

1 THE COURT: Are y'all ready to proceed with  
2 closing arguments?

3 All right, Mr. Tobin.

4 MR. TOBIN: Thank you, Your Honor.

5 Good morning, everyone.

6 We're now in the phase of the trial that  
7 Judge Thompson shared with you. I will be brief.

8 I want to thank each one of you on behalf of  
9 Jeb, Kurt and Sarah. We thank you for the time  
10 and the obvious commitment that you've each  
11 given. It's been clear, many of you have been  
12 taking notes and paying attention. We do thank  
13 each one of you for the time and dedication  
14 you've given this trial.

15 I'm going to speak with you to give you a  
16 road map. Then, the defense will. Then, Jeb  
17 will. We've tried giving you all of the evidence  
18 that we thought you would want and you would need  
19 in this case. We've learned from previous trials  
20 that we don't always do that because we can't get  
21 questions from you, so we don't know if there's  
22 something you may want that we didn't give you  
23 and if that's the case, we're sorry. It wasn't  
24 be intent that we left it out. We have limited  
25 time with you in this courtroom.

1           We're grateful to the Court. Judge Thompson  
2           has gotten us in here. Until Monday afternoon,  
3           we actually did not know we would be here with  
4           you. And the reason for that is the court system  
5           is a very busy one across all of the United  
6           States, and getting into a court is a privilege  
7           for us, for all of us. The Court accommodated  
8           all us, managed to get us in here. But I say  
9           that because while we have limited time with you,  
10          we at least can prepare. There are boxes next to  
11          Sarah and there are boxes back in our office.  
12          But there's so much time we have and there's so  
13          much we can get to you.

14          The same thing can be said for the doctors.  
15          You heard testimony from doctors. I read some  
16          in. Jeb read some in. You heard videotaped  
17          deposition testimony and that testimony should be  
18          treated with the same credibility and weight as  
19          if the doctors were here live. Judge Thompson  
20          instructed you that before we began and he will  
21          instruct you again today. Doctors, we would love  
22          to get them here live. It would make it more  
23          lively, but it's hard because those doctors have  
24          patients. They have surgeries scheduled, and so  
25          we can't say to the doctors, please hold x date

1 open because we didn't know when x date would  
2 be. So we try to give you all that testimony as  
3 if they were here live.

4 I want to talk to you about the six  
5 stipulated facts and that is important. We all  
6 know what stipulated facts are, but just to  
7 remind you, the collision occurred on November  
8 the 8th, 2014. And, again, these are facts that  
9 the defense and the plaintiff both agree to. The  
10 crash happened on that day.

11 The collision occurred at the intersection of  
12 Highway 85 and Banks Road in Fayetteville,  
13 Georgia. Defendant Howse failed to stop at a red  
14 light in violation of OCGA section 40-6-20.  
15 Defendant Howse was at fault for causing the  
16 collision. Defendant Howse was responsible for  
17 the collision. Defendant Howse's vehicle was  
18 totaled after the collision.

19 Coincidentally, you heard from six doctors  
20 that we presented. Not necessarily because we  
21 had six facts, but there were six doctors and  
22 there were six facts.

23 Jeb is going to talk with you about the  
24 medical testimony. He has a chance to come up  
25 here. But what I want to talk to you about --

1 and Judge Thompson shared this with you -- is  
2 that evidence can come in in different ways, and  
3 one of those ways is testimony, and I'm going to  
4 talk to you about the people who knew him best  
5 and know him best. His daughter, Michelle; his  
6 wife, Carol; and his son, Jimmy. And I want to  
7 use their words. Michelle said that he would  
8 devour books, that they celebrated when he  
9 recently finished a book. Excuse me. Carol  
10 shared these things. Carol shared that he would  
11 devour books. He was one of smartest people  
12 you'll ever meet. That he was the planner of the  
13 family. Scuba diving was a family thing. They  
14 tried scuba diving, but he couldn't do it.

15 Things have changed from Carol's perspective.  
16 She recently had to use the chainsaw to cut down  
17 trees in the yard. Kurt used to do the pool  
18 work. Carol and Kurt still go out together.  
19 They still sit on the same bench. Their love  
20 hasn't changed, but his life has changed.

21 You heard from Michelle he talked about his  
22 suicide attempt, so he's gotten physically  
23 violent. She had to tackle him down. She talked  
24 about the time he called her threatening to take  
25 his own life. You heard how they used to talk

1 every day and he provided her with advice. He  
2 was her mentor. And that's changed, but she  
3 talks to him now. It's because her mom puts him  
4 on the phone.

5 We heard from Jimmy and Jimmy read you an  
6 email and Jimmy shared with you how his dad gave  
7 him advice on how to travel around the airports  
8 because Jimmy does that for a living. He's got  
9 his own professional career. His dad is a shell  
10 of who he was before. We heard from the people  
11 who really do know this man and we all have  
12 family members who know us best.

13 This is a civil lawsuit. And let me tell you  
14 what that means. We've talked about this before,  
15 its difference to a criminal case. In a criminal  
16 case, there's a beyond a reasonable doubt  
17 standard, and this is a preponderance of the  
18 evidence standard. Jeb stood up here and I  
19 believe the defense stood up here, as well, and  
20 because the easiest way to demonstrate it is  
21 literally the scales of justice. And if these  
22 are scales of justice and they're evenly  
23 balanced, all we have to do is tip it ever so  
24 slightly, and the evidence we've presented has  
25 done that.

1           You're going to have that evidence back there  
2           with you and you heard the testimony in this  
3           courtroom. When you consider the people who know  
4           Kurt best, when you consider the doctors who have  
5           actually treated Kurt and examined him, the  
6           evidence overwhelmingly supports our position and  
7           we win our cause on that.

8           This is the last thing I'm going to talk to  
9           you about. I told you I would be brief. I want  
10          to talk about Kurt's brain injury. Through the  
11          testimony you heard, we believe we have proved  
12          that Kurt did suffer a brain injury. Even if  
13          Kurt had mental issues back in the 1970s after he  
14          had just gotten out of the Navy, we think the  
15          evidence has shown he was over that. He planned  
16          the family vacations. He traveled through  
17          airports. He gave Jimmy tips on where to go. He  
18          devoured books. He loved reading.

19          He knew what he was doing in the law. He  
20          knew what he was doing at the pool. He was a  
21          mentor. He was running a successful business.  
22          He raised a family. And this is what's very  
23          important. Even if this wreck retriggered or  
24          aggravated a previous problem, the defense is  
25          still liable for that.

1 Listen to the law as Judge Thompson gives it  
2 to you. If you should find that at the time of  
3 the incident the plaintiff had any physical  
4 condition, ailment or disease that was becoming  
5 apparent or was dormant and if you should find  
6 that the plaintiff received an injury as a result  
7 of the negligence of the defendant and that the  
8 injury resulted in any aggravation of the  
9 condition already pending, then, the plaintiff  
10 could recover damages for aggravation of the  
11 pre-existing condition.

12 So if the defense talks about some  
13 pre-existing problems, it really doesn't make  
14 much sense because under the law even if this car  
15 wreck retriggered or aggravated a pre-existing  
16 condition, Mr. Taylor still can recover damages  
17 for that.

18 Thank you.

19 THE COURT: Mr. Scott, argument on behalf of  
20 the defense?

21 MR. SCOTT: Good morning.

22 As the judge explained to you, this is my  
23 only chance to speak to you in closing.

24 Plaintiff gets two closings. They get to open  
25 and they get to close.

1           Part of what I have to do is anticipate what  
2 they're going to say and preempt their  
3 arguments. At the same time, I don't get the  
4 last word, but we'll give it our best shot.

5           The judge is going to give you some  
6 instructions. He gave you some instructions  
7 earlier. And I want you to pay attention to a  
8 handful of those in terms of how we're going to  
9 ask you to deliberate.

10           It is the plaintiff's burden of proof. We've  
11 talked about that. Mr. Tobin just talked about  
12 that. They have to prove to you by a  
13 preponderance of the evidence that it's more  
14 likely than not that what they say is true.  
15 Right there. Must prove whatever it takes to  
16 make out their case except for any admissions by  
17 the defendant, and we have admissions here.

18           The plaintiff must prove their case by what  
19 is known as a preponderance of the evidence. The  
20 evidence is upon the issues involved which while  
21 not enough to wholly free the mind from a  
22 reasonable doubt is yet sufficient to incline a  
23 reasonable and impartial mind. That's what the  
24 judge is going to charge you. You'll see that  
25 again. You'll hear that again.



1           If you find the evidence is evenly balanced  
2           on any issue -- and that's the key here. It's  
3           any issue -- because we're conceding issues and  
4           we're being honest here and telling you that  
5           we're admitting certain facts here.

6           Credibility of witnesses is a key issue here.  
7           This is one of the instructions you'll get. You  
8           determine the credibility of the witnesses, and  
9           some of these witnesses have had some credibility  
10          issues. We'll talk about that in a few minutes.

11          Sympathy. Your verdict should be a true  
12          verdict based upon your opinion of the evidence  
13          according to the laws given you. You're not to  
14          show favor or sympathy to one party or the other.

15          I can feel some sympathy for Mr. Taylor's  
16          injuries. I think we all can. But in terms of  
17          rendering your verdict, you need to be fair to  
18          all sides. You have to consider the facts  
19          objectively without favor, affection or sympathy  
20          to either party.

21          The judge will also tell you, you cannot  
22          speculate regarding plaintiff's alleged injuries  
23          and medical conditions. That's an important  
24          factor in this case because we believe that  
25          there's a lot of evidence that they haven't

1 proven as far as his ongoing medical condition  
2 and whether there's a permanent brain injury.

3 You can't speculate regarding his alleged  
4 damages. You need to look at the facts. You  
5 need to look at the numbers. You need to look at  
6 the medical records and the bills. And, again,  
7 no sympathy.

8 Like I said a minute ago, issues not in  
9 dispute. There are issues in this case that are  
10 not in dispute. They showed you the  
11 stipulations.

12 Ms. Howse has admitted fault for the  
13 accident. And we don't dispute that he had  
14 orthopedic injuries. The doctors testified at  
15 great length. He had neck surgery. He had back  
16 surgery. He had knee surgery. He had carpal  
17 tunnel surgery. We're not disputing that.

18 Important fact to think of, if you think of  
19 what Mr. Butler said in his opening statement, he  
20 said that the plaintiff is not claiming that his  
21 life is ruined. That's something that both sides  
22 agree on, and that's important for you to  
23 consider when you're deliberating. The issues in  
24 dispute, though, are whether the plaintiff has  
25 suffered a major neurocognitive disorder. That's

1 the main issue in this case, whether he actually  
2 suffered that and whether it's a permanent  
3 injury, whether it's a permanent condition and  
4 whether it's still going on.

5 And then the other issue is the amount of the  
6 damages as a result of all these things. But  
7 plaintiff's claim that there's a neurocognitive  
8 injury that's permanent is a house of cards, and  
9 that's our whole point -- our main point here  
10 today, not necessarily the whole point. These  
11 are the issues that we pointed out in our case.

12 The entire foundation for the neurocognitive  
13 injury claim is Dr. Snook's report, Dr. Snook's  
14 neuropsychological evaluation. Dr. Snook  
15 testified. You heard us read his deposition  
16 transcript and you heard the narrative. He did  
17 not separately evaluate Mr. Taylor's effort  
18 because at the time of testing, he didn't suspect  
19 that the plaintiff had any motive to perform  
20 poorly. He has that motive now. We're here in a  
21 lawsuit. He's asking you to give him a very  
22 large amount of money.

23 Dr. Burke, the neurologist, relied almost  
24 entirely on that neuropsych evaluation that  
25 Dr. Snook gave. He testified: And if you really

1 want to know whether there's been an injury to  
2 the brain, I always refer them for a neuropsych  
3 eval. And that was Dr. Snook.

4 And that's what Dr. Burke said. And  
5 Dr. Burke went on to say: What we will rely on,  
6 the gold standard, continues to be neuropsych  
7 testing. And again that's Dr. Snook's report.  
8 That is Dr. Snook's evaluation.

9 Dr. DeFilippis, our doctor, testified that  
10 Dr. Snook's exam of the plaintiff was limited to  
11 a clinical setting. Now, what's a clinical  
12 setting? It's for purposes of treatment.  
13 Dr. Snook's exam -- oh, we have that twice --

14 Dr. DeFilippis met with the plaintiff for  
15 several hours and performed a forensic exam.  
16 There's a difference here. Dr. DeFilippis  
17 performed an exam and an evaluation for purposes  
18 of this case, for purposes of an adversarial  
19 proceeding. Dr. DeFilippis testified that  
20 Dr. Snook did not adequately measure the  
21 plaintiff's effort. Dr. Snook testified, well,  
22 part of some of those exams I gave him measured  
23 the effort. But he admitted he didn't separately  
24 administer a measure of the effort. Doctor  
25 DeFilippis did and Dr. DeFilippis testified that

1 the report frankly isn't worth the paper it's  
2 written on without having done a full independent  
3 measure of the plaintiff's effort.

4 Dr. Snook's opinion the plaintiff suffered a  
5 permanent brain injury is not credible because  
6 Dr. Snook didn't adequately measure the effort.  
7 That's Dr. DeFilippis' opinion. He also stated  
8 that after evaluating the plaintiff, the  
9 plaintiff was not putting forth adequate effort.

10 And then what were his findings? The testing  
11 that he did to measure the effort showed that  
12 Mr. Taylor's effort on those tests was  
13 inadequate. And he says -- and this is important  
14 -- we're not saying that he has no disorders  
15 here. Dr. DeFilippis called what he had a  
16 somatic symptom disorder. And what he said was  
17 he thinks he really believes that he's got this  
18 problem.

19 So we're not saying -- counter to what  
20 Mr. Butler said in the opening -- we're not  
21 saying he's faking. He may actually believe that  
22 he has these issues, but the medical evidence  
23 doesn't show that, and that's what you have to  
24 listen to and decide in evaluating this case.

25 There is insufficient evidence to confirm a

1 diagnosis of a major neurocognitive disorder.  
2 That is the bottom line here in terms of the  
3 brain injury. Without a foundation, plaintiff's  
4 claims of a traumatic brain injury falls like a  
5 house of cards. And it does because the whole  
6 basis for it is Dr. Snook's report. Dr. Snook  
7 doesn't have an independent confirmation of  
8 effort. And then Dr. Burke says -- he's the MD  
9 -- he's the one who says he's got a  
10 neurocognitive disorder and the whole basis for  
11 it is the neuropsych eval and the neuropsych eval  
12 is faulty, so, therefore, the cards are all on  
13 the floor.

14 Credibility issues. Mr. Taylor and his  
15 family claim that he has trouble with everyday  
16 life. They've all testified. Surveillance  
17 showed Mr. Taylor is able to go out and about and  
18 have a normal day.

19 The plaintiff didn't tell the whole truth  
20 about his business. We went on the Internet and  
21 we found Roadtechs.com. And he told us to go on  
22 the Internet in his deposition and research his  
23 company, so we did. He told us all about  
24 Cornerstone in his deposition and he told us all  
25 about two other companies. But he never told us

1           that he operates under the name Venture.

2           He said on direct examination, well, I do  
3           that because of competitive issues. Ask  
4           yourselves, if he is smart enough and coherent  
5           enough and articulate enough to be thinking about  
6           competitive issues with his business, does he  
7           have a permanent traumatic brain injury. I mean  
8           think about it. He is that smart.

9           Mrs. Taylor said in her testimony that he's  
10          one of the smartest men she's ever met. And you  
11          know what? Based on everything he's told me in  
12          the two depositions I've taken from him and in  
13          his testimony, I believe he's a very smart man  
14          and I admire him. I'm a veteran, too. I admire  
15          him. But he hasn't proven that he has a  
16          permanent brain injury.

17          Also, the whole truth, he swore an oath, both  
18          here today and at his deposition, to tell the  
19          whole truth. He said, well, you never asked me  
20          about Venture. Well, he told us about two other  
21          companies, but he never told us about Venture.  
22          He didn't tell the whole truth. The testimonials  
23          on the Roadtechs web site, he stated that  
24          Roadtechs was the secret to his success. His  
25          business is a success and it continues to be a

1 success.

2 The ability to operate his business is better  
3 than he or his family would have you believe.  
4 Mrs. Taylor said he can only work about two hours  
5 a day. He's got twelve postings on  
6 Roadtechs.com. He admitted that to you on the  
7 stand. He's got twelve postings currently active  
8 looking to place people in the utility  
9 industries, and he admits that, and he did it  
10 under the name of Venture instead of  
11 Cornerstone. And he even stated on the Roadtechs  
12 web site that they're the secret to his success.

13 The question is, if he can only partially  
14 function, if he can't form complete sentences  
15 still, if he doesn't have cognitive ability, how  
16 can he do all this and how can he continue to do  
17 all this?

18 This is a very interesting thing that  
19 happened yesterday. He refused to testify in  
20 support of his own case. I was genuinely  
21 surprised that at the close of plaintiff's  
22 evidence, Mr. Taylor hadn't been called to  
23 testify. Why?

24 Ask yourselves that. Why did he do that?  
25 The reason I think is when he finally did



1       testify, he showed you how articulate he is.  
2       He's a very smart man. He's very bright. The  
3       minute he opened his mouth, he showed you how  
4       smart he was, how articulate he is, how sharp his  
5       brain still is. When he testified in front of  
6       all of you, he didn't appear to suffer any of the  
7       problems that his family described when he  
8       testified. Did you hear him stop sentences, not  
9       be able to complete thoughts? Did you hear him  
10      have any cognitive mental brain issues. He spoke  
11      just like anybody else and he spoke very  
12      intelligently.

13             Now, hired guns. Mr. Butler mentioned in  
14      opening that we have hired guns. That is the  
15      only attack that the plaintiff can make against  
16      Dr. DeFilippis. If you listened to  
17      Dr. DeFilippis' videotaped deposition yesterday,  
18      Mr. Butler spent a whole lot more time cross-  
19      examining Dr. DeFilippis than I did essentially  
20      going through his report and setting forth his  
21      findings and his testimony. And a lot of what he  
22      asked was about, well, how much do you charge,  
23      how much have you charged Mr. Scott's firm, and  
24      how much time have you put in. Well, any person  
25      who you use for a service is going to charge you

1 for their time.

2 Mr. Butler asked you in voir dire if you as  
3 jurors would you be able to award an award in the  
4 millions of dollars in this case. I needed to  
5 hire an expert in this case to defend my client,  
6 so we hired Dr. DeFilippis. And you know why?  
7 It's not DeFilippis' opinion itself that's at  
8 issue in this case. It's the objective finding  
9 of his evaluation and what Mr. Taylor did. It's  
10 not like he read the records and formed an  
11 opinion. He met with Mr. Taylor. He evaluated  
12 Mr. Taylor. He subjected him to testing. And  
13 that's objective. That's not just the opinion of  
14 a hired gun. That's testing, and whatever the  
15 outcome of the testing, if anybody had control  
16 over that, Mr. Taylor had control over that.

17 They're also going to tell you in their  
18 closing more than likely that we hired a hired  
19 gun in terms of this investigator, Shane  
20 Grimshaw.

21 Plaintiff's counsel on cross-examination  
22 showed him his invoice. Again, nobody's going to  
23 do this work unless we pay them, and in a case  
24 where he's going to ask you for over a so in a  
25 few minutes. And if I hadn't hired somebody to

1 at least get an idea of whether Mr. Taylor and  
2 verify whether he can actually get around and  
3 function or lose his way, I would have been  
4 committing malpractice. I need to defend my  
5 client and we need to see and you need to see as  
6 a jury in evaluating this case whether or not he  
7 can really function the way he says he can or  
8 cannot.

9 So, again, we hired people to evaluate and to  
10 present evidence for you to weigh.

11 Damages. I just said this to you a minute  
12 ago. Plaintiff's counsel asked you in voir dire  
13 if you'd be able to give an award in the millions  
14 of dollars. At the same time he told you in the  
15 openings statement that they're not contending  
16 that Mr. Taylor's life has been ruined. Does  
17 that sound like it fits together?

18 You have to decide what a fair verdict would  
19 be in this case. But think about this. Any  
20 verdict over five hundred thousand would be only  
21 the kind of award you would give somebody whose  
22 life is ruined. Would you give somebody that  
23 kind of money or in the millions of dollars if  
24 their life hadn't been ruined. I don't think  
25 so.

1           From the beginning of this trial, plaintiff  
2           told you this wasn't the case. His life hadn't  
3           been ruined. So what I want you to think about  
4           at the end of the day is whether you really  
5           believe Mr. Taylor has a permanent cognitive  
6           brain disorder. I want you to think about what  
7           he was able to tell you when he testified. I  
8           want you to be able to think about why he didn't  
9           testify in his case in chief. I want you to  
10          think about the medical evidence and the fact  
11          that Dr. Snook's report does not give them the  
12          foundation they need to show there is a permanent  
13          brain injury.

14          I'm not going to tell you that he doesn't  
15          deserve something for his orthopedic injuries.  
16          I'm asking you to enter a fair award  
17          proportional -- two hundred seventy-five thousand  
18          dollars and change in medical bills. We admit  
19          that. We agree with that. Enter an award  
20          starting with that number that's proportional,  
21          but not an award that isn't appropriate for  
22          somebody whose life hasn't been ruined.

23                 Thank you. Very much.

24                 THE COURT: Thank you very much, Mr. Scott.

25                 So, ladies and gentlemen, we're still in the

1 middle of closing arrangements.

2 I believe an easel is going to be used. We  
3 need to set up another video. We're going to do  
4 this outside of your presence. So do me a favor  
5 and go back to the jury room.

6 I cannot stress this enough. You still can't  
7 talk about this case. You've not heard all the  
8 closing arguments, so you can't talk about this  
9 case until you've heard all the closing arguments  
10 and then the instructions.

11 Take this one break and I believe this will  
12 be the final break before you can finally talk  
13 about this case.

14 So follow Mr. Queen back to the jury room.

15 (Thereupon, the jurors were  
16 excused to the jury room.)

17 THE COURT: All right. We can proceed with  
18 the set up.

19 (Thereupon, a recess was  
20 taken, after which the  
21 final closing argument was  
22 heard.)

23 THE COURT: Before the jury comes in, let's  
24 go on the record for the matter Taylor vs. Howse.  
25 Anything we need to do outside the presence of

1 the jury on behalf of the plaintiff?

2 MR. BUTLER: No, Your Honor.

3 THE COURT: The defense?

4 MR. SCOTT: No.

5 THE COURT: Mr. Butler, when you are done  
6 with your closing argument, of course, if you'll  
7 break down the easel and remove it so I can speak  
8 to the jury without anything being displayed.

9 MR. BUTLER: Yes, Your Honor.

10 THE COURT: We're ready, Mr. Queen.

11 (Thereupon, the jurors were  
12 seated in the jury box.)

13 THE COURT: Ladies and gentlemen, welcome  
14 back. Please be seated, ladies and gentlemen.

15 Thank you for your patience. That gave us  
16 enough time to get the technology hooked up and  
17 get everything squared away so we can proceed  
18 right after the closing arguments. This will be  
19 the final time you hear from an attorney for  
20 closing arguments.

21 Mr. Butler, on behalf of the plaintiff.

22 MR. BUTLER: Thank you, Your Honor.

23 Good morning.

24 Let's talk about credibility. That's  
25 something that the defense talked about at some

1 length. You've heard on behalf of Mr. Taylor  
2 from several of his doctors, not people that  
3 Mr. Tobin or I went out and found. The doctors  
4 who he saw, the doctors who treated him, the  
5 doctors that folks like you or I would go to see  
6 if we were sick.

7 I had planned to talk with y'all about  
8 Dr. Goins and Dr. Bush(ph) who treated Mr. Taylor  
9 for his neck, back, wrist, knee, did those  
10 surgeries. We don't have to do that anymore.  
11 It's conceded that those were caused by this  
12 wreck.

13 We presented medical evidence from  
14 Mr. Taylor's doctors about his brain injury and  
15 about what caused his brain injury. And I'll  
16 play some of those clips for you right now --  
17 play a series of clips. None of them are longer  
18 than two minutes, I don't believe.

19 Ms. Christy, if you could play the Burke  
20 causation clip number one.

21 (Thereupon, clip number one  
22 was played for the jurors.)

23 MR. BUTLER: And then number two.

24 (Thereupon, clip number two  
25 was played for the jurors.)

1 MR. BUTLER: This by the way is a Harvard  
2 educated doctor to whom Mr. Taylor was referred  
3 by the Department of Veterans Affairs and who  
4 treats brain injuries all the time.

5 (Thereupon, clip number  
6 three was played for the  
7 jurors.)

8 MR. BUTLER: And, of course, Dr. Burke wasn't  
9 our only doctor to testify about the brain  
10 stuff. You heard from Dr. Saba who said by  
11 medical narrative, quote, Mr. Taylor suffered a  
12 grade three concussion, which is a traumatic  
13 brain injury as a result of this collision, end  
14 quote.

15 Dr. Saba wasn't here in the courtroom. We  
16 didn't play his video deposition. If the defense  
17 had wanted to ask him about that and say, Saba,  
18 what are you talking about, how did you figure  
19 that out; they can cross examine him, they can  
20 take his deposition.

21 That happened with Snook. Y'all noticed that  
22 we read in the medical narrative of Snook and  
23 then the defense came up and the two lawyers sat  
24 and they read the deposition back and forth.  
25 Defense has an absolute right to do that of



1 anybody, but especially when we get a medical  
2 narrative from them, they can go depose them. If  
3 they got questions, they can ask.

4 Dr. Snook also provided testimony -- I'll  
5 talk about his narrative and the deposition -- in  
6 his narrative he said, quote, I diagnosed  
7 Mr. Taylor with, quote, major neurocognitive  
8 disorder due to traumatic brain injury, end  
9 quote. In my opinion the problems associated  
10 with that diagnosis and the problems described in  
11 this report are caused by the motor vehicle  
12 collision, end quote.

13 The defense had the right to go back and take  
14 his deposition and raise anything they wanted to  
15 with him. Say you didn't run the right tests.  
16 You didn't know the right things. You didn't  
17 review the right records, anything. And they  
18 didn't. And you've heard that deposition read in  
19 its entirety.

20 At the very end of it, I'm going to review  
21 the last two questions in that deposition. I  
22 wasn't there. Mr. Tobin covered it for us. The  
23 last two questions and answers: After the  
24 defense had gotten to raise and talk about  
25 anything they wanted to, this was Dr. Snook's

1 last two questions and answers.

2 Question: All right. The defense lawyer  
3 asked you a lot of questions about testing for  
4 truthfulness. Is it your medical testimony that  
5 Kurt Taylor put forth his best effort during this  
6 testing?

7 Answer: I believe that he was putting forth  
8 valid effort.

9 Question: Do you think he told the truth to  
10 you?

11 Answer: Absolutely. The reason I say that  
12 is he told me things about himself which may not  
13 necessarily have been flattering, but he was  
14 willing to answer those questions. Also, the  
15 reason I thought he did well and was putting  
16 forth effort on the testing, there were areas  
17 that he actually did well, which patients who are  
18 typically malingering will do very poorly on.

19 So that's what Dr. Snook had to say after  
20 he'd been cross-examined about the things that  
21 the defense is now talking about.

22 As best I can tell, the defense is really --  
23 that everybody else was wrong. Kurt Taylor's  
24 lying to you. His family's lying to you and his  
25 doctors are lying to you. The only person that's

1 right is the defense. Whether you believe that  
2 is entirely up to you.

3 We think the evidence has shown that this  
4 brain injury is not just something that  
5 Mr. Taylor made up on Monday before court. Even  
6 Dr. DeFilippis admitted that Piedmont Emergency  
7 Department, which as I recall, he said was a  
8 reputable medical facility -- everybody knows  
9 that it is -- diagnosed Mr. Taylor with a head  
10 injury when he was taken there by ambulance the  
11 day of the wreck. I mean same day, diagnosed  
12 with a head injury. And we can play that clip  
13 for you.

14 Ms. Christy, that's DeFilippis, diagnosed  
15 with head injury.

16 (Thereupon, the video clip  
17 was played for the jurors.)

18 MR. BUTLER: As I said before been multiple  
19 doctors who diagnosed Mr. Taylor with this  
20 injury. DeFilippis admitted that, too. The ones  
21 that have already spoken about and also one we  
22 didn't bring, Dr. Jahare(ph), who is Mr. Taylor's  
23 primary care physician, or, internal medicine  
24 guy.

25 Ms. Christy, if you'll play the DeFilippis

1 clip, post-concussive diagnosis.

2 (Thereupon, the video clip  
3 was played for the jurors.)

4 MR. BUTLER: You've heard in addition from  
5 Mr. Taylor's family, all of them. You've heard  
6 about his fractured teeth. I mean something's  
7 got to happen to your head in a car crash if  
8 you're going to get fractured teeth from it.

9 You heard in that clip we just played  
10 Dr. Burke talk about how a brain injury is more  
11 likely if you have spinning, and we think the  
12 evidence has shown that there was some spinning.  
13 If you remember those collision pictures of  
14 Mr. Taylor's truck, the impact's obviously on one  
15 side, and then he testified that his truck was  
16 spun around by the collision.

17 We want to talk about credibility and you  
18 have to conclude that discussion with the  
19 defense's -- what Mr. Scott called, quote, our  
20 doctor, end quote, DeFilippis, and there's just  
21 one more clip front him we're going to play.

22 That's the, had not disagreed clip.

23 (Thereupon, the video clip  
24 was played for the jurors.)

25 MR. BUTLER: Now, what you make of that and

1       how you determine credibility is up to you.  
2       Judge Thompson will tell you that.  It's entirely  
3       within your province, but those are some of the  
4       factors that have been presented to you.

5               We've also heard evidence that this is an  
6       ongoing thing.  I forget her exact words.  Carol  
7       Taylor testified about the ongoing appointments  
8       that Mr. Taylor is going to.  He still goes to  
9       the VA, still gets psychological treatment there,  
10      something Dr. Burke talked about.

11              And a lot of this even the defense's doctor  
12      agreed with a good bit of this stuff.  I told you  
13      I was done playing clips, but I forgot one.  Even  
14      he admits a lot of what is going on with  
15      Mr. Taylor and that will be in your admissions  
16      clip, agreed.

17                               (Thereupon, the video clip  
18                               was played for the jurors.)

19              MR. BUTLER:  Early in this case -- or earlier  
20      in this case we heard a good bit about Ambien.  I  
21      thought that was going to be something the  
22      defense latched on to.  And we heard about it  
23      from the witnesses.  And I might have missed it,  
24      but I don't believe I heard a single reference to  
25      it in the defense's closing argument.  It's

1 something I suppose was tried and then maybe left  
2 alone. And that may tell you something. If your  
3 recollection is like mine, it wasn't even talked  
4 about by the time we got to closing argument.

5 What the defense does want to talk about now,  
6 they continue to criticize Mr. Taylor for still  
7 working. I never have understood that. I didn't  
8 understand when they started doing it as we were  
9 taking depositions in this case, and I don't  
10 understand it now. You know Mr. Taylor hasn't  
11 quit working. He hasn't claimed to be disabled.  
12 He hasn't given up. Isn't that a good thing?

13 Dr. Burke said it was as I remember when I  
14 asked him, don't you think it's a good thing he  
15 keeps trying to work. Dr. Burke as I recall  
16 said, yes. I'm not sure what he's supposed to  
17 do; give up, roll over, quit living.

18 In the closing argument I heard that he has I  
19 believe the number was 12 -- I told you he runs a  
20 staffing company, so he gets people who can work  
21 in the nuclear industry and match them up to try  
22 to get people jobs. And the closing argument  
23 was, he's got twelve live postings. What does  
24 that tell you? How long does it take to make  
25 twelve postings on the Internet?

1           Anyone who's ever listed something on Craig's  
2 list or Ebay, I don't know what the point of all  
3 that is. I don't know what the point of  
4 criticizing Mr. Taylor for using the Venture name  
5 is. I don't get that. If you get it, it's up to  
6 you to do what you will with whatever evidence  
7 you've got, but I don't understand that. I don't  
8 know what that's all about.

9           The defense talked in closing argument about  
10 Mr. Taylor not testifying during the plaintiff's  
11 case in chief as opposed to during the defense's  
12 case in chief and raised some questions about  
13 that. Whether you find that significant is up to  
14 you. I can tell you why I didn't call him in our  
15 case in chief. Because we didn't need to.

16           In order to prevail in a lawsuit, you've got  
17 to meet what you call the elements of proof and  
18 in a tort case -- this is a tort case -- in a  
19 tort case it's generally liability; somebody did  
20 something wrong. And causation is the wrong act  
21 caused something to go wrong. And then damages  
22 which is what went wrong. And frankly Mr. Taylor  
23 who doesn't remember much of the wreck isn't all  
24 that useful and didn't need to testify about any  
25 of those things.

1           Liability is admitted. They admit that the  
2           defendant caused the wreck and ran the red light.  
3           Causation comes primarily from the doctors.  
4           You've heard over and over again these doctors  
5           saying that the wreck caused this, the wreck  
6           caused that, whatever the injury was.

7           And damages. Damages in this case comes from  
8           the doctors who describe their surgeries. It  
9           comes from the medical bills and it comes most  
10          importantly in my mind from Mr. Taylor's family  
11          who describes what he's lost. So Kurt doesn't  
12          have to talk about any of that.

13          In addition even if I don't call Mr. Taylor,  
14          the defense obviously can. They have that right  
15          and they did. It's not as though Mr. Taylor has  
16          not been through testimony in this case.

17          Mr. Scott told you he's given two depositions  
18          in the case. That's not easy on the man. It's  
19          hard to sit through that particularly when you've  
20          been through what Mr. Taylor has been through.  
21          If I had been able to keep him from having to go  
22          through that again, I would have done it. I  
23          couldn't do that because the defense has a right  
24          to call him and they did and that's fine. I'm  
25          not fussing at all about that. That's their



1 right. But we didn't need to call him so I  
2 didn't.

3 You know I got no problem with that, but the  
4 defendant didn't testify. That's okay. There's  
5 no reason she needed to. The liability is  
6 admitted. We can tell how forceful the wreck is  
7 from looking at the pictures and evaluating what  
8 happened and the consequence of it. So there is  
9 no reason she has to testify. I'm sure she  
10 doesn't want to and I don't blame her, so we  
11 didn't call her, and the defense didn't either  
12 and that is no problem.

13 The defense makes a lot of sort of talk, I  
14 guess, in saying that they have admitted fault  
15 and that's good. That's good. When you've done  
16 something wrong, you ought to admit it and they  
17 did. Although, it's not as though they had a lot  
18 of choice. In this case the defendant ran a red  
19 light and it's not a heck of a lot you can say  
20 about that.

21 It reminds me of another example that  
22 sometimes gets told. Imagine that a neighbor to  
23 your house is cutting down a tree. It fell on  
24 your house and caused a thousand dollars worth of  
25 damage and your neighbor came over and said, you

1 know what, I screwed that up; that's my bad, and  
2 I'm sorry.

3 And you might say, well, that's good. I  
4 still got this thousand dollars worth of damages,  
5 and the neighbor says, well, you know what, I'm  
6 really sorry; here's fifty dollars. And you  
7 might say, well, thank you for admitting  
8 responsibility, but where is my other nine-  
9 fifty. And that is what we're here about.

10 I sort of gather y'all already know that.  
11 That's what brings us to the courtroom today.  
12 Accepting responsibility does begin with saying  
13 that you made a mistake, but that's not where it  
14 ends. It ends with full compensation for injury  
15 done.

16 I want to talk about the future for  
17 Mr. Taylor because that has come up. In terms of  
18 orthopedic injuries, they were severe enough as  
19 you know to require surgery on many parts of  
20 Mr. Taylor's body. Surgeries helped. It's a  
21 good thing he had them. He's better because of  
22 them. He's gotten better since the collision.  
23 He still hurts. That's what the evidence is.  
24 He's still going to go hurt. Until the day he's  
25 no longer with us, he's going to live with some

1 pain. He knows that and he can live with it.  
2 But that's what you call permanent injury when  
3 you're hurting and it's not going to stop, that's  
4 a permanent injury.

5 I was going to play this depo clip. I don't  
6 think I will. The teeth is another permanent  
7 injury. You heard Dr. Swords say there is just  
8 not a good solution for this.

9 The most important part of course is the  
10 mental side of things and I do want to play a  
11 final clip front Dr. Burke, and it's the future  
12 clip. Here's what someone more qualified than me  
13 had to say about it.

14 (Thereupon, the video clip  
15 was played for the jurors.)

16 MR. BUTLER: Even the defense's doctor was  
17 unable to at least fully disagree with that. And  
18 there's a screen shot from his deposition we can  
19 show on that.

20 Ms. Christy, if you'll pull up his prognosis  
21 screen shot in that same folder.

22 The defense mentioned DeFilippis' report.  
23 It's not tendered into evidence and it couldn't  
24 be because there's some rules about that. You  
25 may have heard me asking about this and this is

1 the defense's doctor's words. His prognosis for  
2 significant improvement is poor. I don't know if  
3 y'all caught this about that report. I did not.  
4 I took his deposition and didn't really hit me  
5 until I got home the significance of it, but what  
6 happened with DeFilippis is apparently the  
7 defense paid MES, that company you heard about,  
8 and MES paid DeFilippis, and MES is the one who  
9 transcribed, or wrote, depending on how you feel  
10 about that, the report. So it's the company that  
11 hired him that's writing -- at least transcribing  
12 the report.

13 And you may remember -- this is what really  
14 jumped out at me -- you may remember that little  
15 part in there where I said, Dr. DeFilippis, I  
16 think there are some tests you said you  
17 performed, but you didn't actually perform, and  
18 I'm going to give you a chance to clear that up  
19 with the jury. And he went through like four or  
20 five tests that he didn't actually perform that  
21 were in the report. There was like the finger  
22 tapping test and some others that had the names  
23 of the psychologist that came up with them.  
24 Those were in his report, but he didn't actually  
25 perform them.

1           Now, that to me does not sound like a  
2 transcription error. You can't be writing  
3 something in a report that isn't in the  
4 transcription; right? That sounds to me like a  
5 copy paste error, like a company that does a lot  
6 of these reports and just pastes, pastes, pastes.  
7 You've heard DeFilippis working for MES many  
8 times. So as you assess credibility, what you  
9 make of that is up to you.

10           We're getting on to time to talk about money.  
11 The defense has admitted fault for the case. The  
12 defense has admitted in opening statement and  
13 maybe again in closing argument that they think  
14 Mr. Taylor should recover some damages. We do,  
15 too. The question is, what do y'all think.

16           The amount of damages that you come up with  
17 is totally up to you and you have a lot of  
18 discretion in the way you calculate it. There  
19 are some guidelines and I'm going to talk with  
20 you about them. And Judge Thompson will talk to  
21 you about them. But you have a lot of discretion  
22 in what you do.

23           Some of the guidance that you'll hear from  
24 Judge Thompson is like the elements -- a better  
25 way to say that -- the components that Mr. Taylor

1 is entitled to recover for. One of those we're  
2 here about is interference with daily living.  
3 That means just what it sounds like, the way that  
4 the injuries have affected your life,  
5 interference with daily living.

6 Another is pain and suffering. I think  
7 pretty much everyone knows that one. Judge  
8 Thompson will talk about two types of pain and  
9 suffering, two categories. I usually call it  
10 bucket. Past pain and suffering, what  
11 Mr. Taylor's experienced before today and future  
12 pain and suffering, what you find that he is  
13 likely to experience in the future.

14 As Judge Thompson will say, pain and  
15 suffering includes mental pain and suffering.  
16 And then another element of damages is medical  
17 bills and medical expenses.

18 What I want to do now is be quiet till y'all  
19 are done writing. What I want to do now is go  
20 through and I'll give you some ideas of ways you  
21 might choose to calculate damages. But it ain't  
22 up to me. It's up to you. So what I'll present  
23 are thoughts about how you might do it.

24 Mr. Scott is right. This is a millions of  
25 dollars case. That's the range we're in. But

1           how exactly where you end up and how you get  
2           there are up to you. All I want to do is give  
3           you some ideas of ways to think about it, paying  
4           attention to those legal categories that we  
5           talked about: interference with daily living,  
6           past pain and suffering, future pain and  
7           suffering, and medical bills.

8           The first way I want to talk about it is a  
9           job description. And what I mean by that is I'll  
10          ask you to imagine a job description where the  
11          description matches what Mr. Taylor has been  
12          through and will go through. And the question is  
13          how much you think a reasonable person, an  
14          ordinary person would have to be paid in order to  
15          accept that job where the description is like  
16          what Mr. Taylor has gone through.

17          Here's the job description.

18          You're going to be in a car wreck. Imagine  
19          that a reasonable person is reading this in the  
20          newspaper on Craig's list. You've been in a car  
21          wreck out of the blue. You're not going to do  
22          anything wrong. You'll be in the wrong place at  
23          the wrong time. You'll have pain in your neck  
24          and back and knee and wrist. You'll try what  
25          doctors will later call conservative measures,

1           ibuprofen, therapy and injections. And those  
2           aren't going to work.

3           And then you're going to have to undergo  
4           surgery on your back, your neck and your wrist  
5           and your knee. After that you're going to go  
6           through more therapy. You're going to have  
7           fractured teeth with no good way to fix them, and  
8           even after all these surgeries, you're still  
9           going to hurt, probably for the rest of your  
10          life.

11          You're going to spend years going from doctor  
12          to doctor. Your family is going to tell you that  
13          you've changed. You'll make suicide attempts.  
14          Sometimes you will forgot where you're going and  
15          where you are.

16          There are no holidays and you don't get  
17          weekends off. The hours are 24/7. Even when you  
18          sleep, you will hurt. And your wife will have to  
19          put a pillow between you because you tremble at  
20          night. There are no benefits and ere are no  
21          perks. All you get for taking this job is the  
22          money.

23          Now, I mentioned that the pain and suffering  
24          and interference with daily living damages come  
25          into two buckets, the future and the past.



1 I'll talk about the future first. Going  
2 forward you might decide that to accept a job  
3 like this, you think ten dollars an hour would be  
4 fair. If you think that, here's what the future  
5 damages are. In order to calculate -- the law  
6 has a way to calculate the life expectancy based  
7 on their age, and it's in evidence that you'll  
8 have in the jury room. It's Plaintiff's Exhibit  
9 81. It's called the Annuity Mortality Tables.  
10 It has males and females. And if you look at  
11 sixty-seven year-old male -- that's Mr. Taylor --  
12 it says one three point seven one years. It's  
13 13.7 years. That's his expected life expectancy.

14 Now, you may wonder, well, most people don't  
15 live to be 80, but the reason it's like that,  
16 once you make it to sixty-seven you've already  
17 survived some events that otherwise skew the  
18 average like child death and things like that.  
19 What the tables tell you -- they're in evidence;  
20 they're for legal use -- is at 67 you're supposed  
21 to have 13.7 years.

22 If you do the math -- if y'all want to check  
23 me on this math, I've double checked it and  
24 Ms. Christy has checked it. We think it's right.  
25 If you want to check my math, please do. I don't

1 know if you have your phones in the jury room if  
2 you want to calculate it. You can ask the judge  
3 for a phone. But anyway 13.71 years is five  
4 thousand and four point one five days. Multiply  
5 that by twenty-four and you have a hundred and  
6 twenty thousand ninety-nine point six hours.  
7 Multiple a hundred and twenty thousand ninety-  
8 nine point six hours by ten dollars an hour and  
9 you get the future component of damages and that  
10 comes to one million two hundred nine hundred and  
11 ninety-six dollars.

12 Now, that's the future part of this job  
13 description, but of course Mr. Taylor's had this  
14 job since the day of the wreck. So there's also  
15 the past and what he's had to endure in the past  
16 is worse than what he'll endure in the future  
17 because he has gotten better. His pain isn't as  
18 bad as it was before he saw the doctors and it's  
19 better. You heard Dr. Burke say and his family  
20 say, he's made progress mentally, too. So as to  
21 what for taking this job in the past from the day  
22 of the wreck up until now, you might decide that  
23 is worth twenty dollars an hour.

24 If you do, here's how the math shakes out.  
25 If you take the day of the wreck until today,

1 January 26, 2018, that's three years, two months,  
2 eighteen days, or one thousand one hundred  
3 seventy-five days. Multiply that by twenty-four  
4 and you get twenty-eight thousand two hundred  
5 hours. And then you get your total past damages  
6 here at five hundred sixty-four thousand dollars.  
7 It comes out to a nice round number.

8 If you use the job description approach that  
9 we talked about, then, here's how it totals out.  
10 For the future, there's one million two hundred  
11 and nine hundred sixty-six dollars.

12 For the past, five hundred sixty-four  
13 thousand dollars. If you add the medical bills,  
14 which is another element of damages, they were  
15 two hundred seventy-five thousand, two hundred  
16 eighty-six dollars and sixty-three cents. And I  
17 believe the defense has said they don't contest  
18 that.

19 They'll be in evidence by the way as  
20 Plaintiff's Exhibit number 32. There's going to  
21 be a chart with you that came in with Carol  
22 Taylor, but has all the medical bills and  
23 explains the total. Anyway, that total is here.

24 And then I tried to add it all up, but I  
25 screwed it up, so Ms. Christy had to correct me.

1 The real total for adding these three, future,  
2 past and medical bills, is two million forty  
3 thousand two hundred fifty-two dollars and sixty-  
4 three cents.

5 Now, this is one approach that you can use,  
6 but you ain't got to use it. You can think of it  
7 differently if you decide to. And I've thought  
8 of a couple of other ways you might decide to  
9 think about damages in this case.

10 One is you might think about the surveillance  
11 guy. His name was Grimshaw. Now, I went through  
12 the invoice with him, which would be in evidence,  
13 and we did the math and it came out that the  
14 defense paid him seventy-two dollars and eighty-  
15 five cents per hour. For that what he mostly did  
16 was sit in his car and take the video tape. And  
17 as to the bucket, the future bucket or the past  
18 bucket, we believe he goes in the past bucket  
19 because his job was to figure out what was going  
20 on between the car wreck and now.

21 So if you use that to go back again to the  
22 same date calculation with the car wreck day to  
23 today, it is still one thousand one hundred  
24 seventy-five days which still comes out to  
25 twenty-eight thousand two hundred hours. If you

1 multiply that times that the defense chose to pay  
2 them, you get this total: two million two hundred  
3 six thousand, six hundred and fifty dollars.

4 Last idea I got for you is based on their  
5 testifier, DeFilippis. Now, his hourly rate was  
6 five hundred dollars an hour. What he did for --  
7 that actually wasn't all he did, but that rate  
8 was when he was giving his deposition, which is  
9 not easy. You sit there and you answer  
10 questions. You got to put up with me. That  
11 ain't easy, but it's easier than being in a car  
12 wreck.

13 Anyway, he belongs in the future because his  
14 job was to describe what Mr. Taylor is going to  
15 be like in the future. You saw that screen shot  
16 with the prognosis where he did that. If you do  
17 that you use the same -- if you put them in the  
18 future bucket, you use the same annuity mortality  
19 tables, Plaintiff's 81, that we talked about  
20 13.71 years, is still five thousand and four  
21 point one five days. It's still a hundred twenty  
22 thousand ninety-nine point six hours.

23 And here I had to just do the adjustment  
24 because -- I had to adjust it because if you  
25 multiply that times five hundred dollars an hour,

1           you get like sixty million dollars, which is more  
2           than I feel like we ought to be asking for. So  
3           in this suggestion, I took just five percent of  
4           that. Five percent of what the defense paid  
5           DeFilippis to give a depo is twenty-five dollars  
6           an hour.

7           If you use that figure, twenty-five dollars  
8           an hour, and multiply it by hundred twenty  
9           thousand ninety-nine point six hours, you get  
10          this figure: three million two thousand four  
11          hundred and ninety dollars.

12          Ms. Christy, if you pull up Plaintiff's  
13          Exhibit 60, please.

14          I hope that by the time I'm sixty-seven if  
15          someone goes through all my records and all my  
16          medical history and all that, that the worst  
17          thing they can think to say about me is that they  
18          don't like the way I posted stuff on Roadtechs,  
19          but I also hope that by the time I'm sixty-seven  
20          that I have done something to deserve to get a  
21          note like that from one of my children.

22          That's Plaintiff's Exhibit sixty. That's the  
23          note that Jimmy Taylor wrote to his father. And  
24          if you want to look into Kurt Taylor's soul and  
25          if you want to know what kind of man he is, if

1           you want to look into the core of his being, I  
2           don't know of a better window than this note,  
3           Plaintiff's Exhibit 60. And it will be back  
4           there with you. You can evaluate for yourselves  
5           who Mr. Taylor has been and what the future looks  
6           like.

7           At the beginning of this case, I talked with  
8           y'all a little bit about opportunity. Now is the  
9           time for that. I'm wrapping up and the case is  
10          just about to be yours. If you've taken this  
11          seriously, now is the time based on the evidence,  
12          if you think that authorizes you making a  
13          difference, now is the time to do this.

14          I want to thank you for being a great jury.  
15          I want to thank you for paying attention. I want  
16          to thank you for caring. We appreciate it and we  
17          have faith in y'all.

18          Thank you.

19          THE COURT: Thank you, Mr. Butler.

20          Ladies and gentlemen, that concludes closing  
21          arguments.

22                                 (Thereupon, closing  
23                                 arguments were concluded,  
24                                 after which jury  
25                                 instructions were given.)

C E R T I F I C A T E

STATE OF GEORGIA  
COUNTY OF FAYETTE

I, Donna Hasinski, do hereby certify that the foregoing hearing was taken down, as stated in the caption, and the questions and the answers thereto were reduced to typewriting by me; that the foregoing pages 1 through 63 are a true, correct, and complete transcript of the evidence given; that I am not a relative, employee, attorney, or counsel of any of the parties; that I am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the action.

This, the 11th day of April, 2018.

*Donna Hasinski*

Donna Hasinski  
Certified Court Reporter  
Certificate Number B-2116

