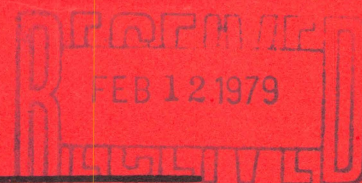


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SUPREME COURT OF VIRGINIA



RICHMOND, VIRGINIA

IN THE
Supreme Court of Virginia
AT RICHMOND

RECORD NO. 781121

PRESTON EDWIN PARKER,

.....Appellant

v.

JESSIE EUGENE DAVIS,

.....Appellee

JOINT APPENDIX

Hugh A. West, Esquire
Suite 303
Professional Building
Suffolk, Virginia 23434

Counsel for Appellant

J. Samuel Glasscock, Esquire
GLASSCOCK, GARDY & SAVAGE
Post Office Box 1876
Suffolk, Virginia 23434

Counsel for Appellee

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MOTION FOR JUDGMENT

Plaintiff, Edwin Preston Parker, moves the Circuit Court of the City of Nansemond, Virginia, for judgment against the defendant, Jessie Eugene Davis, in the sum of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS, due plaintiff by defendant for this, to-wit:

1. On October 30, 1972, plaintiff was operating a certain pickup truck and entering U.S. Highway 460 from the North exit of the Suffolk Plaza Shopping Center in the City of Nansemond, Virginia.

2. On said date, Jessie Eugene Davis was operating a certain automobile in a Westerly direction along U.S. Highway 460 at its intersection with the North exit of Suffolk Plaza Shopping Center in the City of Nansemond, Virginia.

3. At said time and place, Jessie Eugene Davis operated his motor vehicle in a careless and negligent manner thereby causing it to collide with the automobile which plaintiff was operating.

4. As a result of the aforesaid carelessness and negligence of defendant, plaintiff sustained severe, painful and permanent injuries, causing severe physical pain and mental anguish, the expenditure of large sums of money for medical care and services and other necessary expenses; loss of time from his gainful employment and causing him to be unable to attend to his necessary and lawful affairs.

WHEREFORE, plaintiff asks judgment of the defendant
in the sum of \$100,000.00.

EDWIN PRESTON PARKER

By Hugh A. West
Counsel

R. D. HUNTER, III
HUGH A. WEST
Suite 303 Professional Building
Suffolk, Virginia
Counsel for plaintiff

O R D E R

This matter came on to be heard upon the motion of the defendant to set aside the jury verdict rendered on May 26, 1976. Upon consideration and review of the transcript of trial, the exhibits and the argument and briefs of counsel, the Court is of the opinion that the plaintiff was guilty of contributory negligence as a matter of law and that the defendant's motion should be granted.

WHEREFORE, it is ORDERED that the defendant's motion to set aside the verdict of the jury is granted and it is further ORDERED that the plaintiff recover nothing of the defendant and that judgment be entered in favor of the defendant, to which the plaintiff duly excepts.

The transcript of the testimony introduced and the proceedings had upon the trial of this case on May 25 and 26, 1976, shall be a part of the record in this case.

Enter this 5th day of June, 1978.

George F. Whitley
JUDGE.

We ask for this:

Samuel Glanville
Of Counsel for Defendant

Seen and excepted to:

F. L. Hester
Of Counsel for Plaintiff.

A TRUE COPY, TESTE:
GLORIA H. MORGAN, CLERK

By *Eula M. Williams*, D. C.

Commonwealth of Virginia

JAMES C. GODWIN, Judge
441 Market Street
P.O. Box 1262
Suffolk, Virginia 23434



GEORGE F. WHITLEY, JR., Judge RET
~~XXXXXX~~
P.O. Box 307
Smithfield, Virginia 23430

FIFTH JUDICIAL CIRCUIT COUNTIES OF SOUTHAMPTON, AND ISLE OF WIGHT CITY OF SUFFOLK

May 17, 1978

Mr. J. Samuel Glasscock
Attorney at Law
P. O. Box 1876
Suffolk, Virginia 23434

Mr. Hugh A. West
Attorney at Law
P. O. Box 333
Suffolk, Virginia 23434

Mr. R. D. Hunter, III
Attorney at Law
100 Western Avenue
Suffolk, Virginia 23434

In Re: Parker vs. Davis #4214

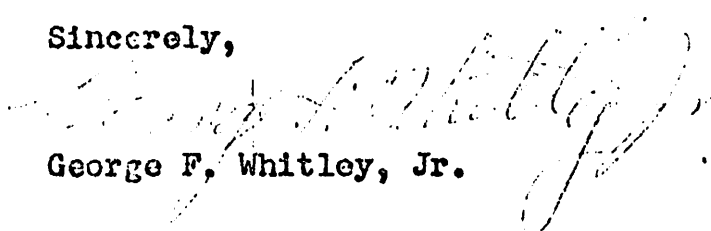
Gentlemen:

After reviewing the transcript and exhibits, and reading the briefs and authorities cited, I have decided to sustain defendant's motion to set aside the verdict and enter judgment for the defendant.

From the exhibits and the testimony of Trooper Davis relative to the physical facts, particularly, but also from the other testimony I have concluded that the plaintiff was guilty of contributory negligence as a matter of law.

I expect to be out of the State from June 2nd to June 21st, so if you wish an order entered quickly you may submit it before June 2.

Sincerely,


George F. Whitley, Jr.

GFWjr/ksh

cc: Mrs. Gloria H. Morgan, Clerk
Suffolk, Virginia

IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

PRESTON EDWIN PARKER

Appellant

v. Record No. 781121

JESSIE EUGENE DAVIS

ASSIGNMENT OF ERROR

The Court erred in setting aside the verdict and
entering judgment in favor of the defendant.

PRESTON EDWIN PARKER

By *Hugh A. West*
Of Counsel

R. D. HUNTER, III
100 Western Avenue
Suffolk, Virginia 23434

HUGH A. WEST
303 Professional Building
Suffolk, Virginia 23434

Counsel for appellant

1 MR. HUNTER: Arthur Pulver.

2
3
4 ARTHUR PULVER,
5 called as a witness on behalf of the
6 Plaintiff, having been previously duly
7 sworn, was examined and testified as
8 follows:
9

10 DIRECT EXAMINATION

11
12 BY MR. HUNTER:

13 Q State your name, please.

14 A Arthur William Pulver, Junior.

15 Q What is your address?

16 A Route 2, Box 345, Tarboro, North Carolina.

17 Q Can everyone hear?

18 How old are you?

19 A Twenty-nine.

20 Q What is your occupation?

21 A Truck driver.

22 Q Do you know Mr. Preston Parker?

23 A No.

24 Q Do you know Mr. Davis sitting next to Mr.

25 Glasscock?

1 A No, I don't.

2 Q I want to call your attention to October
3 30, 1972. Were you in the city of Suffolk or Nansemond County
4 at that time?

5 A Yes, sir.

6 Q I further want to call your attention to
7 around 9:30 or 9:40 in the morning. Where were you at that
8 particular time?

9 A I was at the middle entrance to the Suffolk
10 Plaza, standing on the corner waiting to cross the street.

11 Q Let's get that in more detail so I'll
12 be sure that the Jury knows exactly where you were.

13 You say the middle entrance?

14 A Yes, sir.

15 Q Is that the one with the light?

16 A Yes, sir.

17 Q Where exactly were you standing?

18 A I was standing on the corner closest to
19 Suffolk. In other words if you went north and south, I was
20 on the south side of the entrance.

21 Q On the side closest to Suffolk on the
22 shopping center side?

23 A Yes, sir.

24 Q Where were you intending to go?

25 A I was waiting to cross the street to go

1 to that tire store to get the price of some tires. I'm not
2 sure what the name of it is.

3 Q But you were intending to cross the street?

4 A Yes.

5 Q As you stood there, were you watching the
6 light?

7 A Yes, sir.

8 Q What did the light do?

9 A The light changed to caution. The cars
10 ~~proceeded to stop~~ and I was starting to cross the street.

11 Q What cars stopped or what vehicles stopped,
12 if you can remember?

13 A I can't remember. I know there were two
14 cars stopped. There was a lady in the first one and I don't
15 know.

16 Q What lane did they stop in?

17 A In the right lane.

18 Q Is this the one closest to the curb?

19 A No, sir. There was a lane where you get
20 in to turn into the shopping center. They were in the one
21 next to that to keep continuing straight.

22 Q Well, let's refer to that as the right-hand
23 lane because did that lane continue forward or turn in?

24 A It continued forward.

25 Q Were any cars in the left-hand lane or the

1 passing lane?

2 A No, sir.

3 Q What did you notice then take place?

4 A Well, as I started to cross the street,
5 there was a Cadillac. I can't remember what kind because I
6 was looking to make sure the traffic was going to stop. He
7 whipped out behind these two cars into the left-hand lane and
8 went through the light.

9 Q When did you first notice that Cadillac?

10 A As he was coming around the curve there.
11 There was a sharp curve and I watched him come around.

12 Q What direction is that toward?

13 A The curve is towards Suffolk.

14 Q Where on this curve did you notice him?

15 A Just as you can see the cars as they are
16 coming from Suffolk I seen him.

17 Q What was his method of driving as you saw
18 him?

19 A Speeding..

20 Q Do you have an estimate of the speed?

21 A I would say at least 50.

22 Q Do you know the speed limit along there?

23 A I believe it's 35 or 30.

24 Q Tell us what he did as he approached the
25 light?

1 A He was in the right lane coming out of Suffolk
2 As I said, the two cars stopped at the light as it turned yellow.
3 He whipped his car from the right lane over to the left lane
4 in a manner that it made the tires holler.

5 Q It made the tires holler?

6 A Yes, sir. They squealed as he went over in
7 the left lane.

8 Q Then what happened?

9 A He just sped right on through the light.

10 Q What did you do?

11 A I got back on the curb.

12 Q Did you follow him with your eyes up the
13 road?

14 A Yes.

15 Q What did you see when you looked up northward
16 or out of Suffolk?

17 A I watched him go through the light and
18 I believe it was a Toyota or a Datsun --

19 Q Where was the truck?

20 A He was coming out of the shopping center at
21 the far exit by Montgomery Wards. He was coming out onto
22 460 proceeding to make a right turn to go towards Petersburg.

23 Q What type of vehicle was it?

24 A A small white truck. It had a rack on
25 the back of it. I don't know if it was a Toyota or Datsun, but

1 a small truck, I know.

2 Q When did you first see the truck in relation
3 to the Cadillac?

4 A As the Cadillac came through the light
5 because I watched him and I seen this was the gentleman
6 driving it after I run up there. He was already in the
7 process of making a turn and I watched him turn out on 460 when
8 he thought the other traffic coming from Petersburg had stopped
9 at the light. The traffic was stopping coming from Suffolk
10 at the light.

11 Q Mr. Pulver, when you first noticed the
12 pickup pulling out of the shopping center where was the Cadillac?

13 A The Cadillac hadn't yet come through the
14 light.

15 Q Had not?

16 A No, sir.

17 Q Well, describe how the pickup was pulling
18 out.

19 A He was pulling out slow, just making a
20 right-hand turn on 460.

21 Q Did you watch him?

22 A Yes, sir.

23 Q Were you able to watch the truck and the
24 Cadillac at the same time?

25 A Yes, sir; it was going that fast.

1 Q You could see both vehicles at the same
2 time?

3 A Yes, sir; because as I say, he was just
4 making the turn as the Cadillac came around the other cars
5 and went through the red light.

6 Q What was the Cadillac's method of driving
7 as it went through the light and towards the pickup truck?

8 A Sir, like he couldn't see nothing. The
9 road was open. Everything had stopped and he came through the
10 light and he stayed in the left lane and started drifting
11 over to the right and -- wham -- right into the side of the
12 driver's side of the truck.

13 Q What lane of travel was the pickup in when
14 it was struck?

15 A Just making his turn onto 460 and he was
16 in the right lane.

17 Q Did the truck ever go into the left lane?

18 A Never went over that white line in the
19 middle of the road.

20 Q Did any of the truck go over that white
21 line?

22 A No, sir.

23 Q Where was the truck when it was struck?
24 What lane of travel was it in when it was struck by the
25 Cadillac?

1 A Coming into the right lane to make a right-
2 hand turn when he got hit.

3 Q What part of the truck was struck?

4 A Right behind the driver's door - right
5 behind the left-hand door - the driver's door, right behind
6 the door.

7 Q What part of the Cadillac struck the truck?

8 A The Cadillac's right fender.

9 Q I want to show you some pictures, Mr.
10 Pulver.

11 Can you identify this picture? We can hold
12 it up here and then I'll pass it around.

13 A Yes, sir. That is the way they were sitting
14 after the --

15 Q Which car is that?

16 A That's the Cadillac that hit the small truck.

17 Q Up on the embankment on the side - what
18 is that?

19 A The truck that got hit that was coming out
20 of the shopping center.

21 THE COURT: Plaintiff's Exhibit Number 1.

22 (Whereupon the aforementioned
23 photograph was marked and received in
24 evidence as Plaintiff's Exhibit No. 1.)
25

1 BY MR. HUNTER:

2 Q The next photograph, Mr. Pulver - Plaintiff
3 Exhibit 7; will you describe that view?

4 A Yes, sir.

5 This is approximately where I was standing
6 as this was taken while I was down just a little bit farther
7 as the Cadillac came up and hit the truck.

8 MR. WEST: Why don't you get him around
9 here.

10

11 BY MR. HUNTER:

12 Q Now, where would you be standing?

13 A I was over on this side. I would have
14 been right about where the picture was taken from; on the
15 right-hand side over here.

16 Q Okay, and what is that a view of?

17 A This is a view of 460 going towards
18 Petersburg in front of the shopping center.

19 Q What is this little driveway here?

20 A That's where the truck was coming out of -
21 that driveway.

22 Q Does that fairly indicate the view you
23 had of the road and the lanes of travel?

24 A Yes, sir.

25 Q I would ask you to identify this picture

1 here.

2 THE COURT: You better let them finish
3 looking.

4

5 BY MR. HUNTER:

6 Q This is Plaintiff's Exhibit Number 5.

7 Mr. Pulver, I would ask you to identify
8 that if you could?

9 A That is the Cadillac that hit the truck.

10 Q The little truck. I would ask you to
11 identify this Plaintiff's Exhibit 4.

12 A That's the truck that the Cadillac hit.

13 Q Where is it?

14 A Laying -- it's laying on the bank.

15 It's a little downhill and it's laying over in it right up from
16 the road.

17 Q This is after the impact?

18 A After the impact I helped lift the car up
19 to get the man out that was driving the truck.

20 Q Have a seat back up there.

21 Mr. Pulver, as the Cadillac proceeded
22 north and prior to the impact, were you watching it?

23 A Yes, sir.

24 Q Did he make any attempt to stop or did
25 the car appear to stop in any way?

1 A No, sir. There was never a brake light
2 came on that car or nothing. He just -- in fact, as he came
3 through the light, it was like he put more gas to it because
4 his tires were squealing.

5 Q Did you see the car make any motion prior
6 to the impact that it had braked in any way?

7 A No, sir.

8 Q Did it turn in either direction or did it
9 continue straight on the road?

10 A It drifted from the left into the right lane.

11 Q After the accident did you go to the scene?

12 A Yes, sir; I went straight up there.

13 Q Did you see Mr. Parker?

14 A Yes, I did.

15 Q What was his condition?

16 A Sir, he was a mass of blood and after we
17 got the truck off him, he had a bone sticking out the side of
18 his leg and we just tried to make him lay still.

19 Q Did you see the bone in his leg actually?

20 A Yes, sir; I did.

21 Q Were there any cuts or lacerations on his
22 face?

23 A Yes, sir.

24 MR. HUNTER: Answer Mr. Glasscock, Mr.
25 Pulver.

1 A Not the way he did it.

2 Q We're trying to find out in what manner he
3 did it. Wasn't his car some distance when he came out?

4 A No, sir; he was right behind them. As
5 they stopped, he whipped his wheel to the left and went into
6 the left lane.

7 Q He had to be some few feet in back of them.

8 A No, sir. He was right behind them. No,
9 sir.

10 Q Tell us how far back.

11 A I didn't have a tape measure with me, sir.
12 He was close behind them and he whipped out into the left lane.

13 Q You've got a vehicle traveling according
14 to your testimony, about 50 miles an hour --

15 A Yes, sir.

16 Q -- which must have pulled into the left
17 lane in sufficient time to have avoided striking the rear of
18 the car that was stopped.

19 A There was no traffic coming. The others
20 coming from Petersburg had already stopped at the light. He
21 whipped into the left-hand lane and made the tires holler.

22 Q I'm trying to find out about distance now.
23 I'm trying to find out how far back of the stop line was it
24 that the Cadillac first went over into the left lane.

25 A He whipped over into the left-hand lane as

1 the other two cars -- I thought his car was going to hit them.

2 Q You are very anxious to testify, but how
3 about telling us about distance here.

4 At what point on the south side - the
5 Suffolk side of the stop line - did the Cadillac first enter
6 the left lane?

7 A Right about two and a half car lengths
8 from the red light - from the stop line. There was a big line
9 there where you're supposed to stop. There were two cars
10 stopped.

11 He whipped out right behind that second
12 car.

13 Q Wouldn't at least the left corner - left
14 front corner of his car have to have entered the left lane
15 further back down the highway than two and a half car lengths
16 in order to avoid striking the rear of it?

17 A Not in the manner in which he whipped his
18 car. I know. I used to drive that way and I've got the
19 driver's record to prove it.

20 Q Now, you say as you saw the Cadillac come
21 by, and just before or some time before it reached the traffic
22 light, that you saw the pickup truck pulling out of the north
23 entrance?

24 A No, sir. I said as he went through the
25 red light I seen the pickup truck starting to make his turn.

1 Q Let's get at this.

2 Where was the Cadillac when you saw the
3 pickup truck begin to come out?

4 A The Cadillac had just whipped over into
5 the left and was coming under that red light as the truck was
6 already making the turn. The truck was already in his turn.

7 Q Where was the Cadillac when the pickup truck
8 first began to make the move?

9 A I didn't see the truck as it began to move?

10 A I was watching the Cadillac.

11 Q Where was the pickup truck when you first
12 saw it?

13 A Making a left-hand turn from the exit.

14 Q How far into Route 460 was it?

15 A The front end was just coming out into
16 the street.

17 Q How far into Route 460 was the front end
18 when you first saw it?

19 A Maybe a foot or two. He had just started
20 his turn.

21 Q Just a foot or two into 460. Where was
22 the Cadillac at that point?

23 A He burst through that red light because
24 that was when I seen the truck.

25 Q Your attention was attracted to the Cadillac

1 when?

2 A. As he come flying up around that curve.
3 I said I was waiting to cross the street.

4 Q So, you were really watching the Cadillac,
5 weren't you?

6 A. Yes, sir.

7 Q And you say the Cadillac had just gone under
8 the traffic light when the Parker truck began to pull out of
9 the north entrance?

10 A. No, sir. When I seen the pickup truck,
11 he was already in his turn.

12 Q So then he would have started out when the
13 Cadillac was further back than the light was located?

14 A. Uh-huh.

15 Q And the left-hand northbound lane was open,
16 was it not, except for the Cadillac?

17 A. Yes, sir.

18 Q That was the only vehicle?

19 A. Right.

20 Q All right, sir.

21 Now, didn't the Parker truck swing wide
22 out into the other lane of travel?

23 A. It never did.

24 Q Did you go up there?

25 A. Yes, sir.

1 Q Did you look at the marks on the highway?

2 A Yes, sir, I did.

3 Q I show you now a photograph which is marked
4 as Plaintiff's Exhibit Number 10 and ask you, sir,
5 if you can identify that?

6 A Yes, sir; I can.

7 Q Is that the scene of the accident?

8 A That is.

9 Q Will you tell us whether or not you see
10 any skid marks?

11 A Yes, sir.

12 Q Don't they all begin in the left lane?

13 A That was from the car spinning around. He
14 hit him at such an impact he spun around and faced back
15 towards Suffolk and that caused the mark.

16 Q How many marks do you see there?

17 A I see one. No; I see three.

18 Q Three marks?

19 Where does the right mark begin?

20 A It begins here.

21 Q All right, sir.

22 Where with relation to the broken line
23 between the right lane and left lane?

24 A Sir? Do what now?

25 Q Where does the right hand of those three

1 skid marks begin?

2 A It begins in the left lane.

3 Q In the left lane. Didn't that mark lead
4 up in the direction of the pickup truck?

5 A Yes, but that's where -- this was his left
6 front wheel. This was his left rear wheel. His car spun
7 (sic) right after the impact. His car spun (sic) broadside
8 and faced back towards Suffolk.

9 Q My question -- isn't that right mark really
10 related to the pickup truck, not the Cadillac?

11 A No.

12 Q Are you positive?

13 A Positive.

14 Q Did you look at them with the Officer?

15 A This is the first time I seen the pictures.
16 This is all the Cadillac's wheels when he slid this way and
17 his car caused that and spun (sic) around.

18 Q All right, but you do see three skid marks
19 beginning in the left lane?

20 A Yes, sir.

21 Q Mr. Pulver, didn't the collision occur
22 just about even with the northern part of that exit?

23 A Sir?

24 Q If you were out there on the highway and
25 looked at the northern part of the exit as one might come

1 out of this northern-most exit, looking at that curb of the
2 exit which is furthest away from Suffolk, didn't the collision
3 occur just about opposite that out in the highway?

4 A I don't know what you mean -- northern part
5 of the exit.

6 Q Yes, sir. In other words, a lane there
7 perhaps 30 feet wide for traffic to come out that northern
8 exit.

9 A Uh-huh.

10 Q And didn't the accident occur with a
11 point just about even with the northern part of an extension
12 of that exit coming out?

13 A Now, the pickup truck -- I guess I under-
14 stand you. The back end of his truck was still in the process
15 of making his turn when he got struck.

16 Q The pickup truck was still at an angle when
17 he was struck and he was just coming out of the exit when he
18 was struck?

19 A Yes, sir.

20 Q Mr. Pulver, do you recall talking to the
21 Officer who investigated this case?

22 A No, sir; I don't. I don't remember. I
23 know there was one came twice to the house, but I don't remember
24 talking to them either time.

25 Q Didn't you tell him the first time you

1 talked with him that the Cadillac actually came out of the
2 shopping center and turned right to go north?

3 A No, sir.

4 Q You deny that? I expect to impeach you.

5 Did you not talk with Trooper Davis and
6 tell him the first time you talked with him that the Cadillac
7 came out of the shopping center and turned right to go north?

8 A No, sir; not to my recollection. All
9 I remember saying at the scene of the accident was that I seen
10 the accident.

11 Q All right, sir, but did you tell the Officer
12 that the Cadillac came out of the shopping center at the traffic
13 light and turned right to go north?

14 A Not to my recollection.

15 Q Do you deny telling him that?

16 A No, sir; because I don't remember. It's
17 been three and a half years. I can't remember every word.

18 Q Would it have been true if you said that?

19 A No, sir.

20 Q But you do not deny telling him that?

21 A I don't know, sir. I don't know.

22 Q You do recall talking with him.

23 A No, I don't. I just said that.

24 Q Are you saying you did or didn't talk with
25 him?

1 A All I remember saying is that I seen the
2 accident and I told the State Policeman that.

3 Q Then the State Policeman came to your
4 house and talked to you at some length, about it.

5 MR. WEST: If he's trying to contradict
6 the witness, he's got to tell him exactly when and
7 where he made the statement.

8 THE COURT: I think you ought to orient him
9 somewhat.

10
11 BY MR. GLASSCOCK:

12 Q Did you talk with a Police Officer after
13 the accident?

14 A I believe he come by one time when I was
15 working and once to the house.

16 Q Which location did he talk to you?

17 A I don't remember. I don't know or even
18 remember talking to him.

19 Q But if you talked with him, you would deny
20 telling him that the Cadillac came out of the shopping center?

21 A I'm not denying nothing. I just say I
22 don't remember what I told him.

23 Q Tell me, Mr. Pulver -- this is an important
24 matter.

25 A Yes, sir. I agree.

1 Q Would your memory be better now or a day
2 or two after the accident?

3 A It would be better after the accident.

4 Q All right, sir, and whatever you told
5 the Officer; that would be what happened?

6 MR. WEST: He's already answered that
7 question and he's trying to -- I think he's being
8 totally unfair to the witness. He's asking point
9 blank if he told the Officer that it's true and he's
10 going back and back and back and I think in the
11 interest of fair play that he get on with what he's
12 doing.

13 MR. GLASSCOCK: I think he should give a
14 fair statement of what occurred and I think we're
15 entitled to pursue this line of questioning.

16 THE COURT: All right. Go ahead, Mr.
17 Glasscock.

18

19 BY MR. GLASSCOCK:

20 Q You did talk with the Officer shortly
21 after the accident?

22 A I guess so. I don't remember.

23 Q You don't have any recollection of talking
24 with him?

25 A If they were to show me the Police Officer

1 now, I couldn't tell you who it was.

2 Q Mr. Pulver, are you saying that something
3 as important as an accident which you had seen just a day or
4 two before that you would not recall talking to an officer
5 about it?

6 A No, sir; I don't remember.

7 Q You don't have any idea?

8 A No, sir.

9 MR. GLASSCOCK: That's all the questions.

10 THE COURT: Anything further?

11 MR. WEST: No, sir.

12 THE COURT: You may step down.

13 Mr. Pulver, you are free to leave.

14

15 (Witness excused)

16

17 THE COURT: Will this one be very long?

18 MR. HUNTER: About the same length of time?

19 THE COURT: Ladies and Gentlemen, I think
20 we better take a short recess. Go back to the Jury
21 Room and don't discuss the case with anyone.

22 (Whereupon a recess was taken
23 from 11:50 a.m. to 12:10 p.m.)
24
25

(Whereupon the Jury returned to
the Jury Box at 2:20 p.m.)

MR. HUNTER: We call Trooper Davis.

EDWARD H. DAVIS, JR.,
called as a witness on behalf of the
Plaintiff, after having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HUNTER:

Q Mr. Davis, would you state your name, please

A Edward H. Davis, Jr.

Q What is your occupation, Mr. Davis?

A Administrative Assistant for Virginia

Electric Company.

Q On October 30, 1972, where were you employed

A Virginia State Police as a State Trooper.

Q Where were you stationed?

A Suffolk, the city.

Q How many years of experience did you have

in that profession up to that time, Mr. Davis?

1 A Well, that was 1972. About 13 years --
2 12 or 13 years.

3 Q I want to direct your attention to October
4 30, 1972. Did you have occasion to answer a call to and work the
5 accident that took place between Mr. Preston Parker and Mr.
6 Davis?

7 A Yes, sir; I did.

8 Q What time did you receive your call?

9 A I received the call at 9:50 a.m.

10 Q Where were when you received it?

11 A I do not remember, but I was not too
12 far since I arrived at 9:53.

13 Q What did you find when you arrived?

14 A When I arrived I found a 1971 Datsun pickup
15 and a 1970 Cadillac 4-door hard-top. The Cadillac was
16 heavily damaged to the right front and side and was sitting in
17 the right northbound lane with its front pointed at an angle
18 towards the south with the left front tire up on the curb.

19 The Datsun pickup was lying on its left
20 side in the grass divider strip between the Montgomery Ward
21 parking lot and the northbound traffic lane.

22 This vehicle was damaged to the left
23 front cab area and front end of the vehicle.

24 Q I refer to Plaintiff's Exhibit Number One.
25 Does this indicate as to what you were testifying to -- part of

1 your testimony?

2 A. Yes.

3 Q. What part does this show?

4 A. It shows the Cadillac sitting as I stated.
5 The right northbound lane with the left front end up on the
6 curb and the Datsun pickup lying on its side in the grass plot.

7 Q. Was Mr. Davis present there when you arrived?

8 A. I do not remember, Mr. Hunter. I think
9 they were either just taking him away -- I think the rescue
10 squad was probably loading him on the ambulance.

11 Q. What about Mr. Parker?

12 A. I really don't remember, but I believe both
13 went to the hospital.

14 Q. If you talked to them it was at a later
15 time?

16 A. That's correct. I think I may have just
17 briefly said something to Mr. Parker, but I don't remember what.

18 Q. What were the weather conditions?

19 A. Clear.

20 Q. Conditions of the road?

21 A. The road was dry.

22 Q. Now, let's go back a bit and, if you would,
23 give us some distances, Mr. Davis. What is the distance from
24 the traffic light or the center of that intersection to the
25 north exit?

Not
Trooper
can't remember
who he talked to
at scene or what
said but Riber
was supposed to

1 A. Okay. From the stop lines which are drawn
2 in the highway some distance behind the light to a point
3 approximately in the middle of the north exit would be 300 feet.

4 Q If a person was traveling in the left
5 lane or the passing lane of travel northward and kept his
6 wheels straight, what would be his course of travel as it
7 headed north around to the exit - the northern exit?

8 A. Okay. The road does turn somewhat to the
9 left at the northern exit. Therefore, if you were operating
10 northbound in the left lane and failed to turn your wheels at
11 all, you would go over into the right lane.

12 Q Would this be approximately at the point
13 of impact?

14 A. Approximately or maybe just before.

15 Q Did you find any tire marks or skid marks
16 at the scene, Mr. Davis?

17 A. Yes. There were tire marks from the area
18 of the point of impact; one leading from that area starting at
19 the extreme left side or far left side of the left lane and
20 curving around and stopping or ending at the right rear tire
21 of the Cadillac and there was another tire mark which was
22 somewhat shorter in length.

23 It started just to the left of the divider
24 line in the left-hand lane and ended at the right front tire
25 of the Cadillac. Then, from the approximate point of impact or

1 area of impact there was a tire mark that led from there to
2 and ended at the curb just behind the Datsun pickup -- maybe
3 five feet or so behind the Datsun pickup.

4 Q Did you not see the accident happen?

5 A No, sir; I did not.

6 Q You actually did not know the exact point of
7 impact?

8 A The exact point of impact, no. I could only
9 say generally in that area.

10 Q Do you know the distances from McDonald's
11 or of the intersection at Constance Road and North Main Street?
12 Are you familiar with those?

13 A Constance and North Main, yes.

14 Q What would be the approximate distance from
15 the intersection at Constance Road to the town bridge?

16 A I would have to take a guess. I would have
17 to say -- I really don't know.

18 Q Give us a best guess.

19 A A guess? You want a guess. Maybe four
20 tenths to a a half a mile; maybe not quite that far. I've been
21 away from the area for a year, so it's a little hard for me to
22 visualize it at this point.

23 Q What was the distance or after the impact,
24 what was the distance that the Cadillac moved laterally sideways

25 A Sixty-four feet from the starting of the

1 skid marks to the front of the Cadillac.

2 Q How fast was it moving? Can you estimate
3 the manner in which the car was moving at that time?

4 A Well, I guess we could say that if we could
5 visualize it in a straight line that the rear end of the car
6 fishtailed around to the left and stopped at about that angle.

7 Q You say moving laterally then?

8 A The rear end switching ends, but not entirely.

9 Q Do you know the weight of that vehicle - the
10 Cadillac?

11 A Well, I don't have that down here, but I
12 would say that Cadillac would weigh around 4800 to 5200 pounds.

13 Q What was the distance the pickup truck was
14 propelled after that?

15 A I don't have it recorded, but from the
16 diagram, somewhat less than 64 feet; somewhere in the
17 neighborhood of 50 or 55 feet.

18 Q Do you happen to know the weight of that
19 truck?

20 A Quite light - maybe 2300 pounds -- 2400.

21 Q Mr. Davis, these pictures that have been
22 introduced - are these the same ones you took at the scene,
23 only enlarged? Here I'm referring to Plaintiff's Exhibit 1
24 through 10?

25 A Yes, they are enlargements of what they are.

1 Q Referring to Plaintiff's Exhibit number 10,
2 was this on the road that I'm pointing to?

3 A The dark mark?

4 Q No - the light marks on the road.

5 A That is debris.

6 Q From what?

7 A From the accident. It would appear to
8 be dirt and glass and what have you.

9 Q Caused from debris dropping from under-
10 neath the vehicles?

11 A Right.

12 Q Where does it appear?

13 A In the right lane and somewhat all -- mostly
14 in the right lane and some in the left - the edge of the left.

15 Q But mostly in the right lane?

16 A Mostly in the right lane.

17 MR. HUNTER: Answer Mr. Glasscock, please.

18
19 CROSS EXAMINATION

20
21 BY MR. GLASSCOCK:

22 Q Mr. Davis, I wonder if you would mind
23 stepping over here and look at the photographs in such a way
24 that the Jury may see them.

25 I show you Plaintiff's Exhibit Number 6 and

1 ask you, sir, if you can identify that, and if so, please tell
2 us what it shows.

3 A. Okay.

4 This photograph was taken with me standing
5 approximately in the middle of the north exit looking towards
6 the stop lights that are at the middle exit of the plaza.

7 Q. This photograph is looking in a southerly
8 direction?

9 A. Correct.

10 Q. And it's looking from the north exit to the
11 shopping center?

12 A. That's correct.

13 Q. I show you Plaintiff's Exhibit Number 7
14 and ask you if you can, please sir, identify that picture.

15 A. This picture is taken looking standing in
16 the middle of both northbound lanes, looking towards the north,
17 looking at the north exit from the shopping center here.

18 Q. Now, was this taken on the north side of
19 the traffic light or do you recall?

20 A. I may have been right under the light
21 there, Mr. Glasscock.

22 Q. I show you now a photograph marked Plaintiff's
23 Exhibit Number 9 and ask you, please sir, to identify that and
24 to tell us what shows.

25 A. Okay. This, I'm standing in the middle of

1 the road taking a picture looking somewhat of an angle at the
2 north entrance or exit from the plaza beside the Montgomery
3 Wards store.

4 Q I show you Plaintiff's Exhibit Number 8 and
5 ask you to identify that and if so, tell us what that shows.

6 A. This is a photograph of the actual scene
7 of the accident with the Cadillac sitting here as I described
8 before with his left front wheel up on the curb and mostly
9 pointing in a southerly direction.

10 This vehicle is a Datsun pickup sitting on
11 its left side in the grass plot between Montgomery Wards and
12 the northbound traffic lanes and these are the marks I
13 described a while ago. One mark starts at this point.

14 Q Put an A by the point you're talking about
15 just below that.

16 A. You want an A on the picture, Mr. Glasscock?

17 Q Put it so it's not on the mark.

18 A. Okay.

19 Q You put an A just below the mark?

20 A. And this mark ran over to the curb just
21 behind the pickup to that curb and stopped at the edge of the
22 curb.

23 Q Excuse me a second. The mark you have
24 just described begins where with regard to the broken center
25 line between the two northbound lanes?

1 A. Just to the left. In the left lane approx-
2 imately a foot.

3 Q If you will, describe the second mark there
4 and put a B under that, sir.

5 A. Okay.

6 This mark starts, as I said, a little
7 shorter than the one I'm going to describe last. This one runs
8 to the right front tire of the Cadillac and this mark, which
9 I put the C beside runs to the left rear tire of the Cadillac
10 or right rear.

11 Q The mark that you have identified as B,
12 which you found led up to the right front tire of the Cadillac?
13 Where did that begin with regard to the broken center line marking
14 between the northbound lanes? It began in the left lane?

15 A. Maybe two or three feet from the center
16 line over towards the center.

17 Q That would be two or three feet?

18 A. Let me look at my diagram. That's correct;
19 two or three feet.

20 Q You're saying it would be two or three feet
21 from the right-hand side of the left lane?

22 A. That's correct. That's correct; two or
23 three feet off the center line, the divider line dividing the
24 two lanes.

25 Q And that led up to the tire of the Cadillac?

1 The mark identified as C begins where?

2 A. In the left lane again, but maybe two or
3 two and a half feet off of the extreme left edge of the left
4 lane northbound.

5 Q. And that led up to which tire?

6 A. Right rear tire --

7 Q. -- of the Cadillac?

8 A. Correct.

9 Q. So, now how wide are the two lanes of travel
10 heading north?

11 A. Each lane is approximately ten feet and
12 four and a half or five inches, something like that. The road
13 was 20 feet, 9 inches.

14 Q. I show you a picture I believe you looked
15 at a moment ago which has been marked Plaintiff's Exhibit 10
16 and I ask you, sir, if you will tell us whether or not this
17 area which is in the right-hand side of the photograph is
18 not the apron to the exit?

19 A. That is correct. It appears that the curbing
20 starts to curve in at that point.

21 Q. Where did you find the beginning of these--
22 marks that you found in the highway -- the tire marks with.
23 regard to the northern exit to the shopping center?

24 A. I would say approximately right even with
25 the north edge. Yes, right even with the north edge of the

1 entranceway -- approximately even. Maybe a foot one way or the
2 other.

3 Q All right, sir. I show you a photograph
4 that's been marked Plaintiff's Exhibit Number 1 and
5 ask you if you will identify that for us please and tell us
6 what that shows.

7 A This is approximately the same as one photo-
8 graph we looked at a short while ago and that depicts the Cadillac
9 as it came to rest and the Datsun pickup in its resting position.
10 Also the skid marks are visible there also.

11 Q Those are the same three marks you referred
12 to in the other picture?

13 A That's correct.

14 Q All right, sir, if you will have a seat,
15 please.

16 Mr. Davis, how far is it approximately from
17 the stop line on the south side of the traffic light which is
18 located at the center entrance to the shopping center and that
19 stopping line back to where the curve is -- that is south of
20 the shopping center?

21 A Approximately? I would say approximately
22 the same distance or a little further as it is from the middle
23 entrance to the north entrance would be about 300 feet or 350
24 feet or something like that. Maybe it's a little further.

25 Q Now, in the course of your investigation,

1 did you talk with an Arthur Pulver?

2 A Yes.

3 Q And what did he tell you initially with
4 regard to where the Cadillac came from?

5 A His initial statement to me was that the
6 Cadillac came out of the shopping center entrance or exit and
7 accelerated, leaving tire marks, and was going pretty good
8 when the truck pulled out. That was his quote unquote.

9 Q Did he later change that?

10 A Yes.

11 Q What did he tell you?

12 A I do not have it recorded, but he changed
13 his statement and told me it happened another way and I'm
14 not really clear in my mind on the details.

15 Q Initially he said the Cadillac pulled out of
16 the shopping center, proceeded off, leaving tire marks, and
17 had gotten underway when the pickup truck came out?

18 A That's correct.

19 MR. GLASSCOCK: That's all. Thank you.

20

21 REDIRECT EXAMINATION

22

23 BY MR. HUNTER:

24 Q You say you did talk to him after the
25 accident -- Mr. Pulver?

1 A. Yes, sir.

2 Q How soon after the accident?

3 A I think maybe a day or so later, Mr. Hunter
4 not right at the scene and not that day. It could have been
5 that afternoon, but I had a little trouble finding him and when
6 I did find him he gave me the first statement and I later
7 went back to recheck with him to see and he gave me a little
8 different statement.

9 Q Do you remember what he said the second
10 time?

11 A Well, it would be to the best of my knowledge
12 I don't remember details, but it was different -- ~~maybe something~~
13 to the effect that the Cadillac was coming through the light
14 instead of coming out of the shopping center.

15 Q How shortly did you talk with him the
16 second time after the first time?

17 A I don't remember.

18 Q Do you have any idea?

19 A Within a week; probably within three days --
20 a week or two weeks.

21 Q But to the best of your recollection --

22 A I can't remember. It's been too long ago.

23 Q To the best of your recollection he said
24 the car was coming through the light?

25 A As best I remember, that is correct. He

1 changed his statement from the fact that it came out of the
2 shopping center - that it came through the light or came straight
3 through or something like that.

4 Q It came straight through or something
5 like that?

6 A I may have recorded the second statement,
7 but if I did, I do not have it with me today.

8 Q Is that consistent with what the Defendant
9 told you, that he came straight through?

10 A You say the Defendant. Do you mean Mr.
11 Davis? Okay. Yes, Mr. Davis said he stopped at the light.

12 Q I'm not asking you for his statement.
13 You're just saying he stated he came through?

14 A Mr. Davis did not come from the shopping
15 center according to his statement -- did not come from the
16 shopping center.

17 Q He came through the light?

18 A Straight from the south.

19 Q And that is what Mr. Pulver told you several
20 days after the accident when you talked with him?

21 A On the second statement, correct.

22 Q Referring to the skid marks again, Mr.
23 Davis, I think you just testified from Plaintiff's Exhibit
24 Number 8 that the curved black tire marks are from the right
25 rear tire of the Cadillac?

1 A My statement was that the curved black
2 tire marks led to the right rear tire of the Cadillac. That
3 is C, and B led to the right front tire of the Cadillac.

4 Q Referring to the letter that you superimposed
5 on the picture indicating the letter C, you testified that
6 goes to the right rear tire?

7 A That's correct. It possibly could have
8 gone under the car.

9 Q It possibly could have come from the left
10 rear tire?

11 A On my diagram I have the drawings, but
12 I can't say. It could have been all the way to the left rear.

13 Q You are referring to your field notes you took
14 at the scene?

15 A That's correct. See that?

16 Q Mr. Davis, we're referring to the wide
17 sweeping tire mark identified as the letter C.

18 A Right.

19 Q You initially testified when asked questions
20 from Mr. Glasscock that leads up to the right rear tire.

21 A Correct.

22 Q Now you just said it's possible it could
23 have gone under the car.

24 A Extended under the car to the left rear
25 tire, and I gather that from my field notes.

1 Q They were taken at the scene?

2 A Correct.

3 Q And you have that tire mark going all the
4 way - going under the car to the left rear tire?

5 A Correct, but the one -- B does not,
6 according to the notes -- go to the left front.

7 Q Mr. Davis, if that tire mark was made by
8 the left rear tire, would that not place the car further over
9 into the right lane at the point of impact?

10 A I can't answer that.

11 Q Your best judgment.

12 A Well, ask it again.

13 Q If indeed the tire mark lettered C came
14 from the left rear tire as opposed to the right rear tire, that
15 would place the car over further to the right on the highway?

16 MR. GLASSCOCK: Excuse me, Your Honor.

17 I think the photograph speaks for itself and this does
18 not take into account the path of vehicles after the
19 point of collision.

20 MR. HUNTER: I'm not saying in which lane;
21 I'm just making it relative to the highway.

22 THE COURT: Is he giving his opinion?

23 I don't think he can give his opinion.

24 MR. GLASSCOCK: The marks as shown there
25 were made obviously after collision. Of course the

1 vehicles could have gone at various angles.

2 MR. WEST: We concede the point. The
3 marks were made after the collision.

4 THE COURT: I don't think he can give an
5 opinion.

6
7 BY MR. HUNTER:

8 Q That mark lettered C comes from the left
9 rear and in fact, that is how you drew it initially?

10 A It could have come from either or both,
11 yes, sir.

12 Q Mr. Davis, from your investigation on the
13 scene, based upon the impact received by the vehicle -- the
14 skid marks on the highway that you found -- can you give an
15 estimate of the speed of the Davis vehicle?

16 MR. GLASSCOCK: If he's qualified to do
17 that, fine. We would certainly agree to that. I
18 don't see how anyone can estimate speed from facts
19 such as those.

20 THE COURT: Well, if he thinks he can --
21 can you, sir?

22 THE WITNESS: Well, Judge, to be honest,
23 it's hard. I feel I could estimate within 10 or
24 15 or well, say, 5 to 10 miles per hour, but
25 it may not be correct.

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THE COURT: Five to ten miles is a fair estimate.

THE WITNESS: All right, sir. I estimate the speed of the Cadillac at 45 miles per hour.

BY MR. HUNTER:

Q. What's the speed limit there?

A. Thirty-five.

MR. HUNTER: No more questions.

MR. GLASSCOCK: That's all we have, sir.

THE COURT: Thank you. Now, is Mr. Davis free to leave? Do you need him again, gentlemen?

MR. GLASSCOCK: No, sir; we do not need him.

THE COURT: You're free to leave.

(Witness excused)

MR. WEST: We call Betty Benton.

BETTY BENTON,
called as a witness on behalf of the
Plaintiff, after having been first duly
sworn, was examined and testified as
follows:

DIRECT EXAMINATION

BY MR. HUNTER:

Q Mrs. Benton, state your name, please.

A Betty Ann Benton.

Q Please speak up a little bit louder so we
can all hear. What is your address?

A 1137 Turner Drive.

Q In the city of Suffolk?

A Uh-huh.

Q Where do you work?

A Traveler's Rest.

Q Do you know Mr. Preston Parker sitting at
the table here?

A Yes, sir.

Q On October 30, 1972 --

A I had never seen him until the day of the

1 accident.

2 Q Now, I want to call your attention to
3 October 30, 1972, at approximately 9:30 to 9:45 in the morning.

4 Where were you going at this time of day?

5 A To the Health Clinic on Windsor Road.

6 Q Were you driving your vehicle?

7 A Yes.

8 Q Where were you coming from?

9 A From my -- oh, I had left my home and went
10 downtown -- from downtown out to there.

11 Q What was your direction of travel? How were
12 you going to get to the Health Clinic?

13 A I was crossing Main and Constance going out
14 to Windsor Road.

15 Q Were you passing by what is now McDonald's
16 and at that time on the right was the Police Department?

17 A Right.

18 Q Did you happen to see Mr. Davis' vehicle?

19 A Yes, sir.

20 Q Where were you when you first saw it?

21 A At the light at Constance and Main.

22 Q Had you passed through the light?

23 A We were going through the light at the
24 time that I noticed Mr. Davis.

25 Q What lane of travel were you in?

1 A Left-hand lane.

2 Q What is the speed limit there?

3 A Twenty-five, I think.

4 Q What was your speed?

5 A Between 20 and 25 miles an hour.

6 Q You say you first noticed his car, a

7 Cadillac at that time?

8 A Uh-huh.

9 Q What was it doing when you first noticed it?

10 A He called my attention by pulling in front,

11 of me as we were going down the hill where McDonald's and

12 the Police Station -- where he pulled in front of me. He gave

13 no signal and I had to hit my brakes to avoid him hitting me,

14 He pulled from the right lane to the left-hand lane.

15 Q What was the speed in relation to your
16 speed?

17 A He was going much faster than myself.

18 Q Did you watch him as he went ahead of you?

19 A Yes, sir.

20 Q Tell us what you observed him doing.

21 A He was just in and out of traffic. He
22 was in a very big hurry.

23 Q Did he give any signals as he weaved?

24 A No, sir; I did not see any.

25 Q Do you have any estimate of his speed?

1 A No, sir. He was going faster than myself
2 and I was going 20 to 25.

3 Q Did you at one time eventually lose sight
4 of him?

5 A Yes, sir.

6 Q Where was it that you lost sight of him?

7 A After he crossed the bridge I don't remember
8 seeing him no more.

9 Q Did you continue on down the hill and
10 across the bridge at your same rate of speed?

11 A Yes, sir.

12 Q Where was Mr. Davis when you last saw him?

13 A I'm sorry?

14 Q Mr. Davis -- the Cadillac -- when you lost
15 sight of him, if you know?

16 A Somewhere near the bridge as he was going
17 over.

18 Q Now, did you have occasion to see Mr. Davis'
19 car at a later time?

20 A At the wreck.

21 Q How long did it take you to get from the town
22 bridge to a point where you could see the wreck?

23 A A minute; two minutes. I'm not sure.

24 Q You did not stop anywhere, did you?

25 A No, sir.

1 Q And you were driving how fast?

2 A Between 20 and 25.

3 Q So, we're talking -- when did you see the
4 wreck? Where were you when you saw it?

5 A As you approached the curve to the stop light

6 Q Is this the curve right there at Champs
7 getting close to the entrance?

8 A Right, as you come to the stop light.

9 Q What did you see as you ran up there?
10 You say you saw a wreck? What did you see?

11 A The automobile Mr. Parker was driving. I
12 remember the Cadillac that I saw, so I pulled over and I
13 automatically remembered the Cadillac because of the way it
14 passed me and the way Mr. Davis was driving.

15 Q And was it the same Cadillac?

16 A Yes, sir.

17 MR. HUPPNER: Answer Mr. Glasscock.

18

19 CROSS EXAMINATION

20

21 BY MR. GLASSCOCK:

22 Q When you say you didn't see the Cadillac
23 after it crossed over the bridge; you didn't see it again
24 until you saw it at the scene of the accident?

25 A Yes, sir.

1 Q And so you just lost sight of it and didn't
2 pay it any further attention until you went around the curve
3 just before the shopping center, so you didn't see the
4 collision take place?

5 A No, sir.

6 Q And you don't know how fast it was going
7 at that point?

8 A No, sir.

9 MR. GLASSCOCK: All right; that's all.

10 THE WITNESS: May I be excused?

11 THE COURT: Yes, ma'am. You're free to
12 leave.

13
14 (Witness excused)

15
16 MR. HUNTER: We call Hugh Whitley.

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1 HUGH WHITLEY,
2 called as a witness on behalf of the
3 Plaintiff, having been previously
4 duly sworn, was examined and testified
5 as follows:
6

7 DIRECT EXAMINATION

8
9 BY MR. HUNTER:

10 Q Will you state your name and address?

11 A Hugh Whitley, 4323 Lake Prince Drive. I
12 work for the city of Norfolk.

13 Q Do you know Mr. Preston Parker sitting
14 next to Mr. West here?

15 A Yes, sir.

16 Q On October 30, 1972, did you know him?

17 A No, sir.

18 Q Do you know Mr. Davis sitting next to Mr.
19 Glasscock?

20 A Yes, sir.

21 Q On the date of the accident, October 30,
22 1972, did you know him then?

23 A No, sir.

24 Q I want to call your attention to that date,
25 Mr. Whitley. Did you see the accident that took place between

1 Mr. Parker and Mr. Davis?

2 A Yes, I did.

3 Q If you would, tell us in your own words,
4 Mr. Whitley, where you were, what you were doing and just what
5 you saw.

6 A Well, I was in the Plaza Shopping Center.
7 I was getting ready to come out and Mr. Parker was ahead of
8 me and he had stopped.

9 Q This is what exit?

10 A This is the north exit up by Montgomery
11 Wards.

12 Q Okay. Go ahead.

13 A I pulled up behind him. I had stopped and
14 I looked to the left and so did Mr. Parker because I saw him
15 look. So, he turned back in the way he was going to pull out.

16 Q Let me stop you there for a second, Mr.
17 Whitley. You and Mr. Parker looked left at the same time
18 evidently?

19 A (Witness nods affirmatively)

20 Q Was there anything coming and if so, what?

21 A No, not at that time.

22 Q Was there anything between the stop light
23 and the exit on the road?

24 A No.

25 Q Tell us what happened.

1 A Mr. Parker started to pull out and in-
2 pulling out, his truck hesitated like. I applied my brakes
3 because I was going out at the same time he was and I applied
4 my brakes to keep from running into the back of him.

5 He was slow going out like. Again, I looked
6 back the second time and then this is when I saw the Cadillac,
7 Mr. Davis.

8 Q What did you see when you first saw him?

9 A Well, I noticed he was about halfway from
10 the stop light to this exit.

11 Q This is the first time you had seen him?

12 A Right. .

13 Q What lane was he in?

14 A He would have been in the passing lane.

15 Q Can you tell us anything about his driving?

16 A Well, he was exceeding the speed limit, you
17 know, when I noticed him.

18 Q Do you know how fast he was going or can
19 you give an estimate?

20 A No, not really.

21 Q Don't guess. Then what happened?

22 A Well, Mr. Parker was beginning to pull out
23 on the road and he had pulled out in a way that he was almost
24 straightened back up.

25 Q Mr. Parker was?

1 A Yeah, on the inside lane.

2 Q And?

3 A And like I say, I had stopped because I
4 had seen the car and Mr. Davis was coming up. Like I say he
5 was kind of running with a little speed to him and this is when
6 the accident happened.

7 Q Immediately prior to the accident did Mr.
8 Davis attempt to stop his vehicle?

9 A No, sir; he sure did not.

10 Q Did you happen to observe Mr. Davis while
11 he was in the car -- how he appeared to you in any way?

12 A Well, when I saw the car coming, you know,
13 at the speed, I looked at the driver to see was he - you know --
14 really aware of what was happening, and it didn't look to me
15 like he was really aware of what was happening.

16 Q You say Mr. Parker had gotten his truck,
17 straightened up in the right-hand lane then?

18 A At the time of the collision.

19 Q He was straightened up in the right-hand
20 lane. Was there anything in the passing lane - the left-hand
21 lane to keep Mr. Davis from going around him?

22 A No, sir.

23 Q Was the left-hand lane clear?

24 A Yes, sir.

25 MR. HUNTER: Answer Mr. Glasscock.

CROSS EXAMINATION

1
2
3 BY MR. GLASSCOCK:

4 Q This was about oh, nine-forty in the morning
5 was it not?

6 A Somewhere in that area. I don't know
7 exactly.

8 Q I take it you had gone to the shopping
9 center to pick up something yourself?

10 A Yes.

11 Q And as you left the shopping center you
12 were going out the north exit, the closest to Montgomery
13 Wards?

14 A Yes, sir.

15 Q And you mentioned, I believe, that the
16 vehicle being driven by Mr. Parker was ahead of you?

17 A Right.

18 Q Did it come to a stop or not?

19 A Yes, sir.

20 Q Now, did you come to a stop behind him?

21 A Yes, sir.

22 Q So, you had a good view of Mr. Parker ahead
23 of you?

24 A Yes, sir.

25 Q About how far behind his car or his pickup

1 were you when you stopped?

2 A Well, I pulled up kind of close to him - I
3 would say maybe five or six feet - something like that.

4 Q When you looked to the left, what was the
5 light at the time?

6 A Red.

7 Q And was traffic in both lanes stopped for the
8 light?

9 A Well, there was traffic there.

10 Q Stopped in both lanes?

11 A As far as I know; yes, sir.

12 Q Now, you say Mr. Parker seemed to look at
13 that point and start out then?

14 A Yes, sir.

15 Q By "looking," you are saying he looked
16 to his left?

17 A Yes, sir.

18 Q And you're saying there was nothing between
19 you and the traffic light?

20 A Yes, sir.

21 Q All right, sir.

22 After that point, though, Mr. Parker started
23 out and you started out behind him?

24 A Right.

25 Q But his vehicle seemed to stall and it

1 stalled so abruptly, you had to apply your brakes?

2 A. Right.

3 Q Then Mr. Parker gets his car started or
4 whatever it takes to get it going and he did not look back to
5 his left at that time?

6 A. Right.

7 Q By "right," you mean he did not look back?

8 A. That's correct.

9 Q But you did look back to your left?

10 A. Yes, sir.

11 Q At that time you saw the Davis vehicle coming
12 about halfway from the light?

13 A. Yes.

14 Q And in clear view of you, was it not?

15 A. Yes, sir.

16 Q From the point where you were located, if you
17 could see it, then obviously Mr. Parker could have seen it?

18 A. Yes, sir.

19 Q But he pulled right out in front of that
20 vehicle; did he or did he not? With that vehicle coming from
21 his left, he pulled out?

22 A. Yes, he was pulling out.

23 Q When he pulled out, didn't he swing around
24 into the left lane of travel?

25 A. Well, he swung a little wide, but he had

1 almost straightened back up.

2 Q But when he swung a little wide, you really
3 couldn't see where his left front wheel was?

4 A Not really.

5 Q And so he did pull on around and he was
6 really not straightened up when he was struck?

7 A Almost straight, but not quite, no."

8 Q And whatever point it was that he was on
9 the highway, he was not quite straightened up and the vehicle
10 being driven by Mr. Davis hit him about the left door, is that
11 correct?

12 A Right. Somewhere along that area.

13 Q Right behind the left door. Now, the
14 collision actually occurred pretty much even with what would
15 have been your right side of that northern exit; did it not?

16 A Yes, sir.

17 Q If we extend that line to the right of you
18 at the exit out into the highway, that is pretty much where the
19 collision occurred?

20 A Yes, sir.

21 MR. GLASSCOCK: That's all, sir.

22 THE COURT: Is Mr. Whitley free to leave?

23 MR. HUNTER: Just a minute. Have a seat,

24 Mr. Whitley.

25

REDIRECT EXAMINATION

1

2

3 BY MR. HUNTER:

4

Q

Let's go back over a couple things.

5

6

When Mr. Parker looked to the left as you
did, and saw the way was clear, he then started off?

7

A

Right; yes, sir.

8

Q

Turning as he went forward to the right,

9

I suppose -- is that correct?

10

A

Yes, sir.

11

Q

Okay.

12

13

14

15

Now, you say that he slowed down or
hesitated. I think Mr. Glasscock said he stalled or used a word
like that. He did not stall or stop -- he slowed down; is
that correct?

16

A

Yes.

17

Q

Why was that? Do you know?

18

A

19

I do now; because of the dip in the highway
at that point.

20

Q

The drainage ditch?

21

A

Yes.

22

Q

Could you go across it fast?

23

A

No, sir.

24

Q

So, his car did not stall as far as you know?

25

A

Right.

1 Q Now, when you looked back and saw Mr. Davis
2 Cadillac, where was Mr. Parker's vehicle?

3 A He had pulled out into the road.

4 Q He was already into the road?
5 He could not see behind him, could he?

6 A No.

7 MR. GLASSCOCK: I object to the leading
8 question.

9 MR. HUNTER: I withdraw it.
10 He was already into the road?

11 MR. GLASSCOCK: I again object to the
12 leading question.

13 MR. HUNTER: I again withdraw the question.
14 No more questions.

15
16 RE CROSS EXAMINATION

17
18 BY MR. GLASSCOCK:

19 Q When you were up behind Mr. Parker's pickup
20 truck and you mentioned when you looked down to the left you
21 didn't see anything.

22 A Right; yes, sir.

23 Q And Mr. Parker started out and went out
24 just a short distance and whether he hesitated or stalled or
25 whatever, you had to apply your brakes to keep from hitting him?

1 A. Yes, sir.

2 Q Did you see any brake lights on the truck
3 of Mr. Parker?

4 A. No, sir.

5 Q So, he didn't apply any brakes to cross that
6 little decline, did he?

7 A. Not that I know, he didn't.

8 Q And it was at that point he seemed to
9 start out again -- that is with some additional speed -- that
10 you looked to your left and saw the Cadillac about halfway
11 down to the light?

12 A. Yes, sir.

13 MR. GLASSCOCK: That's all, thank you.

14 THE COURT: All right. Thank you, Mr.

15 Whitley. Now, are you gentlemen through with Mr.
16 Whitley?

17 MR. WEST: Yes, sir.

18 MR. GLASSCOCK: Yes, sir.

19 MR. WEST: Dr. Kell is here. I would like
20 to get him on as soon as I can, but in all fairness
21 to the Jury, it's going to be a long witness and they
22 might need a break.

23 THE COURT: Let's take about a ten-minute
24 recess.

25 (Whereupon a recess was taken from
3:10 p.m. to 3:25 p.m.)

(Jury returns to the Jury Box
at 10:30 a.m.)

THE COURT: A good thing we didn't wait
out here.

MR. WEST: We'll have the Plaintiff, Mr.
Parker.

EDWIN PRESTON PARKER,
the Plaintiff, having been previously
sworn, was examined and testified as
follows:

DIRECT EXAMINATION

BY MR. WEST:

Q You are Preston Edwin Parker?

A Yes, sir.

Q How old are you, Mr. Parker?

A Forty-three.

Q What do people usually call you?

A Preston.

Q Where do you live?

A 369 West Liberty Spring Road.

Q And that's in the city of Suffolk?

A Yes.

1 Q And I believe your wife testified you all
2 had been married how many years?

3 A Twenty-three.

4 Q How many children?

5 A Three children.

6 Q How long have you lived in the Liberty
7 Spring area?

8 A All my life except when I was in service.

9 Q Are you a native of old Nansemond County?
10 This was Nansemond County this collision occurred in, wasn't
11 it?

12 A Yes, sir.

13 Q Getting to the date of October 30, 1972,
14 where were you going?

15 A I was headed out to Obici Hospital to
16 pick up some papers out there that I needed.

17 Q Then where were you going?

18 A To the G. E. plant to go to work.

19 Q Had you left from home that morning?

20 A Yes.

21 Q How long had you been working at G. E?

22 A I have been working there since '66 when
23 they first started opening the doors.

24 Q About what time did you leave home, Mr.
25 Parker?

1 A That particular morning, if I recall
2 correctly, it was somewhere in the neighborhood of about
3 eight o'clock. I had two or three little things I was checking
4 on before I went and there was no hurry that morning because
5 of the fact that on Mondays they usually -- at that time we
6 were hiring a lot of people and they were having to be checked
7 in by the doctors and nurses before they could be employed
8 at the plant.

9 Q And you had to be checked in?

10 A I had to be checked in and by being on the
11 seniority list at the plant I could wait and be checked in
12 after the group of people that were being checked in -- being
13 checked in at that time?

14 Q Did you stop at the Plaza?

15 A Yes, sir.

16 Q For what purpose?

17 A My daughter's in the band and she needed
18 some reeds for her clarinet and so I stopped by to Rowe and
19 Long to see if they had them and when I got there, they were
20 closed, so I got back in the truck to come on back.

21 Q And you started out of the Plaza?

22 A Yes, sir.

23 Q Which exit did you use?

24 A Northern exit.

25 Q That's the one up close to Montgomery Wards?

1 A Yes.

2 Q Tell us exactly what happened as you approach
3 the exit.--what you did and right on.

4 A Well, on the way out there I met one of
5 the bus drivers from the school.

6 Q Get on up to the intersection.

7 A Okay.

8 As I approached the intersection there I
9 stopped there at the intersection and I looked to my left and
10 as I looked, the traffic was stopped at the stop light and I
11 could see the stop light on the southbound lane was red at
12 that point, so all traffic was stopped.

13 So I then proceeded to go out of the driveway
14 or intersection you might call it. And as you go out, there is
15 quite a big dip there and, using a little truck as I was
16 driving, it's about 13 or 14 foot long. It's not as long as a
17 regular automobile.

18 It has four forward gears in it and as I
19 reached that, I naturally had to put it in low gear. I went
20 over that little dip and as you come out on the road, if you're
21 familiar with it, it will throw the steering wheel out of
22 your hand if you don't hold tight because you have got to go
23 very slow and as I went out to the road there, I automatically
24 reached and changed from low to second.

25 Then as I changed from second gear, I

1 had already put the truck into third gear, which is the gear
2 that normally you would say is second gear on a normal truck
3 or a normal automobile.

4 As I had reached for third gear in the
5 truck, that's when the accident occurred.

6 Q Now, Mr. Parker, did your truck choke down
7 or stall or anything when you started out?

8 A No, sir.

9 Q Did you put on brakes and stop at any time
10 after you started?

11 A No, sir. Once I started out, the truck --
12 it's on a grade there and once you start, you roll down the
13 grade more or less to that culvert that you're going out.
14 You've got to more or less let her ease down to the hole and
15 come on out.

16 Q Which lane of traffic did you go into?

17 A In the right lane.

18 Q Do you know whether or not any part of your
19 truck got across the dividing line between the lanes as you
20 made your turn?

21 A No, sir. No part of it reached that far
22 because the truck is not that long. You can make that turn
23 without having to go out into the other lane.

24 Q Did you see the automobile that struck you
25 before it hit you?

1 A No, sir.

2 Q Had you seen it when you looked back toward
3 the traffic light?

4 A There was no car moving or visible moving
5 when I looked to the stop light.

6 Q Between the light and you?

7 A Yes, sir.

8 Q That's facing the stop light and you it
9 was completely clear when you started out?

10 A Yes, sir.

11 Q How far out were you when you got hit?
12 Had your whole truck got out?

13 A The whole truck was on the road.

14 Q Can you approximate how much of an angle
15 you had turned - whether or not you were almost straight or
16 just started to turn?

17 A Well, I was better than 90 percent
18 straight because right in that area as you make the turn to
19 your right, the road starts curving back to the left right in
20 that same section of the turn. So, I was better than 90
21 percent straight on the road.

22 Q Now, tell us what happened to you when the
23 automobile and the truck came together.

24 A Well, at that particular moment I think my
25 life went through all over again. I lived it all at once.

1 I didn't know what happened because I had not seen anything
2 prior to this and as the truck came to rest on the green on the
3 right-hand side next to the fire hydrant out there, the truck
4 was laying on its left side and my door, that I was sitting at
5 right back of the cab, was pushed in and the seat forward and the
6 door was pinned in on top of me at the time.

7 I thank the good Lord at that time I
8 didn't have my seat belt on because I probably would have been
9 hurt worse, but his front wheel came inside and his front bumper
10 went on the clutch and accelerator pedals in the truck.

11 It pushed it up on this embankment as he spun
12 around like this. I fell through that part of the door where
13 the door was pushed so far forward and the truck -- there was
14 room for me to fall out that side.

15 Then the truck fell down on top of me over
16 both my legs underneath the cowl of the truck, which the cowl
17 is under the door and that was fragmented on account of the
18 lick that had occurred.

19 Then the front fender was buckled straight
20 out where it was setting out, and that was laying beside my
21 shoulder and I was pinned underneath the truck at that point.

22 Q What part of the truck was against what
23 part of you?

24 A The cowl was laying on both of my legs.

25 Q What is the cowl?

1 A The cowl is the part of the truck that is
2 right underneath the door. It's a little round piece of
3 metal as you step in the door.

4 Q And your legs were -- were both legs under
5 that?

6 A Yes, sir.

7 Q How did you get out?

8 A People around there that saw the accident or
9 I don't know what. They came over to the truck and it was
10 smoking and they thought it was going to catch afire
11 and I don't know how many it was, but a group of people picked
12 the truck up off my legs and they asked about pulling me from
13 underneath the truck and I told them, "No, let me grab onto your
14 ankles and pull myself out because I think my legs are hurt."

15 Q Were you in any pain?

16 A I was in mostly a numb pain - a state of
17 shock at that time and I pulled myself out by grabbing onto
18 people's ankles and within a few moments I could see.

19 For just a moment or two afterwards I
20 couldn't see because of the blood had accumulated in my eyes
21 and face and so forth.

22 Q Let me stop you right there.

23 On Plaintiff's Exhibit 1, is that the
24 position your truck wound up in?

25 A Yes, sir.

1 Q All right.

2 You described the way your truck was damaged,
3 so you fell out of the door and I believe Exhibit 2 shows that
4 better, doesn't it?

5 A Yes, sir.

6 Q And Exhibit 2 and 3 -- does that show the
7 damage to your truck?

8 A Yes, sir.

9 Q Did you examine the truck later after you
10 got out of the hospital and can say this is the damage that
11 was done to it?

12 A Yes, sir.

13 Q Was it in good shape before the collision?

14 A Well, the truck only had 23,000 miles on
15 it and not a scratch on it.

16 Q And the way the truck door was knocked
17 loose, you fell out and the truck came down on you. Well,
18 how long was it before the rescue squad took you to the hospital?

19 A I would have to estimate that because at
20 that time I do not know the amount of time had elapsed, but I
21 would say within five or ten minutes at the most.

22 Q What time approximately did this accident
23 happen?

24 A I learned later from the Police Officer
25 there.

1 Like you know, but I can't bend and get around. As far as
2 doing a lot of walking and so forth and twisting and turning,
3 I can't do it on account of my knee.

4 Q Are you able in your present condition the
5 way you feel today to go back to the job that you have to do
6 at G. E?

7 A No, sir. It would be no way I could handle
8 the work at this time.

9 Q Mr. Parker, there was some mention yesterday
10 about the distance from up here at the traffic light at
11 north Main Street and Constance Road to where this collision,
12 occurred.

13 Have you had occasion to go out and measure
14 that distance by your speedometer?

15 A Yes, sir.

16 Q Can you tell us how far it is from the
17 traffic light at North Main and Constance Road to the bridge,
18 over the Nansemond River?

19 A One tenth of a mile from the center of
20 Constance Road underneath the light to the center of the
21 bridge -- one tenth.

22 Q How far is it from the bridge to the curve
23 where you go around that you can see the traffic light at the
24 shopping center -- not to the light, but to the curve?

25 A Two and a half tenths.

1 Q Two and a half tenths from the bridge, so
2 you're now a total of three and a half tenths from Constance
3 Road to the curve?

4 A Yes, sir.

5 Q And from the curve up to where the collision
6 occurred, how far is it?

7 A One tenth of a mile.

8 Q So, the total distance from Constance
9 Road up there is how far?

10 A Four and a half tenths.

11 MR. WEST: All right. Answer Mr. Glasscock's
12 questions.

13
14 CROSS EXAMINATION

15
16 BY MR. GLASSCOCK:

17 Q Mr. Parker, you were very familiar with
18 this road; were you not, sir?

19 A Yes, sir.

20 Q And you lived in this area and are familiar
21 with the shopping center?

22 A Yes, sir.

23 Q And you are familiar with the fact there
24 are three entrances to the shopping center?

25 A Yes, sir.

1 Q And I believe the testimony has been that
2 there is a traffic light at the center of those two exits.

3 A Yes, sir.

4 Q And you were actually proceeding out of the
5 north exit; the one closest to Montgomery Wards and I take it
6 that you were in the right-hand side --

7 A Yes, sir.

8 Q -- of that particular exit?

9 A Yes, sir.

10 Q When you pulled up to the exit, of course,
11 as you looked to your left you see a traffic light and you see
12 a curve beyond that, do you not, sir?

13 A Yes, sir.

14 Q Now, that traffic light, at least the stop
15 line for traffic headed north, which would have been on the
16 other side of the light from you would have been about 300
17 feet from you?

18 A Yes, sir.

19 Q And from that point back to the curve is
20 about another 300 feet, is it not?

21 A Run that by me again?

22 Q Talking about from the stop line for traffic
23 headed north stopped for the light back to the curve coming from
24 Suffolk would have been about another 300 feet?

25 A Three hundred feet approximately from the

1 exit to the stop light.

2 Q But if you went on, you say, south towards
3 Suffolk --

4 A Okay.

5 Q -- from the traffic light on back to the
6 curve there's approximately another 300 feet?

7 A Yes, somewhere close to that.

8 Q As traffic comes around that curve, there
9 are two lanes headed north?

10 A Yes.

11 Q And actually one lane that cuts off into
12 really a third lane for traffic making a right turn into the
13 shopping center?

14 A That's correct.

15 Q But you do have two lanes headed straight
16 through?

17 A That's right.

18 Q Now, when you pulled up there, did you come
19 to a stop?

20 A Yes, sir.

21 Q A complete stop?

22 A Yes, sir.

23 Q As you proceeded towards that stop, how fast
24 were you traveling? As you proceeded towards 460 and came to
25 a stop at a distance of 20 feet back from where you stopped,

1 how fast were you going?

2 A Not over about ten miles an hour if I was
3 going that fast.

4 Q And you came to a point near 460 and came
5 to a complete stop. At that point how far were you back from
6 the closest edge of Route 460?

7 A My front bumper, I would say, was within a
8 couple feet of being ready to go into what they call that
9 little ravine out there in the road - that dip.

10 Q So, you came up there and stopped about two
11 feet away. You looked down to your left and the traffic light
12 was red, you mentioned?

13 A Yes, sir.

14 Q Was there traffic stopped in the right-hand
15 lane for traffic headed north?

16 A In the right-hand lane, yes.

17 Q I'm not talking about right as you look at
18 it.

19 A On my left, that's right.

20 Q How about the left lane headed north?

21 A There wasn't any.

22 Q You had a clear view through there?

23 A Yes, sir.

24 Q And it was at that time after you had a
25 clear view that you started out?

1 A When I started out it was a clear view.

2 Q A clear view on through; so where you were
3 seated you could really see right on back just about to where
4 the curve was?

5 A No, sir, because of the cars stopped in the
6 other lane.

7 Q Isn't there a slight curve in the road coming
8 around there?

9 A Yes, sir.

10 Q I show you a photograph that is marked
11 Plaintiff's Exhibit 6. Now, this photograph is taken from
12 near the point where you were stopped; was it not?

13 A Yes, sir.

14 Q And in that photograph there is traffic stopped
15 in both lanes headed north at the light. If there was no
16 traffic stopped in the left lane for traffic headed north, couldn't
17 you see right back to almost the curve?

18 A You possibly could see back there, but
19 after you notice in ordinary driving, you notice and see the
20 traffic stopped at the stop light headed in both directions is
21 read, you don't look that far back down the road to see what is
22 coming.

23 Q You have indicated to us that lane was
24 clear of traffic, have you not?

25 A That lane was clear at that time.

1 Q Then you could see right on past that just
2 about to the curve?

3 A Yes, I probably could have seen the car.

4 Q So you could have seen the traffic headed
5 north for about six hundred feet from where you were?

6 A Yes, sir.

7 Q At the time you looked, though, you say you
8 saw nothing between you and the traffic light.

9 A That's correct.

10 Q And you say that at that point you started
11 out, is that correct?

12 A Yes, sir.

13 Q Now, did you hesitate at any time after
14 starting out?

15 A When I let off on the brake, I eased it out
16 on the little bump, that dip, and I accelerated and started on
17 out, because your front wheel bumps it and then the back
18 wheels and on those little trucks if you hit it very hard,
19 you bounce yourself up into the top of the cab.

20 Q I show you Plaintiff's Exhibit 9 and ask you
21 if that doesn't show that little dip you're talking about?

22 A Yes, sir.

23 Q And you're saying if you go over that at any
24 speed at all it -- I believe you mentioned earlier it would
25 almost cause you to lose the steering wheel.

1 A. If you come out on an angle it will whip
2 the steering wheel.

3 Q If you come out at a speed to ten to
4 fifteen miles an hour, would it whip the steering wheel out
5 of your hands?

6 A Not out of your hands, but it would feel
7 like that because it would twist in your hands.

8 Q No difficulty going over that bump at a
9 speed of 10 to 15 miles an hour?

10 A Yes, sir.

11 Q You say it would?

12 A Yes, sir.

13 Q What speed are you saying that you've got
14 to go to get across that little dip?

15 A Well, personally, in my feelings on it, I
16 wouldn't cross it but five miles an hour.

17 Q And to go over it about five miles an hour
18 are you saying it's dangerous to go over five miles an hour or
19 what?

20 A It's unethical to go over five because
21 anybody that would try to run over it much faster than that has
22 got the opportunity of losing control.

23 Q You're saying then it's dangerous to go over
24 that dip more than five miles an hour?

25 A I would say so.

1 Q As you were headed towards Route 460, are
2 you telling us that you started off in first gear and never
3 slowed at all?

4 A I said that when I started off I let it
5 ease forward in low gear as the front wheels come into the dip.
6 Then you have a clutch -- you've got to change gears and as
7 the truck proceeded out, I changed from low to second as the
8 back wheels came into the groove. Then I had changed and
9 gone into third gear when the accident occurred.

10 Q Well, Mr. Parker, when you headed out, did
11 you at any point slow down?

12 A No more than to change gears.

13 Q Traveling at that speed and when you change
14 from first to second how fast were you going?

15 A You change between five and eight miles
16 an hour on that truck.

17 Q Are you telling us, though, that you did or
18 did not slow down when you changed gears from first to second?

19 A No more than -- when you come down like
20 that, your vehicle naturally slows because you've got your foot
21 on the clutch to change gears.

22 Q Would it really slow down to amount to
23 anything?

24 A It wouldn't come to a stop; no, sir.

25 Q Why was it that Mr. Whitley had to stop and

1 put on his brakes behind you in order to avoid colliding with
2 the rear of your truck?

3 A You would have to ask him that.

4 Q Do you deny that you stalled or hesitated?

5 A I did not stall.

6 Q You did not slow down or other than for
7 changing the gears?

8 A That's all.

9 Q Otherwise a normal maneuver?

10 A That's correct.

11 Q When you changed from second to third, how
12 fast were you going?

13 A From second to third you change at approx-
14 imately 12 to 15 miles an hour.

15 Q Twelve to fifteen miles an hour?

16 A Yes.

17 Q Would you say that your average speed was
18 seven or eight miles an hour as you headed out?

19 A Between five and six when I pulled out.

20 Q Your average speed from the time you
21 started out to the time you were struck would have been
22 seven or eight miles an hour or would it have been ten miles
23 an hour?

24 A The speed of the truck there at the time I
25 was struck is still on the speedometer in my yard. It's setting

1 on 11 miles an hour.

2 Q Mr. Parker, when a vehicle is struck like
3 that and the speedometer is like that, it's not necessarily
4 stopped at the speed you were going at the moment, is it?

5 A I do not know.

6 Q So you can't say you were only going 11
7 miles an hour.

8 A I can only go by what I see on it.

9 Q Your average speed headed out from the time
10 you started until the time you were struck would have been
11 at least seven or eight miles an hour, would it not, sir?

12 A I guess if you averaged it all out together
13 it might be.

14 Q Would it have been as much as 10 miles
15 an hour?

16 A Not average, no, sir.

17 Q As you started out, you say you looked to
18 your left and you did not see anything at all?

19 A That's correct.

20 Q Did you look again when your vehicle got just
21 about at the edge of Route 460?

22 A I looked until my vehicle had already
23 entered 460 and as I reached to change to second I turned my
24 head to look back to my right at that time as the vehicle was
25 coming out on the thing. I turned my head back and I was

1 changing gears.

2 Q All right, sir.

3 Where was your vehicle at the last time when
4 you looked to the left?

5 A Approximately half on the highway.

6 Q How do you mean, "half on the highway?"

7 A Halfway going out.

8 Q Half of what?

9 A Half of my truck --

10 Q -- was out into 460?

11 A Yes, sir.

12 Q As you started out, you looked first. Did
13 you continue to look to your left?

14 A That's correct.

15 Q Half of your truck is out and you're still
16 looking to your left?

17 A That's correct.

18 Q How long is the truck?

19 A Approximately 13 or 14 feet.

20 Q So, about 7 feet out into the highway and
21 you looked to the left. Did you see anything coming then?

22 A Not at that particular moment, no.

23 Q When Mr. Whitley indicated before you
24 entered the highway the Davis vehicle was halfway from the
25 light, are you saying that he's incorrect in saying that?

1 A I did not see the vehicle when I went out
2 on the highway.

3 Q As a matter of fact you never saw it at all?

4 A No, sir. That is correct.

5 Q When you pulled out, did you swing out wide?

6 A No, sir.

7 Q Now, Mr. Parker, you didn't go out after
8 the accident to check out those skid marks on the highway?

9 A I wasn't able.

10 Q All right, sir, and if the Officer who
11 investigated the accident indicated there was a mark about one
12 foot to the left of the line dividing the two northbound lanes
13 that went right up to where your truck is, are you saying he's
14 wrong in that?

15 A I'm not saying --

16 MR. WEST: The Officer didn't testify to that
17 and he can't ask this witness if he's right or wrong
18 if he didn't say that.

19 THE COURT: All right. That's up to the
20 Jury what he said and I don't remember what exactly
21 he said, Mr. Glasscock.

22 MR. GLASSCOCK: I think I do, sir.

23

24 BY MR. GLASSCOCK:

25 Q Was your vehicle straightened up when struck?

1 A. Better than 90 percent straight.

2 Q. Better than that, wasn't it?

3 A. Because the highway - it's turning back
4 to the left.

5 Q. I understand that, but with regard to the
6 direction of the lanes as they existed at that point, you're
7 saying your vehicle was about 90 percent straightened up?

8 A. That's correct.

9 Q. Are you saying 90 percent straight when it
10 was struck?

11 A. Yes, sir.

12 Q. And if at that moment your left front
13 wheel was in the left lane, then your rear wheel was also in
14 the left lane.

15 A. It wasn't in the left lane.

16 Q. If it was almost straightened up and your
17 left front wheel was in the left lane, wouldn't your left rear
18 wheel be there, too?

19 A. No, sir, because I wasn't in there.

20 Q. If this mark which begins one foot to the
21 left of the dividing line between the two lanes really went
22 to your truck, that would certainly indicate you were on the
23 left side of the line when it was struck?

24 A. That is an "if" question and I don't think
25 it's fair.

1 Q Isn't that a fair question?

2 A No, sir.

3 Q Isn't that what we're trying to get to is
4 where you were?

5 A The point there, sir, is that I was not able
6 to be out and looking at the accident after it occurred and
7 I've testified I went to the hospital.

8 Q You really cannot deny where those marks
9 were, can you?

10 A No, sir; I cannot deny or confirm.

11 Q So, if the marks in the left lane beginning
12 at the time the impact occurred leading up to the Cadillac
13 existed in the left lane, wouldn't that indicate that the
14 Cadillac was in the left lane at the time the collision occurred?

15 A Sir, I have no idea.

16 Q All right, sir.

17 Mr. Parker, the point of this collision was
18 very near the north edge of the exit -- that is the north
19 exit, was it not?

20 A Approximately ten foot or better past the
21 northern exit.

22 Q You then disagree with the statement of
23 the Officer that it occurred or those marks began just about
24 even with the north exit?

25 A Where the marks start? I know where my

1 truck was when it occurred.

2 Q If the marks began even with the northern
3 edge of the north exit, wouldn't that show where the collision
4 occurred?

5 MR. WEST: This is cross examination and
6 he's been given a lot of latitude, but this witness
7 has said over and over he doesn't know anything
8 about where the marks were and he didn't see them.

9 He was taken to the hospital injured, and
10 I don't think it's fair cross examination to keep
11 asking questions about where the marks were and if
12 the mark was here -- didn't that mean so and so.

13 The man said he didn't know anything about
14 the marks and yet he's asked him at least two dozen
15 questions in a row about the marks that he has
16 never even seen.

17 I don't think that is right or proper
18 cross examination.

19 MR. GLASSCOCK: This is the Plaintiff.
20 The Plaintiff is asking the Jury to believe a
21 certain story and he is now on cross examination and
22 I think we should be allowed wide latitude in
23 questioning him about the statements and about his
24 case and what he says really occurred. That is all
25 we're trying to do.

1 THE COURT: Well, he didn't see it
2 himself, but I'll let you question him on the marks
3 that were there. I'll overrule the objection.
4

5 BY MR. GLASSCOCK:

6 Q Mr. Parker, if at the time you pulled out
7 onto the highway, the car operated by Mr. Davis was one half the
8 way from the stop light to the exit where you were, could you
9 have seen it, sir?

10 A If it was halfway?

11 Q Yes, sir.

12 A If it was halfway I could have seen it before
13 I pulled out if it was halfway when I pulled out on the road.

14 Q Now, Mr. Parker, you really went only
15 about one car length or a car length and a half before the
16 collision occurred, did you not, sir?

17 A From the entrance, yes, sir.

18 Q And you never saw the Davis vehicle?

19 A No, sir.

20 MR. GLASSCOCK: That's all. Thank you.

21 sir.

22 MR. WEST: Mr. Parker, would you return
23 over here.

24 Dr. Rish still has not shown up, so the
25 Plaintiff rests without putting Dr. Rish on with the

1 ten-minute recess.

2 (Whereupon a ten-minute recess
3 was taken.)

4
5 MR. GLASSCOCK: We would like to call the
6 Defendant, Jessie Davis as a witness.

7
8 JESSIE EUGENE DAVIS,
9 the Defendant, having been previously
10 duly sworn, was examined and testified as
11 follows:
12

13
14 DIRECT EXAMINATION

15
16 BY MR. GLASSCOCK:

17 Q You are Mr. Jessie Davis?

18 A Jessie Eugene Davis.

19 Q I'm having a little trouble hearing, so
20 I'll move up.

21 How old are you at this time?

22 A Fifty-eight.

23 Q And where do you live at this time?

24 A I live right now at 3336 Mount Pleasant
25 Street, Washington D. C.

1 Q On October 30, 1972, where did you live?

2 A 2639 Norfolk Road.

3 Q How long had you lived in Suffolk up to
4 that time?

5 A About twenty years or more.

6 Q What was your occupation at that time?

7 A Long-distance truck driver.

8 Q What is your occupation?

9 A I don't work any more. I'm on disability.

10 Q Why?

11 A On account of my nerves and back.

12 Q Did you have trouble with your back?

13 A Yes, sir; from the accident.

14 MR. WEST: I don't believe this is proper
15 testimony to get into this man's physical testimony,
16 plus I don't think that has any relevancy and we're
17 not trying his case and I think it's highly prejudicial.

18 THE COURT: I don't think -- we can
19 disregard that about his injuries.

20
21 BY MR. GLASSCOCK:

22 Q How long did you drive a truck?

23 A About 20 years.

24 Q Were you involved in a motor vehicle
25 accident on October 30, 1972?

1 A Yes.

2 Q Where generally did it take place?

3 A Over in the shopping center.

4 Q Would you tell us please what -- by the
5 way, you're talking about the one here in Suffolk?

6 A Right.

7 Q What was the weather like?

8 A Fair and dry.

9 Q What kind of vehicle were you driving?

10 A A 1970 Cadillac.

11 Q Was there anyone else in the automobile
12 with you?

13 A No, sir; just me alone.

14 Q Where had you been before you got to the
15 point where the accident happened?

16 A Where had I been?

17 Q Where you coming from?

18 A From my house, 2639 Norfolk Road.

19 Q Where were you going to?

20 A To Obici Memorial Hospital.

21 Q In which direction were you traveling in as
22 you approached the traffic light which is located right adjacent
23 to the shopping center?

24 A I was in the right lane and a truck was
25 on the right side. There wasn't anything in the left lane and

1 I pulled into the left lane to the traffic light and stopped,
2 for a second or two.

3 Q Would you tell us what color that light
4 was at that time?

5 A When I pulled up the light was red.

6 Q How long did you stay there?

7 A For two or three seconds.

8 Q What happened to the light?

9 A The light changed to green.

10 Q After the light changed to green, what did
11 you do?

12 A I pulled off.

13 Q In which lane of traffic were you in?

14 A The left-hand lane.

15 Q When you headed on north, would you tell
16 us please what happened?

17 A Well, I headed on north and I got just
18 about to the north exit of the driveway. I saw this pickup
19 truck with a rack wired on it coming towards the highway and I
20 got just about to the exit and before I could do anything I was
21 hit right together like that.

22 Q Would you tell us please what your speed
23 was as you headed on north towards that exit?

24 A I would estimate my speed around 20 or 25
25 miles an hour.

1 Q I see.

2 A Maybe a little bit more.

3 Q Could you tell us whether or not you stayed
4 in the left lane? "

5 A I did.

6 Q And what did the pickup truck do?

7 A It came right out and collided together in
8 the highway about the north side of the exit.

9 Q You did collide? You did run together?

10 A Run right into the right side of my car.

11 Q Could you tell us whether or not the pickup
12 truck operated by Mr. Parker was straightened up completely
13 at that time?

14 A No. It crossed over into the left-hand lane.

15 MR. GLASSCOCK: Answer these gentlemen, if
16 you will please.

17

18 CROSS EXAMINATION

19

20 BY MR. WEST:

21 Q Mr. Davis, had you gone through the inter-
22 section up here at Constance Road and North Main Street?
23 Did you go through that intersection?

24 A No, sir. I come up Constance Road over
25 from 337 and come into 58 and made a right turn on Constance

1 Road.

2 Q After you turned onto the Windsor Road or
3 North Main Street, whichever it is at that point, did you
4 remember passing a couple cars on the right-hand side?

5 A No, sir; I didn't pass anything at all.

6 Q You didn't pass any cars from the stop light
7 up here all the way out there?

8 A No, sir. I didn't pass anything.

9 Q To the shopping center, you didn't pass a
10 car anywhere?

11 A No, sir.

12 Q I believe you indicated you were familiar
13 with this road?

14 A Yes, sir.

15 Q As a matter of fact I believe you said you
16 probably traveled it a hundred fifty thousand times.

17 A Maybe more.

18 Q And you knew the road and you knew the speed
19 limit?

20 A Right; 35 miles an hour.

21 Q And you said when you went around the curve
22 and approached the red light you were in the right-hand lane.

23 A The truck was at the traffic light, but
24 the truck was in the right land and I moved over to the left
25 lane.

1 Q You shifted to the left lane?

2 A Yes.

3 Q All right.

4 What kind of mechanical condition was your
5 automobile in?

6 A A-1 condition.

7 Q Were the tires good?

8 A The tires were good.

9 Q Were the brakes in good shape?

10 A Yes, sir; brakes in good shape.

11 Q When you saw the truck coming out, why
12 didn't you put on your brakes?

13 A I was hit before I could put on brakes.

14 Q You were hit?

15 A We collided together before I could get on
16 brakes.

17 Q What part? I wrote down what you said a
18 moment ago that "he run into the side of my car."

19 A Right front fender.

20 Q Right front fender of your car?

21 A Right.

22 Q And you say he ran into the side of your
23 fender?

24 A Just like that, on the right side -- ran
25 right together.

1 Q Where was the pickup when you first saw it?

2 A I saw it maybe 10 or 15 feet maybe back from
3 the highway.

4 Q In the shopping center parking lot?

5 A Yes.

6 Q Tell us what it did after you saw it.

7 A I saw it and I was in the left lane and
8 just as I approached the north exit, before I could even do
9 anything, it hit me before I could do anything.

10 Q When you first saw it back 10 or 15 feet
11 into the shopping center, was it moving?

12 A Moving towards the highway.

13 Q Moving towards the highway?

14 A Moving towards the highway.

15 Q How far were you from the intersection at
16 that time?

17 A I was about 20 feet from the north side of
18 the exit.

19 Q That he came out of?

20 A Yes, sir.

21 Q So, he was about 10 or 15 feet back into
22 the parking lot?

23 A That's right.

24 Q Did he stop?

25 A No, sir. He didn't.

1 Q He never stopped?

2 A No, sir.

3 Q He came straight on out?

4 A Straight out.

5 Q Did you see anybody behind him?

6 A Behind him?

7 Q Yes.

8 A No, sir. I didn't see anything. That
9 knocked me out when I was hit.

10 Q When you saw him -- just that one vehicle --
11 no other vehicle behind him and he came out without stopping?

12 A I didn't pay any attention to what was
13 behind him.

14 Q Did he slow down any?

15 A He didn't even slow down -- maybe 10 or 15
16 miles an hour coming to the highway.

17 Q He came to the highway at 10 or 15 miles an
18 hour?

19 A Yes.

20 Q He didn't come slow, slow down or stop?

21 A Right across over to the left lane.

22 Q Were you meeting any traffic?

23 A Traffic was coming in town.

24 Q To your left?

25 A To my left.

1 Q Are you sure now you were meeting traffic
2 to your left?

3 A Traffic was coming into town.

4 Q Both lanes or one lane?

5 A I couldn't be sure, but some in one lane
6 coming towards town.

7 Q Mr. Davis, you remember us taking your
8 deposition up in your lawyer's office way back two or three
9 years, August 24, 1973, at 2:20 p.m? Do you remember going
10 to your lawyer's office and I asked you some questions?

11 A Yes, sir.

12 Q Now, on page 17 on line 6 I asked you:
13 "Anything meeting you from the left?"
14 And did you not answer, "I don't think
15 there was anything meeting me from the left."

16 Do you remember giving that answer?

17 A I don't think I did.

18 Q Well, I'll let you read it yourself.
19 This is the question and the answer.

20 Now, did you give that answer or are you
21 saying you don't remember.

22 A Well, I don't remember.

23 Q But it was fresher in your mind at that time
24 as to whether or not you were meeting any traffic than it is
25 now, I assume.

1 A That's right.

2 Q Also, I believe you testified on that same
3 day that you did not see any vehicle behind Mr. Parker's truck.

4 A I didn't see anything behind.

5 Q And you still say today that there was no
6 vehicle behind him.

7 A I didn't see any behind.

8 Q And you didn't see him stop either?

9 A No, sir.

10 Q All right, sir.

11 After the collision did you go over to the
12 truck that Mr. Parker was in?

13 A No, sir; because it knocked me out. I
14 didn't know hardly what to do. I was in a haze.

15 Q Those lanes are built so when you go
16 through the traffic light, if you're in the left lane and you
17 go right straight, you automatically wind up shifting into the
18 right lane just about in front of the north exit?

19 A Right. That's right.

20 MR. WEST: That's all.

21 MR. GLASSCOCK: That's all. You may come
22 down, if you will, please, sir.

23 That is the case for the Defendant and the
24 Defendant rests.

25 I have a motion to make at the appropriate

1 time.

2 THE COURT: No rebuttal, I take it?

3 MR. WEST: No, Your Honor.

4 THE COURT: All right, now, then we have
5 got a motion to be made out of the hearing of the
6 Jury and some other work to do.

7 Now, would you gentlemen think we can do
8 what we need to do in 30 or 40 minutes. I'm thinking
9 about when to ask the Jury to come back.

10 MR. GLASSCOCK: About two o'clock.

11 THE COURT: I think that might be a good
12 idea to let them go ahead now. Ladies and Gentlemen
13 of the Jury; we're going to let you go to lunch now
14 as we did yesterday. When you go, you may go
15 together or separate, but don't let anyone discuss
16 the case in your presence and don't discuss it with
17 each other while you're out of the Jury Box.

18 We'll see you back here at two o'clock.

19 (Whereupon the Jury recesses for
20 lunch at 12:10 p.m.)

21
22 MR. GLASSCOCK: Your Honor, at the conclusion
23 of all the testimony, we'll renew the motion to strike
24 the Plaintiff's evidence and enter summary judgment
25 on behalf of the Defendant on the grounds that

1 previously have been cited.

2 THE COURT: Yes, sir. Well, I'll overrule
3 the Motion to Strike.

4 MR. GLASSCOCK: Note our exception.

5 MR. WEST: We move to strike the
6 Defendant's evidence. If we take Mr. Glasscock's
7 witness' testimony, coming up the open road with
8 nobody in front of him and he didn't see the truck
9 when he was 20 feet from the northern intersection,
10 then he didn't keep a proper lookout and hadn't
11 seen the situation of danger, so we move to strike
12 the Defendant's evidence.

13 THE COURT: I'll overrule the motion to
14 strike the Defendant's evidence.

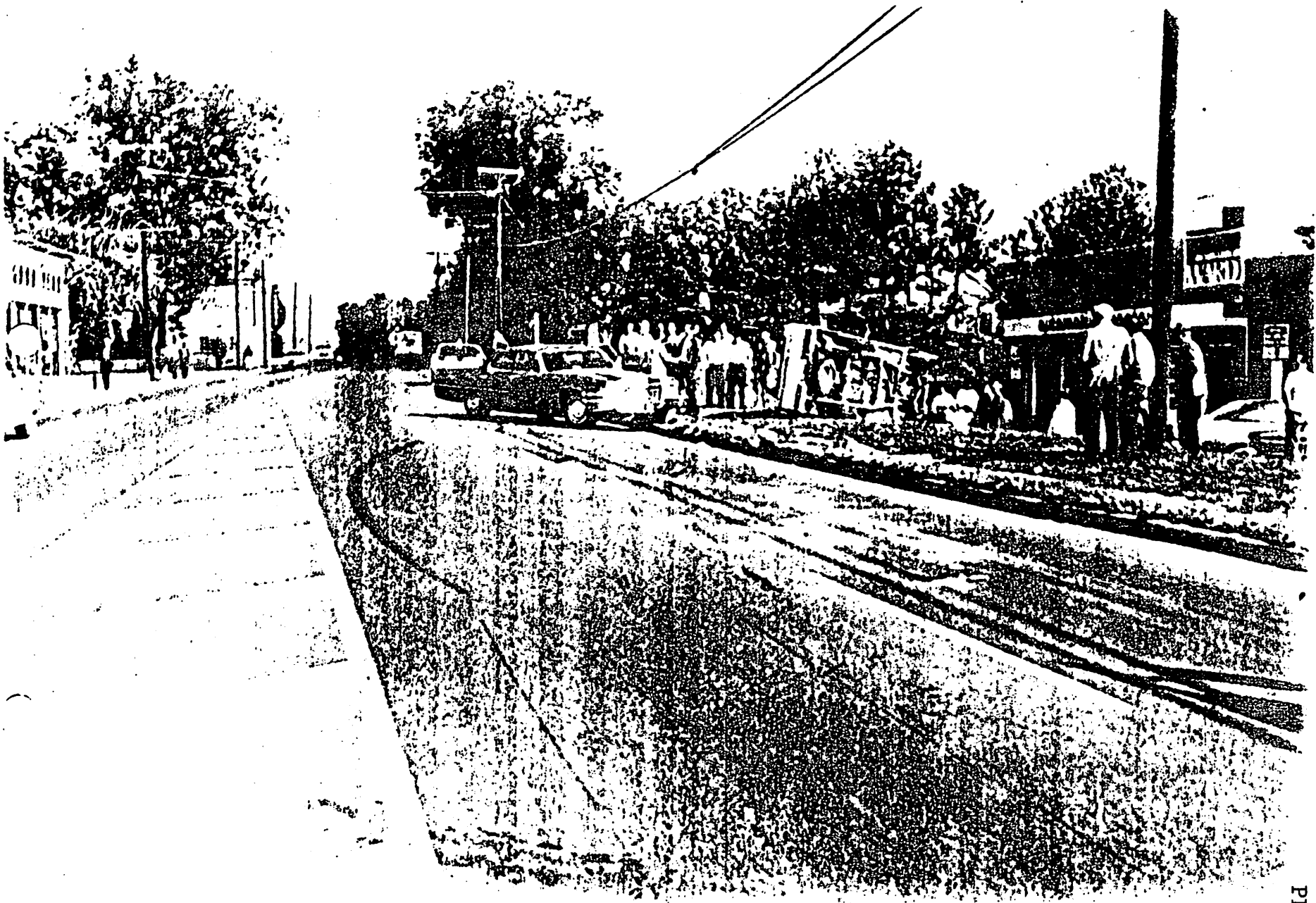
15 I don't want to be late going to lunch
16 and keep the Jury waiting, but don't you suppose we
17 can get our work done before one?

18 MR. WEST: I would like to try.

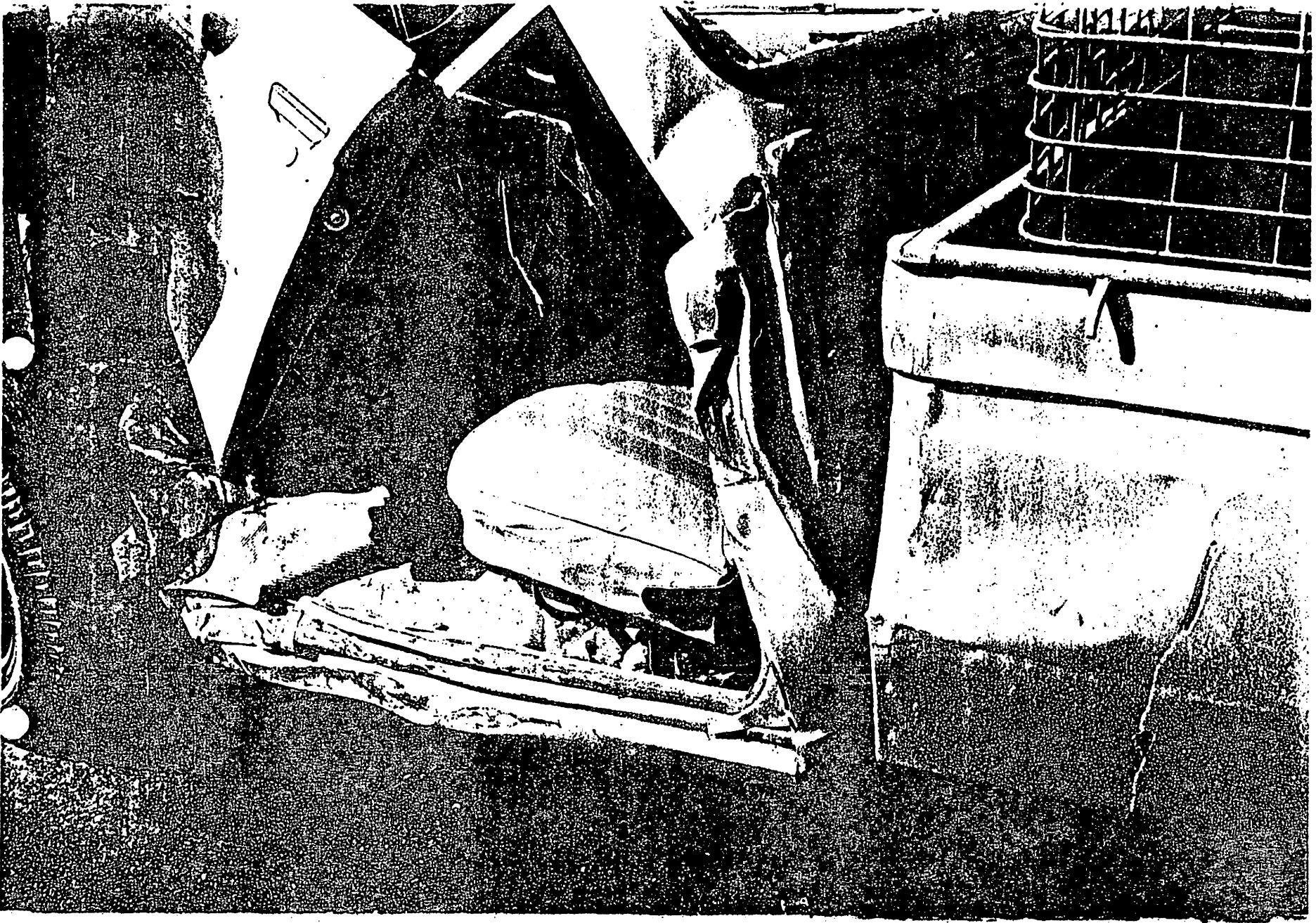
19 MR. GLASSCOCK: We'll work until that time
20 anyway.

21
22 (Jury returns to the Jury Box
at 2:10 p.m.)

23 THE COURT: Ladies and Gentlemen of the
24 Jury, if you will give me your attention I will give
25 you your instructions on the law of this case.

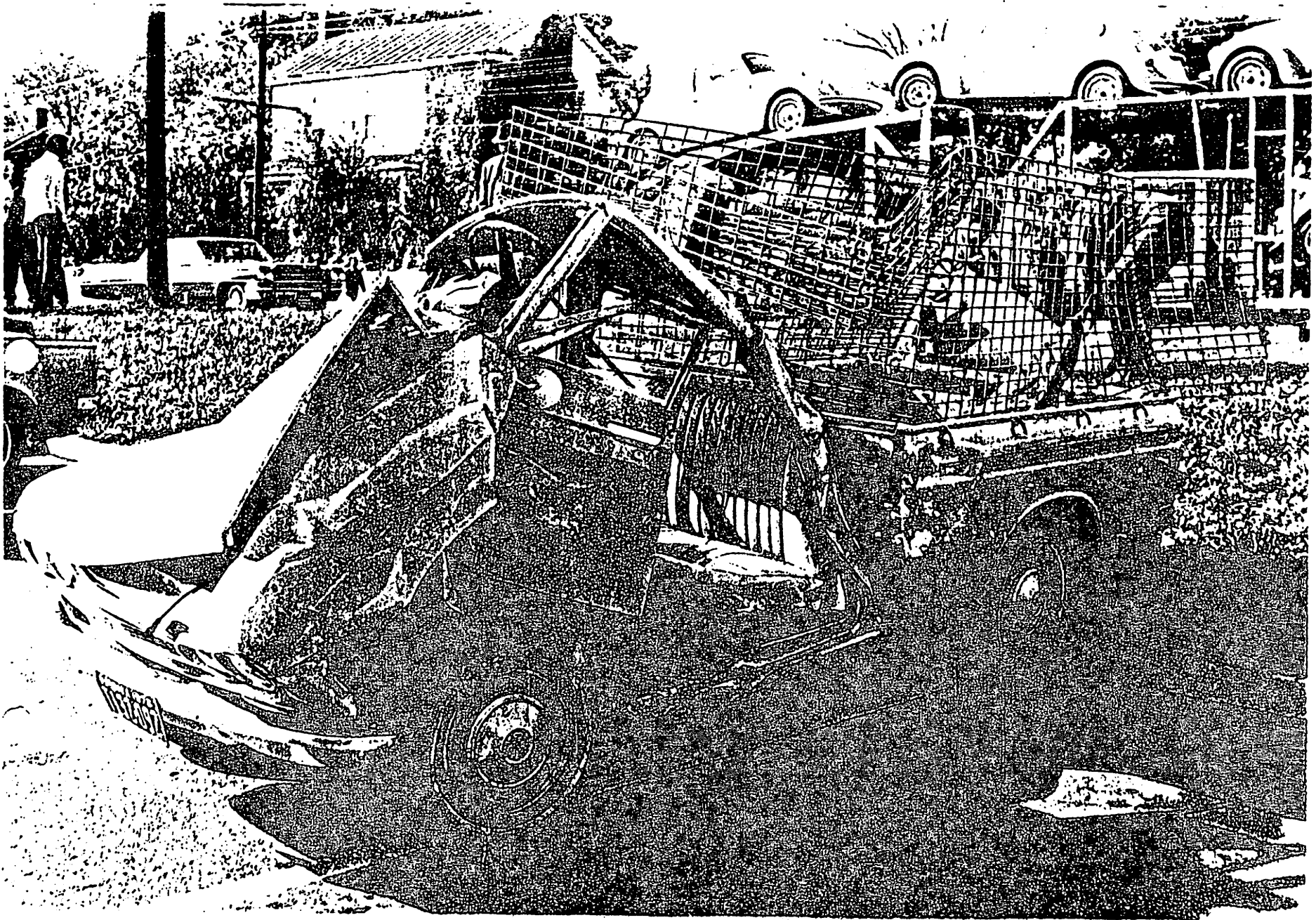


PL. EX. #1



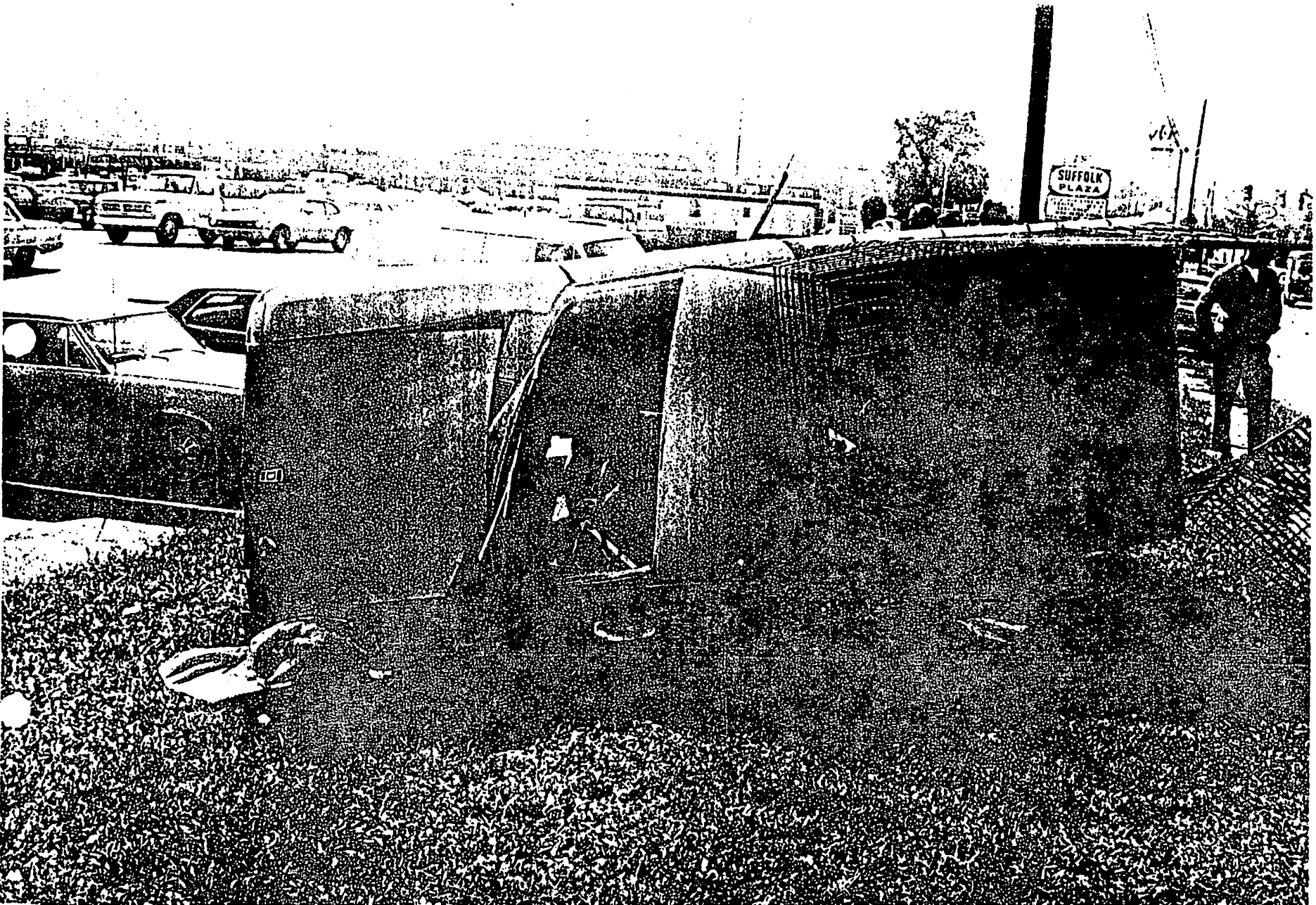
PL. EX. #2

PL #2

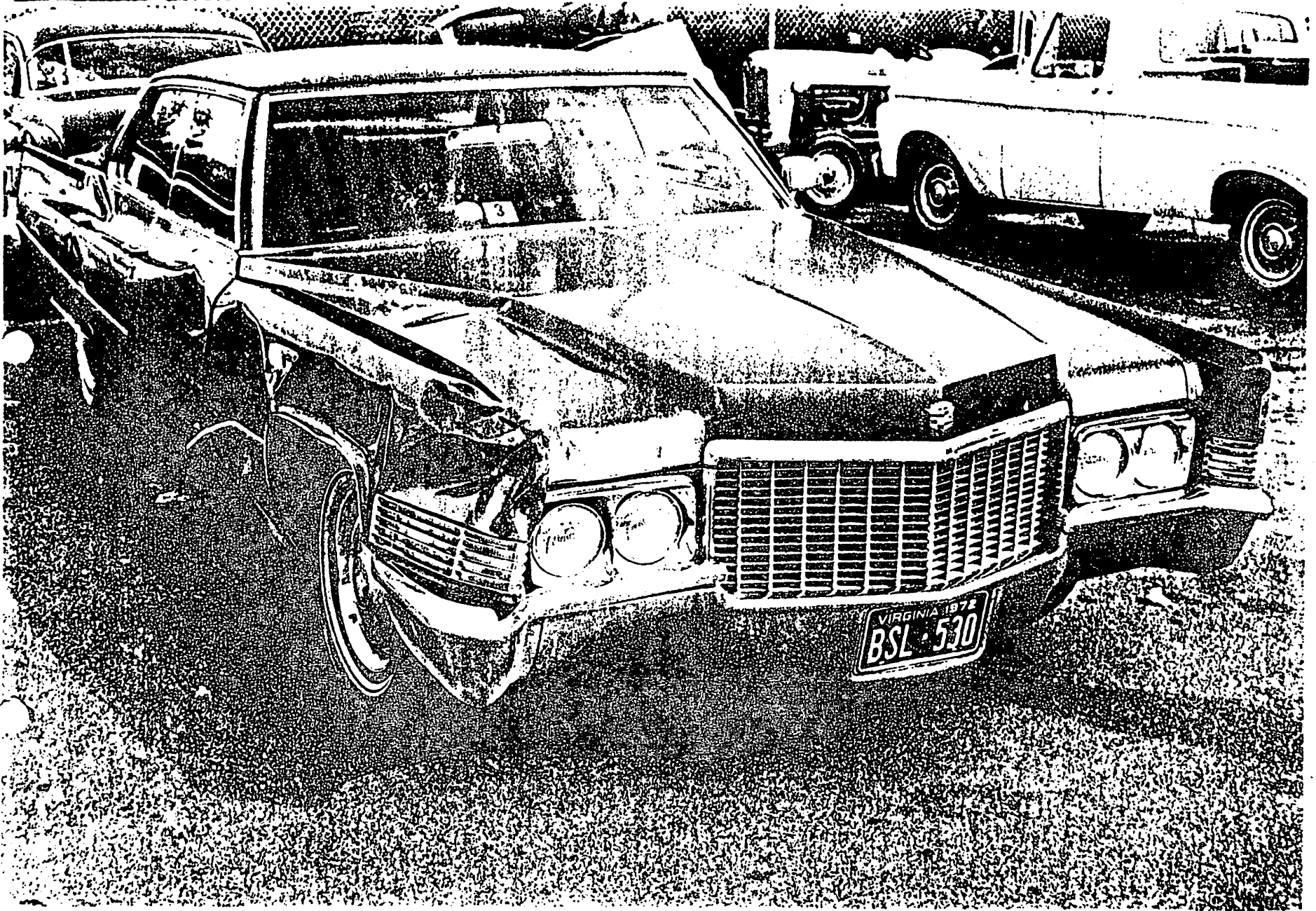


PL. EX. #3

01 42



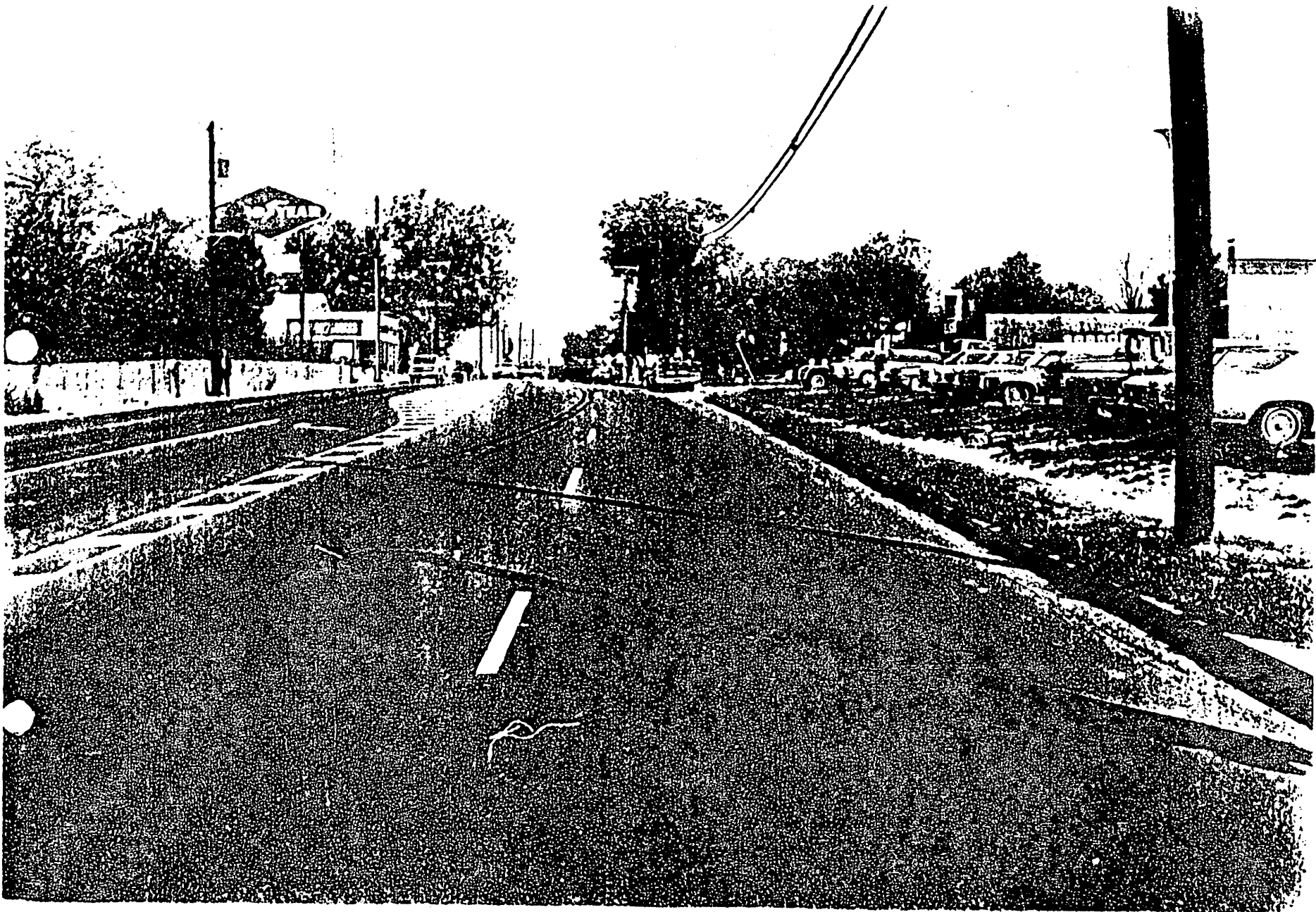
PL. EX.#4



PL. EX. #5

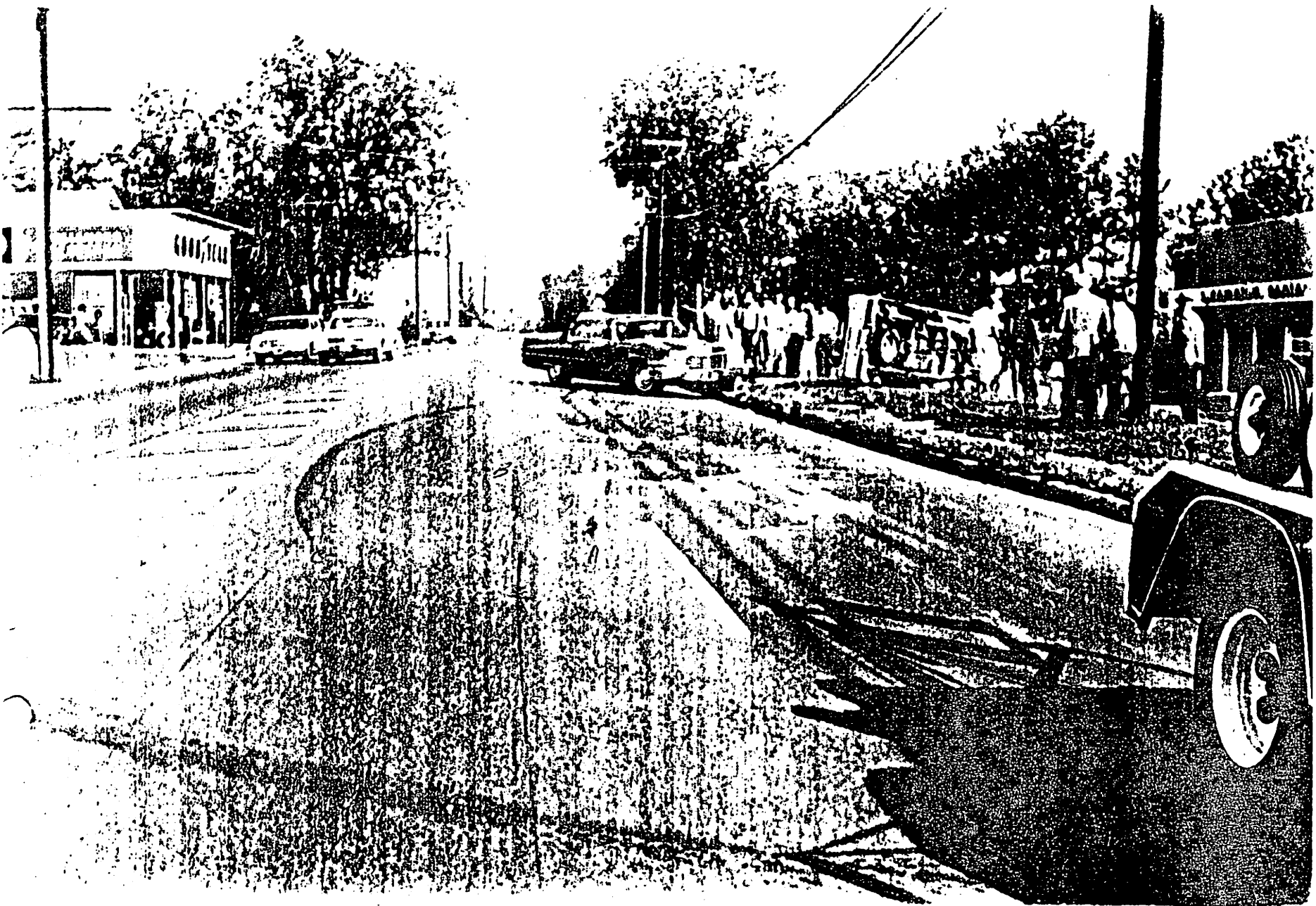
A #5





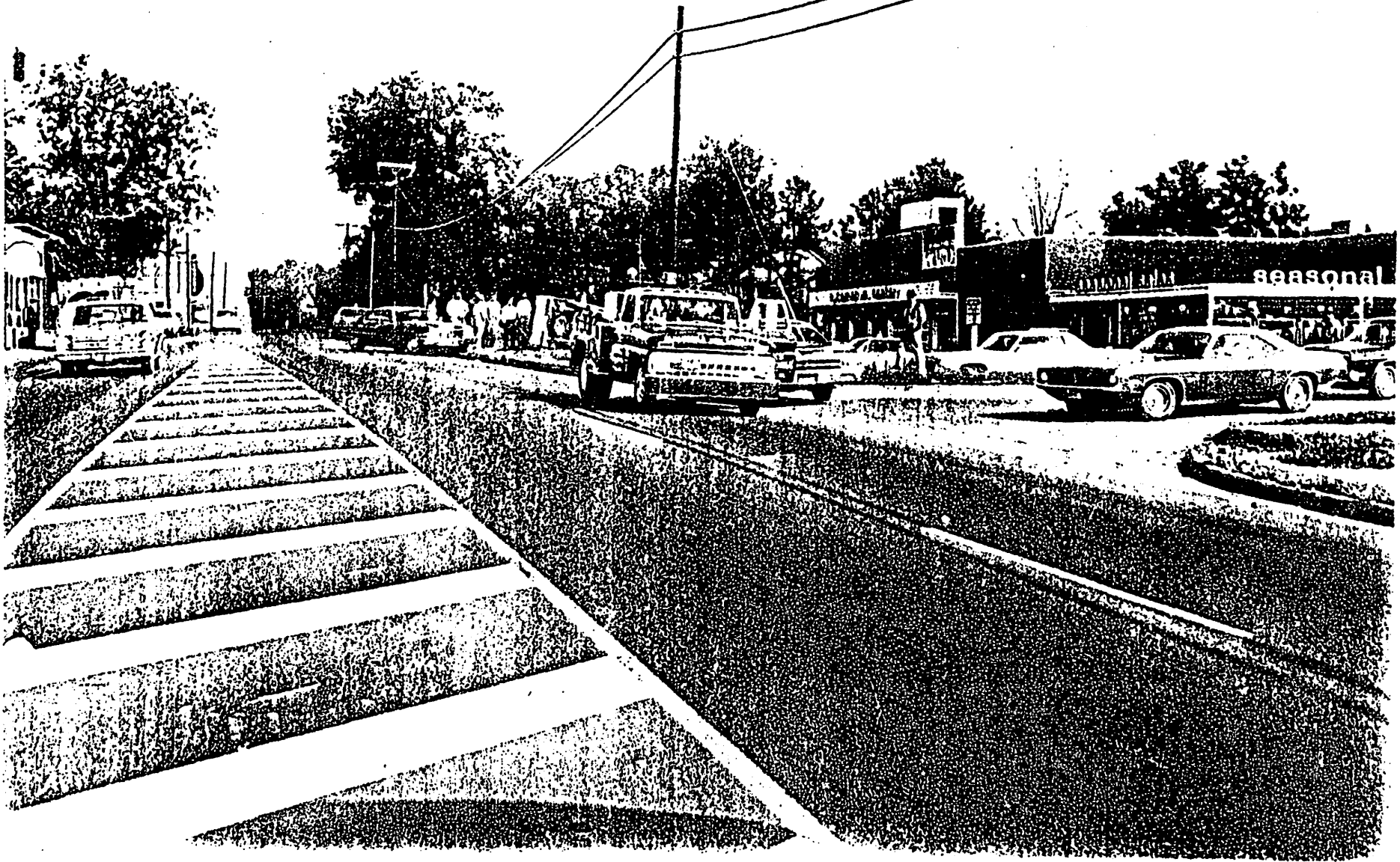
PL. EX. #7

PL # 7



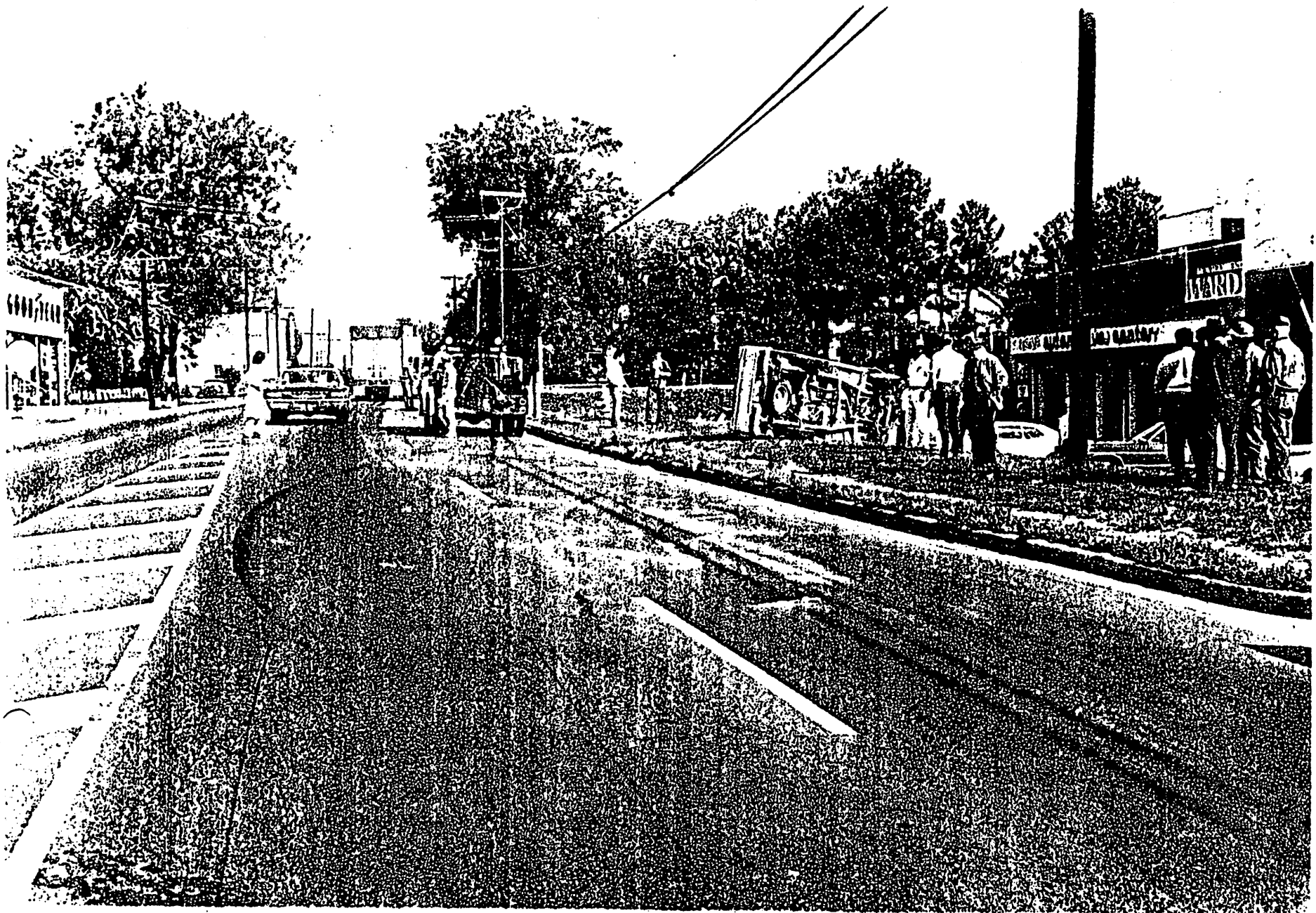
PL. EX.#8

PL #8



PL. EX. #9

PL 49



PLAINTIFF'S EXHIBIT NUMBER 11

(X-RAY)

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ONALD S. HOWELL, M. D.

CRAIG A. RYDER, M. D.

424 NORTH MAIN STREET

SUFFOLK, VIRGINIA 23434

ORTHOPEDIC SURGERY

PHONE 539-1477

Preston E. Parker
Rt. 1, Box 398B
Suffolk, Virginia 23434

PROFESSIONAL SERVICES

| | | |
|----------|--------------------------|--------|
| 10/30/72 | | |
| thru | Surgery- hospital care | 250.00 |
| 11/07/72 | | |
| 12/18/72 | X-rays | 13.00 |
| 01/04/73 | X-rays | 20.00 |
| 01/22/73 | Injection | 7.00 |
| 02/05/73 | Office visit & injection | 14.00 |
| 02/26/73 | Office visit & injection | 14.00 |
| 03/19/73 | Office visit | 7.00 |
| 04/30/73 | Office visit | 7.00 |
| 06/14/73 | Office visit | 7.00 |
| 09/13/73 | Office visit | 10.00 |

Plaintiff's Exhibit # 12

Date 5/25/76

BALANCE

349.00

Judge *Glenn*

PLAINTIFF'S EXHIBIT NUMBER 13

(X-RAY)

Printers Note:

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PHONE 539 1

STATEMENT

PL. EX. #14

SUFFOLK, VA.,.....

JOS. P. HALL DRUG CO., Inc.
"THE REXALL STORE"

139 South Saratoga Street

RX-DRIVE IN WINDOW SERVICE AND PARKING LOT IN REAR

Mr. Preston F. Parker

RFD 1 Box 398 B

Suffolk, Va. 23434

1% FINANCE CHARGE added to past due balance. FINANCE CHARGE is computed at "periodic rate" of 1% per month which is an ANNUAL PERCENTAGE RATE of 12% applied to the previous balance after deducting current payments and/or credits appearing on this statement.

| Prescriptions by Drs. Ryder, Howell, Rish, Kell & Priu. | | | |
|---|----------------------------|------------|-------|
| 1-19-73 | 103-204 | Dr. Howell | 4 40 |
| 1-31-73 | 105-114 | " | 2 45 |
| 2-26-73 | 106-032 | " | 4 40 |
| 3-19-73 | 106-032 | " | 4 40 |
| 7-10-73 | 106-032 | " | 4 40 |
| 7-25-73 | 106-032 | " | 4 40 |
| 2-27-73 | 106-238 | Dr. Ryder | 5 60 |
| 3-12-73 | 106-238 | " | 5 60 |
| 3-5-73 | 106-239 | " | 3 80 |
| 4-23-73 | 100-979 | " | 7 45 |
| | 110-444 | " | |
| 7-10-73 | 100-979 100-979 | " | 2 10 |
| 7-23-73 | 110-444 | " | 2 10 |
| 7-16-73 | 110-646 | Dr. Rish | 2 70 |
| 7-23-73 | 110-646 | " | 2 70 |
| 7-17-73 | 110-713 | " | 6 00 |
| 7-17-73 | 110-714 | " | 4 20 |
| 7-28-73 | 110-714 | " | 4 20 |
| 7-26-73 | 110-981 | Dr. Ryder | 4 10 |
| 8-1-73 | 111-151 | " | 4 00 |
| | | | 79.00 |

Plaintiff's Exhibit # 14

Date 5/26/76

Judge J. J. McPherson

PL #14

PHONE 539 '1

STATEMENT

SUFFOLK, VA.,

- 2 -

JOS. P. HALL DRUG CO., Inc.
"THE REXALL STORE"

139 South Saratoga Street

RX-DRIVE IN WINDOW SERVICE AND PARKING LOT IN REAR

John Preston E. Parker

1% FINANCE CHARGE added to past due balance. FINANCE CHARGE is computed at "periodic rate" of 1% per month which is an ANNUAL PERCENTAGE RATE of 12% applied to the previous balance after deducting current payments and/or credits appearing on this statement.

79.00

| | | | | |
|----------|--|-----------|---|----|
| 8-20-73 | 111-151 | Dr. Ryden | 4 | 00 |
| | 110-444 | " | 2 | 10 |
| 10-1-73 | 110-444 | " | 2 | 10 |
| 10-20-73 | 111-151 | " | 4 | 00 |
| 10-29-73 | 110-444 | " | 2 | 10 |
| 11-5-73 | 114-250 | " | 4 | 10 |
| 11-5-73 | 110-444 | " | 2 | 10 |
| 2-18-74 | 118-076 | Dr. Keel | 3 | 75 |
| 3-30-74 | 119-808 | " | 4 | 40 |
| | 119-809 | " | 4 | 20 |
| 4-6-74 | 119-809 | " | 4 | 20 |
| | 100-979 | Dr. Ryden | 7 | 45 |
| 4-15-74 | 120-457 | Dr. Keel | 3 | 60 |
| 4-17-74 | 120-584 120-953 | Dr. Price | 2 | 40 |
| 4-29-74 | 119-809 | Dr. Keel | 4 | 20 |
| 5-18-74 | 121-740 | " | 3 | 50 |
| | 121-741 | " | 3 | 60 |
| 6-7-74 | 119-809 | " | 4 | 20 |
| 6-22-74 | 122-945 | " | 3 | 00 |
| | 122-946 | " | 3 | 60 |

151.60

STATEMENT

JOS. P. HALL DRUG CO., Inc.

139 South Saratoga Street

RX-DRIVE IN WINDOW SERVICE AND PARKING LOT IN REAR

Mr. Pristaw E. Parker

1% FINANCE CHARGE added to past due balance. **FINANCE CHARGE** is computed at "periodic rate" of 1% per month which is an **ANNUAL PERCENTAGE RATE** of 12% applied to the previous balance after deducting current payments and/or credits appearing on this statement.

| balance after deducting current payments and/or credits appearing on this statement. | | |
|--|---------|-------------------|
| | | 151.60 |
| 6-22-74 | 122-947 | Kell 10 20 |
| 7-23-74 | 123-955 | " 4 40 |
| | | Bingardner 166 20 |

LIST OF MEDICAL BILLS FOR PRESTON E. PARKER

| <u>Date of Service</u> | <u>Name</u> | <u>Amount</u> |
|------------------------|--|---------------|
| 10/30/72 - 11/7/72 | Louise Obici Memorial Hospital | 840.90 |
| 10/31/72 - 9/13/73 | Dr. Craig A. Ryder | 349.00 |
| 10/21/72 | Dr. E. Espinosa | 50.00 |
| 1/19/73 - 7/23/74 | Joseph P. Hall Drug Co. prescriptions | 166.20 |
| 1/12/73 | Russell & Holmes Shoe Store (fitted in accordance with Doctor's request) | 34.30 |
| 3/20/73 | Zetts Orthopedic Appliances, Inc. | 29.50 |
| 6/19/73 | Neurosurgical Associates (Dr. Rish) | 705.00 |
| 6/19/73 | Diagnostic Services, Inc. (Dr. Rish X-rays) | 80.00 |
| 6/29/73 - 7/9/73 | Norfolk General Hospital | 1,190.33 |
| 8/31/73 - 10/31/73 | Louise Obici Hospital (Physical Therapy) | 182.00 |
| 1/24/74 - 5/10/76 | Drs. Kell, Eagle, Singer Associates | 1,480.25 |
| 1/29/74 | Imperial Hospital, Inc. | 2,044.20 |
| 2/8/74 | Dr. Herman M. Nachman | 25.00 |
| 3/18/74 - 3/30/74 | Richmond Memorial Hospital | 1,204.60 |
| 3/19/74 | Anesthesia Associates of Richmond, Inc. | 137.70 |
| 8/20/74 | Dr. W. John Norfleet, Jr. | <u>200.00</u> |
| | Total | \$8,718.98 |

Plaintiff's Exhibit # 15

Date 5/26/76

Judge [Signature]