted By 1 Not Distracted		Vision Obstruction 1 Vision Not Obscured		
Drivers Actions at Time of Crash (third)		Drivers Actions at Time of Crash (fourth)		Drivers Condition at Time of Crash 1 Apparently Normal				
Suspected Alcohol Use 1 No	Alcohol Tested	Alcohol Test Type	Alcohol Test Result	BAC	Suspected Drug Use 1 No	Drug Tested	Drug Test Type	Drug Test Result
Source of Transport to Medical Facility 1 Not Transported		EMS Agency Name or ID		EMS Run Number		Medical Facility Transported To		

PERSON RECORD

Person# 3	Description 3 Passenger	Vehicle # 2	Name IVETTE BOLIVAR		Date of Birth 12/Nov/1986	Sex 2 Female	Injury Severity 1 None	Ejection 1 Not Ejected
Address 906 GRANT ST 308		City WEST PALM BEACH		State FL		Zip Code 33407		

Date of Crash 19/Aug/2021 07:02 AM	Date of Report 19/Aug/2021 07:02 AM	Invest. Agency Report Number 20210011994	HSMV Crash Report Number 24599644
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Restraint System 3 Shoulder and Lap Belt Used	Air Bag Deployed 2 Not Deployed	Helmet Use 3 No Helmet	Eye Protection 3 Not Applicable	Seating Location Seat 3	Seating Location Row 1	Seating Location Other 1
Source of Transport to Medical Facility 1 Not Transported	EMS Agency Name or ID	EMS Run Number	Medical Facility Transported To			

NARRATIVE

V2 WAS IN THE RIGHT TURN LANE ON S. AUSTRALIAN AVE JSUT SOUTH OF BANYAN BLVD. STOPPED IN TRAFFIC.V1 WAS IN THE RIGHT TURN LANE ON S. AUSTRALIAN AVE JSUT SOUTH OF BANYAN BLVD. STOPPED IN TRAFFIC. V1 THOUGHT TRAFFIC STARTED TO MOVE AND STARTED FOWARD. V2 THEN STRUCK V1 ON THE REAR OF THE VEHICLE WITH THE FRONT OF HIS VEHICLE.

NO REPORTS OF INJURY. NO VISIBLE DAMAGE. NO WITNESSES ON SCENE. BWC ACTIVATED. V1 IS AT FAULT.

REPORTING OFFICER

ID/Badge # 01737	Rank and Name OFFICER J. SADLON	Department WEST PALM BEACH POLICE DEPARTMENT	Type of Department PD
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Date of Crash 19/Aug/2021 07:02 AM	Date of Report 19/Aug/2021 07:02 AM	Invest. Agency Report Number 20210011994	HSMV Crash Report Number 24599644
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2021-08-19 T11:16:49Z
AXON BODY 2 X81241996





00:38





02:34



2021-08-19 T11:19:19Z
AXDN BODY 2 X81241996



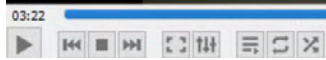
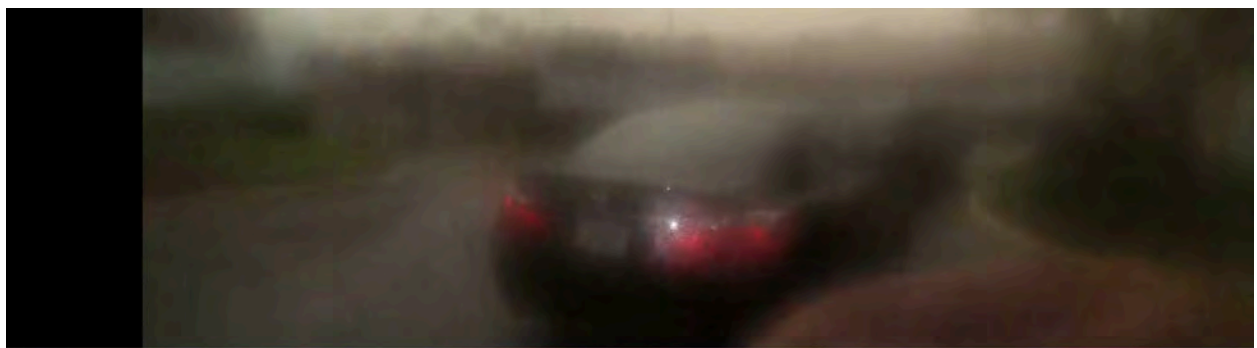




EXHIBIT 7

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2022-CA-009833-XXXX-MB

ROWAN HUNTER and IVETTE
BOLIVAR,

Plaintiffs,

vs.

TIMOTHY GRIFFEN and
HI-TEK SECURITY SERVICES, INC.,

Defendant.

AFFIDAVIT OF ANDREW J. RENTSCHLER, PH.D.

STATE OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

BEFORE ME, the undersigned authority, personally appeared Andrew J. Rentschler, Ph.D,
who, after being duly sworn, deposes and states as follows:

1. I, Andrew J. Rentschler, Ph.D, am over the age of 18 and am in all ways capable of making this affidavit. I have personal knowledge of the facts contained in this affidavit, and if called upon as a witness, could testify competently thereto.
2. I am an expert in the field of accident reconstruction and biomechanics. My qualifications, training, and experience are detailed in my CV which is attached to this Affidavit as Exhibit A.
3. I have been retained by the Defense to provide opinions on whether the Plaintiffs' vehicle sustained property damage, as claimed by the Plaintiffs, and whether the


Plaintiffs could have sustained the injuries they claim, or any injury at all from the subject accident.

4. I was provided and reviewed several documents, photographs, depositions, and the body camera footage of the investigating police officer, which are detailed in the attached Exhibit B to this deposition.
5. The front bumper on the Ford Focus the Defendant was driving has a height from the ground to the top of the bumper of twenty-two (22) inches. The height from the ground to the top of the front of the hood on the incident Ford Focus is twenty-six (26) inches. The subject Honda Accord that the Plaintiff was driving has a rear bumper height of twenty-five (25) inches from the ground to the top of the bumper. The rear passenger taillight on the Honda sits several inches above the top of the rear bumper. Given this disparity the rear-end accident could not have resulted in breakage of the Plaintiffs' taillight as claimed. The taillight damage shown in the exhibit of HUNTER's deposition and the vehicle estimate was the result of a direct/focal impact. The impact between the parties could not have caused this type of taillight damage to the Plaintiff's vehicle. According to Timothy Griffin, just prior to contact, he slammed on the brakes of the Ford Focus. This would cause the front of the Ford to drop downward, thereby reducing the height of the front end of the Ford Focus even more.
6. The bumper and right rear quarter panel damage to the Plaintiff's vehicle as shown in the photographs I reviewed was also not a result of the subject accident. For the damage and dislodging of the Plaintiff's bumper and right rear quarter panel to take place, as shown in the photographs I reviewed, it would have caused

concurrent damage to the Defendant's Ford Focus. Since there was no documented damage to the Ford Focus, the damage shown to the Plaintiff's rear bumper and right rear quarter panel would not have been caused by the accident.

7. Review of the deposition testimony of the parties, the investigating police officer, the photographs of the vehicles in question, Plaintiff's answers to interrogatories, and the bodycam video of the officer demonstrate that the subject impact is consistent with the testimony of the Defendant Tim Griffin, and was a very low speed impact, causing no evident damage to any of the vehicles involved.
8. I have also reviewed the medical records of the Plaintiffs detailing their claimed injuries. This minimal impact would not have produced the biomechanical injury mechanisms required to cause the injuries claimed by the Plaintiffs. The impact between the parties is equivalent to performing common activities of daily living, including: bending over, sitting down in a chair, and walking up/down the stairs. This would not have caused the disc disruptions complained of by the Plaintiffs. Instead, the findings shown on the diagnostic images, and injuries complained of, are consistent with long-standing pre-existing conditions that are extensively documented in the Plaintiffs' medical histories.

FURTHER AFFIANT SAYETH NOT.



Andrew J. Rentschler, Ph.D

SWORN TO and SUBSCRIBED before me this 12 day of June, 2023
(Affiant has produced _____ or is personally known to me).



NOTARY PUBLIC, STATE OF PENNSYLVANIA

My Commission expires: Sept 20, 2026

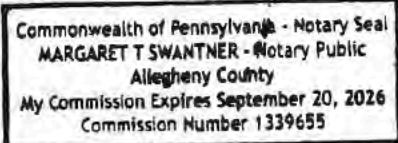


EXHIBIT 8

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ROWAN HUNTER; and IVETTE BOLIVAR,

Plaintiffs,

v.

TIMOTHY GRIFFIN; and HI-TEK SECURITY
SERVICES, INC,

Defendants.

CIVIL DIVISION

CASE NO.:

502022CA009833XXXXMB

**PLAINTIFF'S NOTICE OF SERVING VERIFIED ANSWERS TO
DEFENDANT'S AUTOMOBILE INTERROGATORIES DATED 11/03/2022**

The Plaintiff, **IVETTE BOLIVAR**, by and through the undersigned attorney, hereby files his answers to Defendant, **HI-TEK SECURITY SERVICES, INC**'s Automobile Interrogatories dated November 03, 2022.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically submitted on this 31st day of January, 2023, to: Mario A. Gomez, Esq., La Cava Jacobson & Goods, Attorney for Defendants, 7700 North Kendall Drive, Suite 411, Miami, FL 33156, gomezm@ljglegal.com, wmontverde@ljglegal.com

RUBENSTEIN LAW, P.A.

Attorneys for Plaintiffs

9130 S. Dadeland Blvd, PH

Miami, FL 33156

Tel: (305) 661-6000

Fax: (305) 670-7555

Email: tim@rubensteinlaw.com

jmolano@rubensteinlaw.com

eservice@rubensteinlaw.com

By: /s/ R. Timothy Vannatta

R. Timothy Vannatta

Florida Bar No.: 0055890

**PLAINTIFF'S VERIFIED ANSWERS TO DEFENDANT'S
AUTOMOBILE INTERROGATORIES DATED 11/03/2022**

1. What is the Name, Address, Date of Birth, Social Security number, HICN number, Medicare number, Medicaid number and SCHIP number, Driver's license number of the person answering these interrogatories, and, if you are answering for someone else, the person's official position or relationship with the party to whom the interrogatories are directed?

ANSWER: Ivette Bolivar with assistance of counsel

██████████
████████████████████

Date Of Birth: ██████████

Social Security No.: ██████████ (Plaintiff will provide at deposition off of the record)

Driver's license number: ████████████████████

2. List the names, business addresses, dates of employment, and rates of pay regarding all employers, including self-employment, for whom you have worked in the past ten (10) years.

ANSWER:

**GL Staffing Services
1959 10th Ave N
Lake Worth, FL 33461
Dates of Employment: 2020
Rates of Pay: \$75.00 a day**

3. List all the names and when you were known by those names. State all the addresses where you lived for the past ten (10) years, the dates you lived at each address, your social security number, your date of birth, and if you are or have ever been married, the name of your spouse or spouses.

ANSWER: Plaintiff has not been known by any other names other than Ivette Bolivar

**1535 Centrepark Dr.
N West Palm Beach FL, 33401
Dates: October 2021-Present**

906 Grant St, Apt 205

West Palm Beach, FL 33407
Dates: September 2018-October 2021

134 Tropical Ave. Unit A
West Palm Beach FL, 33415
Dates: April 2021-December 2021

134 W 26th St Riviera Beach
Dates: 2017 – Sept 2018

73 West Trail Dr
West Palm Beach, FL 33415
Dates: 2015-2017

1616 n. Federal Hwy
FL, 33460
Dates: 2013-2014

448 Autumn Trail
Palm Beach Gardens, FL 32410
Dates: 2010-2013

Date Of Birth: [REDACTED]

Social Security No.: [REDACTED] **(Plaintiff will provide at deposition off of the record)**

Plaintiff is married to Rowan Hunter

4. Do you wear glasses, contact lenses or hearing aids? If so, who prescribed them; when were they prescribed; when were eyes or ears last examined; and what is the name and address of the examiner?

ANSWER: Plaintiff wear glasses. My last examination was on November 4th, 2022, at Bascom Palmer Eye Institute.

5. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted was punishable by death or imprisonment in excess of one (1) year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction, the specific crime, the date, and the place of conviction.

ANSWER: No.

6. Were you suffering from any physical infirmity, disability, or sickness at the time of the occurrence of the incident described in the Complaint? If so, what was the nature of the infirmity, disability, or sickness?

ANSWER: Yes. I am blind. I suffered from a condition called uveitis and inflammation in the eyes.

7. Did you consume any alcoholic beverages or take any drugs or medications within twelve (12) hours before the occurrence of the accident described in the Complaint? If so, what type and amount of alcoholic beverages, drugs or medication were consumed and where did you consume them?

ANSWER: No.

8. Describe in detail how the incident described in the Complaint happened, including all actions taken by you to prevent the incident.

ANSWER: On or about August 19, 2021, Defendant, TIMOTHY GRIFFIN, was driving the aforementioned vehicle at or near the intersection of South Australian Avenue and Banyan Boulevard, in West Palm Beach, Florida, when he carelessly and negligently operated and/or maintained the aforementioned motor vehicle so as to cause it to collide with a motor vehicle in which Plaintiff, IVETTE BOLIVAR, was a passenger. There was nothing Plaintiff could have done to prevent the incident.

9. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question.

ANSWER: Plaintiff contends that the Defendant, TIMOTHY GRIFFIN, was negligent, including but not limited to, as follows:

- a. **Failing to maintain control of his vehicle.;**
- b. **Failing to keep proper look out and awareness of the vehicles around him.;**
- c. **Failing to avoid an avoidable collision.;**
- d. **Carelessly driving.;**
- e. **Failing to act reasonably under the circumstances.;**
- f. **Failure to maintain a safe distance between vehicles.;** and
- g. **Under all circumstances, failing to drive in a reasonably safe manner.**

The Defendant, HI-TEK, is vicariously liable for the damage, injury or loss caused by the negligent operation and/or maintenance of the vehicle being operated and/or maintained by Defendant, TIMOTHY GRIFFIN, on or about August 19, 2021, under respondeat superior.

10. Were you charged with any violation of law (including any regulations or ordinances) arising out of the incident described in the Complaint? If so, what was the nature of the charge; what plea, or answer, if any, did you enter to the charge; what court or agency heard the charge; was any written report prepared by anyone regarding this charge, and if so, what is the name and address of the person or entity that prepared the report; do you have a copy of the report; and was the testimony at any trial, hearing, or other proceeding on the charge recorded in any manner, and if so, what was the name and address of the person who recorded the testimony?

ANSWER: No.

11. Describe each injury for which you are claiming damages in this case specifying the part of your body that was injured; the nature of the injury; and as to any injuries you contend are permanent, the effects on you that you claim are permanent.

ANSWER: As a result of the incident that occurred on August 19, 2021, Plaintiff suffered injuries to her lower back, neck, left leg and headaches. See Plaintiff's medical records provided in response to requests for production for a complete description of Plaintiff's injuries and treatment. Each of Plaintiff's injuries have affected her normal daily activities.

12. List each item or damage, other than loss of income or earning capacity that you claim to have incurred as a result of the incident described in the Complaint, giving for each item the date incurred, the name and business address to whom each was paid or is owed, and the goods or services for which each was incurred.

ANSWER: As a result of the incident on August 19, 2021, Plaintiff has incurred the following medical expenses for medical care and treatment:

Name	Address	Date(s) of Service	Total Charges
Backsaver, LLC	2247 Palm Beach Lakes Blvd Suite 109 West Palm Beach, FL33409	November 10, 2021- November 10, 2021	\$4,869.25
Southern Chiropractic Life Center	10345 Southern Boulevard Royal Palm Beach, FL 33411	August 25, 2021- November 17, 2021	\$3,518.00
Certified Spine & Pain Care	1049 SR 7 Wellington, FL 33414	September 1, 2021- September 1, 2022	\$6,300.00

Spine and Orthopedic Specialists of South Florida	814 North John Young Parkway Kissimmee, FL 34741	October 12, 2021- October 29, 2021	\$1,450.00
Stand Up MRI of Boca Raton	9080 Kimberly Blvd. Suite 14 Boca Raton, FL 33434	November 11, 2021- March 25, 2022	\$3,200.00
Dr. Thomas Roush	1818 South Australian Avenue Suite 108 West Palm Beach, FL 33409	November 24, 2021- June 8, 2022	\$2,475.00
The Imaging Center Of WPB	2450 Metrocentre Blvd. West Palm Beach, FL 33407	October 11, 2021- October 11, 2021	\$1,950.00
Good Samaritan Outpatient Imaging - West Palm Beach	5405 Okeecobee Blvd. West Palm Beach, FL 33417	November 8, 2021- November 8, 2021	\$9,208.00
Florida Orthocare	1411 N Flager Dr Suite 4600 West Palm Beach, FL 33401 (To be produced under separate cover	November 9, 2021- January 20, 2022	\$2,464.82
Multi Specialty Physician Services	PO Box 746232 Atlanta, GA 30374	December 7, 2021- March 1, 2022	\$2,827.46

13. Do you contend that you have lost any income, benefits, or earning capacity in the past or future as a result of the incident described in the Complaint? If so, state the nature of the income, benefits, or earning capacity, and the amount and the method that you used in computing the amount.

ANSWER: No.

14. Has anything been paid or is anything payable from any third party for the damages listed in your answers to these Interrogatories? If so, state the amounts paid or payable, the name and business address of the person or entity that paid or owes said amounts, and which of those third parties have a claim or right of subrogation.

ANSWER: Yes. Plaintiff has received Personal Injury Protection (PIP) benefits through Bristol West Insurance. See attached PIP Log produced in Response to Defendant's Request for Production.

15. List the names and business address of each physician who treated or examined you, and each medical facility where you have received any treatment or examination for the injuries

for which you seek damages in this case; and state as to each the date of treatment or examination and the injury or condition for which you were examined or treated.

ANSWER: See answer to Interrogatory No. 12 herein.

16. List the names and business addresses of all other physicians, medical facilities, or other health care providers by whom or at which you have been examined or treated in the past ten (10) years; state as to each the dates of examination or treatment and the condition or injury for which you were examined or treated.

ANSWER: To the best of my knowledge and recollection:

Bascom Palm Eye Institute

Med Florida Medical Centers

Dr. Cohen

**3387 Jog Rd Suite 101,
Greenacres, FL 33467**

Dr. Christopher White, D.C.

Backsaver, LLC

**2247 Palm Beach Lakes Blvd Suite 109
West Palm Beach, FL 33409**

Associates MD

4801 s. University Dr. 2300

Fort Lauderdale, FL

Dates: 2017

South Florida pain & Rehab of Lake Worth

6001 Broken Sound Pkwy #630

Boca Raton, FL

Dates: 2016

JFK Medical Center

5301 South Congress Avenue,

Atlantis, FL 33462

Dates: 2/02/2016

Dr. Eugene Lustgarten

Select

5701 Hollywood Blvd,

Suite F

Hollywood, FL 33021

**Stand-Up MRI of Fort Lauderdale
4616 n. Federal Highway
Fort Lauderdale, FL**

**Tri-County Diagnostic & Imaging Centers, LLC
201 10th Avenue North, Unit 6
Lake Worth, FL**

**Dr. Samuel Hess
Florida Spine & Joint Institute**

**Choice Medical Centers
1325 S. Congress Ave, Suite 105
Boynton Beach, FL 33426**

**Atlantis Orthopaedics
900 Village Square Crossing, Suite 170
Palm Beach Gardens, FL 33410**

**Dr. Dan Brandwein, DPM
159 S. Pompano Parkway
Pompano Beach, FL 33069**

17. List the names and address of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit and specify the subject matter about which the witness has knowledge.

ANSWER: To the best of my knowledge and recollection:

Rowan Aldwin Hunter, Plaintiff,

Timothy Griffin, Defendant,

Any staff and/or personnel working for Defendant, HI-TEK SECURITY SERVICES, INC, who may have knowledge of the incident itself,

All of Plaintiff's treating medical providers identified in response to number 12 herein have knowledge of Plaintiff's medical care and treatment as a result of the subject incident,

Officer J. Sadlon ID/Badge # 01737, West Palm Beach Police Department.

18. Have you heard, or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or remark, the name and address of each person who heard it, and the date, time, place and substance of each statement or remark.

ANSWER: No.

19. State the name and address of every person known to you, your agents, or attorneys, who has knowledge about, or possession, or custody or control of any model, plat, map, drawing, motion picture, video tape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

ANSWER: See attached photos produced in response to Defendant's request for Production.

20. Do you intend to call any expert witness at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

ANSWER: Undetermined at this time. Discovery is ongoing.

21. Have you made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in this case? If so, state the terms of the agreement and the parties to it.

ANSWER: No.

22. Please state if you have ever been a party, either plaintiff or Defendant(s), in a lawsuit other than the present matter and if so, state whether you were the plaintiff or Defendant(s), the nature of the action, and the date and court in which suit was filed.

ANSWER:

**Ivette Bolivar v. JAEA Restaurant Holdings, LLC
Case No: 17-CA-008901
Palm Beach County**

23. At the time of the incident described in the Complaint, were you wearing a seat belt? If not, please state why not; were you seated in the vehicle; and whether the vehicle was equipped with a seat belt that was operational and available for your use.

ANSWER: Yes.

24. Did any mechanical defect in the motor vehicle in which you were riding at the time of the incident described in the Complaint contribute to the incident? If so, describe the nature of the defect and how it contributed to the incident?

ANSWER: No.

25. List the names, addresses, telephone numbers of all companies, entities, or individuals where you have applied for employment in the past three (3) years.

ANSWER: N/A.

26. With respect to any injuries or symptoms described in your answer to Interrogatory 11, please state whether you, at any other time, ever had any similar injury to or similar symptom of the same or similar area of your body, and if so, itemize each such injury or symptom, the part of the body involved, the date and duration of such injury or symptom, and the names and addresses of any physician or hospitals that treated you for such injury or symptom.

ANSWER: Yes, I slipped and fall at Wendy's located at the intersection of Cherry Rd and Military Trail in West Palm Beach on February 2, 2016. I injured my neck and left ankle.

Also, I was a passenger in an automobile accident that occurred on October 24, 2020. As a result of this accident, I injured my back and neck.

Also, I had other two motor vehicle accidents in 2015 and 2010

27. State whether or not you have been involved in any accidents or incidents resulting in personal injury prior to or after the incident described in the Complaint; and if so, state the place of each of said accidents or incidents, the date of each said accident or incident, any personal injuries that you may have received in any such accident or incident, the name of each and every medical practitioner treating you or examining you for each of the said injuries.

ANSWER: Yes, I slipped and fall at Wendy's located at the intersection of Cherry Rd and Military Trail in West Palm Beach on February 2, 2016. I injured my neck and left ankle.

Also, I was a passenger in an automobile accident that occurred on October 24, 2020. As a result of this accident, I injured my back and neck.

On September 24, 2021, I fell at Dollar Tree store. I injured my right leg

Also, I had other two motor vehicle accidents in 2015 and 2010

28. State whether or not, in the past five (5) years, you made application for any insurance or employment requiring a physical examination; and if so, state the name and address of the medical practitioner who examined you, giving the date of the examination, and the name and address of such insurance company and/or employer.

ANSWER: N/A.

29. Have you ever received a disability rating of any type whatsoever from any individual or private governmental organization before or after the incident described in the Complaint and not related to the incident described in the Complaint; and if so, state as to each the name and address of the physician or private governmental organization before or after the incident described in the complaint and not related to the incident described in the complaint; and if so, state as to each the name and address of the physician or organization giving such rating, the date of the rating, the amount of the disability rating, and describe the nature of the incident causing the disability rating.

ANSWER: Yes.

30. At the time of the subject impact/s where you using a cell phone in any kind of way (including but not limited to talking, texting, streaming, using the internet, social media, etc.). If so, specify how you were using the cell phone, the phone number, account holder and cell phone service provider. For any cell phone/s that you owned or had possession of at the time of the accident (different than the one noted above) also provide the phone number, account holder and cell phone service provider.

ANSWER: N/A.

Case No: 50-2022-CA-009833-XXXX-MB
Page 13

Ivette Bolivar

AFFIANT

STATE OF FLORIDA)
: SS.
Palm Beach COUNTY)

BEFORE ME, the undersigned authority, personally appeared Ivette Bolivar, and being duly sworn, on oath, deposes and says that the foregoing Answers to Interrogatories propounded on the 31st day of January, are true and correct to the best of his/her knowledge, and that he/she has read the foregoing Answers to Interrogatories and knows the contents thereof.

SWORN TO AND SUBSCRIBED before me this 31st day of January, 20 .

My Commission Expires:



JOHANNA MOLANO
Notary Public
State of Florida
Comm# HH277706
Expires 6/16/2026

Johanna Molano

Notary Public
State of Florida at Large

 Personally Known or

 X Produced Identification

Type of Identification Produced

D.L.B416-400-86-912-0

EXHIBIT 9

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ROWAN HUNTER; and IVETTE BOLIVAR,

Plaintiffs,

v.

TIMOTHY GRIFFIN; and HI-TEK SECURITY
SERVICES, INC,

Defendants.

CIVIL DIVISION

CASE NO.:

502022CA009833XXXXMB

**PLAINTIFF'S NOTICE OF SERVING VERIFIED ANSWERS TO
DEFENDANT'S AUTOMOBILE INTERROGATORIES DATED 11/03/2022**

The Plaintiff, **ROWAN HUNTER**, by and through the undersigned attorney, hereby files his answers to Defendant, **HI-TEK SECURITY SERVICES, INC**'s Automobile Interrogatories dated November 03, 2022.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically submitted on this 31st day of January, 2023, to: Mario A. Gomez, Esq., La Cava Jacobson & Goods, Attorney for Defendants, 7700 North Kendall Drive, Suite 411, Miami, FL 33156, gomezm@ljglegal.com, wmontverde@ljglegal.com

RUBENSTEIN LAW, P.A.

Attorneys for Plaintiffs

9130 S. Dadeland Blvd, PH

Miami, FL 33156

Tel: (305) 661-6000

Fax: (305) 670-7555

Email: tim@rubensteinlaw.com

jmolano@rubensteinlaw.com

eservice@rubensteinlaw.com

By: /s/ R. Timothy Vannatta

R. Timothy Vannatta

Florida Bar No.: 0055890

Hunter

**1535 Centrepark Dr.
N West Palm Beach FL, 33401
Dates: October 2021-Present**

**134 Tropical Ave. Unit A
West Palm Beach FL, 33415
Dates: April 2021-December 2021**

**906 Grant St, Apt 308
West Palm Beach, FL 33407
Dates: September 2019-October**

**16119 Orange Bv
Loxahatchee FL, 33470
Dates: 2012-August 2019**

Date Of Birth: [REDACTED]

Social Security No.: [REDACTED] (Plaintiff will provide at deposition off of the record)

Plaintiff is married to Ivette Bolivar

4. Do you wear glasses, contact lenses or hearing aids? If so, who prescribed them; when were they prescribed; when were eyes or ears last examined; and what is the name and address of the examiner?

ANSWER: No.

5. Have you ever been convicted of a crime, other than any juvenile adjudication, which under the law under which you were convicted was punishable by death or imprisonment in excess of one (1) year, or that involved dishonesty or a false statement regardless of the punishment? If so, state as to each conviction, the specific crime, the date, and the place of conviction.

ANSWER: Yes. Felony battery

CASE NUMBER: 50-2016-CF-003205-AXXX-MB

**CASE STYLE: HUNTER, ROWAN ALDWIN
Filing Date: 04/04/2016
Palm Beach County**

CASE NUMBER: 50-2015-CF-005746-BXXX-MB

CASE STYLE: HUNTER, ROWAN ALDWIN

Filing Date: 07/06/2015

Palm Beach County

6. Were you suffering from any physical infirmity, disability, or sickness at the time of the occurrence of the incident described in the Complaint? If so, what was the nature of the infirmity, disability, or sickness?

ANSWER: Yes, I was suffering from prior injuries from 2019, back and neck pain.

7. Did you consume any alcoholic beverages or take any drugs or medications within twelve (12) hours before the occurrence of the accident described in the Complaint? If so, what type and amount of alcoholic beverages, drugs or medication were consumed and where did you consume them?

ANSWER: No.

8. Describe in detail how the incident described in the Complaint happened, including all actions taken by you to prevent the incident.

ANSWER: On or about August 19, 2021, Defendant, TIMOTHY GRIFFIN, was driving the aforementioned vehicle at or near the intersection of South Australian Avenue and Banyan Boulevard, in West Palm Beach, Florida, when he carelessly and negligently operated and/or maintained the aforementioned motor vehicle so as to cause it to collide with a motor vehicle driven by Plaintiff, ROWAN HUNTER. There was nothing Plaintiff could have done to prevent the incident.

9. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question.

ANSWER: Plaintiff contends that the Defendant, TIMOTHY GRIFFIN, was negligent, including but not limited to, as follows:

- a. Failing to maintain control of his vehicle.;**
- b. Failing to keep proper look out and awareness of the vehicles around him.;**
- c. Failing to avoid an avoidable collision.;**
- d. Carelessly driving.;**
- e. Failing to act reasonably under the circumstances.;**
- f. Failure to maintain a safe distance between vehicles.;** and
- g. Under all circumstances, failing to drive in a reasonably safe manner.**

The Defendant, HI-TEK, is vicariously liable for the damage, injury or loss caused by the negligent operation and/or maintenance of the vehicle being operated and/or maintained by Defendant, TIMOTHY GRIFFIN, on or about August 19, 2021, under respondeat superior.

10. Were you charged with any violation of law (including any regulations or ordinances) arising out of the incident described in the Complaint? If so, what was the nature of the charge; what plea, or answer, if any, did you enter to the charge; what court or agency heard the charge; was any written report prepared by anyone regarding this charge, and if so, what is the name and address of the person or entity that prepared the report; do you have a copy of the report; and was the testimony at any trial, hearing, or other proceeding on the charge recorded in any manner, and if so, what was the name and address of the person who recorded the testimony?

ANSWER: No.

11. Describe each injury for which you are claiming damages in this case specifying the part of your body that was injured; the nature of the injury; and as to any injuries you contend are permanent, the effects on you that you claim are permanent.

ANSWER: As a result of the incident that occurred on August 19, 2021. Plaintiff suffered injuries to his neck, left arm, back and right leg. See Plaintiff's medical records provided in response to requests for production for a complete description of Plaintiff's injuries and treatment. Each of Plaintiff's injuries have affected his normal daily activities.

12. List each item or damage, other than loss of income or earning capacity that you claim to have incurred as a result of the incident described in the Complaint, giving for each item the date incurred, the name and business address to whom each was paid or is owed, and the goods or services for which each was incurred.

ANSWER: As a result of the incident on August 19, 2021, Plaintiff has incurred the following medical expenses for medical care and treatment:

Name	Address	Date(s) of Service	Total Charges
Southern Chiropractic Life Center	10345 Southern Boulevard Royal Palm Beach, FL 33411	August 25, 2021- November 17, 2021	\$4,538.00
Certified Spine & Pain Care	1049 SR 7 Wellington, FL 33414	September 1, 2021- September 1, 2022	\$6,545.00

Spine and Orthopedic Specialists of South Florida	814 North John Young Parkway Kissimmee, FL 34741	October 12, 2021- October 29, 2021	\$1,450.00
Stand Up MRI of Boca Raton	9080 Kimberly Blvd. Suite 14 Boca Raton, FL 33434	November 11, 2021- March 26, 2022	\$6,400.00
Interventional Pain Services of Palm Beach	2047 Palm Beach Lakes Blvd. West Palm Beach, FL 33409	November 10, 2021- November 10, 2021	\$687.50
Dr. Thomas Roush	1818 South Australian Avenue Suite 108 West Palm Beach, FL 33409	November 24, 2021- August 19, 2022	\$178,592.24
The Imaging Center Of WPB	2450 Metrocentre Blvd. West Palm Beach, FL 33407	October 11, 2021- October 11, 2021	\$2,189.00
FL Ortho Care	11211 Prosperity Farms Road Palm Beach Gardens, FL 33410	November 9, 2021- December 23, 2021	\$2,494.82
Deerfield Beach Outpatient Surgical Center, LLC	250 SW Natura Avenue Suite A Deerfield Beach, FL 33441	May 3, 2022- May 3, 2022	\$63,000.00
Del Risco & Associates Anesthesia Services	9301 SW 84th Ave Miami, FL 33156	May 3, 2022- May 3, 2022	\$6,825.00
Testing Unlimited Solutions, Inc.	PO BOX 971025 COCONUT CREEK, FL 33097	May 3, 2022- July 12, 2022	\$250.00
Elite Medical Equipment	P.O. Box 661 Lake Worth, FL 33460	May 3, 2022- May 3, 2022	\$1,300.00
Associates MD	4780 S.W. 64 Avenue, Suite 104 Davie, FL 33314	April 27, 2022- April 27, 2022	\$2,557.44
MD Transport	4780 SW 64th Avenue Suite 104 Davie, FL 33314	May 3, 2022- July 12, 2022	\$700.00
Stuart Krost, M.D.,P.A.	2290 10th Ave North Suite 201 Lake Worth, FL 33461		\$1,700.00
Sentient Physician Groups	PO BOX 1659 Dept# 106070 Hartford, CT 06144	July 12, 2022- July 12, 2022	\$12,889.00
Deerfield Beach Outpatient Surgical Center, LLC	250 SW Natura Avenue Suite A Deerfield Beach, FL 33441	July 12, 2022- July 12, 2022	\$141,250.00
Del Risco & Associates	9301 S.W, 84 Avenue Miami, FL 33156	July 12, 2022- July 12, 2022	\$7,350.00

Advanced Diagnostic Group	TBD	October 12, 2022- October 12, 2022	TBD
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13. Do you contend that you have lost any income, benefits, or earning capacity in the past or future as a result of the incident described in the Complaint? If so, state the nature of the income, benefits, or earning capacity, and the amount and the method that you used in computing the amount.

ANSWER: No.

14. Has anything been paid or is anything payable from any third party for the damages listed in your answers to these Interrogatories? If so, state the amounts paid or payable, the name and business address of the person or entity that paid or owes said amounts, and which of those third parties have a claim or right of subrogation.

ANSWER: Yes. Plaintiff has received Personal Injury Protection (PIP) benefits through Bristol West Insurance. See attached PIP Log produced in Response to Defendant's Request for Production.

15. List the names and business address of each physician who treated or examined you, and each medical facility where you have received any treatment or examination for the injuries for which you seek damages in this case; and state as to each the date of treatment or examination and the injury or condition for which you were examined or treated.

ANSWER: See answer to Interrogatory No. 12 herein.

16. List the names and business addresses of all other physicians, medical facilities, or other health care providers by whom or at which you have been examined or treated in the past ten (10) years; state as to each the dates of examination or treatment and the condition or injury for which you were examined or treated.

ANSWER: To the best of my knowledge and recollection:

**Dr. Christopher White, D.C.
Backsaver, LLC
2247 Palm Beach Lakes Blvd Suite 109
West Palm Beach, FL 33409**

**Good Samaritan Medical Center
1309 N Flagler Dr,
West Palm Beach, FL 33401**

**Backsaver, LLC
2247 Palm Beach Lakes Blvd Suite 109**

West Palm Beach, FL 33409

**Advanced Diagnostic
2450 Metrocentre Blvd,
West Palm Beach, FL 33407**

**Stand Up MRI Boca Raton
14, 2862, 9080 Kimberly Blvd,
Boca Raton, FL 33434**

17. List the names and address of all persons who are believed or known by you, your agents or attorneys to have any knowledge concerning any of the issues in this lawsuit and specify the subject matter about which the witness has knowledge.

ANSWER: To the best of my knowledge and recollection:

Ivette Bolivar, Plaintiff,

Timothy Griffin, Defendant,

Any staff and/or personnel working for Defendant, HI-TEK SECURITY SERVICES, INC, who may have knowledge of the incident itself,

All of Plaintiff's treating medical providers identified in response to number 12 herein have knowledge of Plaintiff's medical care and treatment as a result of the subject incident,

Officer J. Sadlon ID/Badge # 01737, West Palm Beach Police Department.

18. Have you heard, or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit? If so, state the name and address of each person who made the statement or remark, the name and address of each person who heard it, and the date, time, place and substance of each statement or remark.

ANSWER: No.

19. State the name and address of every person known to you, your agents, or attorneys, who has knowledge about, or possession, or custody or control of any model, plat, map, drawing, motion picture, video tape, or photograph pertaining to any fact or issue involved in this controversy; and describe as to each, what such person has, the name and address of the person who took or prepared it, and the date it was taken or prepared.

ANSWER: See attached photos produced in response to Defendant's request for Production.

20. Do you intend to call any expert witness at the trial of this case? If so, state as to each such witness the name and business address of the witness, the witness's qualifications as an expert, the subject matter upon which the witness is expected to testify, the substance of the facts and opinions to which the witness is expected to testify, and a summary of the grounds for each opinion.

ANSWER: Undetermined at this time. Discovery is ongoing.

21. Have you made an agreement with anyone that would limit that party's liability to anyone for any of the damages sued upon in this case? If so, state the terms of the agreement and the parties to it.

ANSWER: No.

22. Please state if you have ever been a party, either plaintiff or Defendant(s), in a lawsuit other than the present matter and if so, state whether you were the plaintiff or Defendant(s), the nature of the action, and the date and court in which suit was filed.

ANSWER: In previous lawsuit with Rudy Gurrola, Summer of 2019, Plaintiff, car accident where client swerved to avoid accident, hit the curb, injured lower back and left shoulder, occurred in West Palm Beach.

23. At the time of the incident described in the Complaint, were you wearing a seat belt? If not, please state why not; were you seated in the vehicle; and whether the vehicle was equipped with a seat belt that was operational and available for your use.

ANSWER: Yes.

24. Did any mechanical defect in the motor vehicle in which you were riding at the time of the incident described in the Complaint contribute to the incident? If so, describe the nature of the defect and how it contributed to the incident?

ANSWER: No.

25. List the names, addresses, telephone numbers of all companies, entities, or individuals where you have applied for employment in the past three (3) years.

ANSWER: None.

26. With respect to any injuries or symptoms described in your answer to Interrogatory 11, please state whether you, at any other time, ever had any similar injury to or similar

symptom of the same or similar area of your body, and if so, itemize each such injury or symptom, the part of the body involved, the date and duration of such injury or symptom, and the names and addresses of any physician or hospitals that treated you for such injury or symptom.

ANSWER: Yes, I was involved in a vehicle accident in 2019. I sustained injuries to my lower back and left shoulder.

27. State whether or not you have been involved in any accidents or incidents resulting in personal injury prior to or after the incident described in the Complaint; and if so, state the place of each of said accidents or incidents, the date of each said accident or incident, any personal injuries that you may have received in any such accident or incident, the name of each and every medical practitioner treating you or examining you for each of the said injuries.

ANSWER: Yes.

- **On November 6, 2019, I was involved in a car accident at West of Forest Hill and Military Trl, Palm Beach, FL. I injured my lower back and neck (herniations)**
- **On August 2020, I hit a curb while swerving to avoid an accident, left shoulder and left leg, occurred on Lantana, in Worthington Apts (No police report)**
- **On November 2021, got side swiped on passenger side, hip, left hand, left elbow**
- **On January 2022, had a bad accident, with FPL truck, turning into merge, went right into the truck, airbags deployed, left hand injured, left shoulder, whole body was hurting, also hit head, wife and my daughter were in vehicle**

28. State whether or not, in the past five (5) years, you made application for any insurance or employment requiring a physical examination; and if so, state the name and address of the medical practitioner who examined you, giving the date of the examination, and the name and address of such insurance company and/or employer.

ANSWER: No.

29. Have you ever received a disability rating of any type whatsoever from any individual or private governmental organization before or after the incident described in the Complaint and not related to the incident described in the Complaint; and if so, state as to each the name and address of the physician or private governmental organization before or after the incident described in the complaint and not related to the incident described in the complaint; and if so, state as to each the name and address of the physician or organization

giving such rating, the date of the rating, the amount of the disability rating, and describe the nature of the incident causing the disability rating.

ANSWER: Yes. I applied for disability but, I have not received a response.

30. At the time of the subject impact/s where you using a cell phone in any kind of way (including but not limited to talking, texting, streaming, using the internet, social media, etc.). If so, specify how you were using the cell phone, the phone number, account holder and cell phone service provider. For any cell phone/s that you owned or had possession of at the time of the accident (different than the one noted above) also provide the phone number, account holder and cell phone service provider.

ANSWER: No.

Case No: 50-2022-CA-009833-XXXX-MB

Page 13

[Signature]

AFFIANT

STATE OF FLORIDA)
: SS.
Palm Beach COUNTY)

BEFORE ME, the undersigned authority, personally appeared Rowan Hunter, and being duly sworn, on oath, deposes and says that the foregoing Answers to Interrogatories propounded on the 31st day of January, are true and correct to the best of his/her knowledge, and that he/she has read the foregoing Answers to Interrogatories and knows the contents thereof.

SWORN TO AND SUBSCRIBED before me this 31st day of January, 2020.

My Commission Expires:



JOHANNA MOLANO
Notary Public
State of Florida
Comm# HH277706
Expires 6/16/2026

[Signature]

Notary Public
State of Florida at Large

____ Personally Known or

X Produced Identification

Type of Identification Produced

D.L. H536-721-75-088-7

EXHIBIT 10

(To be produced under separate cover)

EXHIBIT 11

(To be produced under separate cover)

EXHIBIT 12



401 Devon Ave, Park Ridge, IL 60068
Ph: (855) 350-6474 F: (847) 993-2039
www.mi-pi.com

CONFIDENTIAL REPORT

Ms. Teri Lynn Cumming
Philadelphia Insurance Companies
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004,

Subject 1. Rowan Hunter
Subject 2. Ivette Bolivar
Address: 1535 Centrepark Dr N Rm# 307
West Palm Beach, FL 33401

Report Date: 10/25/2021
Claim#: 1457688
DOB 1: 3/8/1975
DOB 2: 11/12/1986
SSN#1: 266-79-0078
SSN#2: 134-70-9779
MIG #1: 44459-2
MIG#2: 44458-2

PRIVILEGED & CONFIDENTIAL REPORT

This report is prepared in anticipation of litigation and is for your use only. It should not be displayed to any unauthorized person and is intended only to assist in evaluating the matter under consideration.

SUMMARY

We were requested to conduct surveillance of the subjects, **Rowan Hunter & Ivette Bolivar**, to document their activity levels. Our subjects were involved in a loss that occurred on 8/19/2021 from which they are claiming injuries.

We initiated surveillance efforts on **Saturday, September 17, 2021** at the provided address for the subjects in Tampa, FL. Upon arrival, there were no vehicles associated with the subjects in the parking lot. During the day, there was no sign of anyone entering or exiting their apartment. We discontinued our surveillance efforts with no activity from the either subject. In the evening of both **Monday, September 20, 2021 and Friday, September 25, 2021**, we elected to check both the provided address plus a secondary address, **184 Tropical Ave, West Palm Beach, FL 33415**, associated with the couple, but did not see any vehicles associated with the subjects. We were informed to suspend our efforts until we could identify the subjects' current residence.

Surveillance resumed on **Wednesday, October 20, 2021** at the reader provided address, **Studio 6 in West Palm Beach, FL**. Upon arrival, we located the subjects' Honda in the parking lot. In the afternoon, Ms. Bolivar exited the room with her daughter and smoked a cigarette as she talked on her cell phone. Later, Mr. Hunter exited the room and loaded a bag into the trunk of the Honda. Ms. Bolivar walked a small dog to the car and they drove to their former residence in West Palm Beach, FL. Ms. Bolivar walked out of view while Mr. Hunter walked the dog with his daughter. Mr. Hunter picked up after the dog and then they walked out of view into the building. Minutes later, the subjects push a cart containing a comforter to the Honda, Mr. Hunter loaded the comforter into the trunk, and then Ms. Bolivar pushed the cart into the building. They proceeded to go to a gas station and then returned to their hotel room. We discontinued our efforts with both subjects inside the hotel and no recent activity.

Our final day of surveillance began on **Thursday, October 21, 2021**, at the hotel in West Palm Beach, FL. In the morning, the subjects drove their daughter to school and then went shopping at a Walmart. Inside, both subjects were able to push the cart and retrieve items from the shelves. Outside, Mr. Hunter loaded the groceries into the trunk and then they returned to the hotel. Later in the afternoon, Mr. Hunter exited the room and retrieved the groceries from Walmart over multiple trips. An hour later, the subjects' daughter was dropped off at the hotel and we terminated our surveillance efforts with no further outside activity from either subject.

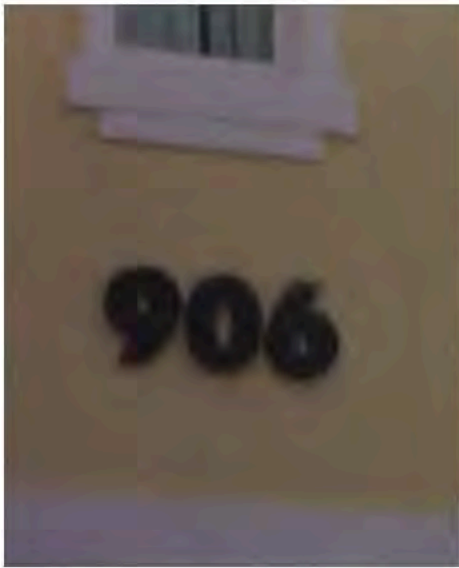
Please review the procedure for further details.

PROCEDURE

Saturday, September 17, 2021

6:20 a.m.

Our investigator initiated surveillance efforts at their Apartment at **906 Grant Street Apt. 308, West Palm Beach, FL**. The residence can be described as a three story multi-color apartment building. There were no vehicles in the parking lot associated with the subjects but we elected to setup a surveillance position with a view of their apartment to await activity.



11:30 a.m.

Surveillance efforts continued with no sign of anyone arriving to or departing from the apartment.

4:18 p.m.

We ended our efforts with no outside activity from anyone at the apartment.

In the evening of both **Monday, September 20, 2021** and **Friday, September 25, 2021**, we elected to check both the provided address plus a secondary address, **184 Tropical Ave, West Palm Beach, FL 33415**, associated with the couple, but did not see any vehicles associated with the subjects. We were informed to suspend our efforts until we could identify the subjects' current residence.

Wednesday, October 20, 2021

6:15 a.m.

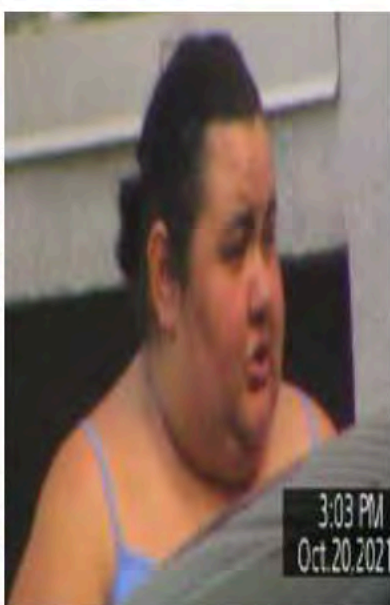
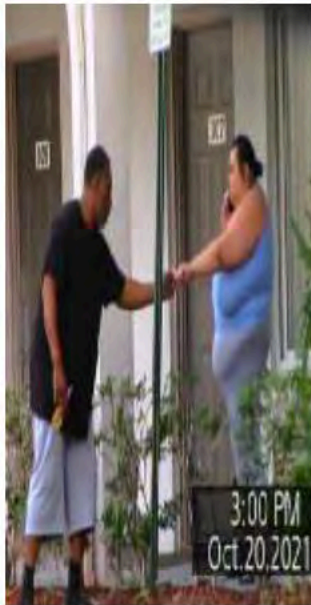
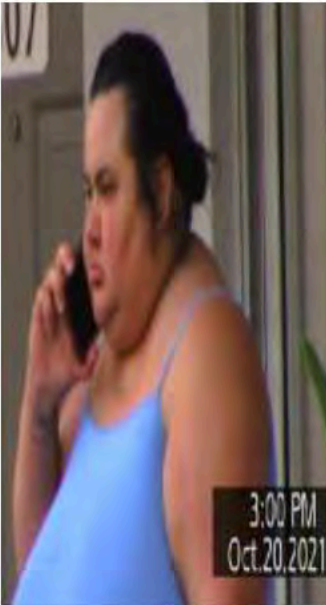
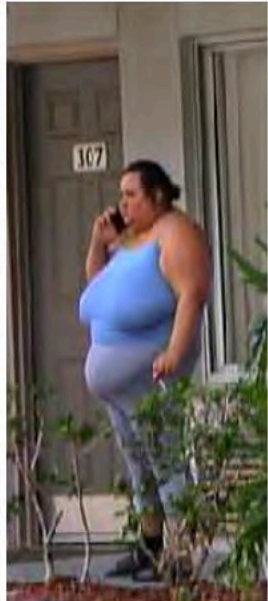
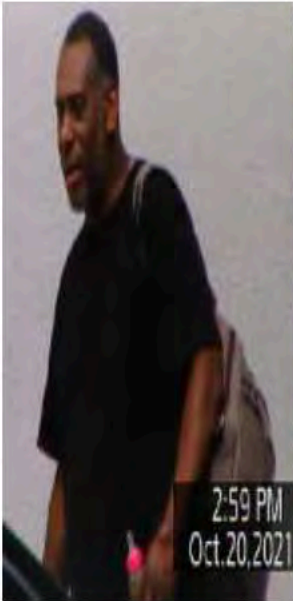
Our investigator continued our surveillance efforts at the **Studio 8 at 1535 Centrepark Dr N Rm# 307, West Palm Beach, FL 33401**, after we were informed by the reader, the subjects had moved into the hotel. . Upon arrival, we identified the couple's black Honda Accord [FL-PJDP11] in the parking lot. There was no outside activity and we setup a surveillance position to await activity.

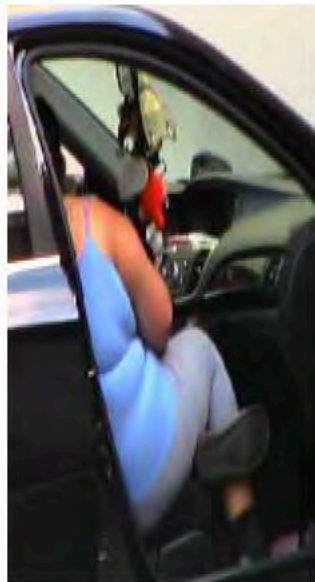
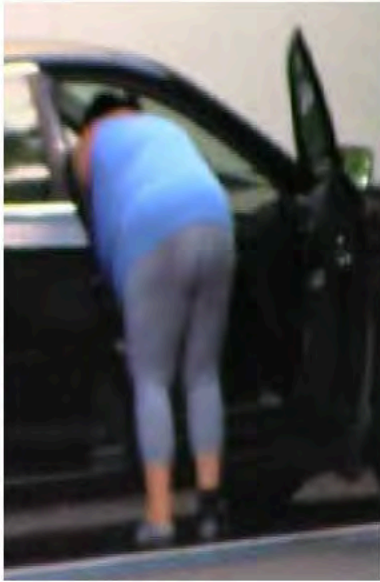
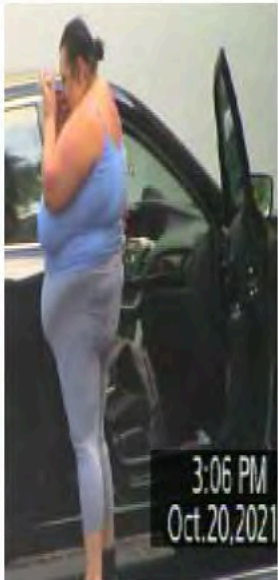
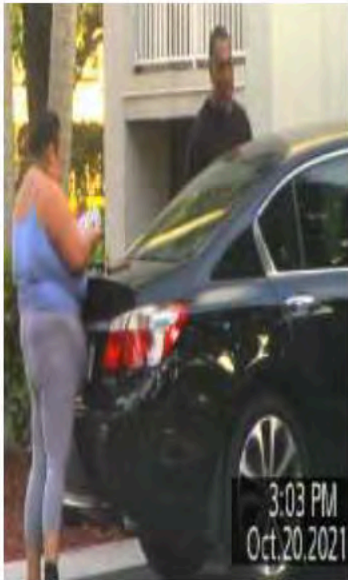
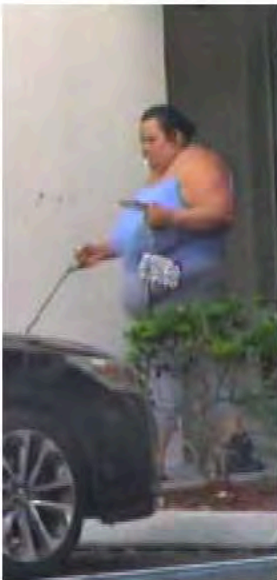


2:58 p.m.-3:14 p.m.

Ms. Bolivar and her daughter walked out of the room. Ms. Bolivar stood outside the room smoking a cigarette and talking on her cell phone. Mr. Hunter carried a drink and a bag of the room. He handed the drink to the his daughter in the backseat and then loaded the bag into the trunk. Ms. Bolivar then walked a dog around the building before entering the car. Mr. Hunter after exiting the room for a second time, helped his daughter strap into the backseat and then they departed the area. We began mobile surveillance.



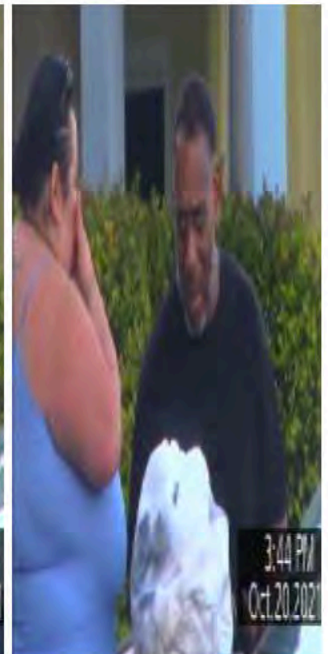
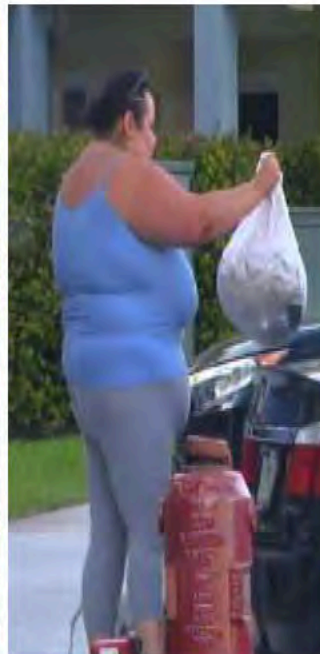
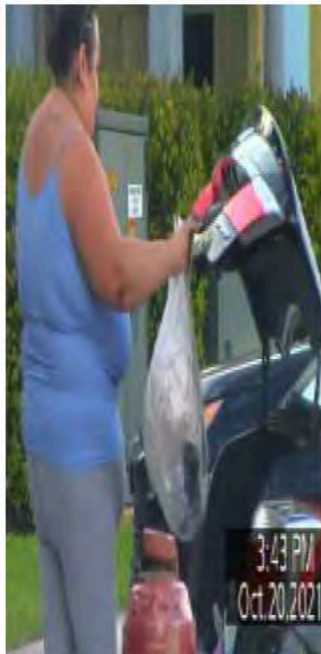
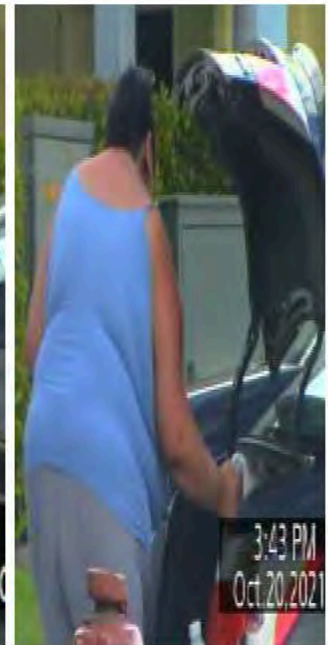
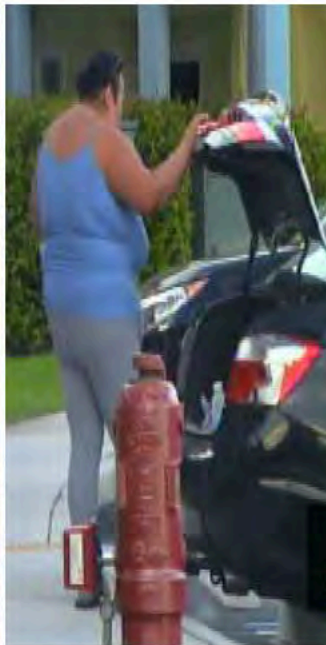
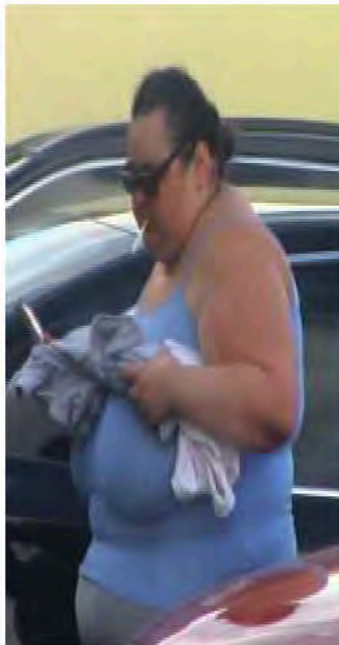
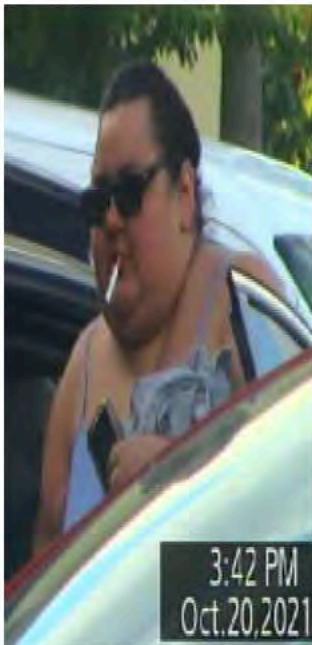






3:42 p.m.3:52 p.m.

They arrived at their former residence at **906 Grant Street Apt. 308, West Palm Beach, FL**, Ms. Bolivar exited the car, retrieved a bag from the trunk, and walked out of view.



Mr. Hunter helped his daughter and dog out of the vehicle. They walked around the outside of the building. At one point, he bent over at his waist to pick up after the dog and then they walked out of view.





4:43 p.m.-4:48 p.m.

They pushed a shopping cart out of the building with a comforter inside and Mr. Hunter loaded the comforter into trunk. Ms. Bolivar pushed the cart back into the building and Mr. Hunter assisted his daughter in the back seat.





5:16 p.m.

Ms. Bolivar walked to the Honda and they departed the area. We continued mobile surveillance.



5:48 p.m.

They parked at a gas station at **1541 Belvedere Rd, West Palm Beach, FL** and we saw Mr. Hunter enter the store.

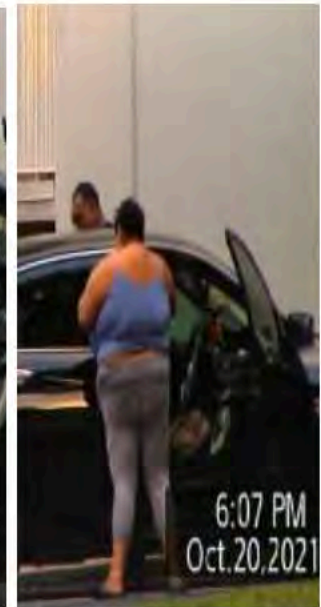
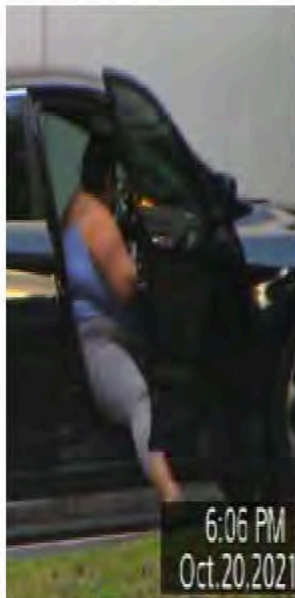
6:01 p.m.

Mr. Hunter returned to the Honda and they departed the area.

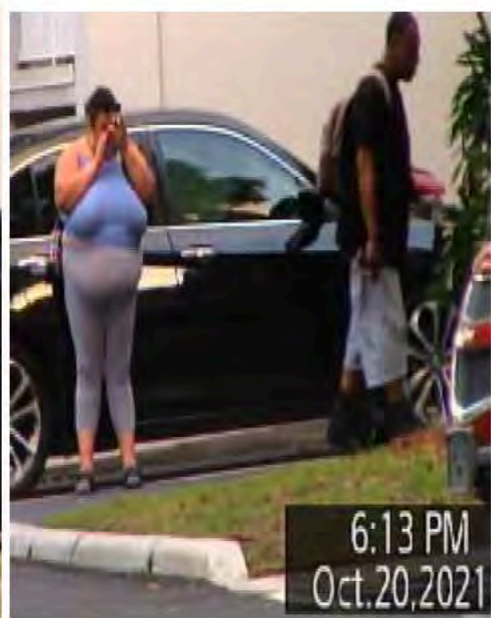


6:06 p.m.-6:13 p.m.

They returned to the hotel. Ms. Bolivar unloaded the dog from the vehicle and then Mr. Hunter picked up the dog to carry into the hotel room. He rejoined Ms. Bolivar by the vehicle and they had a conversation before joining their daughter in the hotel room.







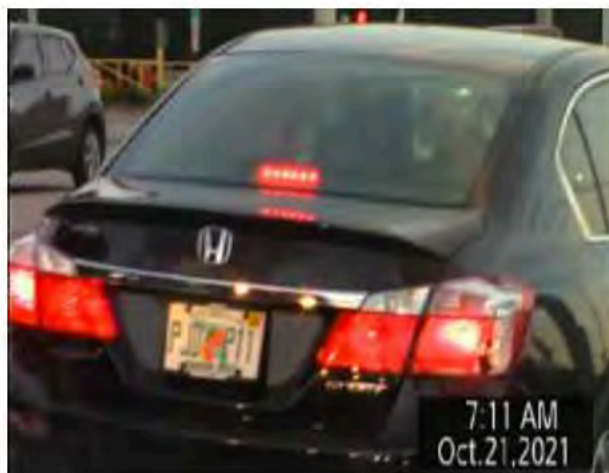
6:27 p.m.

We stopped our surveillance efforts with the subjects inside the hotel and no recent activity.

Thursday, October 21, 2021

7:11 a.m.

Our investigator arrived at the **Studio 8** at **1535 Centrepark Dr N Ste. 307, West Palm Beach, FL** just as the subjects and their daughter were departing the area. We began mobile surveillance.



7:44 a.m.

They arrived at **Benoist Farms Elementary School** at **1765 Benoist Farms Rd, West Palm Beach, FL 33411** and Mr. Hunter walked his daughter into the school. He returned to the Honda and they departed the area.



8:07 a.m.-8:20 a.m.

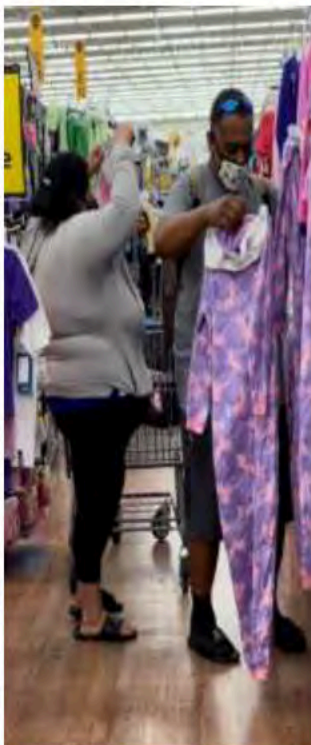
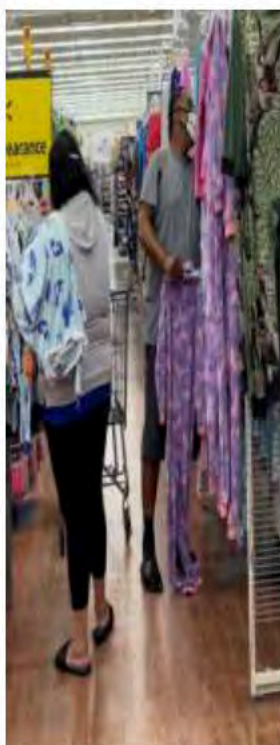
They parked at **Walmart Supercenter** at **4375 Belvedere Rd, West Palm Beach, FL 33406**. They exited the car to smoke and Mr. Hunter put on socks. He retrieved a cart from the cart return and he pushed the cart into the store.





8:35 a.m.-9:40 a.m.

Inside, they both were able to push the shopping cart and retrieve items.







10:45 a.m. 10:50 a.m.

Mr. Hunter pushed the cart full of groceries to the back of the Honda. Mr. Hunter loaded all the groceries as Ms. Bolivar smoked a cigarette. They entered the Honda and departed the area.





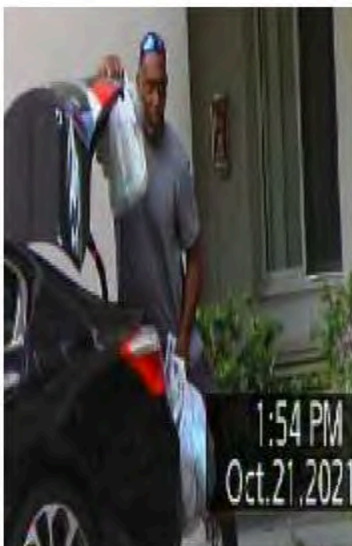
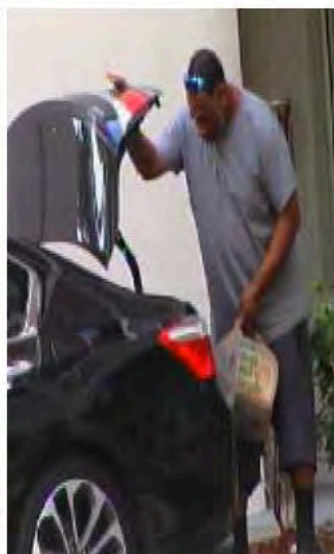
11:03 a.m.

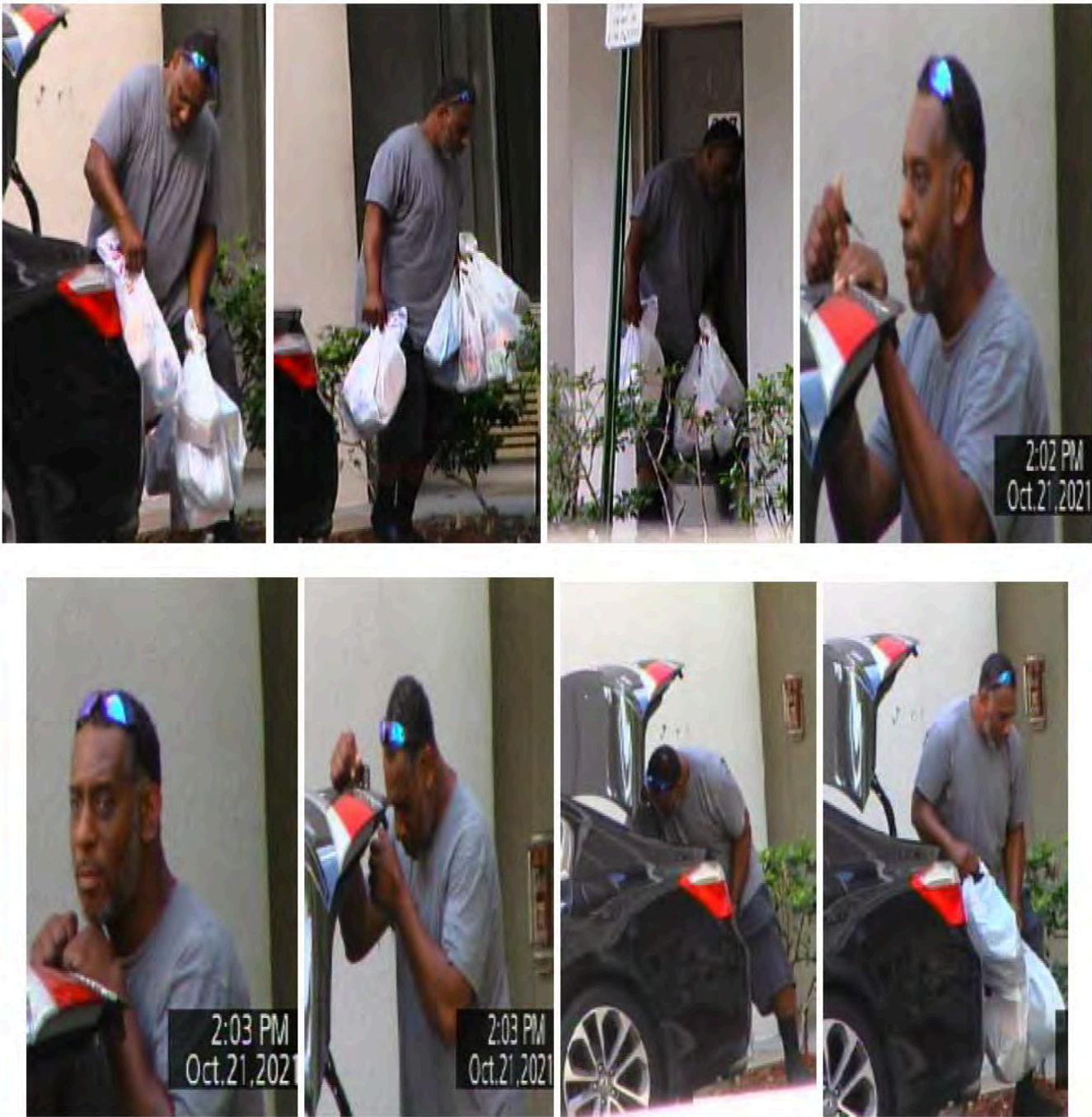
They returned to the hotel.



1:53 p.m.- 2:03 p.m.

Mr. Hunter walked out of the room and carried the groceries into the room over multiple trips.







3:27 p.m.

An unidentified female dropped off their daughter to the hotel.

5:09 p.m.

We terminated our efforts with both subjects inside the hotel room and no recent outside activity.

During our surveillance efforts, Mr. Hunter showed the ability to ambulate, bend at his waist, carry items in his hand and on his back, walk a dog on a leash, push a shopping cart, retrieve items inside a store, and operate a motor vehicle. Ms. Bolivar displayed the ability to ambulate, bend at her waist, walk a dog on a leash, hold her cell phone to her ear, raise her hand to her face to smoke, and stand for periods of time.

Below are the links to the surveillance videos when the subjects were active.

10/20/2021

<https://www.dropbox.com/s/cvm0ldlqvm87kar/Roberto%20Sejour%20-%20Hunter%20%26%20Bolivar%2010-20-2021.mpg?dl=0>

10/21/2021

<https://www.dropbox.com/s/vt6046ycw8g7uo4/Roberto%20Sejour%20-%20Hunter%20%26%20Bolivar%2010-21-2021.mpg?dl=0>

10/21/2021 Covert

<https://www.dropbox.com/s/n00snerh35072h6/Roberto%20Sejour%20-%20Hunter%20%26%20Bolivar%20covert%2010-21-2021.MOV?dl=0>

Should the reader require any further work into this file, please advise. Thank you for the opportunity to work with you, as we appreciate your business, and look forward to working together again in the future.

EXHIBIT 13

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2022-CA-009833-XXXX-MB

ROWAN HUNTER and IVETTE
BOLIVAR,

Plaintiffs,

vs.

TIMOTHY GRIFFEN and
HI-TEK SECURITY SERVICES, INC.,

Defendant.

**DEFENDANTS AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO
COMPLAINT AND DEMAND FOR JURY TRIAL**

Defendants, HI-TEK SECURITY SERVICES, INC, INC. (hereinafter Defendant) by and through its undersigned counsel and pursuant to the Florida Rules of Civil Procedure, hereby files this their Answer and Affirmative Defenses to Plaintiff's Complaint and Demand for Jury Trial, and states as follows:

ANSWER

Defendant denies the allegations and demands strict proof.

AFFIRMATIVE DEFENSES

1. At the time and place complained of, Plaintiff, while riding in and/or operating a motor vehicle traveling on a Florida roadway, was not wearing the vehicle's available and fully operational seat belts and/or shoulder harness supports and the failure to wear such seat belt and/or shoulder harness support was a violation of Florida law and/or simply negligence and the proximate cause of or contributed to Plaintiff's accident, injuries and damages, thus barring or reducing proportionally all claims for damages against the defendant.

2. At the time and place complained of, Plaintiff so carelessly and negligently

conducted themselves, and/or was in violation of statutes or ordinances, so as to proximately cause or contribute to the alleged accident, injuries or damages alleged in Plaintiffs' Complaint, thus barring or reducing proportionately all claims for damages against the defendant. Furthermore, to the extent Plaintiff was under the influence of any alcoholic beverage or drug and was more than 50% at fault for his own harm, Plaintiff's claim would be barred by Section 768.36, Florida Statutes.

3. Defendant is entitled to a set-off of all sums of money received by judgment, settlement or otherwise by Plaintiffs from any party or nonparty to this action for the injuries allegedly sustained as a result of the incident described in Plaintiff's Complaint and/or as allowed by Section 768.041, Florida Statutes.

4. Defendant is entitled to a set-off of any recovery rendered against him to the extent of all personal injury protection benefits paid or payable to or on behalf of Plaintiffs, as a result of the incident complained of in Plaintiffs' Complaint.

5. Plaintiffs are precluded from recovery from the Defendant for the alleged physical injuries sustained as a result of the incident particularized in Plaintiffs' Complaint pursuant to the Florida Automobile Reparations Reform Act since Plaintiff has failed to sustain any injury sufficient to meet the thresholds established by Section 627.737, Florida Statutes. Plaintiff's failure to meet the thresholds set forth in Section 627.737, Florida Statutes, bars any claim for damage for personal injury or disease or derivative action in the instant case against defendant.

6. There were sufficient intervening and superseding causes, including the negligence of other persons, parties or entities, to which this Defendant had no control. In accordance with section 768.81, Florida Statutes, the Defendant is entitled to an apportionment of fault and an apportionment of damages as the Doctrine of Joint and Several Liability has been abolished.

7. The subject parties that may be liable are the co-defendants named in this or any prior or subsequent complaint, and this defendant incorporates by reference the allegations made against them in the complaint. Should the Plaintiff settle with or dismiss any or all of these named co-defendants, then the defendant would adopt and incorporate these same allegations against them.

8. The subject non-parties that may be liable and are identifiable at this time are listed in the police report and/or are known to the Plaintiff and parties and/or will be identified to the Plaintiff and parties in the normal course of discovery. Additionally, the treating physicians in this case may have engaged in excessive billing or unnecessary treatment that was not reasonably foreseeable.

9. At all times material hereto, Plaintiff(s)' claims are barred or limited by the Florida Motor Vehicle No-Fault Law and the Threshold Defense requiring a finding of permanent injury in order to receive an award of non-economic damages.

10. The police report does not list the Plaintiff as a passenger, and as such, the Defendant has a rebuttable presumption that the Plaintiff was not involved in the subject accident, and as such, is not entitled to any award of damages.

11. Any disability, disfigurement or injury claims alleged by Plaintiff(s), are a result of a pre-existing condition or were caused by a subsequent injury or injuries and were not caused or aggravated by any alleged acts of negligence of this defendant.

12. Plaintiff(s) have not satisfied all conditions precedent to filing this suit against this Defendant.

13. To the extent that said action was pursued without sufficient legal basis in law or fact, Plaintiff(s) are on notice that Defendant would pursue attorneys' fees pursuant to 057.105,

Florida Statutes.

14. Plaintiff's claim may be barred by the failure to file a compulsory counter-claim. Furthermore, Defendant(s) reserve the right to file a counter-claim after discovery proceeds in this action.

15. This action may be barred by the Statute of Limitations or applicable statute of repose or by the doctrine of enforceable settlement and/or accord and satisfaction.

16. Plaintiff(s) have failed to mitigate damages because the medical bills are not reasonable and/or necessary; the billing is excessive; the treatment and/or billing was not causally related to the accident; the medical providers have engaged in conduct (excessive billing or treatment) which was not reasonably foreseeable; Plaintiff had health insurance and treated under a Letter of Protection which is void against public policy and Defendant is entitled to a write-down or setoff pursuant to Section 641.3154, Florida Statutes and *Marion v. Orlando*, 2009 W.L. 7582985 (Fla. Cir. Ct. 2009); plaintiff is a Medicare beneficiary, then defendant is entitled to a write-down or setoff under the Medicare fee schedule.

17. Plaintiff(s) has/have failed to mitigate damages.

18. Plaintiff(s) has/have failed to minimize damages by not undertaking reasonable and necessary medical care.

19. Defendant avails itself of all statutory defenses and burdens of proof required by Florida law, FAC or Federal law, including but not limited to Chapters 324, 768 and 627, Florida Statutes.

20. Defendant's liability is limited, capped or absolved pursuant to Florida and/or Federal law, including but not limited to Section 324.021, Florida Statutes, and/or 49 U.S.C. Section 30106.

21. If discovery reveals Plaintiff to be a borrowed servant, statutory employee, co-employee or entitled to worker's compensation benefits, then this action and said claims are barred by the Doctrine of Worker's Compensation Immunity, Section 440.11, Florida Statutes.

22. Defendant asserts that the Plaintiff's past and future damages are reduced or offset by the amount of any governmental or charitable benefits available and further, that the defendant is entitled to an offset by any and all payments which have been made or will be made to the Plaintiff as a result of the injuries alleged in the Complaint.

23. Defendant asserts that it is entitled to a set off of any contractual discount of medical bills or expenses, negotiated write off of medical bills or expenses or negotiated agreement to pay medical bills or other expenses in the future pursuant to the law of collateral source setoffs and Goble v. Frohman, 901 So.2d 830 (Fla. 2005). Alternatively, Plaintiff is not entitled to claim bills, costs or expenses incurred but waived or not actually incurred by the Plaintiff.

24. The Complaint (or portions thereof) fails to state a cause of action.

25. The Plaintiff's damages were caused by third parties not party to this litigation and this Defendant is entitled to have its liability reduced on a pro rata basis for the negligence of any and all persons not parties to this litigation.

26. Plaintiff's claims are barred, restricted and/or limited by Florida Statute 768.085 and 776.032.

27. Plaintiff's claims are restricted pursuant to Florida Statute 768.78.

28. The Plaintiff's damages were caused by third parties not party to this litigation and this Defendant is entitled to have its liability reduced on a pro rata basis for the negligence of any and all persons not parties to this litigation. The Defendant reserves the right to name and/or describe those parties at a later date.

29. Plaintiffs' claims are subject to Florida's No-Fault Law and their failure to prove that they suffered a permanent injury within a reasonable degree of medical probability prevents a recovery of non-economic damages, future medical expenses and future lost wages.

DEMAND FOR TRIAL BY JURY

Defendant requests trial by jury of all issues so triable as a matter of right.

WHEREFORE, Defendants requests judgment be entered in its favor on all issues being raised by the Plaintiffs and for recovery of its costs and fees upon determination of entitlement.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on this 1st day of November 2022, this document was served using the Florida Courts E-Filing Portal system for delivery by said system to: **All Counsel of Record.**

ver

LA CAVA JACOBSON & GOODIS

Attorney for Hi-Tek

7700 North Kendall Drive, Suite 411

Miami, FL 33156

Phone: 786-724-2600

Fax: 305-847-3788

Service: gomezm@ljglegal.com

wmontverde@ljglegal.com

By: /S/ Mario A. Gomez

MARIO A. GOMEZ, ESQ.

FLORIDA BAR NO.: 510971