

IN THE CIRCUIT COURT FOR CHARLES COUNTY, MARYLAND

THEODORE ERVIN

v.

et al.

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+

C-07-1783



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

... the Honorable Christopher C.

1 THE CLERK: It was on the shelf, Your Honor;
2 with the dockets and everything.

3 THE COURT: Okay.

4 THE CLERK: Thank you.

5 THE COURT: You can keep it.

6 THE CLERK: Okay.

7 THE COURT: Okay, anything before I bring the
8 jury in?

9 MR. FORD: No, Your Honor.

10 MR. BRATT: No, Your Honor.

11 THE COURT: When do you want to do the
12 stipulations?

13 MR. STEPHENSON: We can do it now if you'd
14 like.

15 THE COURT: Before opening or after?

16 MR. STEPHENSON: Oh, well, now is fine Your
17 Honor just to put it on the record. I think we're gonna
18 be mentioning the stipulations in opening. I think we're
19 in agreement that Baltimore Tank Lines stipulates to the
20 fact that Danny Quade was it's agent at the time of the
21 accident and was operating the vehicle in the scope and
22 course of his employment.

23 And that -- we stipulate that Danny Quade was
24 the only Baltimore Tank Lines driver that could have been
25 within the vicinity at the time of the accident.

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THE COURT: Okay.

Let's bring in the jury panel.

(The jurors are brought into the courtroom at
10:13 a.m.)

THE CLERK: These are the microphones that
ya'll need to use, okay, so that they get a good
recording on them. Just --.

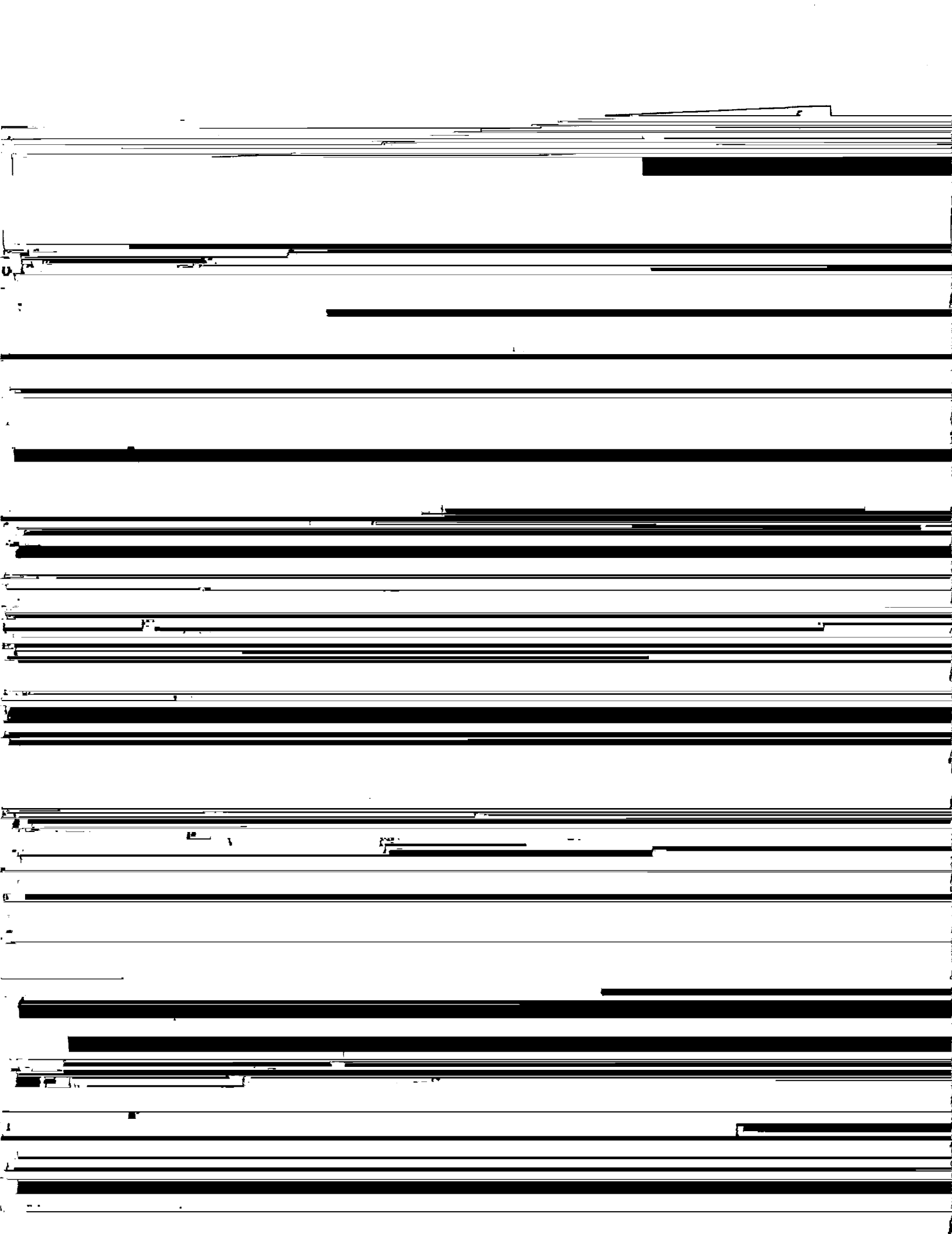
MR. STEPHENSON: For the opening?

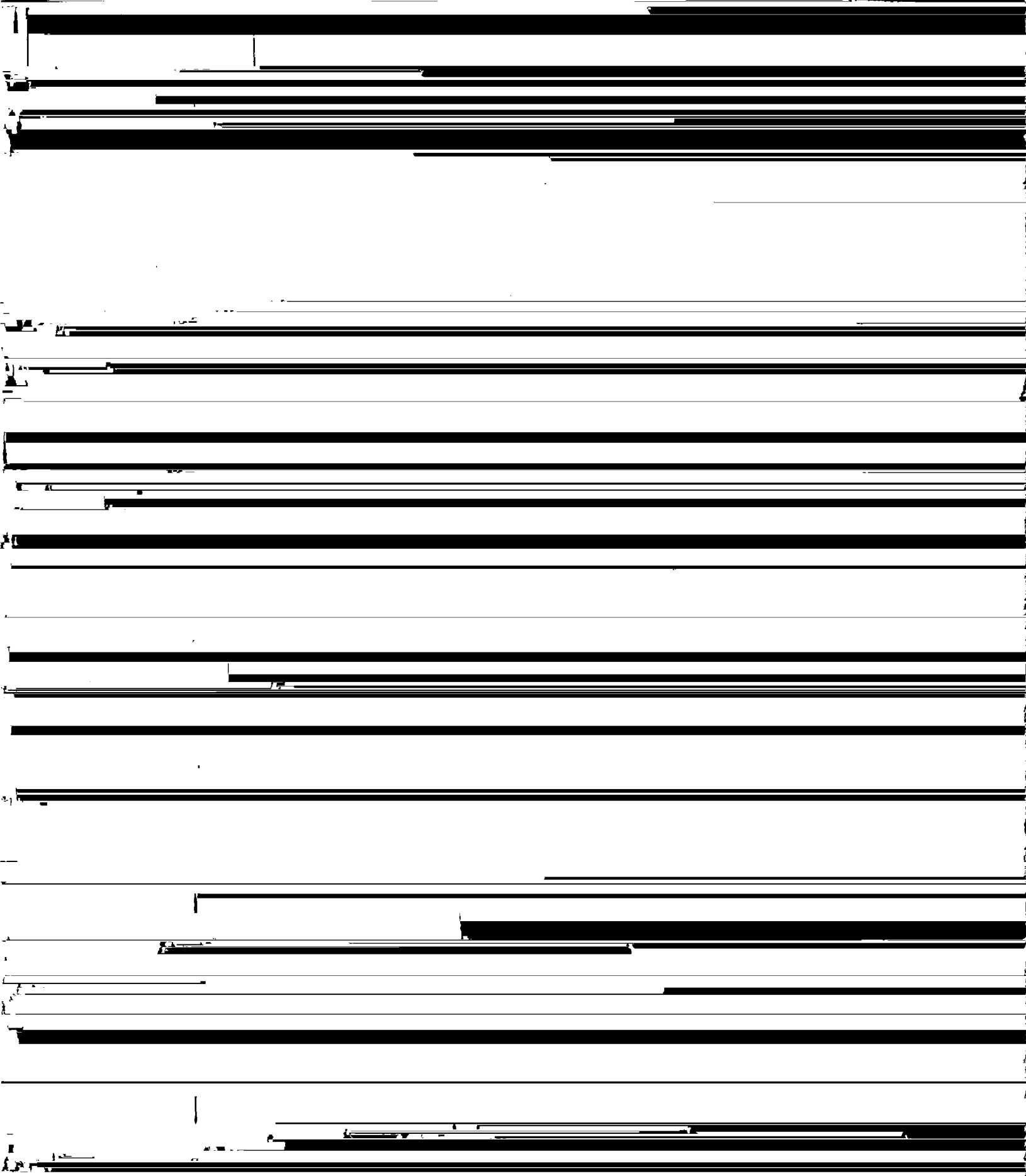
THE CLERK: For the whole trial.

Okay.

This is on. Just make sure when you -- they
take a recess or you speak to your client that you kind
of cover it or take it off. Turn it off when you go to
the restroom.

MR. STEPHENSON: It -- it -- it only amplifies,





1 THE CLERK: 35.
2 A JUROR: Here.
3 THE CLERK: 36.
4 A JUROR: Here.
5 THE CLERK: 41.
6 A JUROR: Here.
7 THE CLERK: 43.
8 A JUROR: Here.
9 THE CLERK: 47.
10 A JUROR: Here.
11 THE CLERK: 49.
12 A JUROR: Here.
13 THE CLERK: 51.
14 A JUROR: Here.
15 THE CLERK: 52.
16 A JUROR: Here.
17 THE CLERK: 53.
18 A JUROR: Here.
19 THE CLERK: 55.

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Juror 162.

A JUROR: Here.

THE CLERK: Is there any jurors' number who I
did not call?

Thank you.

And will you please stand and raise your right
hand.

You do solemnly promise and declare that you
shall true answers make to such questions as the Court
shall propose to you

[REDACTED]

[REDACTED]

1 damage including a car accident, worker's compensation,
2 assault and battery, slip and fall or products
3 malfunction claim.

4 Okay, one this we'll -- if you line up in the
5 center aisle we'll hear from you one by one.

6 (Counsel approaches the bench.)

7 THE COURT: For the record Juror Number 15 was

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THE COURT: Okay.

And was that here in Charles County?

A JUROR: Charles County.

It was the Waldorf Giant.

THE COURT: Okay.

Okay.

Q- I 1. ~~What was the approximate compensation?~~

1 But you'll have to remain here till the other jurors are
2 excused. But don't answer any other questions, okay?

3 A JUROR: Okay.

4 Thank you very much.

5 THE COURT: Thank you.

6 THE BAILIFF: 19.

1 Thank you.

2 A JUROR: Thank you.

3 THE BAILIFF: 16.

4 A JUROR: Good morning.

5 THE COURT: Yes, your response.

6 A JUROR: Just that I'm a manager of a law
7 office in La Plata and my husband and he does a lot of
8 civil and --.

9 THE COURT: He basically does -- a lot of real
10 estate doesn't he?

11 A JUROR: A lot of real estate but a lot of
12 civil too.

13 THE COURT: Okay.

14 A JUROR: And does settlement conferences in

1 he does a lot of real estate type work. He does --.

2 A JUROR: Some accident cases through
3 settlement conferences but he's a mediator so.

4 THE COURT: He's a mediator; yeah.

5 MR. STEPHENSON: Okay.

6 Got it.

7 Thank you.

8 THE COURT: Okay.

9 A JUROR: Thanks.

10 THE COURT: Yeah, his name is Jim Gorney. He's
11 down here but he's basically a real -- a really top notch
12 real estate.

13 THE BAILIFF: 53.

14 MR. FORD: 53?

15 THE COURT: 53.

16 Yes, ma'am, your response.

17 A JUROR: Yes, I -- my husband was involved in
18 a car accident.

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THE COURT: What type of injury was it?

A JUROR: Back injury.

THE COURT: Did the case go to trial?

A JUROR: No.

THE COURT: Was it settled?

A JUROR: Yes.

~~THE COURT: Did anyone feel he was treated~~

1 recently.

2 THE COURT: Okay.

3 A JUROR: Pending court action or pending not
4 necessarily court action but pending -- claim I guess.

5 THE COURT: Okay.

6 And how long ago was that?

7 A JUROR: June 4th.

8 THE COURT: Oh, just June the 4th.

9 And were you injured?

10 A JUROR: Yes.

11 THE COURT: And are you represented by an
12 attorney in the case?

13 A JUROR: Yes.

14 THE COURT: Okay.

15 And in light of that experience do you feel you
16 can be fair and impartial as a juror in this case?

17 A JUROR: Yes.

18 THE COURT: Okay.

1 THE COURT: And what happened with the claim?

2 Did it go to trial or was it settled?

3 A JUROR: It was settled -- it was settled

4 before.

5 THE COURT: Did you feel you were treated

1 insurance company would pay.

2 THE COURT: Did you feel he was treated fairly
3 by everyone involved in the process?

4 A JUROR: Yes.

5 THE COURT: In light of that fact do you feel
6 you could be fair and impartial as a juror in this case?

7 A JUROR: Yes I do.

8 THE COURT: Okay.

9 Thank you.

10 A JUROR: Thank you.

11 THE BAILIFF: 51.

12 THE COURT: Yes, sir.

13 Your response.

14 A JUROR: Oh yes my father has -- he is in

1 THE COURT: Okay.

2 In light of that fact do you feel you could be
3 fair and impartial as a juror in this case?

4 A JUROR: Yes.

5 THE COURT: Okay.

6 Thank you.

7 A JUROR: Um hum.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

1 THE COURT: Yeah, I'm not gonna ask about it.

2 Okay.

3 Has any member of the jury panel or member of
4 their immediate family or close personal friend ever
5 worked in the legal profession?

6 Okay, once again we'll hand around the

7 microphones and we'll take the responses one by one

1 THE COURT: Okay.

2 A JUROR: My sister, brother and (inaudible).

3 THE COURT: Could you repeat that? I couldn't
4 catch that.

5 A JUROR: Juror Number 26. Brother and sister
6 and cousin are police officers.

7 THE COURT: Okay.

8 Thank you.

9 A JUROR: Juror Number 5. My wife works as a
10 legal secretary.

11 THE COURT: Okay.

12 A JUROR: Juror Number 34. 27 -- military
13 (inaudible).

14 THE COURT: Okay.

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1 Thank you.

2 A JUROR: My husband was a -- claim's adjuster
3 for about five years.

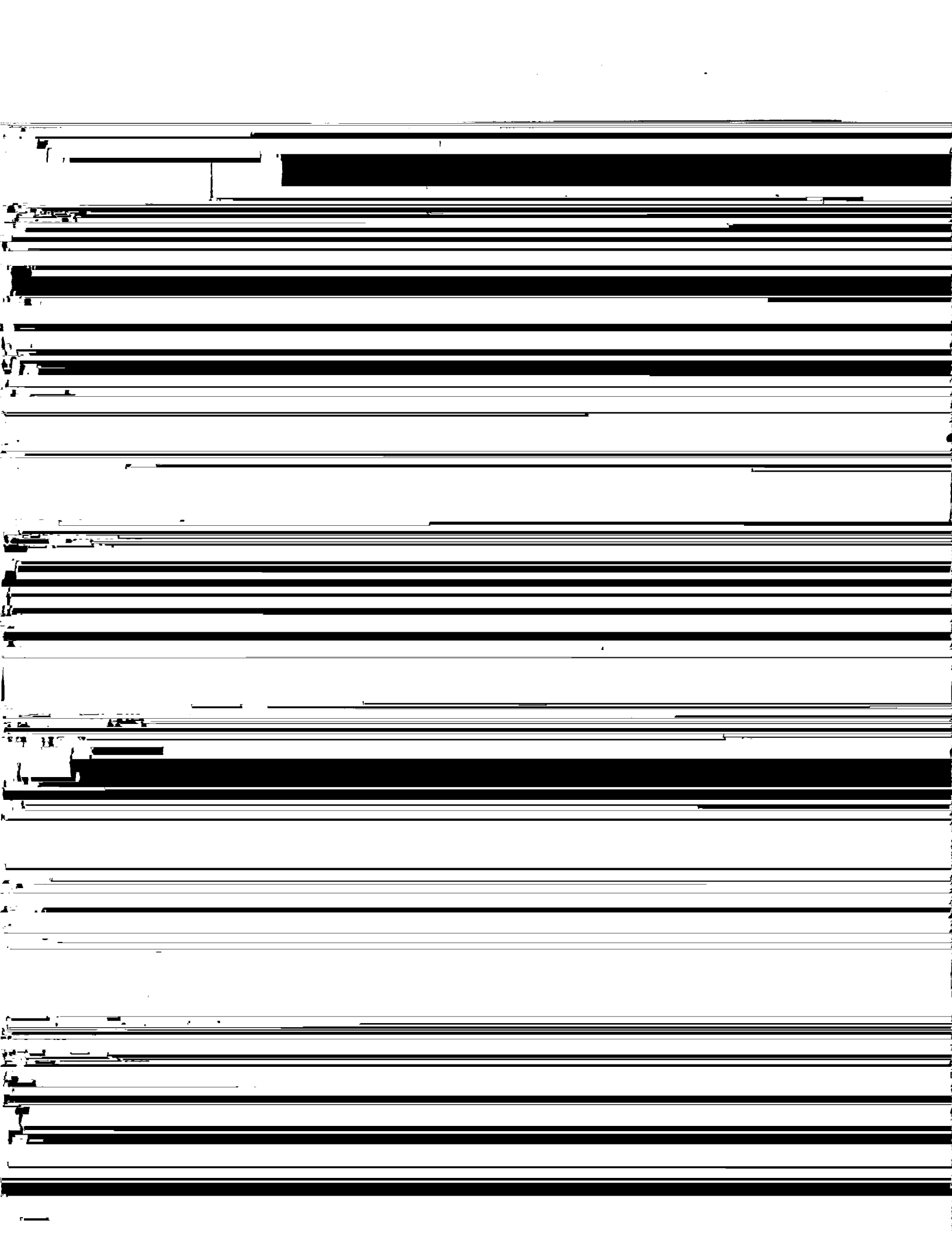
4 THE COURT: Okay, and that was juror number?

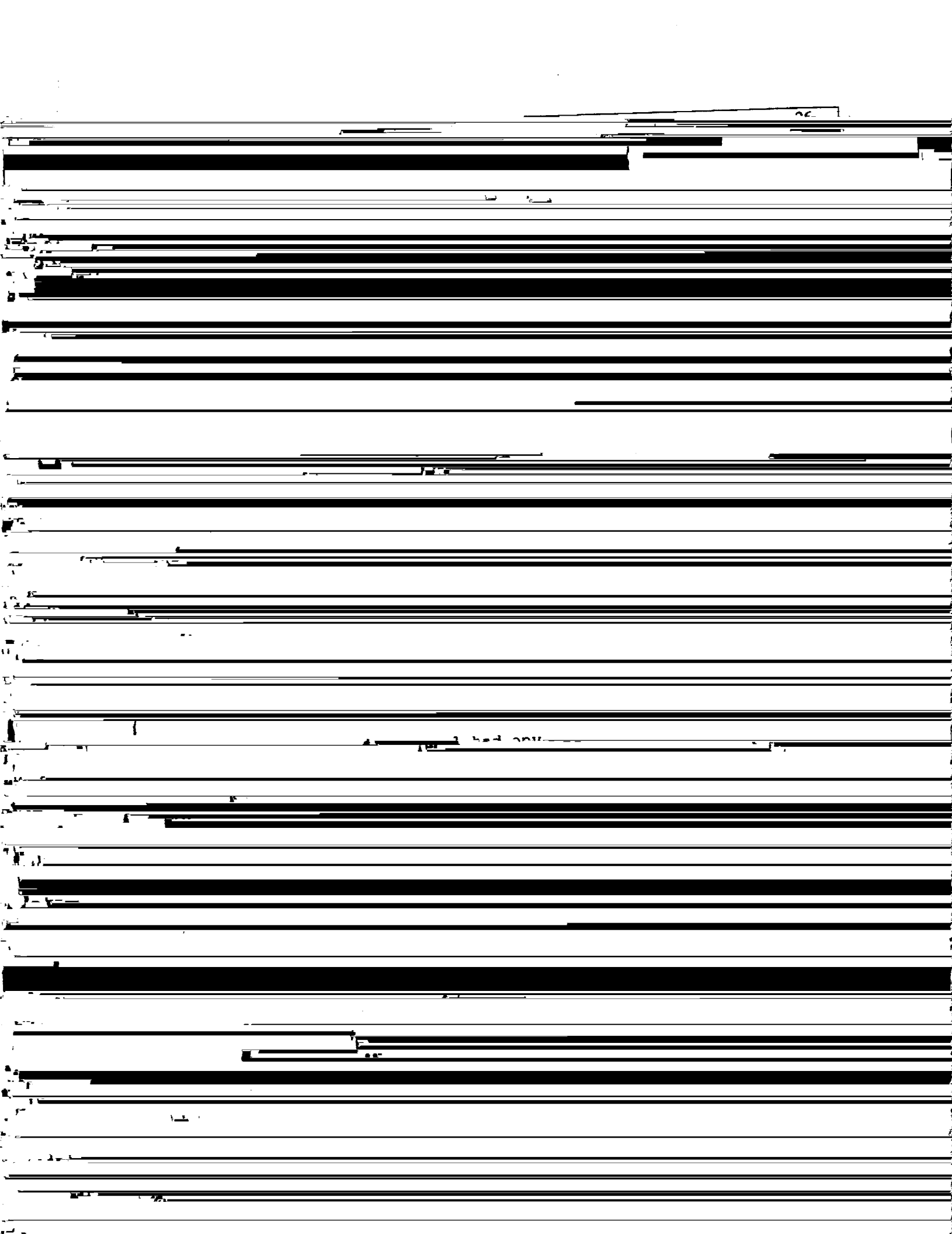
5 A JUROR: (Inaudible.)

6 THE COURT: Okay.

7 Has any member of the jury panel or member of
8 their immediate family or close personal friend ever

9 been a member of a police department?





1 Let -- let me guess what the next response is
2 gonna be.

3 Go ahead.

4 A JUROR: Juror Number 4. I'm her boss.

5 (Laughter.)

6 THE COURT: Thank you.

7 A JUROR: Juror Number 18. We all (inaudible)
8 work for Charles County Public Schools.

9 THE COURT: Okay.

10 Has any member of the jury panel ever testified
11 as a witness in any case whether criminal or civil?

12 Let the record reflect there's no response.

13 Okay, will Counsel approach please.

...pick one alternate just to be safe.

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Number 16.

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27.

And Juror Number 30.

... satisfied with the special

1 Mr. Swann, our Bailiff, will show you where the jury
2 deliberation room is located.

3 Additionally if you've left anything in the
4 jury assembly room this would be the time to retrieve it.

5 Number -- Juror Number 16 has been chosen as
6 the Foreman. I ask that she sit in the chair closest to
7 the entry to the jury box. The other jurors can sit
8 where they -- in which ever chairs they feel comfortable
9 in.

10 Mr. Swann, please show them out.

11 (The jurors are excused at 10:47 a.m.)

12 Counsel I would remind you that your
13 microphones are on so if you don't want to be overheard
14 at the counsel table, turn them off.

15 Okay.

16 MR. FORD: I'll never remember it.

17 THE CLERK: All rise.

18 (Court is in session at 11:04 a.m.)

19 THE COURT: Please be seated.

20 Okay, anything before we bring the jury in?

21 MR. BRATT: No, Your Honor.

22 THE COURT: Let's bring them in.

23 (Jurors are brought into the courtroom at 11:04