

IN THE STATE COURT OF CLAYTON COUNTY  
STATE OF GEORGIA

██████████ ██████████	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.:
	)	████████████████████
R.J. HAYNIE AND ASSOCIATES, INC.;	)	
HARLEYSVILLE INSURANCE COMPANY;	)	
██████████ ██████████ and JOHN DOE,	)	
	)	
Defendants.	)	

- - -

Videotaped deposition of ██████████ ██████████ ██████████  
taken on behalf of the Plaintiff, pursuant to the  
stipulations contained herein, in accordance with  
the Georgia Civil Practice Act, before Jodi P.  
Scheffel, RPR, Certified Court Reporter, taken at  
R.J. Haynie & Associates, Inc., 1551 Forest  
Parkway, Morrow, Georgia, on the 2nd day of July,  
2015, commencing at the hour of 12:39 p.m.

## A P P E A R A N C E S

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## 1 I N D E X

2 Examination Page:

3 By Mr. Butler 8

4

## 5 E X H I B I T S

## 6 PLAINTIFF'S DEPOSITION EXHIBITS:

7	No. 1	Notice of Deposition of [REDACTED]	9
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9		Response to Plaintiff's First	
10		Interrogatories and First Request	
11		for Production of Documents	12
12	No. 3	Plaintiff's First Request	
13		for Admissions to Defendant R.J.	
14		Haynie and Associates, Inc.	17
15	No. 4	Defendant R.J. Haynie and Associates	
16		Inc.'s Response to Plaintiff's First	
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18	No. 5	RJH Safety Program Manual	20
19	No. 6	RJH Authorization to Obtain MVR	29
20	No. 7	Color Photograph	37
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25 (\*Exhibits attached to the transcript.)

1 MR. BUTLER: During the break between  
2 depositions, we had some discussions with  
3 Mr. Rogers and there's a few things that need to  
4 be established. I think we are in agreement that  
5 an R.J. Haynie policy is to create Driver's  
6 Certification forms each November, and that R.J.  
7 Haynie does not have those Driver's Certification  
8 forms for [REDACTED] [REDACTED] for the years 2008,  
9 2009, 2010, 2011, or 2014.

10 Do I have that right, Mr. Rogers?

11 MR. ROGERS: That is correct; further, I  
12 don't know that it's been established and we will  
13 certainly -- even though I think discovery's  
14 ended, we will certainly answer an interrogatory  
15 to this effect what the retention policy is for  
16 those forms. But your statement is correct, that  
17 we do not have the Driver's Certification forms  
18 from '08 to '11. I'll further state that it's  
19 not just for [REDACTED] [REDACTED] but that Driver's  
20 Certification forms are not present for any of  
21 the approved drivers for that same period as  
22 stated; but your statement as far as the dates is  
23 correct.

24 MR. BUTLER: All right. There's another  
25 thing we talked about during the break. R.J.

1 Haynie -- what do you call the meetings at the --  
2 at the November --

3 MR. ROGERS: I think it's just the annual  
4 meeting.

5 MR. BUTLER: There was some file that I  
6 needed to refer to that contained a bunch of  
7 documents.

8 MR. ROGERS: It's the Annual Meeting File.  
9 I think that's the name.

10 MR. BUTLER: Okay. I understand,  
11 Mr. Rogers, that R.J. Haynie has an Annual  
12 Meeting File that contains some documents that  
13 have [REDACTED] [REDACTED] name on them, but that have  
14 not been produced; however, none of those  
15 documents in the Annual Meeting File that have  
16 [REDACTED] [REDACTED] name on them have anything to do  
17 with driving. Do I have that correct?

18 MR. ROGERS: I think we were talking about  
19 driving training or driving records. There is --  
20 there are lists of drivers and also a list of  
21 what their job titling is, which I think has  
22 previously been produced in other forms; but the  
23 lists do list [REDACTED] [REDACTED] as an approved  
24 driver. We can certainly stipulate he was the  
25 driver for the years 2009 -- I don't know any

1           other way -- 2009 through 2014, we can stipulate,  
2           because that's all the data that it would  
3           contain.

4                   MR. BUTLER: Are there documents in the  
5           Annual Meeting File that have [REDACTED] [REDACTED]  
6           name on them that pertain to driving and that  
7           have not been produced?

8                   MR. ROGERS: Yes. I can produce those  
9           right now if you want -- well, I can't produce  
10          them because I have to redact them because they  
11          have Social Security numbers and names of other  
12          employees.

13                  MR. BUTLER: Please produce them after the  
14          deposition.

15                  MR. ROGERS: Will do.

16                  MR. BUTLER: All right. RFA and RPDS,  
17          Plaintiffs served some discovery requests,  
18          request for production, and request for  
19          admissions that were due this Monday, which was  
20          June 29th. All that was received in the mail  
21          today are some RPD responses or an RPD response  
22          from R.J. Haynie, but we do not have still the  
23          RFA response, despite having requested a copy of  
24          that by email from you yesterday evening and  
25          again today.

1 MR. ROGERS: Okay. I did not get the email  
2 because I just saw the email, which was dated  
3 11:49. I did -- now, Mike and I spoke on the  
4 telephone yesterday evening. I was not able to  
5 find a copy because it had been put in for  
6 filing, so I could not make another copy. I  
7 personally put the RFAs in the mail within 30  
8 days from the date of service.

9 MR. BUTLER: All right. Let's go. This  
10 will be -- I'll put this on the steno before we  
11 start the video.

12 This will be the videotaped deposition of  
13 Mr. [REDACTED] taken pursuant to notice -- and I  
14 think also I might have seen a subpoena in  
15 there -- we will take it pursuant to the Civil  
16 Practice Act, for all purposes permitted by the  
17 Act, including use at trial, will be taken on  
18 cross-examination. With that, we're ready to go  
19 on video.

20 THE VIDEOGRAPHER: We are now on the video  
21 record with tape number 1 in the deposition of  
22 [REDACTED] in the matter of [REDACTED]  
23 versus R.J. Haynie & Associates, for the State  
24 Court of Clayton County, State of Georgia. This  
25 deposition is being held at 1551 Forest Parkway,

1           Morrow, Georgia 30260, on July 2nd, 2015. The  
2           time is approximately 12:39 p.m.

3           My name is Josh [REDACTED] the video  
4           technician. Will counsel please identify  
5           themselves for the record.

6           MR. BUTLER: Jeb Butler for [REDACTED] [REDACTED]

7           MR. RAFI: Michael Rafi for [REDACTED] [REDACTED]

8           MR. ROGERS: John Rogers for Defendants  
9           [REDACTED] and R.J. Haynie.

10          MS. MCNEELY: Jennifer McNeely for the UM  
11          Carrier, State Farm.

12          THE VIDEOGRAPHER: The court reporter is  
13          Jodi Scheffel and will now swear in the witness.

14   Whereupon,

15                               [REDACTED] [REDACTED] [REDACTED]  
16   having been first duly sworn to state the whole truth, was  
17   examined and testified as follows:

18                               EXAMINATION

19   BY MR. BUTLER:

20           Q           Please state your name for the record.

21           A           [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22           Q           Where do you live?

23           A           [REDACTED], Georgia.

24           Q           Do you have any plans to move from [REDACTED],  
25   Georgia in next year or so?

1 A No.

2 Q We're taking this deposition in the offices  
3 of R.J. Haynie, which is where you work; is that right?

4 A That's correct.

5 Q This is considered R.J. Haynie's  
6 headquarters?

7 A That's right.

8 Q Whose office are we in; what room?

9 A Estimating.

10 Q Estimating.

11 Who sits at the desk that you're sitting at  
12 now normally?

13 A [REDACTED]

14 [REDACTED].

15 Q Have you given a deposition before?

16 A No.

17 MR. BUTLER: I will mark as -- or have  
18 already marked as Plaintiff's Exhibit 1 a copy of  
19 the Notice of Deposition.

20 (Thereupon, Plaintiff's Exhibit No. 1 was  
21 marked for identification.)

22 MR. BUTLER: And I'll bring that up to you.  
23 Here's a copy of the notice. Here's a copy for  
24 you.

25 (Tenders document to witness and counsel.)

1 BY MR. BUTLER:

2 Q Mr. [REDACTED] you work for R.J. Haynie, right?

3 A Yes.

4 Q What is your job title?

5 A Vice president.

6 Q How long have you worked here?

7 A About 18 years.

8 Q What other job titles have you held in your  
9 time here?

10 A Here?

11 Q "Here" being R.J. Haynie.

12 A Project manager and senior project manager.

13 Q When did you become the vice president?

14 A Around 2006 probably, 2007.

15 Q Okay. Are there now any other vice  
16 presidents, or are you the only one?

17 A I'm the only one.

18 Q During your time as vice president, have you  
19 always been the only vice president?

20 A Actually, before I came here, there was  
21 another vice president, the owner's brother.

22 Q What I mean is, some companies have multiple  
23 vice presidents.

24 A Uh-huh.

25 Q For the time that you've been R.J. Haynie's,

1     which was from 2006 to the present, has there ever been  
2     another vice president serving at the same time that you  
3     were?

4           A           No.

5           Q           What do your duties as a vice president  
6     include?

7           A           It's mainly project management and  
8     estimating.

9           Q           What is project management and estimating?

10          A           Scheduling the crews; estimating is, you  
11     know, helping to -- to get work essentially, to go to  
12     contracts; purchasing, purchase orders; submittals;  
13     subcontracts; all that kind of stuff, project specific  
14     stuff.

15          Q           You said estimating involves getting work, I  
16     think?

17          A           Uh-huh.

18          Q           Is that what some people might call  
19     marketing?

20          A           I don't think it's marketing, no.

21          Q           What does it mean to get work?

22          A           You prepare numbers, bids, submit the bids,  
23     and if you're low you get the work.

24          Q           I gotcha.

25                       I'll show you a document that I'll mark as

1 Plaintiff's Exhibit 2, and this is going to be an  
2 interrogatory response. And I don't know if you  
3 ever have seen an interrogatory response before,  
4 have you?

5 (Thereupon, Plaintiff's Exhibit No. 2 was  
6 marked for identification.)

7 A No.

8 MR. BUTLER: I only have two copies, so you  
9 and Mr. Rogers hopefully can look on together.

10 MR. ROGERS: If you can tell me which ones  
11 he's -- I'm not going to look at it with him  
12 because I don't want to be in the camera lens.

13 MR. BUTLER: Okay.

14 MR. ROGERS: Do you know which ones you're  
15 going to be asking about?

16 MR. BUTLER: Yeah, 32.

17 MR. ROGERS: Oh, okay.

18 MR. BUTLER: This is just to -- we keep it  
19 simple. Plaintiff's Exhibit 2 only has  
20 Interrogatory -- whatever I've said -- 32 on it.

21 MR. ROGERS: Okay. Great. Thanks.

22 BY MR. BUTLER:

23 Q All right. Now, on the front page of this  
24 document, Mr. [REDACTED] this says, "R.J. Haynie and Associate  
25 Inc.'s Response to Plaintiff's First Interrogatories and

1 First Requests for Production of Documents." Did I read  
2 that right?

3 A Yes.

4 Q And if we flip to the next page, sort of walk  
5 me through how this works. 32 right there is the question  
6 that we asked to R.J. Haynie, and R.J. Haynie then answers  
7 through it's lawyer, which is now and I believe was then,  
8 Mr. Rogers, who's seated to your right.

9 And if you'll notice here, if you look at  
10 32(e), Plaintiffs ask for "Person(s) responsible for  
11 interviewing and/or hiring employees or independent  
12 contractors, including [REDACTED] [REDACTED] Did I read that  
13 right?

14 A Uh-huh.

15 Q And then down here is R.J. Haynie's Response  
16 below. And you see where it says e. and gives some names?

17 A Uh-huh.

18 Q One of those names is yours.

19 A That's correct.

20 Q Okay. Did you have some responsibility for  
21 interviewing and/or hiring employees or independent  
22 contractors, including [REDACTED] [REDACTED]

23 A Yes.

24 Q That's true for the entire time you've been  
25 vice president, right?

1 A Yes.

2 Q Part of your job as vice president includes  
3 supervising other employees; is that right?

4 A That's right.

5 Q So you are a supervisor?

6 A Yes.

7 Q You supervise [REDACTED] [REDACTED] although  
8 possibly indirectly?

9 A Indirectly.

10 Q Who is his immediate supervisor?

11 A [REDACTED] [REDACTED]

12 Q And [REDACTED] [REDACTED] reported to you?

13 A That's correct.

14 Q You know that we're sitting here today doing  
15 this deposition because of a wreck that occurred in  
16 April 2014?

17 A Yes.

18 Q Because we have a stenographer, it needs to  
19 be a yes or no answer. Did you say yes?

20 A Yes.

21 Q Are you aware that [REDACTED] [REDACTED] was the  
22 driver of the vehicle that collided into my client,  
23 [REDACTED] [REDACTED] giving rise to this lawsuit?

24 A Yes.

25 Q Are you aware that [REDACTED] [REDACTED] has denied

1 responsibility for the wreck?

2 A Yes.

3 Q Are you aware that R.J. Haynie has denied  
4 responsibility for the wreck?

5 A Yes.

6 Q Now, [REDACTED] [REDACTED] still works for R.J.  
7 Haynie, doesn't he?

8 A Yes, he does.

9 Q Isn't it true that R.J. Haynie did not  
10 reprimand, punish, or discipline [REDACTED] [REDACTED] at all  
11 after the wreck in which [REDACTED] [REDACTED] my client, was  
12 injured?

13 A That's correct.

14 Q In fact, R.J. Haynie has promoted [REDACTED]  
15 [REDACTED] to foreman?

16 A He is a foreman, yes.

17 Q Was he a foreman in April of 2014?

18 A Yes, I believe he was.

19 Q Okay. R.J. Hay- -- or yeah -- R.J. still  
20 allows [REDACTED] [REDACTED] to drive a bucket truck?

21 A That's right.

22 Q Do you believe that [REDACTED] [REDACTED] is  
23 responsible for causing this wreck?

24 A No.

25 Q Do you believe that R.J. Haynie is

1 responsible for causing this wreck?

2 A No.

3 Q Are you aware that R.J. Haynie and [REDACTED]  
4 [REDACTED] have consistently denied responsibility for this  
5 wreck immediately after it happened as soon as this  
6 lawsuit filed and continuing today with your deposition  
7 and the deposition of another R.J. Haynie employee?

8 A Am I aware of it?

9 Q Yes.

10 A Yes.

11 Q Do you agree that it would be dishonest for  
12 R.J. Haynie to show up at the trial in this case in front  
13 of the jury and tell the jury that R.J. Haynie accepted  
14 responsibility when, in fact, R.J. Haynie has denied  
15 responsibility for at least 18 months now?

16 MR. ROGERS: Object to form.

17 BY MR. BUTLER:

18 Q You can go ahead and answer.

19 A Would you repeat the question?

20 Q Sure. And your lawyer has an objection to  
21 this question already.

22 Do you agree that it would be dishonest for  
23 R.J. Haynie to show up at the trial of this case and tell  
24 the jury that it or [REDACTED] [REDACTED] accepted responsibility  
25 for this wreck when, in fact, both R.J. Haynie and [REDACTED]

1 [REDACTED] had steadfastly denied responsibility for this  
2 wreck for the last 18 months or so?

3 A One more time.

4 Q Do you agree that it would be dishonest for  
5 R.J. Haynie to show up at the trial of this case and tell  
6 the jury that R.J. Haynie or [REDACTED] [REDACTED] accept  
7 responsibility for this wreck when, in fact, R.J. Haynie  
8 and [REDACTED] [REDACTED] have steadfastly denied the  
9 responsibility for this wreck for about 18 months now?

10 A Yes.

11 MR. BUTLER: I want to show you some other  
12 documents. This is going to be Plaintiff's  
13 Exhibit 3. I've got to show you 3 and 4 together  
14 actually.

15 (Thereupon, Plaintiff's Exhibit Nos. 3 and  
16 4 were marked for identification.)

17 MR. BUTLER: I'll hand these first to  
18 Mr. Rogers so he could look over them and then  
19 hand them to you. This is going to be RFAs,  
20 Requests for Admissions, and then R.J. Haynie's  
21 Response to Requests for Admission.

22 BY MR. BUTLER:

23 Q Mr. [REDACTED] I presume you've never seen a  
24 Request for Admissions before either, but we can walk  
25 through how it works.

1                   The first document, which is Plaintiff's  
2   Exhibit 3, says, "Plaintiff's First Request for Admission  
3   to Defendant R. J. Haynie and Associates, Inc." Is that  
4   right?

5           A           That's right.

6           Q           And then the next document, Plaintiff's  
7   Exhibit 4, says, "Defendant R.J. Haynie and Associates,  
8   Incorporated Response to Plaintiff's First Request for  
9   Admission of fact." Is that right?

10          A           That's right.

11          Q           All right. So the way this works is that you  
12   look at Plaintiff's Exhibit 3, and this is "we," the  
13   plaintiff, make statements and ask R.J. Haynie through its  
14   lawyer to either admit or deny them, and then Plaintiff's  
15   Exhibit 4 is a Response. And what I want to ask you about  
16   is Request No. 11.

17                   Do you see Request No. 11 in Plaintiff's  
18   Exhibit 3?

19          A           I do.

20          Q           That says, "Plaintiff did not contribute to  
21   causing the collision in any manner." Did I read that  
22   right?

23          A           Yes.

24          Q           And Plaintiff is my client, [REDACTED]  
25   who was rear-ended. You understand that, right?

1 A Uh-huh. Yes.

2 Q And then if we look at Plaintiff's Exhibit 4,  
3 which is R.J. Haynie's Response, you can see 11 down there  
4 at the bottom of the page and it says, "Defendant denies  
5 the allegations complained -- contained within Plaintiff's  
6 Admission 11." Did I read that right?

7 A Yes.

8 Q So what that means is, R.J. Haynie has denied  
9 the statement that the plaintiff did not contribute to  
10 causing the collision in any manner. Does that make  
11 sense?

12 A Uh-huh. Yes.

13 Q Do you think that's correct?

14 A Yes.

15 Q In other words, as you sit here today, do you  
16 think it would be false to say that the plaintiff did not  
17 contribute to causing the collision in any manner?

18 A Honestly, I don't know.

19 Q Do you know one way or the other whether  
20 [REDACTED] did anything to cause this collision?

21 A No. I honestly don't know.

22 Q Okay. Would you agree that safety is a  
23 priority at R.J. Haynie?

24 A Yes.

25 Q Is safety the number one priority at R.J.

1 Haynie?

2 A Yes.

3 Q And the reason for that is, if R.J. Haynie  
4 does not prioritize safety, somebody could get hurt; isn't  
5 that right?

6 A That's correct.

7 Q The safety in particular of R.J. Haynie's  
8 drivers is important?

9 A Yes.

10 Q And the reason for that is, if some of R.J.  
11 Haynie's drivers are unsafe, then some member of the  
12 public could get hurt?

13 A Possibly.

14 MR. BUTLER: I want though to show you now  
15 a document that I'll mark as Plaintiff's  
16 Exhibit 5.

17 (Thereupon, Plaintiff's Exhibit No. 5 was  
18 marked for identification.)

19 BY MR. BUTLER:

20 Q And that is R.J. Haynie's Safety Program  
21 Manual; is that correct?

22 A That's correct.

23 Q All right. Turn with me, please, to page 2  
24 of the Safety Program Manual. It says at the top, "Our  
25 Commitment And Policy To All Supervisors And Employees."

1 Are you there?

2 A Uh-huh. Yes.

3 Q The first policy for safety at R.J. Haynie,  
4 enumerated No. 1 is, quote, All injuries can be prevented.  
5 This is a realistic goal. Unless we fully believe that  
6 all injuries can be prevented, accidents will become  
7 acceptable, end quote. Did I read that right?

8 A Yes.

9 Q Do you agree that that is R.J. Haynie's  
10 policy?

11 A Yes.

12 Q Does R.J. Haynie follow that policy?

13 A Yes.

14 Q No. 2 says, quote, Management is dedicated to  
15 preventing injuries and illnesses. Safety management is  
16 as important as any other aspect of our business, end  
17 quote. Did I read that right?

18 A Yes.

19 Q Do you agree that is R.J. Haynie's policy?

20 A Yes.

21 Q Does R.J. Haynie follow that policy?

22 A Yes.

23 Q No. 5 says, quote, Employees will be trained  
24 to work safely. There will be safety rules and procedures  
25 for all jobs. Training is an ongoing process, end quote.

1 Did I read that correctly?

2 A Yes.

3 Q Do you agree that is R.J. Haynie's policy?

4 A Yes.

5 Q Does R.J. Haynie follow that policy?

6 A Yes.

7 Q It is the responsibility of the company, R.J.  
8 Haynie, to make sure that the work of R.J. Haynie is  
9 carried out in a safe manner; is that correct?

10 A Yes.

11 Q R.J. Haynie employees can be fired for  
12 violating traffic safety rules; is that correct?

13 A Yes.

14 Q It is the job of the company, R.J. Haynie, to  
15 train employees about safety rules --

16 A Yes.

17 Q -- is that correct?

18 A Yes.

19 Q And that includes safe driving?

20 A Yes.

21 Q It is the job of the company specifically to  
22 train its drivers how to drive company vehicles safely;  
23 isn't it?

24 A Yes.

25 Q Driving a company vehicle like a bucket truck

1 is different than driving a regular car, isn't it?

2 A Yes.

3 Q That's because a bucket truck is bigger and  
4 it's heavier?

5 A That's right.

6 Q And a bucket truck, if it hits something, can  
7 cause more damage than a regular car?

8 A Yes.

9 Q It takes longer for a bucket truck to stop  
10 than a regular car because it's heavier, right?

11 A Yes.

12 Q And it's the job of R.J. Haynie, the company,  
13 to train its drivers about all those things, right?

14 A Yes.

15 Q Supervisors at R.J. Haynie are supposed to be  
16 role models for safety; is that true?

17 A Yes.

18 Q Now, the reason that R.J. Haynie has rules  
19 about driving safety is so the company doesn't put members  
20 of the public in danger; is that right?

21 A And our employees, yes.

22 Q R.J. Haynie has what it calls a company  
23 driver list or approved driver list; is that right?

24 A I believe so, yes.

25 Q Which of those phrases is correct, or does

1 R.J. Haynie use both?

2 A I really don't -- that's not my  
3 responsibility. I don't -- I don't know, but I -- I  
4 believe so, yeah.

5 Q Okay. Before an R.J. Haynie employee can be  
6 on the company driver list, the company has to obtain and  
7 review that person's motor vehicle report or MVR; is that  
8 correct?

9 A The company?

10 Q Right.

11 A When we interview I know we take a copy of  
12 their driver's license, so I would assume so.

13 Q Does the company, R.J. Haynie, review a motor  
14 vehicle report or MVR?

15 A The company? I don't think so.

16 Q Okay. Who does?

17 A The insurance company.

18 Q Is that Harleysville Insurance?

19 A I don't know.

20 Q Do you know the person -- the name of the  
21 person you deal with?

22 A With Harleysville?

23 Q Yeah, at the insurance company.

24 A No.

25 Q Okay. If I were to tell you that according

1 to the person we just deposed, Ms. [REDACTED] Haynie, the  
2 comp- -- the insurance company that R.J. Haynie depends on  
3 to vet its drivers' histories is Harleysville Insurance  
4 Company, would you have any reason to disagree with that?

5 A No.

6 MR. BUTLER: I think we may have a  
7 stipulation to that effect, actually.

8 MR. ROGERS: Yes.

9 BY MR. BUTLER:

10 Q So R.J. Haynie depends on the insurance  
11 company to tell it whether someone is a safe driver; is  
12 that true?

13 A Yes.

14 Q The truth is, if an R.J. Haynie employee has  
15 a combination of three wrecks or -- strike that.

16 If an R.J. Haynie employee has a combination  
17 of three accidents or traffic tickets within three years,  
18 that person cannot be on the company driver list; is that  
19 true?

20 A I don't know.

21 Q Turn with me, please, to page 18 in the  
22 Safety Program Manual.

23 And what exhibit number is -- I think it's 5.  
24 Is the Safety Program Manual Exhibit 5? It would be on  
25 the sticker in the front. I forgot what number I put on

1     there.

2           A           It is.

3           Q           Okay. Thank you. So turn with me, please,  
4     to page 18 in Plaintiff's Exhibit 5, which is the Safety  
5     Program Manual.

6                   This page says, "Driver Standards" at the  
7     top; is that right?

8           A           That's right.

9           Q           And it says, the first thing is, "Before an  
10    employee can be added to the approved driver list, they  
11    must:" Did I read that right?

12          A           Yes.

13          Q           And there's several bullet points underneath,  
14    but the fourth one says, quote, have no more than a  
15    combination of three accidents and/or moving violations in  
16    the past three years, end quote. Did I read that  
17    correctly?

18          A           That's right.

19          Q           So if somebody has any more than three of a  
20    combination of traffic tickets or accidents in three  
21    years, they're not supposed to drive R.J. Haynie vehicles;  
22    is that right?

23          A           That's correct.

24          Q           Turn with me to page 16 of Plaintiff's  
25    Exhibit 5, which is the Safety Program Manual, please.

1 I'm going to ask you about enumeration 4. Go  
2 ahead and take a minute and read that and then I'll ask  
3 you a question.

4 A Okay.

5 Q R.J. Haynie requires that any driver who  
6 receives a tickets or a citation, like a speeding ticket,  
7 has to report that ticket to R.J. Haynie the next business  
8 day; is that right?

9 A To the safety director, right.

10 Q Who is the safety director at R.J. Haynie, as  
11 we sit here today?

12 A Today? [REDACTED] [REDACTED]

13 Q Who was the safety director in April of 2014?

14 A [REDACTED] [REDACTED].

15 Q And who was the safety director before [REDACTED]  
16 [REDACTED]?

17 A [REDACTED].

18 Q What is a toolbox safety meeting?

19 A It's a variety of topics for safety. It's a  
20 handout in sheet form and the foremen go through it with  
21 their employees on a weekly basis.

22 Q Is it a hard copy paper, or do you distribute  
23 it electronically, or both?

24 A Hard copy.

25 Q All right. Do the -- so if I say the toolbox

1 safety -- what would you call the piece of paper that's  
2 distributed; what's your term for that?

3 A What you just said, toolbox safety topic.

4 Q Toolbox safety topic.

5 All right. And one goes out every week,  
6 right?

7 A To my knowledge, yes.

8 Q Do any of the toolbox safety topics ever  
9 address driving safety?

10 A I don't know.

11 Q Have any of the toolbox safety topics ever  
12 addressed the wreck we're here on today, the one that  
13 occurred in April of 2014?

14 A No.

15 Q For some R.J. Haynie employees like [REDACTED]  
16 [REDACTED] driving is a part of their job; is that correct?

17 A Yes.

18 Q So when hiring people for jobs that will  
19 involve driving, it's important for R.J. Haynie to make  
20 sure they're hiring safe drivers; is that right?

21 A Yes.

22 Q And that's why, according to R.J. Haynie's  
23 policy, the company should check for a motor vehicle  
24 report before allowing that person to drive a company  
25 vehicle?

1 A Yes.

2 Q But what a motor vehicle report does is it  
3 gives you a complete driving history for that person,  
4 doesn't it?

5 A Yes.

6 Q That's why when it hires people, R.J. Haynie  
7 has them fill out an authorization to obtain a motor  
8 vehicle report; are you familiar with that?

9 A Yes.

10 MR. BUTLER: I'm going to mark one and show  
11 it to you.

12 (Thereupon, Plaintiff's Exhibit No. 6 was  
13 marked for identification.)

14 BY MR. BUTLER:

15 Q I've now marked as Plaintiff's 6 a document  
16 that's labeled Authorization to Obtain Motor Vehicle  
17 Report; is that right?

18 A That's right.

19 Q And this is signed twice by [REDACTED]  
20 is that correct?

21 A I don't know if that's [REDACTED] or

22 [REDACTED]

23 Q Do you have someone that works here named

24 [REDACTED]

25 A Yes. We used to. He's no longer here.

1 Q Did -- is this document, that is to say the  
2 Authorization to Obtain Motor Vehicle Report, typically  
3 something that R.J. Haynie obtains around the same time  
4 that you hire a person?

5 A It's obtained before we hire them.

6 Q Before hire.

7 And this document, Plaintiff's Exhibit 6, the  
8 Authorization to Obtain Motor Vehicle Report, is dated  
9 June 26, 2008, at the top, and then at the bottom it goes  
10 into drug testing and that's dated June 28, 2008. Is that  
11 right?

12 A That's correct.

13 Q That would coincide with the time that [REDACTED]  
14 [REDACTED] was hired, wouldn't it?

15 A I don't know.

16 Q Okay. We'll return -- yeah, we'll return to  
17 that later.

18 MR. ROGERS: Do you want me to stipulate to  
19 the document as being the authorization signed by

20 [REDACTED]

21 MR. BUTLER: All right. By "the  
22 document" --

23 MR. ROGERS: Will that take care of that?

24 MR. BUTLER: Yes, that does. Thank you.

25 MR. ROGERS: I don't know why we would have

1           given you [REDACTED] [REDACTED] but...

2       BY MR. BUTLER:

3           Q           What this document, Plaintiff's Exhibit 6,  
4       does is it allows R.J. Haynie to obtain a motor vehicle  
5       report for [REDACTED] [REDACTED] is that right?

6           A           That's right.

7           Q           All right. In addition to checking the motor  
8       vehicle report, what else should R.J. Haynie do to make  
9       sure that someone is a safe driver before hiring them?

10          MR. ROGERS: Object to form. Foundation.

11          A           That's really not my -- my job, to -- to  
12       figure that out. Does that make sense?

13       BY MR. BUTLER:

14          Q           Can you think of anything else as you sit  
15       here today that R.J. Haynie does or should do besides  
16       obtaining a motor vehicle report or MVR before hiring that  
17       person in order to be sure that person is a safe driver?

18          MR. ROGERS: I'll renew the objection. To  
19       the extent you can answer, please do so.

20          A           Drug test and observe their driving maybe.

21       BY MR. BUTLER:

22          Q           Observe their driving. Tell me what you mean  
23       by that, please.

24          A           Well, before we just put somebody in a bucket  
25       truck, we -- we usually -- you know, the guys will -- will

1 make sure they know how to operate it.

2 Q Would you do, like, a drive-around drive test  
3 with them?

4 A No. Typically, it's on the job site.

5 Q And who makes sure that the drivers know how  
6 to drive a bucket truck?

7 A The foremen.

8 Q The foremen.

9 Who would have done that with [REDACTED] [REDACTED]

10 A It could have been a variety of people.

11 Q Could it have been [REDACTED] [REDACTED]

12 A It could have been.

13 Q Tell me what that entails, making sure that  
14 someone knows how to operate a bucket truck?

15 A Well, I'm not actually in the field, so I  
16 don't know exactly; but they make sure they're safe before  
17 they, you know, put them out there.

18 Q Do you know if it involves watching that  
19 pers- -- let's see -- do you know if that procedure  
20 involves watching the person actually drive the bucket  
21 truck?

22 A I don't know.

23 Q All right.

24 A I would assume so.

25 Q That would be a good idea anyway before you

1 allow someone to drive a bucket truck, to actually observe  
2 that person driving a bucket truck?

3 MR. ROGERS: Objection. Foundation.

4 A That's right.

5 BY MR. BUTLER:

6 Q How many bucket trucks does R.J. Haynie have?

7 A Approximately, 15 to 20.

8 Q And I noticed in your parking lot back there,  
9 there's some other kinds of trucks too. There's a kind of  
10 truck that I might call a flatbed, but I could be using  
11 the wrong term.

12 A That's right.

13 Q Flatbed?

14 A Uh-huh.

15 Q Flatbed trucks look like they're about the  
16 size of a bucket truck or maybe a little bigger?

17 A A little bigger.

18 Q What about the -- if someone is able to drive  
19 a bucket truck, are they automatically able to drive a  
20 flatbed too as far as R.J. Haynie is concerned?

21 A If they don't have a CDL, they can drive any  
22 truck that's not CDL.

23 Q Do you have to have a CDL to drive a flatbed  
24 truck?

25 A Not one that's under 26,000 GVW.

1 Q Are there any flatbed trucks that are above  
2 26,000 GVW?

3 A I don't believe so.

4 Q So if someone is authorized to drive a bucket  
5 truck, they're also authorized to drive a flatbed truck?

6 A Yes.

7 Q [REDACTED] [REDACTED] would have been authorized to  
8 drive either one?

9 A Yes.

10 Q And still is authorized to drive either one?

11 A Yes.

12 Q I took a picture as we were coming back from  
13 lunch on my phone that I think shows all the -- the  
14 different truck types, and I want to show it to you and  
15 ask you about it.

16 A Okay.

17 Q And after this deposition's over, I'm going  
18 to email this picture around to everybody, including Jodi,  
19 our court reporter, and your lawyer, and the UM lawyer to  
20 make sure that we all have a copy of it, but I'm now  
21 showing you my iPhone.

22 A I'll try not to touch the screen.

23 Q That's all right. It's a touch screen.

24 Let me restart the question. I'm now showing  
25 you my phone here that has a picture I just took and I

1 think that that picture shows three trucks on it; is that  
2 right?

3 A That's right.

4 Q There's two white bucket trucks on either  
5 side and then a red flatbed truck in the middle; is that  
6 right?

7 A That's right.

8 Q Those are all R.J. Haynie trucks?

9 A Yes.

10 MR. BUTLER: I'm going to put for the  
11 record what I've labeled Plaintiff's Exhibit 7  
12 now, and this is a piece of paper that's going to  
13 be a stand-in for that picture until I can email  
14 it around so it can be substituted for the  
15 record.

16 (Thereupon, Plaintiff's Exhibit No. 7 was  
17 marked for identification.)

18 BY MR. BUTLER:

19 Q Both bucket trucks and flatbed trucks are  
20 much heavier than regular cars, right?

21 A Yes.

22 Q And that's why when you're driving a bucket  
23 truck, a driver should leave more dis- -- more space  
24 between the bucket truck and the car ahead of it in  
25 traffic than you would have to leave for the regular

1 vehicle; is that right?

2 MR. ROGERS: Object to form. Foundation.

3 A Yes.

4 BY MR. BUTLER:

5 Q With a bucket truck, it's important that  
6 the -- well, strike that.

7 A bucket truck driver generally should  
8 probably drive slower and more cautiously than you would  
9 in a regular car because it's heavier and more dangerous;  
10 is that right?

11 MR. ROGERS: Object to form. Foundation.

12 A They should always drive safe. It doesn't  
13 matter what they're in.

14 BY MR. BUTLER:

15 Q What is -- if you're driving in traffic, what  
16 is the appropriate distance in a bucket truck to keep  
17 between the bucket truck and the car ahead of it?

18 MR. ROGERS: Object to form. Foundation.

19 A I don't know.

20 BY MR. BUTLER:

21 Q Who at R.J. Haynie knows the answer to that  
22 question?

23 A I don't know.

24 Q That's a question -- that's an answer that  
25 the drivers of R.J. Haynie need to know; isn't it?

1 A I would assume so, yes.

2 Q All right. Hang on just a second.

3 A When you asked me who at R.J. Haynie, are you  
4 talking management, or are you talking field?

5 Q Anybody.

6 A The guys that operate the bucket trucks know.

7 Q So basically everyone on the approved driver  
8 list should know how much distance there should be between  
9 a bucket truck and the car ahead of it in traffic; is that  
10 right?

11 A Everyone in the field that drives a bucket  
12 truck, yes, should know.

13 Q If someone's not qualified to drive a bucket  
14 truck, they shouldn't be on the R.J. Haynie approved  
15 driver list, should they?

16 A They can be. Management.

17 Q Well -- let's see -- [REDACTED] -- well,  
18 let me put it this way, [REDACTED] should know the  
19 answer to that question -- let me strike that.

20 [REDACTED] should know how much distance  
21 there should be between a bucket truck and the car ahead  
22 of it in traffic; is that true?

23 A Yes.

24 Q What training materials specific to driving  
25 does R.J. Haynie provide to people that drive its

1 vehicles?

2 A I don't know.

3 Q Do you know of any such materials, as you sit  
4 here today?

5 A No.

6 MR. BUTLER: I'm going to show you some  
7 more pictures here. I'm going to mark this as  
8 Plaintiff's Exhibit 8.

9 (Thereupon, Plaintiff's Exhibit No. 8 was  
10 marked for identification.)

11 BY MR. BUTLER:

12 Q This is a picture that "we," plaintiffs,  
13 received from R.J. Haynie in this case in a process known  
14 as discovery.

15 That is a picture of an R.J. -- excuse me --  
16 Plaintiff's Exhibit 8 is a picture of an R.J. Haynie  
17 bucket truck, isn't it?

18 A Yes.

19 Q Do you know this -- let's see -- do you know  
20 whether this is the bucket truck that was actually  
21 involved in the collision?

22 A No.

23 Q If I told you that this was the bucket truck  
24 that was involved in the collision, would you have any  
25 reason to dispute that?

1           A           No. I don't think so.

2                   MR. BUTLER: Actually, this is the way to  
3           handle it. Mr. Rogers, can we agree that  
4           Plaintiff's Exhibit 8 shows the bucket truck that  
5           was involved in the subject collision?

6                   MR. ROGERS: And substantive to said  
7           collision, yes. And substantive to said  
8           collision, yes.

9                   MR. BUTLER: Yes. Right.

10                  MR. ROGERS: As a post-collision  
11           photograph.

12                  MR. BUTLER: Right.

13                  MR. ROGERS: Or two post-collision  
14           photographs.

15                  MR. BUTLER: Yes, you are correct.

16   BY MR. BUTLER:

17           Q           We talked earlier about safety being a  
18   priority at R.J. Haynie. Do you remember that?

19           A           Yes.

20           Q           Would you agree that the only way to improve  
21   on safety is to learn from your mistakes?

22           A           No.

23           Q           All right. Why do you disagree?

24           A           There's other ways.

25           Q           Okay. Well, once a mistake is made in the

1 area of safety, the best way to move forward from that is  
2 to learn from that mistake. Do you agree with that?

3 A That's one of the ways, yeah.

4 Q Anyway, once you make a mistake, you should  
5 learn from that mistake; is that right?

6 A Yes.

7 Q And the only way to learn from a mistake is  
8 to admit that it was a mistake; is that right?

9 A Correct.

10 Q If you don't investigate past mistakes, then  
11 you can't keep them from happening in the future; is that  
12 right?

13 A Yes.

14 Q After a wreck involving an R.J. Haynie  
15 vehicle, R.J. Haynie should investigate that wreck; isn't  
16 that right?

17 A I would assume so, yes.

18 Q How does R.J. Haynie investigate wrecks  
19 involving an R.J. Haynie vehicle?

20 A It's not in my job title, job description. I  
21 don't know exactly how they do it.

22 Q Okay. Well, R.J. Haynie has investigated --  
23 let me ask you the same question for traffic tickets.

24 R.J. Haynie should investigate whenever one  
25 of its approved drivers gets a traffic ticket, right?

1           A           It depends on the ticket. But again, that's  
2 not in my -- my realm.

3           Q           Let's assume it's a speeding ticket. If an  
4 R.J. Haynie approved driver gets a speeding ticket, is  
5 that something that R.J. Haynie should look into?

6           A           Well, according to our policy, they're  
7 supposed to notify us.

8           Q           Should R.J. Haynie then look into it?

9           A           A speeding ticket?

10          Q           Yes.

11          A           No.

12          Q           No.

13                   R.J. Haynie doesn't believe it's worth  
14 looking into the speeding tickets gotten by its approved  
15 drivers?

16          A           Looking into? I mean, explain that.

17          Q           Okay. Considering the circumstances in  
18 deciding whether to reprimand the driver who got the  
19 speeding ticket.

20          A           Yes, they do.

21          Q           All right. By that I take it that you mean  
22 when an approved driver at R.J. Haynie gets a speeding  
23 ticket, the company investigates the circumstances and  
24 decides whether to reprimand the driver who got the  
25 ticket?

1 A Yes.

2 Q Do you know [REDACTED] [REDACTED]

3 A Yes.

4 Q You're his supervisor? We already talked  
5 about that.

6 A That's right.

7 Q There was a time where he got a speeding  
8 ticket in an R.J. Haynie vehicle; isn't that right?

9 A I don't know.

10 Q Well, let me see if I can jog your memory.  
11 I think this was in 2009, and I think you  
12 actually verbally reprimanded [REDACTED] for getting the  
13 speeding ticket.

14 A [REDACTED]? Honestly, I do not remember.

15 Q Okay. If [REDACTED] -- did you know  
16 [REDACTED] given a deposition in this case?

17 A Yes.

18 Q If [REDACTED] testified in his deposition that  
19 he got a speeding ticket in an R.J. Haynie vehicle, would  
20 you have any reason to dispute that?

21 A No. If he testified, no.

22 Q And if he said that you verbally reprimanded  
23 him, would you have any reason to dispute that?

24 A No.

25 Q Do you know or remember an R.J. Haynie driver

1     called [REDACTED] [REDACTED]?

2           A           Yes.

3           Q           Does [REDACTED] still work for R.J. Haynie?

4           A           Yes.

5           Q           Is he allowed to drive R.J. Haynie vehicles?

6           A           Yes.

7           Q           Do you -- were you aware that Ronald Long --  
8     strike that.

9                       Was there ever a period where [REDACTED] was  
10   not allowed to drive R.J. Haynie vehicles?

11          A           No.

12          Q           All right. When R.J. Haynie investigates an  
13   accident, would you agree it's R.J. Haynie's normal  
14   routine to create an incident report for that accident?

15                      MR. ROGERS: Object to form. Foundation.

16          A           Yes.

17   BY MR. BUTLER:

18          Q           Who writes the incident reports?

19          A           Now?

20          Q           Sure.

21          A           That would be our HR director.

22          Q           And who is that?

23          A           [REDACTED] [REDACTED]

24          Q           Was there ever a time when incident reports  
25   were written by the driver who was in the accident?

1 A Yes.

2 Q When was that time?

3 A That's actually what I meant. The driver  
4 generates it.

5 Q Okay.

6 A [REDACTED] takes it.

7 Q All right. Let me run that back so we have a  
8 clean record on it.

9 So when R.J. Haynie generates an incident  
10 report following a motor vehicle wreck, the driver who was  
11 involved in the wreck writes the incident report?

12 A That's right.

13 Q And then the driver gives that report to  
14 [REDACTED] [REDACTED] or whoever occupies the position that [REDACTED] now  
15 occupies?

16 A That's right.

17 Q Have you ever seen an incident report for  
18 this wreck, the one -- the wreck in which [REDACTED] [REDACTED]  
19 was injured?

20 A No.

21 Q Does such a report exist?

22 A I don't know.

23 Q If such a report does not exist, can you  
24 think of any reason why it doesn't exist?

25 A No.

1 Q Can you think of any explanation at all for  
2 why there might not be an incident report at R.J. Haynie  
3 for the wreck in which [REDACTED] [REDACTED] was injured?

4 A No.

5 Q Have you ever seen the MVR or motor vehicle  
6 report for [REDACTED] [REDACTED]

7 A No.

8 Q R.J. Haynie does normally obtain the MVR or  
9 motor vehicle report for it's approved drivers, right?

10 A No. The insurance company does that.

11 Q If R.J. Haynie wanted to look at one, could  
12 R.J. Haynie ask the insurance company for a copy of that  
13 MVR?

14 A I don't know.

15 Q Okay. Isn't it true that in its application  
16 for employment, R.J. Haynie does not ask people it is  
17 considering hiring about their driving history?

18 A That's not true.

19 Q All right. So the appli- -- so someone's  
20 application for employment does ask about a person's  
21 driving history?

22 A Not specifically about the history, just we  
23 tell them that it will be reviewed and a lot of times will  
24 list the -- the three accidents in the past three years,  
25 that kind of thing. We'll give them the company policy.

1           Q           Oh, okay. So when -- when R.J. Haynie hires  
2           somebody, they tell them about the three accidents or  
3           tickets and the past three-year rule that we discussed  
4           earlier?

5           A           That's correct.

6           Q           All right. R.J. Haynie interviews the people  
7           it hires, right?

8           A           That's right.

9           Q           In that interview, do you discuss the  
10          driver's history, or do you leave that for the MVR  
11          authorization?

12          A           We don't discuss the history unless they  
13          offer it.

14          Q           In other words, in the application -- in the  
15          interview process, the only time where R.J. Haynie  
16          regularly looks into driving history is by obtaining that  
17          authorization to obtain an MVR that we talked about  
18          earlier?

19          A           Yeah.

20          Q           That's right?

21          A           I think so, yes.

22          Q           R.J. Haynie does ask for references when it  
23          gets an application from somebody, right?

24          A           Yes.

25          Q           Does R.J. Haynie call those references?

1 A Sometimes.

2 Q Who determines whether to call the references  
3 or not?

4 A The interviewer.

5 Q Okay. Who interviewed [REDACTED] [REDACTED]

6 A Me.

7 Q Oh. Did you call his references?

8 A No.

9 Q What did you discuss in his interview?

10 A The main thing I remember is his WTCS  
11 Certification.

12 Q What is -- say that again. WTCS?

13 A Yes.

14 Q What does that mean?

15 A Worksite traffic control supervisor.

16 Q All right. So that means he was -- that  
17 [REDACTED] [REDACTED] before he started working at R.J. Haynie,  
18 was a -- run that acronym by me again?

19 A Worksite traffic control supervisor.

20 Q So that means before [REDACTED] [REDACTED] came to  
21 work for R.J. Haynie, he was a worksite traffic control  
22 supervisor?

23 A That's right.

24 Q That was at Archer Western, right?

25 A That's correct.

1 Q Did you call anybody at Archer Western to ask  
2 about [REDACTED] [REDACTED]

3 A No.

4 Q Do you know whether [REDACTED] [REDACTED] was  
5 involved in any collisions while he was at Archer Western?

6 A No.

7 Q Wouldn't that be important to know?

8 A No.

9 Q If someone that R.J. Haynie hires and puts on  
10 the road in a bucket truck has had previous collisions,  
11 that's not something R.J. Haynie wants to know about?

12 A And that's why we get the MVR or why the  
13 insurance company gets the MVR.

14 Q Okay. So let me ask it open ended. If a  
15 person that R.J. Haynie is hiring has been involved in a  
16 motor vehicle collision at their former employer, is that  
17 something that R.J. Haynie wants to know about?

18 A There's no policy regarding that.

19 Q What do you think?

20 A I don't know if it's any of our business at  
21 the time of the interview because to call a reference  
22 where an employee currently works would jeopardize the  
23 employment, you know, with that employer. That's why we  
24 didn't call Archer Western.

25 Q Did you call Archer Western at any time after

1 [REDACTED] [REDACTED] had come to work before R.J. Haynie but  
2 before he started driving bucket trucks?

3 A No.

4 Q I'm going to show you -- well, let me ask you  
5 this generally. We know that R.J. Haynie obtained an  
6 authorization for an MVR for [REDACTED] [REDACTED] because we  
7 looked at that document, right?

8 A Right.

9 Q Other than that, what did R.J. Haynie or you  
10 do to make sure that [REDACTED] [REDACTED] was a safe driver  
11 before hiring him?

12 A That's it.

13 MR. BUTLER: All right. I'm going to show  
14 you now a document that I'll mark as Plaintiff's  
15 Exhibit 9. I'm trying to put the sticker  
16 somewhere where it won't obscure anything. There  
17 we go.

18 (Thereupon, Plaintiff's Exhibit No. 9 was  
19 marked for identification.)

20 MR. BUTLER: All right. You might show  
21 that to Mr. Rogers first.

22 BY MR. BUTLER:

23 Q Plaintiff's Exhibit 9 is [REDACTED] [REDACTED]  
24 Application for Employment at R.J. Haynie; is that right?

25 A Yes.

1 Q Now, we've already looked at the  
2 authorization to obtain an MVR, and that authorization is  
3 not a part of Plaintiff's Exhibit 9, correct?

4 A Correct.

5 Q Other than that, are we missing any pages  
6 from Plaintiff's Exhibit 9, or is this the entirety of  
7 [REDACTED] application?

8 A I don't know.

9 Q As you sit here today and look at Plaintiff's  
10 Exhibit 9, can you think of any pages that are missing or  
11 anything like that?

12 A From a completed application for the whole  
13 process.

14 Q Completed Application for Employment?

15 A Yeah. There are other things that are filled  
16 out, yes.

17 Q Like what?

18 A Like, the MVR; like, the consent to a drug  
19 test; like -- there's a -- something people sign basically  
20 stating that whatever they say they can do, they can  
21 actually do, operating equipment, stuff like that.

22 Q All right. I think I know what you're  
23 talking about. Let's see here?

24 A There might be something else, but I don't  
25 remember.

1           Q           The -- what I'm driving at is, I don't think  
2           that that other stuff is -- we might just be using  
3           different terminology -- really part of the application.  
4           But I've got with me now -- and I guess I'll have to mark  
5           it, although it's big -- is Plaintiff's Exhibit 10, what's  
6           been produced to us as the entirety of [REDACTED] [REDACTED]  
7           employee file, and I'll hand you a copy of it.

8           A           All right.

9                       (Thereupon, Plaintiff's Exhibit No. 10 was  
10           marked for identification.)

11                      MR. BUTLER: Oh, here, we've got another  
12           copy. You can have a copy.

13                      (Tenders document to witness.)

14   BY MR. BUTLER:

15           Q           And if we look at Plaintiff's Exhibit 10,  
16           which is the entirety of [REDACTED] [REDACTED] employee file,  
17           the first two pages are the same thing as Plaintiff's  
18           Exhibit 9, which is to say the Application for Employment;  
19           is that right?

20           A           That's correct.

21           Q           And then after that in Plaintiff's Exhibit 10  
22           comes the Authorization to Obtain an MVR and the Pre-  
23           Employment Drug Testing, right?

24           A           Correct.

25           Q           And then there's the Verification of

1 Experience & Capabilities, which you just referred to?

2 A Correct.

3 Q And the next thing in here is a W-4 Form,  
4 right?

5 A I've got something else.

6 Q Okay. What's next?

7 A [REDACTED] certifications and a copy of his  
8 driver's license.

9 Q Okay. What's next?

10 A W-4.

11 Q W-4.

12 From the application process, do we appear to  
13 be missing anything in Plaintiff's Exhibit 10?

14 A I don't think so.

15 Q So in terms of the applicant for employment  
16 actually answering questions and supplying information for  
17 R.J. Haynie, it's really just those first two pages in  
18 Plaintiff's Exhibit 10; is that right?

19 A That's right.

20 Q And that's the same as Plaintiff's Exhibit 9,  
21 right?

22 A Yes.

23 Q So for the applicant actually answering  
24 questions and providing information, that's all done on  
25 the application that's been marked as Plaintiff's

1 Exhibit 9; is that right?

2 A Yes, and verbally, of course.

3 Q In an interview?

4 A In the interview.

5 Q All right. My understanding is that from  
6 some of these discovery responses that R.J. Haynie does  
7 not now have in its possession here in this office and has  
8 never had here in this office a copy of [REDACTED]  
9 MVR; is that true?

10 A I don't know.

11 Q You don't know?

12 A Uh-uh.

13 Q Anyway, you've never seen it?

14 A No.

15 Q You do know what an MVR looks like, right?

16 A Yes.

17 Q Okay. It provides everything you want to  
18 know about driver history, right?

19 A Right.

20 Q We'll return to that a little bit later.

21 I want to show you another document and this  
22 one I'll mark Plaintiff's Exhibit 11. And we're going to  
23 go back to looking at discovery responses like we were  
24 doing earlier.

25 (Thereupon, Plaintiff's Exhibit No. 11 was

1 marked for identification.)

2 (Tenders document to witness.)

3 MR. BUTLER: All right. Share that with  
4 Mr. Rogers if he wants to look.

5 BY MR. BUTLER:

6 Q This says on it, on the first page, "R.J.  
7 Haynie and Associates, Incorporated's Response to  
8 Plaintiff's First Interrogatories and Request for  
9 Production of Documents." Is that right?

10 A Yes.

11 Q And if you flip to the next page, you'll see  
12 a No. 26 and it will show the question that Plaintiff  
13 asked and then the Response that R.J. Haynie gave. Do you  
14 see that?

15 A Yes.

16 Q The question was, quote, "At the time of the  
17 collision, did you have any policy or procedure manuals  
18 pertaining to the operation of Defendant's vehicle such as  
19 driver's manuals, company rules, or other tangible  
20 materials by whatever name? If so, provide the name of  
21 each such manual." Did I read that correctly?

22 A Yes.

23 Q And the answer was "No"?

24 A Yes.

25 Q That means that at the time of the collision

1 in April 2014, R.J. Haynie did not have any policy or  
2 procedure manuals pertaining to the operation of the  
3 Defendant's vehicle; is that correct?

4 A From my personal knowledge, I don't -- I  
5 don't know.

6 Q Do you have any reason to disagree with the  
7 Response to No. 26 in Plaintiff's Exhibit 11?

8 A No.

9 Q How many employees did R.J. Haynie have -- I  
10 had my microphone covered up. Let me start that again.

11 How many employees did R.J. Haynie have in  
12 April of 2014, approximately?

13 A 2014?

14 Q Yeah, at the time of this wreck.

15 A Approximately, 65, 70.

16 Q Okay. What did R.J. Haynie do to investigate  
17 the wreck in which [REDACTED] was injured?

18 A I don't know.

19 Q Do you know who investigated that?

20 A No.

21 Q Have you talked with anyone who investigated  
22 the wreck?

23 A No.

24 Q Do you know who should have investigated the  
25 wreck?

1 A Should have investigated the wreck? No.

2 Q All right. [REDACTED] [REDACTED] is a foreman I  
3 think we said; is that right?

4 A Correct.

5 Q So that means there are people who work under  
6 him, right?

7 A Yes.

8 Q Do you know who those people are, as you sit  
9 here?

10 A [REDACTED]

11 Q Uh-huh.

12 A And I believe he has one other, but I cannot  
13 remember his name.

14 Q Okay. So we think that two people work under  
15 [REDACTED] [REDACTED] today?

16 A Right.

17 Q Would two people have been working under  
18 [REDACTED] [REDACTED] in April of 2014?

19 A No.

20 Q When did they start working un- -- when did  
21 people start working under [REDACTED] [REDACTED] approximately?

22 A 2014, you said? Yeah, can I go back?

23 Q Sure.

24 A Because I was thinking you were -- you  
25 said -- you were talking about when he was hired, not

1 2014.

2 Q Uh-huh.

3 A Yeah, he probably did have people under him  
4 in 2014.

5 Q Okay. Let me clean up the record a little  
6 bit.

7 In April of 2014, you think there were  
8 probably people working under [REDACTED] [REDACTED]

9 A That's right.

10 Q Now, I think you said the -- a foreman or a  
11 foreperson is responsible for training the people that  
12 work under that person?

13 A Yes.

14 Q So [REDACTED] [REDACTED] is responsible for training  
15 the people that work under him?

16 A Yes.

17 Q And that's two people?

18 A Yes.

19 Q He trains them on a lot of stuff, including  
20 how to drive a bucket truck, right?

21 A Yes.

22 Q All right. Are you aware that -- and if I  
23 say "this wreck," I'm always going to refer to the wreck  
24 in April of 2014 where [REDACTED] [REDACTED] was injured. Will  
25 you understand what I'm talking about if I use the phrase

1 "this wreck"?

2 A Yes.

3 Q Are you aware that this wreck involved a line  
4 of cars?

5 A Yes.

6 Q Are you aware that in front of the R.J.  
7 Haynie bucket truck was a Buick SUV, and then ahead of  
8 that Buick SUV was [REDACTED] [REDACTED] car?

9 A No.

10 Q Do you have any reason to disagree with that?

11 A No.

12 Q Do you know how fast [REDACTED] [REDACTED] was  
13 driving at the time of the wreck?

14 A No.

15 Q Does anybody at R.J. Haynie, other than  
16 [REDACTED] [REDACTED] know that?

17 A I don't know.

18 Q Do you know how much distance [REDACTED] [REDACTED]  
19 had left between his bucket truck and the car ahead of him  
20 immediately before this wreck?

21 A No.

22 Q Do you know of anyone at R.J. Haynie, other  
23 than [REDACTED] [REDACTED] who knows that?

24 A No.

25 Q Can you -- can you tell us what [REDACTED]

1 [REDACTED] could have done to prevent this wreck, if  
2 anything?

3 A No.

4 Q What are your thoughts on what he could have  
5 done to prevent this wreck?

6 A Nothing --

7 Q Why do you think -- I'm sorry.

8 A Nothing, no. Nothing that I'm aware of.

9 Q You're not aware of anything that [REDACTED]  
10 [REDACTED] could have done to prevent this wreck?

11 A No.

12 Q You said earlier that you didn't think [REDACTED]  
13 [REDACTED] was at fault for this wreck?

14 A Correct.

15 Q Why?

16 A Because he wasn't cited.

17 Q So in terms of making the decision as to  
18 whether [REDACTED] [REDACTED] was at fault for the wreck, what  
19 you looked at is whether [REDACTED] [REDACTED] received a  
20 citation or a ticket for the wreck?

21 A That's my opinion, yes.

22 Q That's what you relied upon to reach your  
23 conclusion?

24 A The conclusion I just made, yes.

25 Q Is there anything else that you used to reach

1 the conclusion that [REDACTED] [REDACTED] was not at fault for  
2 this wreck?

3 A No.

4 Q All right. Do you know whether [REDACTED]

5 [REDACTED] hit the brakes before he struck [REDACTED] [REDACTED]  
6 car?

7 A No.

8 Q Have you or anyone else at R.J. Haynie talked  
9 to any witnesses to this wreck other than [REDACTED] [REDACTED]

10 A No. Well, I haven't, no.

11 Q Do you know of anyone else who has?

12 A No.

13 Q Have you or anyone else at R.J. Haynie, to  
14 your knowledge, talked to the police officer that  
15 responded to this wreck?

16 A No, I haven't.

17 Q Have you heard that the -- do you know  
18 what -- if I say "wreck report," I'm referring to the  
19 document that police officers generate after a car wreck  
20 happened. Is that a familiar term to you?

21 A Yes.

22 Q Have you heard folks say that the wreck  
23 report in this case does not accurately describe how the  
24 collision occurred in terms of who was in what car and  
25 what order they were in?

1 A No.

2 Q Do you have an opinion one way or the other  
3 about whether the wreck reports diagram is accurate?

4 A No.

5 Q Who -- if [REDACTED] [REDACTED] was to be  
6 reprimanded -- strike that.

7 If [REDACTED] [REDACTED] was to be wreck -- I'm  
8 losing it -- if [REDACTED] [REDACTED] was to be reprimanded for  
9 this wreck, you would have been in a position to reprimand  
10 him if you so choose; is that correct?

11 A I could have, yes.

12 Q But the reason you didn't is that he didn't  
13 get a ticket or citation from the police officer; is that  
14 right?

15 A Yes.

16 Q I've got more discovery stuff here that I  
17 think we could skip.

18 Do you -- in the history of R.J. Haynie, do  
19 you know of any occasion where a driver has been  
20 reprimanded for a wreck even though he didn't receive a  
21 ticket or citation from the police officer?

22 A Yes.

23 Q Tell me about it, please.

24 A I had an employee that hit a bollard in a gas  
25 station.

1 Q Do what now?

2 A Hit a bollard in a gas station.

3 Q What's a bollard?

4 A Bollard. It's a concrete -- you know, the  
5 yellow concrete posts?

6 Q Yeah.

7 A There was no citation given, but she was  
8 reprimanded.

9 Q Who was that person?

10 A [REDACTED].

11 Q [REDACTED] (sic).

12 A [REDACTED] -- I'm sorry --

13 [REDACTED]. Is it B or T -- I think it's T.

14 Q When that was, approximately?

15 A About a year ago.

16 Q So I'll say 2014 or 2015.

17 A Uh-huh.

18 Q What date would you say; somewhere in 2014 or  
19 what?

20 A 2014.

21 Q Okay. So sometime in 2014, [REDACTED], an  
22 R.J. Haynie driver, hit a concrete post in a gas station  
23 parking lot and she was reprimanded even though she  
24 received no ticket or citation; is that true?

25 A That's true.

1           Q           Other than that, can you think of anytime in  
2     the history of R.J. Haynie that you know where a driver  
3     was reprimanded for a collision even though they received  
4     no ticket or citation?

5           A           I know there has been a few, but I don't know  
6     offhand. I don't remember exactly which incident they  
7     were.

8           Q           If you can't think of them as we sit here  
9     today, that's all right.

10                   Do you know -- well, while we're on the  
11     subject, [REDACTED] [REDACTED] has never been reprimanded for  
12     anything related to driving since he's been as R.J.  
13     Haynie, has he?

14           A           I don't recall. Not that I'm aware of.

15                   MR. BUTLER: I need to show you this  
16     discovery thing. I'll mark it as Plaintiff's  
17     Exhibit 12.

18                   (Thereupon, Plaintiff's Exhibit No. 12 was  
19     marked for identification.)

20     BY MR. BUTLER:

21           Q           Plaintiff's Exhibit 12 is labeled R.J. Haynie  
22     and Associates, Incorporated's Response to Plaintiff's  
23     First Interrogatories and First Request for Production of  
24     Documents, right?

25           A           Yes.

1           Q           And I think we've talked about the way these  
2   work before, but essentially the Plaintiff, that is to say  
3   [REDACTED] [REDACTED] asks a question and then R.J. Haynie gives  
4   an answer. If you turn to the second page of Plaintiff's  
5   Exhibit 12, you'll see the question that Plaintiff asks.  
6   And that is, quote, did you -- meaning R.J. Haynie -- or  
7   any related entity make an incident report (or internal  
8   report by any other name) in connection with the  
9   collision, end quote. Did I read that correctly?

10          A           Yes.

11          Q           And the answer on the third page of  
12   Plaintiff's Exhibit 12 is "No". Did I read that  
13   correctly?

14          A           Yes.

15          Q           This means that R.J. Haynie didn't create an  
16   incident report for the wreck in which [REDACTED] [REDACTED] was  
17   injured, correct?

18          A           Correct.

19          Q           Do you have any reason to disagree with that?

20          A           No.

21                   MR. BUTLER: All right. We're speeding  
22                   along. Let's take a quick bathroom break and  
23                   we'll get back to it.

24                   THE WITNESS: Sure.

25                   THE VIDEOGRAPHER: We are now going off the

1 video record. The time is currently 1:49 p.m.

2 (Whereupon, a recess was taken.)

3 THE VIDEOGRAPHER: We are now back on the

4 video record. The time is currently 1:54 p.m.

5 This is the beginning of tape number 2.

6 BY MR. BUTLER:

7 Q All right. Has [REDACTED] [REDACTED] ever told you  
8 about any traffic ticket or citation that he received?

9 A No.

10 Q Has anyone else at R.J. Haynie ever told you  
11 about any traffic ticket or citation that [REDACTED] [REDACTED]  
12 received?

13 A No.

14 Q Has the insurance company upon which R.J.  
15 Haynie relies to review its driver's histories ever told  
16 you about any ticket or citation that [REDACTED] [REDACTED]  
17 received?

18 A Not that I remember, no.

19 Q To the best of your knowledge, has the  
20 insurance company upon which R.J. Haynie relies to review  
21 its driver's histories ever told anyone at R.J. Haynie  
22 about traffic tickets or citations that [REDACTED] [REDACTED]  
23 received?

24 A Not to the best of my knowledge, no.

25 Q Has [REDACTED] [REDACTED] ever told you about any

1 car wreck he -- strike that.

2 Has [REDACTED] [REDACTED] ever told you about any  
3 wreck in which he was involved other than the April 2014  
4 wreck that we're here about today?

5 A Not that I remember, no.

6 Q Has anyone else at R.J. Haynie ever told you  
7 about any wreck that [REDACTED] [REDACTED] has been involved in  
8 other than the April 2014 wreck that we're here about  
9 today?

10 A Not that I'm aware of, no.

11 Q Has the insurance company upon which R.J.  
12 Haynie relies to review its driver's histories ever told  
13 you about any wreck that [REDACTED] [REDACTED] has been involved  
14 in other than the one that we're here about today?

15 A No.

16 Q To the best of your knowledge, has the  
17 insurance company upon which R.J. Haynie relies to review  
18 its driver's histories ever told anyone else at R.J.  
19 Haynie about any wrecks in which [REDACTED] [REDACTED] has been  
20 involved other than the April 2014 wreck that we're here  
21 about today?

22 A Not that I'm aware of, no.

23 Q We talked earlier about MVRs and you said  
24 that you hadn't seen [REDACTED] [REDACTED] but knew what they  
25 looked like; is that right? Do you remember that?

1 A Yes.

2 Q Let me see what my note says. Oh, yeah,  
3 we'll do this now.

4 Now, we talked about the three wrecks or  
5 tickets rule a little bit earlier. Do you remember that?

6 A Yes.

7 Q That requirement actually comes from the  
8 Harleysville Insurance company, right?

9 A Yes, I believe so.

10 Q Okay. So the insurance company knows all  
11 about that rule?

12 A Yes.

13 MR. BUTLER: All right. MVRs. I'm going  
14 to show you what I'm going to mark as Plaintiff's  
15 Exhibit 13. And this has been marked as a  
16 deposition exhibit before to [REDACTED] I  
17 think.

18 (Thereupon, Plaintiff's Exhibit No. 13 was  
19 marked for identification.)

20 MR. BUTLER: I'll show it to Mr. Rogers and  
21 then he'll pass it back to you.

22 MR. ROGERS: Do you have another copy of  
23 this by chance?

24 MR. BUTLER: I do, but I need to use it.

25 We may have --

1 MR. ROGERS: Yeah, just because there's so  
2 much on it. It's so detailed.

3 MR. BUTLER: Yeah. Let's take a minute. I  
4 bet we can get you one.

5 MR. ROGERS: Well, yeah, I mean, I can run  
6 out and make a quick copy of this one.

7 MR. BUTLER: Let's see what Mr. Rafi has in  
8 his briefcase.

9 MR. RAFI: Give me a chance here.

10 MR. BUTLER: My paralegal had to step out  
11 yesterday afternoon, which left me to prepare all  
12 the documents myself, which means I don't have  
13 adequate copies of everything.

14 THE WITNESS: We have a copier up front if  
15 you need it.

16 MR. BUTLER: A copy of what now?

17 THE WITNESS: I said we have a copier --

18 MR. BUTLER: Oh, a copier.

19 THE WITNESS: -- up front if you need it.

20 MR. BUTLER: Make sure, Mr. Rogers, that  
21 that copy that has all the pages and we'll be  
22 ready.

23 MR. ROGERS: Yes.

24 MR. BUTLER: And it has Plaintiff's 13  
25 sticker on the front.

1 MR. ROGERS: Well, for this deposition,  
2 yes.

3 BY MR. BUTLER:

4 Q Okay. All right. Mr. [REDACTED] I've now handed  
5 you what's been marked as Plaintiff's Exhibit 13; is that  
6 right?

7 A That's right.

8 Q And on the first page, it says, "Georgia  
9 Department of Driver Services"; is that correct?

10 A Yes.

11 Q And then it appears to be a letter from  
12 Georgia DDS to Mr. Rafi who practices law with me and is  
13 sitting here behind me; is that right?

14 A Yes.

15 Q The next page of Plaintiff's Exhibits 13  
16 starts the MVR; is that correct?

17 A Yes.

18 Q And this is an MVR for [REDACTED] [REDACTED] is what  
19 it says if you look at the top left area of the page; is  
20 that right?

21 A Yes.

22 Q Is this the first time you've ever seen this  
23 document?

24 A Yes.

25 Q All right. Let's take a quick look through

1 it. The very first citation here on the first page of the  
2 MVR, which is the second page of Plaintiff's Exhibit 13 to  
3 your deposition has at the bottom there an enumeration 1.

4 Do you see that?

5 A Yes.

6 Q That appears to be a speeding ticket in Lake  
7 City; is that right?

8 A That's right.

9 Q And then number 2 is a speeding ticket in  
10 Lake City; is that right?

11 A Yes.

12 Q If you flip to the next page, you'll see  
13 number 3 is a speeding ticket in Louisiana, it looks like;  
14 is that right?

15 A Yes.

16 Q Number 4, speeding ticket in DeKalb Recorders  
17 Court?

18 A Yes.

19 Q Number 5, speeding ticket in College Park?

20 A Yes.

21 Q Number 6, speeding ticket in Avondale Estates  
22 Municipal Court?

23 A Yes.

24 Q Number 7, speeding ticket in DeKalb Recorders  
25 Court?

1 A Yes.

2 Q Number 8, failure to yield right of way in  
3 Clayton State Court?

4 A Yes.

5 Q All right. And then let's go to the last  
6 page of Plaintiff's Exhibit 13 to your deposition. And  
7 this has three items on it. All of them say "Georgia  
8 Serious Commercial Disqualification"; is that right?

9 A The first two.

10 Q You're right. Excuse me. The first two say  
11 "Georgia Serious Commercial Disqualification," correct?

12 A Correct.

13 Q And then the third says, "Serious Violation  
14 Commercial"; is that right?

15 A That's right.

16 Q Now, having seen this MVR marked as  
17 Plaintiff's Exhibit 13, if you had to make a decision  
18 today, would you hire [REDACTED] [REDACTED] as a driver?

19 A Probably not, no.

20 Q So given what you know now having reviewed  
21 Plaintiff's Exhibit 13, R.J. Haynie made an error in  
22 hiring [REDACTED] [REDACTED] is that right?

23 MR. ROGERS: Object to form.

24 A No.

25 BY MR. BUTLER:

1 Q Why is that not right?

2 A Because obviously, we didn't know about  
3 these.

4 Q Did -- well, let me put it this way: Did the  
5 insurance company make an error in telling R.J. Haynie  
6 that it was okay to hire [REDACTED] [REDACTED]

7 MR. ROGERS: Object to form.

8 A I can't imagine the insurance company would  
9 have let us hire him had they had this.

10 BY MR. BUTLER:

11 Q Now, R.J Haynie is the entity that took the  
12 active role, active step to actually hire [REDACTED]  
13 correct?

14 A Yes.

15 Q And R.J. Haynie has a responsibility to make  
16 sure it's drivers are qualified to keep people safe; is  
17 that right?

18 A Yes.

19 Q R.J. Haynie depends on the insurance company  
20 to review its driver's histories, right?

21 A Yes, sir.

22 Q And if you had known -- well, strike that.

23 Who at R.J. Haynie is responsible for making  
24 sure that the insurance company does its job?

25 A I don't think there's anybody here to make

1     sure that the insurance company does its job.

2           Q           Okay. Who at the insurance company is in  
3     charge of reviewing driver's histories?

4           A           I don't know.

5           Q           Has anyone at R.J. Haynie ever, to your  
6     knowledge, requested an MVR or motor vehicle report like  
7     Plaintiff's Exhibit 13 on [REDACTED] [REDACTED]

8           A           I don't know.

9           Q           As you sit here today, you don't know of  
10    anyone who has, do you?

11          A           No.

12          Q           Has -- after he was hired, has anyone at R.J.  
13    Haynie, to the best of your knowledge, ever asked [REDACTED]  
14    [REDACTED] about his driving history?

15          A           I don't know.

16          Q           You don't know of anyone who has, do you?

17          A           I believe our human resource director has  
18    annually or every year.

19          Q           Well, I think that's a different thing.  
20    You're talking about the forms that get signed every year  
21    around Thanksgiving, correct?

22          A           That's correct.

23          Q           That's different than an MVR like Plaintiff's  
24    Exhibit 13, isn't it?

25          A           Yes.

1 Q The forms you're talking about are called a  
2 Driver's Certification, I think; is that correct?

3 A Correct. Yes.

4 Q So to the best of your knowledge, no one at  
5 R.J. Haynie has ever requested an MVR or motor vehicle  
6 report like Plaintiff's Exhibit 13 on [REDACTED] [REDACTED] is  
7 that true?

8 A Not to my knowledge.

9 Q To your knowledge, no one has requested one?

10 A No one has, that's right.

11 Q What changes has R.J. Haynie made to its  
12 hiring process since the wreck in which [REDACTED] [REDACTED] was  
13 injured?

14 A None that I'm aware of.

15 Q I think we established, as we sit here today,  
16 [REDACTED] [REDACTED] is still authorized to drive a bucket  
17 truck, right?

18 A Yes.

19 Q Having reviewed Plaintiff's Exhibit 13, that  
20 is the motor vehicle report of [REDACTED] [REDACTED] is that  
21 about to change?

22 A No.

23 Q So [REDACTED] [REDACTED] will continue to be allowed  
24 to drive a bucket truck for R.J. Haynie?

25 A As long as the insurance company says he can.

1           Q           All right. So nothing in the motor vehicle  
2   report changes your mind about the suitability of [REDACTED]  
3   [REDACTED] to drive an R.J. Haynie bucket truck; is that  
4   true?

5           A           Yes, that's true.

6           Q           Okay. What does R.J. Haynie do now that it  
7   did not do before this wreck to make sure that the people  
8   it hires are safe drivers?

9           A           We submit their driver's licenses to a -- to  
10   the insurance company for review.

11          Q           And that's the same thing that R.J. Haynie  
12   was doing at the time it hired [REDACTED] [REDACTED] right?

13          A           Yes.

14          Q           Okay. Let's move on. How about the training  
15   program -- or strike that.

16                   How has R.J. Haynie changed its driver safety  
17   training programs since the wreck in which [REDACTED] [REDACTED]  
18   was injured?

19          A           It hadn't been changed.

20          Q           It hadn't been changed since [REDACTED] [REDACTED]  
21   was hired, has it?

22          A           Not that I'm aware of, no.

23          Q           Okay. Since the wreck in which [REDACTED]  
24   [REDACTED] was injured, [REDACTED] [REDACTED] has not received any  
25   additional driver safety training, has he?

1 A I don't know.

2 Q Do you know of any additional driver safety  
3 training that [REDACTED] [REDACTED] has received since the wreck  
4 in which [REDACTED] [REDACTED] was injured?

5 A No.

6 Q As you sit here today, does R.J. Haynie or do  
7 you have any plans to give [REDACTED] [REDACTED] additional  
8 driver safety training?

9 A Specifically, [REDACTED] [REDACTED]

10 Q Yes.

11 A No.

12 Q How much does a bucket truck weigh,  
13 approximately?

14 A They vary. Some are CDL, some are non-CDL.

15 Q The one in this wreck was a non-CDL, right?

16 A Right.

17 Q Do you know approximately how much it weighs?

18 A It's a guess; 8500 pounds.

19 Q Okay. Well, we can't do guesses in courts of  
20 law, so we'll pass on it.

21 Let's see. What does R.J. Haynie teach its  
22 drivers about how much space it takes to stop a bucket  
23 truck?

24 A Nothing formally.

25 Q What about informally?

1           A           The foremen observe their crews driving and  
2   make sure they're doing it safely.

3           Q           Who observed [REDACTED] [REDACTED] driving?

4           A           I don't know.

5           Q           All right. What does R.J. Haynie teach its  
6   drivers about how much space to leave in traffic between a  
7   bucket truck and the vehicle ahead of it?

8           A           Nothing specifically.

9           Q           Okay. What changes, as you sit here today,  
10   has R.J. Haynie made into the way it conducts  
11   investigations into wrecks since the wreck in which  
12   [REDACTED] [REDACTED] was injured?

13          A           The policy hasn't changed.

14          Q           Have -- have R.J. Haynie's actions changed?

15          A           I honestly don't know.

16          Q           Now, a minute ago, we talked about the  
17   Driver's Certification forms, right? Let me look at my  
18   notes so that I can ask these questions in an organized  
19   way and we can conclude this deposition.

20          A           Okay.

21          Q           The Driver's Certification forms are forms  
22   that the driver has to fill out, correct?

23          A           Yes.

24          Q           And the drivers are supposed to fill those  
25   out every year around Thanksgiving?

1 A Correct.

2 Q And that's been a requirement for a long  
3 time, right?

4 A I believe so, yes.

5 Q Since -- at least since [REDACTED] [REDACTED] was  
6 hired?

7 A Yes.

8 MR. BUTLER: And now I'm going to show you  
9 what has been marked or what I'm going to mark as  
10 Plaintiff's Exhibit 14.

11 (Thereupon, Plaintiff's Exhibit No. 14 was  
12 marked for identification.)

13 (Tenders document to witness.)

14 MR. BUTLER: And you might want to show  
15 that to Mr. Rogers.

16 MR. ROGERS: Is that for the year 2013?

17 MR. BUTLER: I'll tell you what, I'm going  
18 to hand you two of them. I will also hand you  
19 Plaintiff's Exhibit 15. It's the same form for a  
20 different year.

21 (Tenders document to witness.)

22 (Thereupon, Plaintiff's Exhibit No. 15 was  
23 marked for identification.)

24 BY MR. BUTLER:

25 Q So Plaintiff's Exhibit 14 is the Driver's

1 Certification form for [REDACTED] [REDACTED] from 2013; is that  
2 correct?

3 A Correct.

4 Q And Plaintiff's Exhibits 15 is the Driver's  
5 Certification form for 2012, correct?

6 A Yes.

7 Q Neither Plaintiff's Exhibit 14 nor -- both  
8 Plaintiff's Exhibit 14 and Plaintiff's Exhibit 15 are for  
9 [REDACTED] [REDACTED] right?

10 A Yes.

11 Q Neither of them show any speeding ticket or  
12 vehicle crash, do they?

13 A No.

14 Q I've been told that R.J. Haynie does not have  
15 Driver's Certification forms for [REDACTED] [REDACTED] for any  
16 year other than 2012 and 2013. Do you know of any reason  
17 to disagree with that?

18 A No.

19 Q Have you seen the Driver's Certification  
20 forms for [REDACTED] [REDACTED] for any year other than 2012 and  
21 2013?

22 A No.

23 Q All right. Does R.J. Haynie send the  
24 Driver's Certification forms to the insurance company?

25 A I don't know.

1           Q           Do you know whether the insurance company  
2       requires R.J. Haynie to pass out and collect the Driver's  
3       Certification forms?

4           A           No. I don't know.

5           Q           Now, you know [REDACTED] [REDACTED] right; you  
6       interviewed him?

7           A           Yes.

8           Q           How often do you talk to him, on a weekly  
9       basis say?

10          A           Probably every -- every other week.

11          Q           Okay. Do you all exchange emails or messages  
12       or anything even when you don't talk?

13          A           No.

14          Q           Okay. So is it approximately correct to say  
15       that since [REDACTED] [REDACTED] has been work working at R.J.  
16       Haynie, you've talked to him on average once every other  
17       week?

18          A           Probably.

19          Q           Has he ever mentioned anything to you about  
20       identity theft?

21          A           Recently, yes.

22          Q           When?

23          A           About a month ago.

24          Q           Before a month ago, had [REDACTED] [REDACTED] ever  
25       mentioned to you anything about identity theft?

1 A No.

2 Q Has he ever suggested that his identity was  
3 stolen anytime before about a month ago?

4 A No.

5 Q About a month ago would be when [REDACTED]

6 [REDACTED] -- strike that.

7 About a month ago would be when we took

8 [REDACTED] [REDACTED] deposition in this case. Were you aware  
9 of that?

10 MR. ROGERS: Object to form.

11 A Yes.

12 BY MR. BUTLER:

13 Q Now, one of the documents you have up there  
14 with you is the personnel file for [REDACTED] [REDACTED] I  
15 think; is that right?

16 A Yes.

17 Q And it's Plaintiff's Exhibit No. 10, right?

18 A Yes.

19 Q Do you -- have you ever seen anything in

20 [REDACTED] [REDACTED] personnel file, Plaintiff's Exhibit

21 No. 10, that has to do with identity theft?

22 A I haven't been through it.

23 Q If I told you --

24 MR. BUTLER: Well, how about this rather  
25 than taking a long time to review it.

1 Mr. Rogers, can we stipulate that nothing in  
2 Plaintiff's Exhibit 10, which is [REDACTED] [REDACTED]  
3 personnel file, has anything to do with identity  
4 theft?

5 MR. ROGERS: I will -- I will stipulate  
6 that there is no reference to identity theft  
7 within the personnel record.

8 MR. BUTLER: Okay. Do you also agree that  
9 Plaintiff's Exhibit 10 is the personnel record?

10 MR. ROGERS: Yes. In fact, it appears to  
11 be the copy that we submitted to each other.

12 MR. BUTLER: It is.

13 BY MR. BUTLER:

14 Q All right. What did [REDACTED] [REDACTED] tell you  
15 about identity theft?

16 A I believe it was that he had never been to  
17 Louisiana.

18 Q Okay. Was that the only thing he said about  
19 identity theft?

20 A Pretty much, yes.

21 Q Did he indicate that some of the citations on  
22 his -- well, apart -- strike that.

23 Apart from the never been to Louisiana thing,  
24 did [REDACTED] [REDACTED] tell you that any of the speeding  
25 tickets or other infractions on his MVR or motor vehicle

1 report had anything to do with or were a result of  
2 identity theft?

3 A Yes.

4 Q What did he say?

5 A I don't remember which one specifically that  
6 he mentioned, but he did mention that a couple weren't  
7 his.

8 Q He said that a couple of the infractions on  
9 the MVR, which is Plaintiff's Exhibit 14 -- strike that.  
10 I think I screwed it up. What number's the MVR?

11 A 13.

12 Q All right. So [REDACTED] [REDACTED] told you that a  
13 couple of the infractions on the MVR that's marked as  
14 Plaintiff's Exhibit 13 were a result of identity theft?

15 A He told me that a couple that he had found  
16 out about were not his, not necessarily on this report.

17 Q Okay. But the words "a couple," that's how  
18 many he discussed with you when you said that?

19 A I don't remember, specifically.

20 Q Okay.

21 A A few.

22 Q Okay. Did you believe him?

23 A Yes.

24 Q Why?

25 A Maybe I'm a trusting person. I don't know.

1 I did believe him, though.

2 Q Okay. Have you or, to your knowledge, anyone  
3 else as R.J. Haynie looked into the identity theft --

4 A No.

5 Q -- comment?

6 A No.

7 Q Have you or anyone else at R.J. Haynie, to  
8 your knowledge, checked courthouse records for these  
9 citations to see if they really could be a result of  
10 identity theft?

11 A No.

12 Q Have you or anyone else at R.J. Haynie  
13 attempted to speak with any of the police officers who  
14 wrote the citations?

15 A Say that one more time. I'm sorry.

16 MR. BUTLER: Jodi, do you have that one?

17 (Whereupon, the last question was read back  
18 by the court reporter.)

19 A No, not to my knowledge.

20 BY MR. BUTLER:

21 Q Have you or anyone else at R.J. Haynie, to  
22 your knowledge, called or spoken with [REDACTED]  
23 former employers to ask about the identity theft story?

24 A No.

25 Q Have you or anyone else at R.J. Haynie

1 checked with [REDACTED] [REDACTED] credit card companies to see  
2 if the identity theft story is correct?

3 A No.

4 Q Have you or anyone else at R.J. Haynie  
5 checked with police or any other authority to look into  
6 the identity theft story?

7 A No.

8 Q All right. What did you do to prepare for  
9 this deposition?

10 A Nothing really.

11 Q Okay. Did you meet with Mr. Rogers or any  
12 other lawyer in advance of this deposition?

13 MR. ROGERS: Do not discuss anything we  
14 said, but you can certainly state whether you  
15 have.

16 MR. BUTLER: Let me reiterate that as the  
17 truth.

18 Anything -- the actual words and the things  
19 that are said between you and your lawyer are subject to  
20 the attorney/client privilege, so I'm not allowed to ask  
21 about it and I'm not asking you to tell me that. Other  
22 things aren't. I can ask about whether you met, how long you  
23 met, the topics you discussed, and documents you reviewed,  
24 so I'm going to do that. But don't tell me the specific  
25 things that were said between you and Mr. Rogers or any

1 other lawyer that represents you or your company.

2 MR. ROGERS: I'm going to object to him  
3 stating the topics we discussed apart from just  
4 the matters concerning this litigation.  
5 Documents he reviewed in my presence certainly is  
6 fair game.

7 MR. BUTLER: Well, I'll ask it and you can  
8 object at the time.

9 BY MR. BUTLER:

10 Q So let me start at the top.

11 Did you meet with Mr. Rogers, your company's  
12 lawyer who's sitting to your right, or any other lawyer in  
13 advance of this deposition?

14 A Yes.

15 Q Did you review any documents in that meeting?

16 A No.

17 Q Did you review any documents at all in  
18 preparation for this deposition?

19 A No.

20 Q How long did -- who -- who were the lawyers  
21 you met with; was it just Mr. Rogers?

22 A Uh-huh. Yes.

23 Q How long did you and Mr. Rogers meet?

24 A Hour and a half.

25 Q When?

1 A Last Thursday.

2 Q Is that the only meeting you had with  
3 Mr. Rogers in advance of this deposition?

4 A Yes.

5 Q Have you ever met with Mr. Rogers before that  
6 meeting?

7 A I had met him before that, yes.

8 Q When?

9 A Around the time of the other depositions.

10 Q Okay. Did you review any documents at that  
11 time?

12 A I don't think so, no.

13 Q In advance of this deposition, did you go and  
14 talk with anyone to try to learn answers to questions  
15 about what happened with [REDACTED] [REDACTED] and this wreck?

16 A No.

17 Q What topics did you and Mr. Rogers discuss?

18 MR. ROGERS: Again, I'll caution you not to  
19 relay anything that you and I specifically stated  
20 to each other, but the general topics of the  
21 meeting is fair.

22 A General topics, you know, they were more  
23 based on a deposition more than -- and what to expect than  
24 specifics to the case.

25 MR. BUTLER: Okay. Thank you for your

1           time. I have no further questions.

2           MS. MCNEELY: I have none.

3           THE VIDEOGRAPHER: We are now going off the

4           video record. The time is currently 2:22 p.m.

5           This is the end of tape number 2.

6           (Signature reserved.)

7           (Whereupon, the deposition was concluded at

8           2:22 p.m.)

9                           \*   \*   \*   \*   \*

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## D I S C L O S U R E

STATE OF GEORGIA

DEPONENT:

DEKALB COUNTY

Pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am a representative of TrustPoint Reporting, a Georgia Corporation registered as a court reporting firm. I am not disqualified for a relationship of interest under the provisions of O.C.G.A. 9-11-28 (c).

The firm was contacted by Butler Tobin, LLC to provide court reporting services for this deposition. The firm will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

The firm has no contract/agreement to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition. The firm will charge its usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

This 7th day of July, 2015.

Jodi P. Scheffel, #2750  
Certified Court Reporter

## C E R T I F I C A T E

STATE OF GEORGIA

COUNTY OF DEKALB:

I hereby certify that the foregoing deposition was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the foregoing transcript is a true and correct record of the evidence given upon said proceeding.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of TrustPoint Reporting, Certified Court Reporters, and the signature and original seal is attached thereto.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

This 7th day of July, 2015.

Jodi Scheffel, #2750  
Certified Court Reporter

E R R A T A S H E E T

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or Georgia Code Annotated 81A-130(B)(6)(e), any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, [REDACTED] [REDACTED] [REDACTED] do hereby certify that I have read the foregoing deposition and that said transcript is true and accurate, with the exception of the following changes noted below, if any:

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Reason:\_\_\_\_\_

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1 \_\_\_\_\_

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14 Reason: \_\_\_\_\_

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17 Reason: \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

21 Sworn to and subscribed before me,

22 \_\_\_\_\_, Notary Public.

23 This\_\_\_\_\_day of\_\_\_\_\_, 2015

24 My Commission Expires:

25 \_\_\_\_\_

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