

In The Matter Of:
~ [REDACTED] v. *Pemberton Truck Lines, et al.*~

William Edward Johnson, II
07/28/2017

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA NEWNAN DIVISION

Plaintiff, vs. CIVIL ACTION FILE NO. PEMBERTON TRUCK LINES INC.; CHEOKEE INSURANCE COMPANY; and JOHN DOES Defendants.

VIDEOTAPED DEPOSITION OF

Friday, July 28, 2017

2:11 p.m.

275 Scientific Drive Suite 2000 Norcross, Georgia

Kate Cochran, RPR, CCR-2722

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Table with 3 columns: EXAMINATION, DESCRIPTION, and PAGE. Includes entries for Examination by Mr. Butler, Plaintiff's Exhibits (A through X), and previously marked exhibits (6, 11, 15, 12, 16, 17).

APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

JAMES E. BUTLER, III, Esq. Butler Tobin 1932 North Druid Hills Road NE Suite 250 Atlanta, Georgia 30319 404-578-8423 Jeb@butlertobin.com

On behalf of the Defendants:

MAGGIE D. BEALL, Esq. Crusier Mitchell Novitz Sanchez Gaston & Zimet 2000 Meridian II, 275 Scientific Drive Norcross, Georgia 30092 404-881-2622 Mbeall@cmlawfirm.com

Videographer:

Brian Bean

Table with 3 columns: EXAMINATION, DESCRIPTION, and PAGE. Includes entries for Exhibit 18 (Previously Marked) and Exhibit 18.1 (Photograph).

(Original Exhibits and photocopies of previously marked exhibits have been attached to the original transcript.)

1 (Reporter disclosure made pursuant to
 2 Article 10.B of the Rules and Regulations of the
 3 Board of Court Reporting of the Judicial Council of
 4 Georgia.)
 5 (Plaintiff's Exhibits A and B were marked
 6 for identification.)
 7 MR. BUTLER: This will be the deposition
 8 of defendant [REDACTED] taken in the case [REDACTED]
 9 against Pemberton, et al., taken pursuant to notice,
 10 agreement, to the federal rules for all purposes
 11 permitted by those rules. It's also taken somewhat
 12 pursuant to our email exchange of yesterday, a copy
 13 of which I've brought and marked as Exhibit A. And
 14 then I've also brought and marked as Exhibit B a
 15 copy of the notice of deposition.
 16 All right. Let's go on video.
 17 THE VIDEOGRAPHER: We're now on the video
 18 record. Today is July 28, 2017, at 2:13 p m.
 19 Beginning of video file one.
 20 Will the court reporter please swear in
 21 the witness.
 22 EXAMINATION
 23 BY MR. BUTLER:
 24 Q. State your name for the record, please.
 25 A. [REDACTED].

1 Q. When was the first time you talked with
 2 any lawyer about this wreck?
 3 A. Today.
 4 Q. Okay. You -- had you spoken with law
 5 offices on the phone before?
 6 A. No.
 7 Q. And during discovery preparation or
 8 something like that?
 9 A. For this case, no.
 10 Q. Okay. Never spoken with a law office
 11 before today about the collision on April 24, 2015?
 12 A. Not that I remember, no.
 13 Q. I think I asked you an unclear question.
 14 Is it true to say that, before today,
 15 you've never spoken with any lawyer or law office
 16 about the collision that occurred on April 24, 2015?
 17 A. No, not that I know of.
 18 Q. We're crossing up again. My question was,
 19 is it true?
 20 A. Oh, I'm sorry. Yes, it is true.
 21 Q. Let me rewind it. I'll run it back, and
 22 we'll get a clean record.
 23 Is it true that you had never spoken with
 24 any lawyer or law office about the collision on
 25 April 24, 2015, before today?

1 Q. Have you ever given a deposition before?
 2 A. Not that I can remember.
 3 Q. All right. Some lawyers do this long bit
 4 of ground rules. I don't. But if you need a break
 5 at some point, let me know, and we'll take one. If
 6 I ask a question that's unclear, let me know, and
 7 I'll rephrase it.
 8 Does that make sense?
 9 A. Yes.
 10 Q. All right. Have you met with any of your
 11 lawyers before your deposition today?
 12 A. No.
 13 Q. You did not meet with any of your lawyers
 14 today?
 15 A. No, I met with her today. You said before
 16 today.
 17 Q. All right. How long did you meet with
 18 Ms. Beall today?
 19 A. About three hours.
 20 Q. All right. Is that the first time you sat
 21 down with any of your lawyers in this case?
 22 A. Yes.
 23 Q. Have you spoken with your lawyers on the
 24 phone about this deposition?
 25 A. No.

1 A. Yes.
 2 MS. BEALL: Mr. Johnson, sorry, let me
 3 interject. We have spoken on the phone before. I
 4 am an attorney. So that -- we would have spoken
 5 before today.
 6 THE WITNESS: Did we?
 7 MS. BEALL: Yes.
 8 THE WITNESS: I don't remember.
 9 MS. BEALL: Okay. It was very briefly,
 10 but we've spoken a few different times. And I think
 11 you have spoken with Laurie.
 12 THE WITNESS: I've gotten things in the
 13 mail.
 14 MS. BEALL: Okay.
 15 THE WITNESS: Yeah, I did call Laurie when
 16 I got the emails.
 17 MS. BEALL: Okay.
 18 THE WITNESS: Okay. I'm sorry.
 19 MS. BEALL: Laurie is a part of our law
 20 office.
 21 THE WITNESS: Okay.
 22 MS. BEALL: I just wanted to make sure --
 23 THE WITNESS: I'm sorry.
 24 MS. BEALL: No, that's okay.
 25 THE WITNESS: They were brief

1 conversations.
2 MS. BEALL: That's okay. No, that's okay.
3 Q. (By Mr. Butler) All right. Well, let's
4 run that back. Tell me --

5 MR. BUTLER: And, Ms. Beall, if you need
6 to interject on this point --

7 MS. BEALL: Sure.

8 Q. (By Mr. Butler) Tell me, when was the
9 first time you spoke with a lawyer or law office
10 about this collision?

11 **A. I called them when I got the email. I'm
12 not exactly sure when that was, but it's been within
13 the last month or so.**

14 Q. Okay. So no speaking with a lawyer or law
15 office before the last month or so?

16 **A. That I remember, yes.**

17 MR. BUTLER: Okay. Any corrections to
18 make?

19 MS. BEALL: I think it may have been more
20 like two or three months ago. We've also sent
21 written correspondence. So -- but, no, I was not
22 able to speak directly to Mr. Johnson until
23 probably, I would say, maybe two months ago.

24 THE WITNESS: Okay.

25 MS. BEALL: But that's -- that's just from

1 my personal recollection.

2 THE WITNESS: I have to look at the email,
3 and, unfortunately, that's at home.

4 MR. BUTLER: All right. Well, let's
5 stipulate, then, that Mr. Johnson has not spoken
6 with a lawyer or a law office about this case --
7 about this wreck before 2017.

8 MS. BEALL: Sure.

9 MR. BUTLER: Okay.

10 MS. BEALL: That's stipulated.

11 MR. BUTLER: All right.

12 THE WITNESS: Sorry.

13 MS. BEALL: No, that's okay.

14 Q. (By Mr. Butler) Okay. When was the first
15 time you received something in writing from a lawyer
16 or law office relating to this wreck?

17 **A. Shortly after the -- I'm trying to
18 remember. I can't remember if it was shortly after
19 the wreck or shortly after the court decision. I
20 think it was shortly after the wreck. Like May or
21 June of 2015.**

22 Q. What law office?

23 **A. I think it was Cruser. I think it was you
24 guys.**

25 Q. All right. What was it -- well, don't

1 tell me what it said. What was the subject matter,
2 the subject matter of whatever correspondence you
3 received?

4 **A. It was [REDACTED] versus Pemberton and
5 what you said earlier.**

6 Q. Okay. Did it ask you to preserve any
7 evidence or anything like that?

8 **A. It said something about that, but, I mean,
9 they wanted logs and stuff like that. But those all
10 come from Pemberton, not me.**

11 Q. Okay. Tell me -- I want to go through
12 some background information with you.

13 You said Cruser a second ago. Were you
14 referring to Cruser Mitchell, the law firm --

15 **A. Yes. Yeah, sorry.**

16 Q. -- where Ms. Beall and Ms. Hurley work?

17 **A. Yeah. Yes.**

18 Q. Thank you. You have to give an oral
19 response so that it goes on the record.

20 **A. I said yes, but I guess you didn't hear
21 me.**

22 Q. Okay. How far did you go in school?

23 **A. I have a degree in automotive and diesel
24 repair, and I also did community college a little
25 while later.**

1 Q. All right. And then when did -- when did
2 you go to community college?

3 **A. It would be around '96.**

4 Q. Where?

5 **A. Edison Community College, Fort Myers,
6 Florida.**

7 Q. And your diesel repair degree?

8 **A. 1984, 1985. Right out of high school.**

9 Q. Where?

10 **A. Nashville.**

11 Q. Tennessee?

12 **A. Yeah. Nashville Auto Diesel College.**

13 Q. Okay. How long have you been -- when did
14 you first start driving a truck?

15 **A. 2007, April.**

16 Q. For who?

17 **A. Werner.**

18 Q. W-e-r-n-e-r?

19 **A. Yes.**

20 Q. How long did you drive for Werner?

21 **A. A year.**

22 Q. All right. Why did you leave Werner?

23 **A. They fired me for idling the truck too
24 much.**

25 Q. Where did you go after Werner?

1 **A. Schneider.**
 2 Q. All right. How long did you work there?
 3 **A. About three years.**
 4 Q. So about approximately '08 to '11?
 5 **A. Yes.**
 6 Q. What were you driving for Schneider?
 7 **A. I covered most -- I was on a**
 8 **Georgia-Pacific account for a while. Covered**
 9 **everything east of I-35, basically.**
 10 Q. Driving an 18-wheeler?
 11 **A. Yes.**
 12 Q. And driving an 18-wheeler for Werner?
 13 **A. Yes.**
 14 Q. Why did you leave Schneider?
 15 **A. They lost the Georgia-Pacific account. I**
 16 **wound up on Alachua account, and I had a**
 17 **disagreement with my dispatcher, driver manager,**
 18 **whatever you want to call them.**
 19 Q. What was the nature of that disagreement?
 20 **A. They installed the electronic logs, and it**
 21 **was also connected to the truck, to the roll-over.**
 22 **They have a roll-over system in the sentries. And**
 23 **every time you go around a corner or breathe on it**
 24 **hard, it gives a yellow exclamation point. When I**
 25 **was on Georgia-Pacific, they had no problem with**

1 **that. I even got a red one one time, and they never**
 2 **said a word. And then when he took over, every time**
 3 **I got a yellow, he flipped out, basically. So...**
 4 Q. What is a roll-over warning?
 5 **A. It's a warning that says the truck is**
 6 **going too fast around a corner.**
 7 Q. Oh, okay. So you had -- your disagreement
 8 with your person at Schneider was about too many
 9 roll-over warnings, which that person interpreted to
 10 mean you were going too fast around corners.
 11 **A. Yeah, more or less.**
 12 Q. All right. How many roll-over warnings
 13 did you get?
 14 **A. Total?**
 15 Q. Yes.
 16 **A. Worked for him for about six months. I**
 17 **would say maybe eight.**
 18 Q. All right. And when you were on the
 19 Georgia-Pacific account, how many?
 20 **A. I worked there for about two, two and a**
 21 **half years, and they had the -- the -- the**
 22 **electronics installed maybe six months before I got**
 23 **off there. Probably about the same. Not -- not**
 24 **very many. I mean, it doesn't -- you don't have to**
 25 **do too -- a real high amount of speed and go around**

1 **a corner and it will trip. You have a yellow**
 2 **exclamation, then you have a red one, and I don't**
 3 **know what comes after that because I never got any.**
 4 Q. Okay. I think you said with
 5 Georgia-Pacific you had one red warning?
 6 **A. Yes.**
 7 Q. And then I think I remember you saying
 8 about the same number of yellows, which was -- I
 9 think you said eight.
 10 Does that sound about right?
 11 **A. I couldn't tell you. There were a few.**
 12 Q. Okay. After Schneider, where did you go?
 13 **A. I took a year off. I did -- I worked at a**
 14 **bowling center and did tech support for Xbox 360.**
 15 Q. Okay. How about after that?
 16 **A. I went to Arnold.**
 17 Q. What is Arnold?
 18 **A. Transportation.**
 19 Q. All right.
 20 **A. It's another trucking company.**
 21 Q. Where is Arnold based out of?
 22 **A. It was based out of Jacksonville when I**
 23 **worked for them, but they're not there anymore.**
 24 Q. How long were you with Arnold?
 25 **A. Ten months.**

1 Q. Were you driving 18-wheelers with Arnold?
 2 **A. Yes.**
 3 Q. Why did you leave Arnold?
 4 **A. They couldn't keep the truck on the road.**
 5 Q. What do you mean by that?
 6 **A. It spent more time in the shop than it did**
 7 **on the road, and they didn't pay me for the**
 8 **breakdown.**
 9 Q. Okay. Did you quit or were you fired?
 10 **A. I quit.**
 11 Q. Where did you go after Arnold?
 12 **A. Pemberton.**
 13 Q. All right. You started with Pemberton
 14 when?
 15 **A. November 2013, I think.**
 16 Q. And worked for them until December 24th of
 17 2015; right?
 18 **A. Correct.**
 19 Q. Where did you live at the time of the
 20 collision?
 21 **A. Same place I live now.**
 22 Q. Citra, Florida?
 23 **A. Yes, sir.**
 24 Q. Okay. Where are you working now?
 25 **A. Premier.**

1 Q. What is Premier?
 2 **A. It's a trucking company.**
 3 Q. All right. I guess let's run it. So
 4 after you left Pemberton at the end of 2015, where
 5 did you go next?
 6 **A. That was it, Premier.**
 7 Q. Okay. When did you start with Premier?
 8 **A. Jan -- that January, what is it?**
 9 **January 2015.**
 10 Q. January 2016?
 11 **A. No, 2015. Pemberton would have been 2014.**
 12 Q. The day of this wreck is April 24, 2015,
 13 I'm pretty sure.
 14 **A. Okay. I'm sorry. Then it would be 2016.**
 15 Q. Okay. Anyway, the January of the year
 16 after this collision is when you went to work for
 17 Premier?
 18 **A. Around the New Year's. It's a little**
 19 **confusing, kind of confusing.**
 20 Q. Sure.
 21 **A. Let's see. 2015, 2016 -- okay. Because**
 22 **I've been with Premier a little over a year, year**
 23 **and a half. So, yeah, it would have been 2016.**
 24 **Sorry.**
 25 Q. Okay. Started Premier January 2016,

1 and --
 2 **A. Yes.**
 3 Q. -- you're still working there today.
 4 **A. Yes.**
 5 Q. What did you drive to this deposition?
 6 **A. My truck.**
 7 Q. Is it a blue truck?
 8 **A. Yes.**
 9 Q. I'll show you a picture of your truck and
 10 ask you to authenticate it. Let's see here. I'll
 11 try to stretch without messing this up. I'm going
 12 to show you three pictures. I'll email them, after
 13 this is done, to Ms. Beall so we can make them
 14 exhibits. But there's one, two, three.
 15 And for the record, I'm showing you
 16 pictures on my iPhone.
 17 **A. Yeah.**
 18 Q. Are those pictures of the truck that you
 19 drove to the deposition?
 20 **A. Sorry.**
 21 MS. BEALL: Careful.
 22 THE WITNESS: 6149, yes, that's my truck.
 23 MR. BUTLER: Okay. I will email these
 24 three pictures to Ms. Beall, and then we can attach
 25 them somehow. I can't remember how I've done this

1 in the past.
 2 MS. BEALL: We'll figure it out.
 3 MR. BUTLER: I'll make them Exhibit X.
 4 (Off the record.)
 5 (Plaintiff's Exhibit X was marked for
 6 identification.)
 7 MR. BUTLER: All right. I'll call this --
 8 the title of this will be Exhibit X. I'm sending it
 9 to Kate and to Maggie, and it contains the three
 10 pictures that Mr. Johnson has just identified as
 11 being his truck in the parking lot outside.
 12 THE WITNESS: Uh-huh.
 13 Q. (By Mr. Butler) Is that a yes?
 14 **A. Yes.**
 15 Q. Okay. All right. I want to ask you about
 16 the trip on the day of this collision, April 24,
 17 2015.
 18 Where did you start that day?
 19 **A. Mount Juliet, Tennessee.**
 20 Q. All right. What where you doing at Mount
 21 Juliet?
 22 **A. I delivered PetSmart.**
 23 Q. Delivered to a PetSmart?
 24 **A. Uh-huh.**
 25 Q. Were you always doing PetSmart at

1 Pemberton or other --
 2 **A. PetSmart and Academy were our two main**
 3 **things. I was doing one or the other usually.**
 4 Q. All right. So you started in Mount
 5 Juliet, Tennessee?
 6 **A. Yeah.**
 7 Q. All right. What did you do next?
 8 **A. Went over to La Vergne.**
 9 Q. All right. After that?
 10 **A. Picked up a load of Science Diet food and**
 11 **was headed for PetSmart when the accident happened.**
 12 Q. All right. What PetSmart were you headed
 13 to? PetSmart in Newnan?
 14 **A. Yeah, the DC in Newnan.**
 15 Q. Distribution center?
 16 **A. Yes.**
 17 Q. All right. And what did you say you were
 18 hauling to the distribution center in Newnan?
 19 **A. Pet food. Dog food.**
 20 Q. What did your truck weigh?
 21 **A. Somewhere between seventy-five and eighty**
 22 **thousand pounds.**
 23 Q. Where were you going after the
 24 distribution center in Newnan?
 25 **A. I don't know that I had another load yet.**

1 Q. Where did you plan to -- so would you have
2 gone to the distribution center in Newnan and then
3 figured out -- called dispatch and figured out where
4 to go next?

5 A. Yes.

6 Q. All right. Did you know, like, where you
7 were going to sleep that night?

8 A. Not until I figured out where I was going,
9 where they wanted -- if they had another load for me
10 or...

11 Q. When you arrived at the distribution
12 center in Newnan, what would you have done next?
13 Help unload?

14 A. No.

15 Q. No? What -- what comes next after you
16 arrive?

17 A. Drop the trailer, and if you have another
18 load, you get to load a trailer and go, or if you're
19 out of hours, you park.

20 Q. Yeah. Would you park and stay the night
21 there at the distribution center?

22 A. Yes.

23 Q. What kind of training have you received
24 for commercial driving?

25 A. I went to Roadmaster's in 2007.

1 modules you have to take.

2 Q. Have you ever seen a screen like Exhibit C
3 before?

4 A. On the computer.

5 Q. In what context did you see it?

6 A. I'm trying to remember. Was that --
7 Pemberton in Knoxville, I remember seeing that. I
8 can't remember why.

9 Q. Okay. So sometime in -- well, sometime at
10 Pemberton in Knoxville you saw a screen that looks
11 like Plaintiff's Exhibit C.

12 A. Yeah.

13 Q. Do you remember when?

14 A. No.

15 Q. Do you remember what you were doing at the
16 time?

17 A. No, I can't say that I do.

18 Q. Okay. All right. Anyway, you ended up
19 taking a bunch of these online courses; right?

20 A. Yes.

21 (Plaintiff's Exhibit D was marked for
22 identification.)

23 Q. (By Mr. Butler) I've got -- let's see.

24 Do you recognize something like this?

25 Have you seen that before?

1 Q. Okay.

2 A. And I had monthly -- those monthly online
3 courses in all the companies that I worked for.

4 Q. All right. Let me see, since you
5 mentioned that now. I can go through some of that.
6 Monthly online courses you said?

7 A. Yes.

8 Q. Those are like you're watching videos and
9 taking a quiz?

10 A. Yes.

11 (Plaintiff's Exhibit C was marked for
12 identification.)

13 Q. (By Mr. Butler) I'm showing you now what
14 I'll mark as Exhibit C to your deposition. Let me
15 pull this little flag off.

16 Tell me if that is a screenshot that shows
17 sort of the option -- the video option that you had
18 in Pemberton's online video training program.

19 A. That might be a manager's view of it, not
20 my view.

21 Q. Oh. All right. What does your view look
22 like that's different from this?

23 A. We have a thing that we sign into, and it
24 says whatever month's training, and you go in -- you
25 hit that, and you go in, and it gives you whatever

1 I'll hand you a copy. We may or may not
2 need to mark it.

3 A. Oh, yeah.

4 Q. You have?

5 A. Yeah, I saw this earlier.

6 Q. Okay. Good. Now, let me tell you in
7 detail exactly what I've done here. So I received
8 from your lawyers, like, yeah, a couple days ago --
9 I guess I better mark it if we're talking about it,
10 what I'm going to mark and show you as Exhibit D.

11 Now --

12 MS. BEALL: Are we marking this one?

13 MR. BUTLER: I will, yes.

14 MS. BEALL: Okay.

15 Q. (By Mr. Butler) And D has -- like on
16 page 1, you can see there's one, two, three, four,
17 five -- looks like eight columns. And then if you
18 go to page 4 of Exhibit D, there's four additional
19 columns.

20 A. Uh-huh.

21 (Plaintiff's Exhibit E was marked for
22 identification.)

23 Q. (By Mr. Butler) And the way this is
24 supposed to work is that you would have to, like,
25 take the pages out and match them up so that there

1 are a total of eight columns. And that first
2 document I handed you, which I've now marked as
3 Exhibit E, is just those two things combined so that
4 it all fits on one page.

5 Am I making sense?

6 **A. Uh-huh.**

7 MS. BEALL: So page 1 goes with page 4.

8 MR. BUTLER: Well, page 1 in Plaintiff's
9 Exhibit E is a combination of pages 1 and 4 in
10 Plaintiff's Exhibit D.

11 MS. BEALL: Okay. Perfect.

12 MR. BUTLER: Do you see what I'm doing?

13 MS. BEALL: Yes.

14 Q. (By Mr. Butler) Okay. So what I want you
15 to do is look over Plaintiff's Exhibit E and tell me
16 if that appears to be an accurate record of the
17 courses you've taken.

18 **A. No, I can't say whether it is or not.**

19 Q. Well, do you have any reason to say
20 that -- do you have any reason to say that it is not
21 an accurate recitation --

22 **A. No.**

23 Q. -- recitation of the courses you've taken?

24 **A. No, I have no reason to say it's not.**

25 Q. Okay. It looks like you took some of

1 the -- going by the column marked "Completed" there
2 in Plaintiff's Exhibit E, it looks like you took
3 some of these courses before the collision and some
4 after.

5 Does that look right to you?

6 **A. Yeah.**

7 Q. All right. We'll return to the rest of
8 your training in a minute.

9 Is it true -- do you agree that you're
10 supposed to look ahead, far ahead, as a truck
11 driver?

12 **A. Yes.**

13 Q. How far ahead?

14 **A. 12 to 15 seconds.**

15 Q. All right. Is it true that you're
16 supposed to anticipate, insofar as possible, what
17 other vehicles on the road are going to do?

18 **A. Yes.**

19 Q. Is it -- you've been driving for ten
20 years, now, commercially?

21 **A. Commercially, yes.**

22 Q. Is it normal for a garbage truck to drive
23 slowly?

24 **A. Yeah.**

25 Q. Is it normal for a garbage truck to turn

1 on side streets so it can pick up trash in
2 residential areas?

3 **A. Yes.**

4 Q. When you saw the garbage truck involved in
5 this collision, were you surprised that it was going
6 slowly?

7 **A. No. He just pulled out in front of me.**

8 Q. Okay. What was -- do you remember the
9 name of the street that he pulled out from?

10 **A. No.**

11 Q. Anyway, the garbage truck pulled out of
12 one side street and pulled into a -- or was trying
13 to pull into another one; right?

14 **A. Yes.**

15 Q. So, obviously, this is the area where he's
16 picking up trash; right?

17 **A. I don't remember seeing any trash cans. I
18 can't say that.**

19 Q. Okay. He went from one small side street
20 and was trying to turn on another small side street,
21 though; right?

22 **A. Apparently.**

23 Q. And you know that a garbage truck is a
24 commercial truck like yours, and it has to slow down
25 before it turns; right?

1 **A. Yes.**

2 Q. I want to get back to your training for a
3 little bit here.

4 What training did you receive about
5 passing other vehicles?

6 **A. What do you mean?**

7 Q. Well, do you know what it means to pass
8 another vehicle?

9 **A. Yes.**

10 Q. What training did you receive about
11 passing other vehicles?

12 **A. They have modules on that sort of thing,
13 all the different modules.**

14 Q. Who has modules on that sort of thing?

15 **A. The -- whatever the company is that does
16 the training.**

17 Q. Did Pemberton have modules on that sort of
18 thing?

19 **A. Yes.**

20 Q. Which ones?

21 **A. They're not actually titled about passing,
22 but I imagine it was probably covered in approaching
23 intersections, maybe changing lanes, and defen --
24 and defensive driving.**

25 Q. All right. Approaching intersections,

1 changing lanes, and defensive driving.
 2 **A. Uh-huh.**
 3 Q. All right. Now, do you specifically
 4 remember any of those -- each one of those courses
 5 is called a module; right?
 6 **A. Yes.**
 7 Q. Do you specifically remember any of those
 8 three modules addressing passing?
 9 **A. Not specifically, no.**
 10 Q. Okay. Are there any others that you think
 11 might have addressed passing other than approaching
 12 intersection -- approaching intersections, changing
 13 lanes, and defensive driving?
 14 **A. No, not that I saw.**
 15 Q. Apart from the Pemberton modules, have you
 16 received any training about passing other vehicles?
 17 **A. I've had court-ordered driver training as
 18 a result of that accident, as a matter of fact.**
 19 Q. Okay. What driver training was that?
 20 **A. They're similar to the online training.
 21 It's just an overall course.**
 22 Q. Where did you take the overall course?
 23 **A. On the computer at home.**
 24 Q. What was the provider name?
 25 **A. I couldn't tell you.**

1 order?
 2 **A. No.**
 3 Q. Where would we find that out?
 4 **A. That's a good question.**
 5 Q. It would be in your email; right?
 6 You would have got like a confirmation of
 7 taking it, email or --
 8 **A. Yeah, probably.**
 9 Q. -- receipt or something like that?
 10 **A. Yeah.**
 11 Q. What's your email address?
 12 **A. Hotrod74@earthlink.net.**
 13 Q. Hotrod74@earthlink net.
 14 **A. Yes.**
 15 Q. All right. What are the rules that a
 16 driver of an 18-wheeler is supposed to obey when
 17 passing another vehicle?
 18 **A. You want me to just go through it step by
 19 step?**
 20 Q. Yeah, please.
 21 **A. Okay. You look ahead to make sure there's
 22 nobody coming. You make sure there's a passing
 23 zone. You use your turn signal to change lanes.
 24 Pass the vehicle. Use your turn signal to go back.**
 25 Q. Are there any rules about whether the

1 Q. Who was it that told you to take -- well,
 2 you said it was the court, I guess, told you.
 3 **A. Yeah. The court orders it, yeah.**
 4 Q. All right.
 5 **A. They don't specify who you have to take it
 6 from.**
 7 Q. So who selected what entity you were going
 8 to take the driver training from?
 9 **A. I did.**
 10 Q. And you don't remember which --
 11 **A. I think it was I Drive Safely.**
 12 Q. There you go. Idrivesafely.com, something
 13 like that?
 14 **A. Yeah. Yes.**
 15 MS. BEALL: Yeah, try to say yes.
 16 MR. BUTLER: He's doing fine.
 17 Q. (By Mr. Butler) All right. I Drive
 18 Safely. See what we can find there.
 19 **A. I took a course from them at one time or
 20 another. I can't say whether it was that one.**
 21 Q. Well, my internet connection is spotty.
 22 Let me make a note and try to get to it during the
 23 break.
 24 Do you remember what entity it was that
 25 you took a course from in response to the court's

1 passing truck must be back in its own lane before
 2 the passing zone ends?
 3 **A. Yeah.**
 4 Q. What is that rule?
 5 **A. Before the -- if there's a solid yellow
 6 line, before the solid yellow line.**
 7 Q. So the passing vehicle has to be back in
 8 its own lane before the passing zone ends.
 9 **A. Yes.**
 10 Q. Are there any rules about passing at
 11 intersections?
 12 **A. Says you're not supposed to pass
 13 through -- through an intersection.**
 14 Q. Okay. After this collision, did Pemberton
 15 have you go through any training that related to
 16 this collision?
 17 **A. Not specifically.**
 18 Q. Where did -- after this -- I noticed that
 19 you stayed on the scene or basically -- that's not
 20 right, actually. But you stayed in the immediate
 21 area of the collision, after the collision occurred,
 22 instead of driving your truck elsewhere; right?
 23 **A. Yes.**
 24 Q. Why was that?
 25 **A. Isn't that what you're supposed to do?**

1 Q. You tell me why you stayed there as
 2 best -- were you following the rules?
 3 **A. You're not supposed to leave the scene of
 4 an accident, are you?**
 5 Q. Well, even after the police had come and
 6 cleaned it up. Did you drive your truck away?
 7 **A. Yes.**
 8 Q. You did?
 9 **A. Yes.**
 10 Q. Okay. Where did you go?
 11 **A. PetSmart DC, Newnan, Georgia.**
 12 Q. All right. And what did you do after
 13 PetSmart?
 14 **A. Delivered a PetSmart load. I couldn't
 15 tell you where.**
 16 Q. You don't remember where you went on the
 17 day of the collision after the PetSmart distribution
 18 center?
 19 **A. No.**
 20 Q. Who would know that?
 21 **A. Pemberton.**
 22 Q. Okay. Did you drive far? Did you drive a
 23 short distance? Do you remember at all?
 24 **A. By the time everything was taken care of
 25 at the accident scene, I was out of hours. So I**

1 **running fairly slow. So I look down to see the
 2 dotted line on both sides. So I attempted to pass
 3 him, and he made a left turn without using a turn
 4 signal or a mirror, and he hit me.**
 5 Q. You said the garbage truck did not use his
 6 turn signal or blinker?
 7 **A. Correct.**
 8 Q. And you said the driver of the garbage
 9 truck did not check his mirror?
 10 **A. I don't see how he could. If he checked
 11 his mirror, he would have seen me. So, no, there's
 12 no way he did.**
 13 (Plaintiff's Exhibit F was marked for
 14 identification.)
 15 Q. (By Mr. Butler) Okay. I brought with me
 16 some -- some Google images here, and I'll go ahead
 17 and mark it. This will be Exhibit F to your
 18 deposition.
 19 Where did the -- well, first I'll
 20 represent to you that Exhibit F is a -- let me see
 21 it again, make sure I didn't put the sticker in a
 22 dumb place.
 23 Is it all right?
 24 **A. No, we're good. Right here.**
 25 Q. Okay. Good. Anyway, so I'll represent to

1 **took a break there.**
 2 Q. Um-hmm.
 3 **A. So I couldn't tell you.**
 4 Q. Okay.
 5 **A. It might say on my logs.**
 6 Q. Okay.
 7 **A. One of the -- or the logs only go up to
 8 that date.**
 9 Q. Yup. How many driving hours did you have
 10 left as of the time of this collision?
 11 **A. I think it was two.**
 12 Q. All right. Have you ever received
 13 training from Pemberton specifically about passing
 14 on two-lane roads?
 15 **A. I'm sure it's in one of those modules.
 16 Probably changing lanes would be my guess.**
 17 Q. Well, if it's not in one of those -- let
 18 me ask it this way.
 19 Other than those modules, have you ever
 20 received any training from Pemberton about passing
 21 vehicles on two-lane roads?
 22 **A. No.**
 23 Q. Tell me how this wreck happened, please.
 24 **A. I was going down Alternate 27, and a
 25 garbage truck pulled out in front of me. He was**

1 you that Exhibit F is a print-off from Google Maps
 2 or a Google satellite view --
 3 **A. Uh-huh.**
 4 Q. -- of the area of the intersection. Do
 5 you sort of see where we are and all that?
 6 **A. Uh-huh. I'm sorry. Yes.**
 7 Q. Okay. Thank you.
 8 And we can see where the collision
 9 occurred, at the intersection there of Alt 27 and
 10 Stapler Road; right?
 11 **A. Yes.**
 12 Q. What's the road that the garbage truck
 13 pulled out from?
 14 **A. It would be the Dyer Spur Road.**
 15 Q. Okay. I gotcha. So let me hand you an
 16 arrow here, and I will put on arrow that says --
 17 arrow sticker here with the word "out" written on
 18 it. Put on there on Plaintiff's Exhibit F where the
 19 garbage truck pulled out from.
 20 **A. (The witness complies.)**
 21 Q. And then I'm going to hand you another one
 22 here, another arrow, that says "wreck" on it. Put
 23 that where the wreck occurred, please.
 24 **A. (The witness complies.)**
 25 Q. Thanks. Pass it to me so I can check out

1 your handiwork.

2 Okay. Now, I'm going to show you a video
3 of this little area. It's going to take me just a
4 second to set up. So we can take a quick break. I
5 know we haven't been going long. If you need to use
6 the rest room, now is a fine time.

7 THE VIDEOGRAPHER: Off record.
8 (Recess from 2:47 p m. to 2:49 p m.)

9 THE VIDEOGRAPHER: Back on video.
10 Q. (By Mr. Butler) All right. Mr. Johnson,
11 I'm showing you a video which has already been used
12 in one of these depositions and is marked as Plaintiff's
13 Exhibit 18.

14 MR. BUTLER: Ms. Beall, here's another
15 copy of it.

16 MS. BEALL: Okay.

17 MR. BUTLER: I'll just collect all the
18 flash drives.

19 Q. (By Mr. Butler) And I will show it to
20 you. And the question I'm going to ask is whether
21 this appears to be an accurate video of your
22 perspective coming onto the scene of the collision.
23 I think it's going to be a video of the way you were
24 driving.

25 A. Okay.

1 Road?

2 A. Yeah.

3 Q. All right. Let's look it, and I'll tell
4 you -- get you to tell me where that is. So we're
5 restarting the video now.

6 (Whereupon, at this time Mr. Butler
7 continued playing the video.)

8 Q. (By Mr. Butler) And I've paused it here
9 at three seconds in.

10 A. Uh-huh.

11 Q. And we can see -- tell you what. Let me
12 do a better job. All right. I've now got the video
13 stopped here at two seconds into the video.

14 We can see a Georgia Power sign on the
15 right; correct?

16 A. Yes.

17 Q. That road coming in, is that Dyer Spur
18 Road?

19 A. I believe so.

20 Q. Is that where the garbage truck pulled out
21 of?

22 A. Yes.

23 (Plaintiff's Exhibit 18.1 was marked for
24 identification.)

25 Q. (By Mr. Butler) Okay. I believe we're

1 Q. That's what I'm going to ask you.

2 (Whereupon, at this time the video was
3 played by Mr. Butler.)

4 Q. (By Mr. Butler) All right. Were you able
5 to see Plaintiff's Exhibit 18, the video?

6 A. Yes.

7 Q. Is that an accurate video of your
8 perspective coming up on the place where the
9 collision occurred?

10 A. The truck sits a little higher, but yes.

11 Q. It's the correct road and all that; right?

12 A. Yes.

13 THE VIDEOGRAPHER: Sir, could you put
14 your --

15 THE WITNESS: Oh, I'm sorry. I forgot I
16 took it off.

17 Q. (By Mr. Butler) Thank you, sir. I'll
18 reask it because you're miked up now.

19 Did the video in Plaintiff's Exhibit 18
20 appear to be a true and accurate depiction of the
21 road from your perspective leading up to the place
22 where the collision occurred?

23 A. Yes.

24 Q. I'll start it again, and tell me -- I
25 think that early on that it would pass Dyer Spur

1 done with the electronic dog and pony show for now.

2 I'll need to ask you this. I'll show you
3 now what I've marked as Plaintiff's Exhibit 18.1.

4 Does that look like the last frame in the
5 video we just watched that shows the area of the
6 road where the collision occurred?

7 A. Yes.

8 Q. On the left here, if we're looking at
9 Plaintiff's Exhibit 18.1, Stapler Road is on the
10 left; correct?

11 A. Yes.

12 Q. How fast were you going when you first saw
13 the garbage truck?

14 A. Probably about 60.

15 Q. And how fast was the garbage truck going
16 just before you decided to pass it?

17 A. I don't think he got up above 20 miles an
18 hour.

19 Q. All right. Did you slow down behind the
20 garbage truck before you went to pass it, or did you
21 just immediately start to go around?

22 A. No, as soon as I saw the garbage truck, I
23 started slowing down.

24 Q. Okay. Did you blow your horn before you
25 passed it?

1 **A. No.**
 2 Q. Did -- did you get all the way down to
 3 20 miles an hour before starting your pass?
 4 **A. No.**
 5 Q. How -- how slow did you get down to before
 6 you started your pass?
 7 **A. I was probably still doing about 50.**
 8 Q. Okay. What's the fastest you got up to as
 9 you were making the pass around the garbage truck?
 10 **A. Truck only does 64. I probably got up**
 11 **there.**
 12 Q. Is it governed at 64?
 13 **A. Yes.**
 14 Q. Is that about how fast you were going at
 15 the moment of the collision, you think, 64 or so?
 16 **A. No, I probably only made it back up to 60**
 17 **because I had -- like I said, it was about**
 18 **80,000 pounds.**
 19 Q. Yeah.
 20 **A. Pretty close to it.**
 21 Q. Okay. And then when you first saw the --
 22 how -- how long were you behind the garbage truck
 23 before you went to pass it?
 24 **A. Three or four seconds maybe.**
 25 Q. Okay. What's that in distance?

1 **guess somewhere around there.**
 2 Q. Okay. All right. And then I'll show you
 3 what's already been marked from an earlier
 4 deposition as Plaintiff's Exhibit 16.
 5 **A. Uh-huh.**
 6 Q. And represent to you that that is a --
 7 it's the police officer's diagram of the collision.
 8 Do you agree with it, or does it look like
 9 she got something wrong?
 10 **A. No, it looks fine to me.**
 11 Q. Did I mark it as an exhibit?
 12 **A. Yes.**
 13 Q. That's right. It's already 16. Already
 14 15.
 15 MS. BEALL: 15.
 16 Q. (By Mr. Butler) Okay. I will show you
 17 now what's already been marked as Plaintiff's
 18 Exhibit 16 and ask you this. Is that red circle an
 19 accurate illustration of where the collision
 20 occurred?
 21 **A. Yes.**
 22 Q. Okay. Would you agree or disagree with
 23 the statement that this was a violent collision?
 24 **A. Not from my perspective. But, yeah, from**
 25 **his it probably was.**

1 **A. Actually, I couldn't tell you.**
 2 Q. All right. I'm going to show you -- let
 3 me see here. Hand me, if you will, Exhibit F out of
 4 your pile. It's the one right behind that. That
 5 one.
 6 **A. This one?**
 7 (Plaintiff's Exhibit G was marked for
 8 identification.)
 9 Q. (By Mr. Butler) Yeah, thanks. I want to
 10 get these two oriented the same.
 11 All right. I'm going to show you now what
 12 I've marked as Plaintiff's Exhibit G.
 13 And G is the same picture as Plaintiff's
 14 Exhibit F; right?
 15 **A. Yes.**
 16 Q. Where on Exhibit G did you start making
 17 the passing maneuver?
 18 **A. You want to...**
 19 Q. Yeah, I'll hand you a sticker.
 20 **A. I'd say somewhere around here.**
 21 Q. Okay. I'll hand you a sticker and write
 22 "pass" on it, and I'll ask you to put it where you
 23 were when you first started making that passing
 24 maneuver.
 25 **A. It's kind of hard to tell. I'd have to**

1 Q. Okay. Why did you -- why did you try to
 2 pass him?
 3 **A. Because he was running slow.**
 4 Q. Were you in a hurry?
 5 **A. Not particularly.**
 6 Q. You know there's that witness, if you read
 7 the police report?
 8 **A. Yes.**
 9 Q. You know that witness [REDACTED] on
 10 there?
 11 **A. Yes.**
 12 Q. She said something about you trying to --
 13 almost ran her off the road or something in
 14 Carrollton.
 15 Does that ring a bell?
 16 **A. Not really. I know of the witness. I**
 17 **know what she said. But I don't remember running**
 18 **anybody off the road.**
 19 Q. Okay. She testified at the criminal
 20 trial, right, or the trial of the traffic ticket?
 21 **A. Yes.**
 22 Q. Did you hear her testify?
 23 **A. Yeah, yeah, I did. I don't remember what**
 24 **she said.**
 25 Q. All right. Well, I'll just represent to

1 you that the police report -- the police report says
2 that she says she saw you driving in an erratic
3 manner, that she was in a turn lane from the by --
4 from the Carrollton by-pass, that you approached at
5 a high rate of speed. She thought you were going to
6 hit her. And then you traveled in the gore area,
7 passing about 12 cars, and then turned onto State
8 Road 16.

9 Do you know what she's talking about?

10 **A. Yeah. The traffic used to back up on that**
11 **by-pass.**

12 Q. All right. Did you pass 12 vehicles in
13 the gore area?

14 **A. I don't think so.**

15 Q. All right.

16 **A. I don't know. Maybe. I don't know. I**
17 **don't -- I don't think I did.**

18 Q. Well, I've got to get an answer from you.
19 You said, I don't think so, and then, also, maybe.

20 What is your answer?

21 **A. I don't think so.**

22 Q. Okay.

23 **A. I can't say for sure.**

24 Q. All right. She says you were driving in
25 an erratic manner. Is that true or not true or --

1 **A. Not that I'm aware of.**

2 Q. Okay. It says you traveled at a high rate
3 of speed, and she thought you were going to hit her.

4 Were you traveling at a high rate of
5 speed?

6 **A. No. Depends on your definition of a high**
7 **rate of speed. I might have been doing 20, 25 miles**
8 **an hour going up the turn lane.**

9 Q. Okay. Did you come to -- your running
10 somewhat off the road?

11 **A. Not that I know of.**

12 Q. Do you -- I keep talking about [REDACTED]
13 [REDACTED] in this event in the gore. Tell me what a
14 gore area is first.

15 **A. A gore area?**

16 Q. Yeah.

17 **A. You mean that -- where that by-pass -- you**
18 **turn onto 27?**

19 Q. Yeah. A gore area is like -- it's like a
20 crosshatched area you're not supposed to drive
21 across; right?

22 **A. Oh, okay. You're talking about the**
23 **shoulder.**

24 Q. I -- you know, I wasn't there. I'm asking
25 you.

1 Do you know this thing that [REDACTED]
2 [REDACTED] keeps talking about, where you allegedly
3 went by 12 vehicles?

4 Do you know what she's talking about? Can
5 you recall a certain incident --

6 **A. There's a -- there's a turn lane going to**
7 **Alternate 27. And when the traffic backs up, a lot**
8 **of people go across the -- they go over onto the**
9 **shoulder a little bit to get to the turn lane, and**
10 **that's -- that's what I did.**

11 Q. Okay. I see. How many cars did you go
12 around when you did that, do you think?

13 **A. I couldn't tell you.**

14 Q. Was it several?

15 **A. Yes. I may have passed two or three, four**
16 **cars on the shoulder, and then got to the turning**
17 **lane, and there's probably five more in the turning**
18 **lane. So maybe eight --**

19 Q. Okay.

20 **A. -- would be my guess.**

21 Q. All right. Once you turned onto 16, did
22 you pass any other vehicles before attempting to
23 pass the garbage truck?

24 **A. No.**

25 Q. Had you driven that route before?

1 **A. Oh, yeah.**

2 Q. So you were familiar, then, with the route
3 you were running on the day of the collision?

4 **A. Yes.**

5 Q. How many times had you driven it, you
6 think?

7 **A. In what kind of time period?**

8 Q. That's a good question. In -- in the
9 calendar year before this collision.

10 **A. If I was working for Pemberton, once or**
11 **twice a month maybe.**

12 Q. Okay.

13 **A. Twelve to fourteen, sixteen. Depends when**
14 **I went to Tennessee because we always picked up at**
15 **Science Diet, and that's -- that's the road that I**
16 **went down, the pet food company, and that's the road**
17 **that I went down.**

18 Q. So is it fair to say, in the 12 months
19 before this collision, you estimate that you were
20 driving this route once or twice a month?

21 **A. Yeah, somewhere around there.**

22 Q. Okay. Do you think you were at fault in
23 this collision at all?

24 **A. No.**

25 Q. Do you think -- is it your testimony that

1 you could have completed the pass before the passing
2 zone ended?

3 **A. Yes.**

4 Q. So you're saying that you could have
5 gotten your entire truck back in the right lane
6 before the passing zone ended.

7 **A. Yes.**

8 Q. Okay. Do you agree that you were passing
9 in an inter -- in an intersection?

10 **A. Yes.**

11 Q. Okay. Is there a minimum speed on that
12 road?

13 **A. A minimum speed? Not that I know of.**

14 Q. Okay. How fast does traffic normally
15 drive on that stretch of Alternate 27?

16 **A. I usually ran 60, 61, 62 down through
17 there, and people pass me all the time.**

18 Q. All right. And there's some confusion of
19 the name of the road.

20 Alternate 27 is the same as State Road 16
21 right through there; correct?

22 **A. I believe so. I always refer to it as
23 Alternate 27.**

24 Q. Okay.

25 **A. It does have two or three names. I think**

1 wrong?

2 **A. Other than those two things, no.**

3 Q. Have you spoken with any -- anybody who's
4 involved in the collision or was a witness to the
5 collision since the collision?

6 **A. No, except in the court.**

7 Q. Who did you talk to at court?

8 **A. I didn't really talk to anybody. I just
9 listened to the testimony and what people said. I
10 didn't actually talk to them, like,
11 conversationwise.**

12 Q. Who did you -- who testified that you
13 listened to?

14 **A. The -- that lady that you mentioned
15 earlier. [REDACTED] testified. The police officer
16 testified.**

17 Q. Okay. Let's start in the order you
18 mentioned them. [REDACTED], is that lady?

19 **A. Yeah.**

20 Q. What did she say?

21 **A. I don't remember exactly what she said.
22 Something about what you were talking about, driving
23 erratically earlier.**

24 Q. Okay.

25 **A. Her -- her interpretation of erratically**

1 **16 is probably one of them.**

2 Q. All right. Do you think that the driver
3 of the garbage truck is at fault for the collision?

4 **A. Yes.**

5 Q. Do you think he is 100 percent at fault
6 for the collision?

7 **A. Yes.**

8 Q. Why?

9 **A. He hit me.**

10 Q. All right. Tell me what the driver of the
11 garbage truck did wrong.

12 **A. He didn't use his turn signal.**

13 Q. Okay.

14 **A. And he didn't look in his mirror. He made
15 an illegal left turn.**

16 Q. Why was it an illegal left turn?

17 **A. Because he didn't use his turn signal.**

18 Q. Okay.

19 **A. If he had his turn signal on, I probably
20 would have tried to do something else, or I would
21 have at least blown the horn to let him know I was
22 there.**

23 Q. Okay. Other than not using his turn
24 signal and not checking his mirror, do you think
25 that the driver of the garbage truck did anything

1 earlier.

2 Q. All right. What did [REDACTED] say?

3 **A. That he was new on that route and that he
4 didn't remember anything. That's all I can remember
5 what he said. There's probably a few other things.**

6 Q. What did Sergeant [REDACTED] say?

7 **A. She just went over what she did with the
8 accident and the reports and that.**

9 Q. And did you testify?

10 **A. Yes.**

11 Q. What did you say?

12 **A. I answered whatever questions they asked
13 me.**

14 Q. Who was asking you questions?

15 **A. The prosecuting attorney, I guess you call
16 them.**

17 Q. Did you have a lawyer present?

18 **A. Yes.**

19 Q. Who?

20 **A. I don't remember her name.**

21 Q. Did you hire that lawyer?

22 **A. Yes.**

23 Q. Where --

24 **A. I had -- I had one of those legal
25 companies, and I called them, and they referred her**

1 **to me.**
 2 Q. This is one of those companies that you
 3 pay some --
 4 **A. I have Legal Shield right now, but it**
 5 **wasn't Legal Shield. It was a different one.**
 6 Q. Something like Legal Shield, a competitor?
 7 **A. Yes, yes.**
 8 Q. Okay. How much did you pay for that
 9 service?
 10 **A. I want to say \$200.**
 11 Q. Per year? Per month?
 12 **A. No, just for that incident.**
 13 Q. All right. Was there a regular fee for
 14 the service?
 15 **A. Oh, you mean for the service, was -- I**
 16 **don't know. It was like ten bucks a month. But I**
 17 **didn't have the service when the accident happened.**
 18 **I signed up for it later.**
 19 Q. Oh, I see.
 20 **A. So there was a \$200 fee for that ticket.**
 21 Q. Is the \$200 fee what you paid to the
 22 lawyer, or what you paid to the service, or what the
 23 court told you to pay?
 24 **A. No, that's what I paid to the service.**
 25 Q. Okay. Did you pay anything directly to

1 **happened.**
 2 Q. Okay. Who did you call from the scene of
 3 the collision?
 4 **A. I got out of the truck, and I looked back**
 5 **down where the garbage truck was, and there were a**
 6 **couple of people standing there, and they were on**
 7 **the phones. So I assume they were calling 911.**
 8 **There wasn't -- by the time I walked down there,**
 9 **there wasn't going to be anything I could do. So I**
 10 **looked over my truck and called my -- called [REDACTED]**
 11 **[REDACTED].**
 12 Q. Okay. And what did you tell [REDACTED]?
 13 **A. That I had been in a wreck.**
 14 Q. What did she say?
 15 **A. She said, stay there and do whatever you**
 16 **need to do.**
 17 Q. All right. Who else did you speak with on
 18 the scene of the collision?
 19 **A. Just the officer and the -- [REDACTED] came**
 20 **out to change the tire.**
 21 Q. Who did?
 22 **A. I don't know his -- I forgot his last**
 23 **name. His first name is [REDACTED].**
 24 Q. Robert something?
 25 **A. He -- he works on the trailers there at**

1 the lawyer?
 2 **A. No.**
 3 Q. Immediately after the collision happened,
 4 you went down the road a little bit, parked on the
 5 left; correct?
 6 **A. Yes.**
 7 Q. About how far did you go down the road?
 8 **A. I'd say it's about a quarter mile.**
 9 Q. Did you ever go back to where the garbage
 10 truck was sitting in the ditch?
 11 **A. No.**
 12 Q. Did you speak with Sergeant [REDACTED] the
 13 officer who investigated the collision?
 14 **A. When she showed up, yes.**
 15 Q. Did she ask you how the wreck happened?
 16 **A. Yes.**
 17 Q. Did you tell her that the garbage truck
 18 didn't use his blinker?
 19 **A. Yes.**
 20 Q. Did you tell her that the driver of the
 21 garbage truck didn't check his mirror?
 22 **A. Yes.**
 23 Q. Did you tell her -- what else did you tell
 24 her?
 25 **A. Basically what I told you, how it**

1 **PetSmart. He's stationed at the PetSmart DC.**
 2 Q. All right.
 3 **A. He works for Pemberton.**
 4 Q. Okay. So after [REDACTED] changed the tire,
 5 you went on into the PetSmart distribution center?
 6 **A. Yes.**
 7 Q. Who else -- other than [REDACTED] and [REDACTED]
 8 [REDACTED] who else from Pemberton did you talk to on
 9 the day of the collision?
 10 **A. I don't think -- no, nobody else from**
 11 **Pemberton. There was an insurance adjuster that**
 12 **came out.**
 13 Q. Yeah. All right. What was that person's
 14 name?
 15 **A. [REDACTED].**
 16 Q. [REDACTED]?
 17 **A. Could be.**
 18 Q. Okay. When did you first speak with [REDACTED]
 19 [REDACTED]?
 20 **A. When he showed up at the accident.**
 21 Q. Oh, he came to the scene of the wreck?
 22 **A. Yes.**
 23 Q. How long after the wreck did he arrive?
 24 **A. I want to say an hour, hour and a half.**
 25 Q. Okay. What did he do when he got there?

1 **A. He took pictures and went and talked to**
 2 **the police officer and whatever they do. And then**
 3 **when -- when it was all done, he took me over to the**
 4 **Pilot to do the drug test.**
 5 Q. All right. What did [REDACTED] -- what did
 6 you tell [REDACTED] ?
 7 **A. Same thing I told everybody else, how it**
 8 **happened.**
 9 Q. Okay.
 10 **A. Or what happened.**
 11 Q. What did he tell you?
 12 **A. Not a whole lot. He just went around and**
 13 **did his forms, and I don't remember anything**
 14 **specific.**
 15 Q. Did you do a written statement for him
 16 that day?
 17 **A. I'm not sure.**
 18 Q. Did you do a written statement for him at
 19 some point?
 20 **A. Probably. If I did, it would have been**
 21 **there.**
 22 Q. "There," meaning on the scene of the
 23 wreck?
 24 **A. Yes.**
 25 Q. Did you talk with anyone else from or, to

1 your knowledge, hired by Cherokee Insurance on the
 2 day of the collision other than [REDACTED] ?
 3 **A. Somebody from Cherokee called me, after I**
 4 **talked to [REDACTED], and said he was coming out.**
 5 Q. Said --
 6 **A. Told me -- told me that he was coming to**
 7 **the accident scene.**
 8 Q. That [REDACTED] was coming?
 9 **A. Yes.**
 10 Q. Anybody else?
 11 **A. Not that I can remember.**
 12 Q. All right. After the -- after the day of
 13 the collision, who at Pemberton did you next talk
 14 with about the collision?
 15 Who at Pemberton or Cherokee Insurance or
 16 whatever company Wagner works for, [REDACTED] ?
 17 **A. I might have talked to [REDACTED], my dispatcher**
 18 **in Florida.**
 19 Q. All right. Did you ever talk with [REDACTED]
 20 [REDACTED] about the collision?
 21 **A. Not that I remember.**
 22 Q. How about [REDACTED] ?
 23 **A. No.**
 24 Q. Never?
 25 **A. No.**

1 Q. And then we've already covered [REDACTED]
 2 [REDACTED].
 3 **A. She's the one I dealt with most of the**
 4 **time.**
 5 Q. Okay. How many times did you speak with
 6 [REDACTED] [REDACTED] about the collision?
 7 **A. Just the once when I called in, and maybe**
 8 **a couple of other times as follow-ups.**
 9 Q. Okay. On the phone or in person?
 10 **A. On the phone.**
 11 Q. How many phone calls, do you think?
 12 **A. Couldn't have been more than two or three.**
 13 Q. So other than two or three phone calls
 14 with [REDACTED] [REDACTED] and talking with your dispatcher
 15 in Florida, there's no one else at Pemberton that
 16 you talked to about this collision?
 17 **A. Not that I'm aware of, no.**
 18 Q. Okay. What -- what documents or records
 19 did the folks at Pemberton or Cherokee or James
 20 Wagner's company ask you to save?
 21 **A. Ask me to save?**
 22 Q. Yeah, like preserve as evidence.
 23 **A. I don't think they asked me to save**
 24 **anything. They gave me a copy -- I got a copy of**
 25 **the police report from [REDACTED]**

1 Q. Okay. And then you drove for Pemberton
 2 until December of that year, I think we said.
 3 **A. Yes.**
 4 Q. My understanding is that you were -- from
 5 your discovery -- written -- strike that.
 6 My understanding from your written
 7 discovery responses is that you were never punished,
 8 disciplined, or warned by anyone at Pemberton about
 9 this collision.
 10 **A. No.**
 11 Q. Did -- no, you were not?
 12 **A. That is correct.**
 13 Q. Did Pemberton make a determination as to
 14 whether this collision was preventable?
 15 **A. I'm sure they did. I -- it's usually**
 16 **preventable on all acci -- on all crashes for the**
 17 **most part, but I don't remember them ever telling me**
 18 **anything about it.**
 19 Q. So you don't remember Pemberton ever
 20 telling you one way or the other whether the
 21 collision was preventable?
 22 **A. No.**
 23 Q. I think I asked you this already. Forgive
 24 me if I have.
 25 Was there any additional training that you

1 received, because of this wreck, from Pemberton?
 2 **A. No.**
 3 Q. Did Pemberton ever tell you that you
 4 should do anything differently in the future?
 5 **A. Not that I remember.**
 6 Q. Did anyone at Pemberton tell you that they
 7 thought you were at fault or partially at fault for
 8 this collision?
 9 **A. No.**
 10 Q. Did they tell you they thought that you
 11 were not at all at fault for the collision?
 12 **A. No, they didn't say much about it.**
 13 Q. Did anyone at Pemberton tell you anything
 14 about who they thought was at fault for the
 15 collision?
 16 **A. No.**
 17 Q. Did anyone at Pemberton tell you anything
 18 about what you could do to avoid wrecks like this in
 19 the future?
 20 **A. No.**
 21 Q. Has anyone at Schneider -- or excuse me --
 22 at Premier mentioned this wreck to you?
 23 **A. No. I mean, I put it on the applications.**
 24 **We went over on -- in that, but other than --**
 25 **nothing specific.**

1 Q. Okay. My understanding, though, is that
 2 the truck you were in on the day of the collision
 3 was the truck you regularly drove; is that right?
 4 **A. Yes.**
 5 Q. Owned by Pemberton.
 6 **A. One of them, yeah.**
 7 Q. How many trucks did you regularly drive?
 8 **A. I drove 8249 for the longest, and then**
 9 **went to 82 -- 8359 to 8244 to 8240. It was like six**
 10 **or seven trucks that I drove for more than a month.**
 11 **Put it that way.**
 12 Q. Okay. What was the number of this truck
 13 in the --
 14 **A. I believe that was 8240, wasn't it?**
 15 Q. I don't remember. You're probably right.
 16 It doesn't make a lot of difference anyway.
 17 I'll show you what's been marked already
 18 as Plaintiff's Exhibit 12.
 19 Is that a picture of the damage to your
 20 trailer after the collision?
 21 **A. Yes. Some of it.**
 22 Q. What -- what other damage was there to the
 23 trailer?
 24 **A. You don't have the front of the trailer.**
 25 **That's where the...**

1 Q. Did [REDACTED] [REDACTED] take a picture of the
 2 front of the trailer?
 3 **A. I would imagine so. I don't know. I**
 4 **don't know that I've ever seen the pictures that he**
 5 **did take.**
 6 Q. Okay.
 7 **A. I did, yeah.**
 8 Q. Oh, you did take pictures.
 9 **A. Sure.**
 10 Q. Did you take these pictures?
 11 **A. No.**
 12 Q. Where are the pictures that you took?
 13 **A. Not that I know of. They're on my phone**
 14 **at home, unfortunately.**
 15 MR. BUTLER: All right. Ms. Beall, can
 16 y'all supply those pictures, please?
 17 MS. BEALL: Of course.
 18 You'll just find them and send them to me,
 19 and we'll give them to you.
 20 THE WITNESS: Not a problem.
 21 Q. (By Mr. Butler) All right. And then I
 22 will show you what's already been marked as
 23 Plaintiff's Exhibit 11.
 24 Is that a picture of damage to the wheel
 25 on your trailer?

1 **A. Yes.**
 2 Q. This truck was equipped with the Qualcomm
 3 MCP50 system, I think; is that right?
 4 **A. Yes.**
 5 Q. And is this a copy of the driver's guide
 6 for that Qualcomm system that's already been marked
 7 as Exhibit 6?
 8 **A. That's what it says.**
 9 Q. Does that look right to you?
 10 **A. Yeah. I guess, yes.**
 11 Q. I'll show you what I've marked here as
 12 Plaintiff's Exhibit 17.
 13 Does that appear to be a true and accurate
 14 picture of the intersection where the collision
 15 occurred?
 16 **A. Yes. Just a little different angle than**
 17 **the other one you had gave me.**
 18 Q. Yeah, you're right. We're cruising right
 19 along.
 20 Oh, what was the result of the -- well,
 21 I'll just cut it short.
 22 You were -- when you went to trial in the
 23 criminal case, you were convicted; correct?
 24 **A. Yes.**
 25 Q. And then you received a sentence; right?

1 **A. Yes.**
 2 (Plaintiff's Exhibit H was marked for
 3 identification.)
 4 Q. (By Mr. Butler) All right. Show you what
 5 I've marked as Plaintiff's Exhibit H. Look that
 6 over and tell me if it's a copy of your sentence.
 7 H, for the record, is three pages.
 8 **A. Yeah. Yes.**
 9 Q. Okay. I've got to go through your driving
 10 history now. I don't think this will take a heck of
 11 a long time. If you need a break, we can take one.
 12 **A. Go ahead.**
 13 Q. Okay. I've got a list here of what I
 14 think are your traffic violations. So I'm just
 15 going to go through and check them. If we disagree
 16 on something, we might have to look at some
 17 documents or whatever. But I show that on
 18 November 15, 1987, in Lee County, Florida, speeding
 19 74 in a 55.
 20 Does that sound right?
 21 **A. Probably.**
 22 Q. All right. Let me get your MVR.
 23 I didn't bring it with me. We'll take
 24 "probably," then.
 25 **A. Well, yeah, it's fine. It's a long time**

1 **A. That's where I worked the latter part of**
 2 **Schneider.**
 3 Q. Okay. In this -- this collision you were
 4 charged with insufficient passing distance; right?
 5 **A. In what one?**
 6 Q. The one with the garbage truck we're here
 7 about today.
 8 **A. Oh, yes.**
 9 Q. And then in January of 2016, you had an
 10 improper lane change in Duval, Florida; is that
 11 correct?
 12 **A. Yes.**
 13 Q. All right. And did you, in fact, commit
 14 an improper change lane -- improper lane change in
 15 January 2016 in Duval, Florida?
 16 **A. It was in a construction zone. Everything**
 17 **got small, and I went a little bit too far into the**
 18 **other lane and scraped the guy's trailer.**
 19 Q. Okay.
 20 **A. Yes.**
 21 Q. So the answer is yes?
 22 **A. Yes.**
 23 MR. BUTLER: All right. Let me look back
 24 over my notes. We may be done.
 25 We can go off video.

1 **ago.**
 2 Q. Yeah. Got you speeding 73 in a 55 in
 3 Henry County, Florida, in 1990.
 4 Does that sound right?
 5 **A. Yes.**
 6 Q. Speeding 59 in a 40, in 2005, in Lee
 7 County, Florida.
 8 Does that sound right?
 9 **A. I'm trying to place that one, but -- 2005?**
 10 Q. Yeah.
 11 **A. Probably, yeah. Probably, yes.**
 12 Q. Okay. And then failure to obey a traffic
 13 control device in 2010.
 14 **A. Yes.**
 15 Q. It looks like you struck another vehicle
 16 in Orlando, Florida, in 2007.
 17 **A. Struck another vehicle in 2007?**
 18 Q. Yeah. I don't know -- I don't know the
 19 details of this one. I was going to ask you.
 20 **A. I don't remember that one.**
 21 Q. Okay. I've got failure to obey a stop
 22 sign in Florida in 2011.
 23 **A. Yes, that was in my van going home from**
 24 **Cisco.**
 25 Q. Okay. Cisco...

1 THE VIDEOGRAPHER: Off video at 3:24 p.m.
 2 (Off the record.)
 3 MR. BUTLER: So, Ms. Beall, I'd like to
 4 stipulate, if we can, that Plaintiff's Exhibit E to
 5 this deposition is a correct compilation of the
 6 various pages in Plaintiff's Exhibit D.
 7 MS. BEALL: Yes, that is correct.
 8 Q. (By Mr. Butler) Okay. And then,
 9 Mr. Johnson, a minute ago, during our break, you
 10 remembered that 2007 Florida incident we were
 11 talking about that had something to do with Werner.
 12 Tell me what that's about, if you would.
 13 **A. It was when I was driving with Werner. I**
 14 **was in a -- trying to get out of a dock after**
 15 **unloading, and the dock was kind of tight. And when**
 16 **the tandems are all the way forward on the trailer,**
 17 **you get over swing on the back of it. And when I**
 18 **tried to go around the corner, the back of the**
 19 **trailer clipped the truck next to me's mirror.**
 20 Q. Okay. So your trailer hit the mirror of
 21 another truck.
 22 **A. Correct, yeah. They wrote up an accident**
 23 **report, but they didn't give any kind of tickets or**
 24 **anything.**
 25 Q. Okay. You know, we briefly touched on the

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1 rule about passing in an intersection.
 2 Do you remember talking about that
 3 briefly?
 4 **A. Yes.**
 5 Q. What's the point of that rule, do you
 6 think?
 7 **A. To prevent accidents, I guess.**
 8 Q. Why does that help to prevent -- why would
 9 passing in an intersection cause an accident, in
 10 your opinion?
 11 **A. People coming out from the side that you**
 12 **can't see.**
 13 MR. BUTLER: All right. That's all the
 14 questions I have. Thank you.
 15 MS. BEALL: Thank you. I have no
 16 questions.
 17 THE VIDEOGRAPHER: Off record at 3:32.
 18 (Deposition concluded at 3:32 p m.)
 19 (It was stipulated and agreed by and
 20 between counsel and the witness that the signature
 21 of the witness be waived.)
 22
 23
 24
 25

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1 - Password-Protected Access: Transcripts and
 2 exhibits relating to this proceeding will be
 3 uploaded to a password-protected repository, to
 4 which all ordering parties will have access.
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1 The following reporter and firm
 2 disclosures were presented at this proceeding
 3 for review by counsel:
 4 **REPORTER DISCLOSURES**
 5 The following representations and
 6 disclosures are made in compliance with Georgia Law,
 7 more specifically:
 8 Article 10(B) of the Rules and Regulations
 9 of the Board of Court Reporting (disclosure forms
 10 OCGA 9-11-28(c) (disqualification of reporter for
 11 financial interest).
 12 OCGA 15-14-37(a) and (b) (prohibitions
 13 against contracts except on a case-by-case basis).
 14 - I am a certified reporter in the State of Georgia.
 15 - I am a subcontractor for Pope Reporting & Video.
 16 - I have been assigned to make a complete and
 17 accurate record of these proceedings.
 18 - I have no relationship of interest in the matter
 19 on which I am about to report which would disqualify
 20 me from making a verbatim record or maintaining my
 21 obligation of impartiality in compliance with the
 22 Code of Professional Ethics.
 23 - I have no direct contract with any party in this
 24 action and my compensation is determined solely by
 25 the terms of my subcontractor agreement.
 26 **FIRM DISCLOSURES**
 27 - Pope Reporting & Video was contacted to provide
 28 reporting services by the noticing or taking
 29 attorney in this matter.
 30 - There is no agreement in place that is prohibited
 31 by OCGA 15-14-37(a) and (b). Any case-specific
 32 discounts are automatically applied to all parties,
 33 at such time as any party receives a discount.
 34 - Transcripts: The transcript of this proceeding as
 35 produced will be a true, correct and complete record
 36 of the colloquies, questions, and answers as
 37 submitted by the certified court reporter.
 38 - Exhibits: No changes will be made to the exhibits
 39 as submitted by the reporter, attorneys, or
 40 witnesses.
 41 (Continued on following page)
 42
 43
 44
 45

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1 **CERTIFICATE**
 2 **STATE OF GEORGIA:**
 3 **COUNTY OF FULTON:**
 4 I hereby certify that the total.
 5 transcript, pages 1 through 69 represent a true,
 6 complete, and correct transcript of the proceedings
 7 taken down by me in the case aforesaid (and exhibits
 8 admitted, if applicable); that the foregoing
 9 transcript is a true and correct record of the
 10 evidence given to the best of my ability.
 11 The above certification is expressly
 12 withdrawn upon the disassembly or photocopying of
 13 the foregoing transcript, unless said disassembly or
 14 photocopying is done under the auspices of myself,
 15 and the signature and original seal is attached
 16 thereto.
 17 I further certify that I am not a relative
 18 or employee or attorney of any party, nor am I
 19 financially interested in the outcome of the
 20 actions.
 21 This, the 10th day of August 2017.
 22
 23 *Kate Cochran*
 24
 25 **KATE COCHRAN, CCR-2722**

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