

1 indicator; didn't do it. That's all violations of
2 Statute; it's negligence.

3 I don't have a second opportunity to address
4 you. The Plaintiff will have a second opportunity. We
5 don't get to do a rebuttal that's cause it's their burden
6 of proof.

7 So I would just like to finish by thanking you

1 Defendant's was negligent and if that negligence -- or --

2 and if that negligence was a cause of this

1 What he did is what a reasonable person would
2 have done. He swerved away from it as quickly as
3 possible.

1 isn't any.

2 Ms. Young can't say whether Mr. Ervin was

1 Well, everything that happened for this accident to have

2 ~~happened is that this driver didn't do what he~~

1 constant at 35 or 40 miles an hour and that's consistent

2 she said she was going 25 or

1 see the white Honda either which would have been right

2 ~~was with his truck she didn't see~~ Her testimony is.

1

diagram what I see, what I think is what most likely

1 answer question -- the question pertaining to Baltimore
2 Tank Lines that one, the Baltimore Tank Lines vehicle was
3 negligent. And two, that that negligence was the cause
4 of the accident.

5 You should evaluate Mr. -- what Mr. Ervin did
6 as you're required to under the law through the light of
7 the situation he was in a clear and present serious
8 danger right there to him. He did what a reasonable
9 person would do in trying to get away from it. And we
10 can't Monday morning quarterback what he did from our
11 comfortable position in the courtroom.

12 Also, he doesn't have the burden to show that
13 he didn't do something negligent. The Defense has the
14 burden to show that he did and you've heard no evidence

15 ~~that he did something negligent.~~