

William A. Bonner, Esquire
abonner@colson.com
Roberto Martinez, Esquire
bob@colson.com
COLSON HICKS EIDSON
255 Alhambra Circle, Penthouse
Coral Gables, FL 33134
eservice@colson.com;
claudia@colson.com
Attorneys for Plaintiff

Stephen A. Marino, Jr., Esquire
smarino@ypl-law.com
Michal Meiler, Esquire
mmeiler@ypl-law.com
VER PLOEG & LUMPKIN, P.A.
301 E. Pine Street, Suite 790
Orlando, FL 32801
smcgee@ypl-law.com
Co-Counsel for Plaintiff

/s/ Peter C. Vilmos

S. Greg Burge (Florida Bar # 0743770)
Email: *gburge@burr.com*
Secondary: *mkillian@burr.com*
BURR & FORMAN LLP
420 North 20th Street, Suite 3400
Birmingham, AL 35203
Tel: 205-251-3000
Fax: 205-458-5100

Peter C. Vilmos (Florida Bar # 75061)
Email: *pvilmos@burr.com*
Secondary: *nwmosley@burr.com*
BURR & FORMAN LLP
200 S. Orange Avenue, Suite 800
Orlando, FL 32801
Tel: 407-540-6600
Fax: 407-540-6601

Forrest S. Latta (admitted *pro hac vice*)
Email: *forrest.latta@burr.com*
Secondary: *pgrove@burr.com*
BURR & FORMAN LLP
11 North Water Street, Suite 22200
Mobile, AL 36602
Tel: 251-344-5151
Fax: 251-344-9696

Attorneys for Defendant
Auto-Owners Insurance Company

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA
CASE NO.: 2014-11310-CIDL

DAVID MADISON CAWTHORN,

Plaintiff,

DIVISION: Div. 01

vs.

BRADLEY D. LEDFORD and
BOB LEDFORD'S RV & MARINE,

Defendants,

and

BOB LEDFORD'S RV & MARINE,

Third-Party Plaintiff,

vs.

CONDOTTE/DE MOYA JV, LLC, a Florida
Limited Liability Company; CONDOTTE
AMERICA, INC., a Florida Corporation;
and THE DE MOYA GROUP, INC., a
Florida Corporation,

Third-Party Defendants.

VOLUME I OF II
(Pages 1-174)

VIDEOTAPED DEPOSITION OF
DAVID MADISON CAWTHORN

Tuesday, August 18, 2015
9:22 a.m. - 5:29 p.m.

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando, FL 32801

Stenographically Reported By:
Margaret Lowe

1 APPEARANCES

2
3 On behalf of the Plaintiff:

4 COLSON HICKS EIDSON
5 255 Alhambra Circle
6 Penthouse
7 Coral Gables, FL 33134
8 305-476-7400
9 Jkalbac@colson.com
10 Courtney@colson.com
11 BY: JOSEPH J. KALBAC, JR., ESQ.
12 COURTNEY L. ENGELKE, ESQ.

13
14 On behalf of Defendant Bradley Ledford:

15 FISHER RUSHMER, P.A.
16 390 North Orange Avenue
17 Suite 2200
18 Orlando, FL 32802
19 407-843-2111
20 Jmoses@fisherlawfirm.com
21 BY: JAMIE BILLOTTE MOSES, ESQ.

22
23 On behalf of Defendant Bob Ledford's RV & Marine:

24 DAWSON ORR
25 50 North Laura Street
Suite 1675
Jacksonville, FL 32202
904-358-8300
Mfo@dawsonorr.com
BY: MICHAEL F. ORR, ESQ.
CARL D. DAWSON, ESQ.
KATHLEEN H. CROWLEY, ESQ.

1 APPEARANCES (Continued)

2 On behalf of the Third-Party Defendants:

3 QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
4 9300 South Dadeland Blvd.
5 4th floor
6 Miami, FL 33156
7 305-670-1101
8 Gfernandez@qpwblaw.com
9 BY: GEORGE L. FERNANDEZ, ESQ.

10 WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
11 2601 South Bayshore Drive
12 Suite 1500
13 Miami, FL 33133
14 305-455-9107
15 Kspinelli@wwhgd.com
16 BY: KATE D. SPINELLI, ESQ.

17 On behalf of Defendant Bradley Ledford as Personal
18 Counsel:

19 LAW OFFICE OF MICHAEL T. CALLAHAN
20 2935 1st Avenue North
21 Suite 2
22 Saint Petersburg, FL 33713
23 727-209-1504
24 Mick@mickcallahanlaw.com
25 BY: MICHAEL T. CALLAHAN, ESQ.

Also Present:

Joni Canterbury
Roger Cawthorn
Bradley Ledford
David Ledford

Anthony DeMalia, Videographer

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Canterbury.

MS. BILLOTTE MOSES: Jamie Billotte Moses on behalf of Bradley Ledford who's in attendance as well.

MR. FERNANDEZ: George Fernandez for the third-party defendants.

MR. SPINELLI: Kate Spinelli for the third-party defendants.

MR. CALLAHAN: Michael Callahan, personal counsel for Bradley Ledford.

THE COURT REPORTER: Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

THE WITNESS: I do.

THEREUPON,

DAVID MADISON CAWTHORN,
having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. ORR:

Q. Sir, please state your full name for the record.

A. David Madison Cawthorn.

Q. All right. Have you ever given a deposition before?

1 A. I have not.

2 Q. All right. I'll go over some ground rules with
3 you in a second, but I'll first tell you that everybody
4 in this room is very sorry that we're here under these
5 circumstances and that you are in the condition you're
6 in today as a result of an accident that brings us all
7 here. And I hope you understand that, and I want you to
8 know that as I'm asking you questions today, I'm doing
9 so because I owe a duty to my client as do all the other
10 lawyers around the table. Do you understand that?

11 A. I do.

12 Q. Okay. And you're doing great so far. I'm
13 going to be asking you questions, and as long as you
14 answer out loud so the court reporter can write it down,
15 we're going to be good to go.

16 A. All right.

17 Q. And if you say uh-huh or uh-uh, I may ask you
18 whether that was a yes or a no because when we go back
19 and read it, we won't be able to tell whether it was a
20 yes or no. Understood?

21 A. Yes, sir.

22 Q. All right. And if you need a break for any
23 reason, just let me know, perfectly fine; we can take
24 one. If you hear one of the other attorneys object to
25 the form of one of my questions, I don't expect you'll

1 hear it a lot today, but if you do, certainly give them
2 a chance to finish saying their objection before you
3 answer. Understood?

4 MR. KALBAC: Object to the form.

5 A. Yes, sir.

6 Q. And you're doing great. If you have me ask a
7 question that you don't understand, will you ask me to
8 rephrase it?

9 A. I will.

10 Q. All right. And if I ask you a question and you
11 answer it, is it fair to assume that you understood the
12 question at that point?

13 A. Yes.

14 Q. And Mr. Kalbac, while he may be objecting to
15 the form of the question today, he can't help you answer
16 any questions. So if there's a question that I ask you
17 and for some reason you don't feel comfortable answering
18 it, know that you have to answer it. And we can take a
19 break after, but you can't take a break during the
20 question that's pending, okay?

21 A. Okay.

22 Q. Are you under the influence of any medication
23 or drugs that would affect your ability to testify
24 truthfully here today?

25 A. No.

1 **Q. All right. Where do you currently reside?**

2 A. In North Carolina.

3 **Q. And who do you reside with?**

4 A. With my parents and brother.

5 **Q. Okay. And what are their names?**

6 A. Roger Cawthorn, Priscilla Cawthorn, and Zachary
7 Cawthorn.

8 **Q. All right. And how old is Zach?**

9 A. He is 24.

10 **Q. And he lives at home?**

11 A. He does.

12 **Q. And how old are you?**

13 A. I'm 20.

14 **Q. What's your date of birth?**

15 A. 08/01/95.

16 MR. ORR: And can we go off the record for a
17 moment.

18 THE VIDEOGRAPHER: Going off the video record.
19 The time is 9:26 a.m.

20 (Off the record.)

21 THE VIDEOGRAPHER: Back on the video record.
22 The time is 9:26 a.m.

23 BY MR. ORR:

24 **Q. And what is that address that you reside at?**

25 A. 59 Covered Bridge Drive, Flat Rock, North

1 Carolina 28731.

2 Q. All right. Now, I'm originally from North
3 Carolina and generally familiar with the area, but how
4 far is Flat Rock from Asheville?

5 A. About 40 minutes.

6 Q. About a 40-minute drive? Where do you go to
7 school?

8 A. I'm homeschooled. I was homeschooled.

9 Q. Okay. How long were you homeschooled?

10 A. All the way through the elementary school, all
11 the way through high school.

12 Q. All the way through. Did you ever attend any
13 formal schooling at a brick and mortar place away from
14 home?

15 A. No, sir.

16 Q. Okay. And when you were doing the
17 homeschooling, who was your teacher? Your parents?

18 A. Mainly my mom.

19 Q. Anyone else?

20 A. In North Carolina we have, like, co-ops where
21 you go and there's teachers that'll help teach but --

22 Q. That's why I was wondering. So if you were
23 explaining to somebody who was clueless about
24 homeschooling, how does it work? Do you take tests
25 annually? Do you take them periodically?

1 A. Well, it works a lot like college so every
2 week, about two days out of the week where I'll go to
3 classes, and I'll usually have classes all day, every
4 day for that day in the week. And then I'll have
5 homework for the rest of the week that I'll complete,
6 and then we go and have a test and then learn and then
7 move on.

8 **Q. So with the co-ops that you had, is that where**
9 **you would go for the classes?**

10 A. Yes.

11 **Q. All right. And then the assignments that you**
12 **would complete, you'd complete those for the teachers**
13 **that were there, and your mother would help you with the**
14 **assignments at home?**

15 A. Yes, sir.

16 **Q. Is that how it worked?**

17 A. Yes.

18 **Q. And how would you know as you're progressing**
19 **and completing grades? Is there a final exam each year**
20 **to go on to another grade or do you -- how does that**
21 **work?**

22 A. Yes, there is. The state of North Carolina
23 requires that you do an end-of-year test.

24 **Q. Okay. And so have you lived your entire life**
25 **in Asheville?**

1 A. I have.

2 Q. How long have you been at that address that we
3 talked about?

4 A. About the last three years.

5 Q. Okay. Prior to that where did you reside?

6 A. I lived in the same neighborhood. Do you need
7 the address for that?

8 Q. Sure.

9 A. It was at 108 Village Greenway, Flat Rock,
10 North Carolina 28731.

11 Q. And you're doing great right now remembering
12 things. If you're like most people, there may be
13 something that you forget or don't remember. That's
14 perfectly fine. Just tell us that, okay?

15 A. Okay.

16 Q. How long did you live at that address?

17 A. For almost a full year.

18 Q. All right. And then prior to that, where did
19 you reside?

20 A. In Hendersonville.

21 Q. Do you have any other brothers and sisters
22 other than Zach?

23 A. I do not.

24 Q. Any other family that resides in the Asheville,
25 Flat Rock area?

1 A. Yes. There's my grandparents and then my
2 great-aunt and uncle.

3 **Q. What are your grandparents' names?**

4 A. Eugene and June Cawthorn.

5 **Q. Okay. And what about -- you said your aunt and**
6 **uncle?**

7 A. Yeah. Peggy Smith and Wayne Smith.

8 **Q. And are they -- they're both in the Asheville**
9 **area?**

10 A. They are.

11 **Q. Where is the majority of your family --**

12 A. In Georgia.

13 **Q. -- extended family? Georgia?**

14 A. Yes, sir.

15 **Q. Whereabouts in Georgia?**

16 A. I couldn't tell you.

17 **Q. Okay. Somewhere in Georgia.**

18 A. Yeah.

19 **Q. Are they close to Atlanta?**

20 A. I know one of them is, but the majority of them
21 are not.

22 **Q. Which one is close to Atlanta?**

23 A. Nicole Smith.

24 **Q. And is she an aunt?**

25 A. She's a cousin.

1 Q. Cousin. Now, in being homeschooled, did you
2 also have an opportunity to play sports?

3 A. I did, yes, sir.

4 Q. What sports did you play?

5 A. Primarily football.

6 Q. And did you play football for a school?

7 A. I did not, no. We had a homeschool team.

8 Q. Okay. And so who -- would you compete against
9 other homeschool teams?

10 A. Homeschools and private schools, yes, sir.

11 Q. Did you have to do a lot of traveling for that,
12 or were there enough teams in the area?

13 A. There was a lot of traveling.

14 Q. And did you have any other sports that you
15 play?

16 A. I played baseball for one year in high school,
17 and I played basketball my senior year.

18 Q. Do you recall at what age you got a driver's
19 license?

20 A. 16.

21 Q. In North Carolina do you get a learner's
22 permit?

23 A. You do.

24 Q. At age 15?

25 A. Yes, sir.

1 Q. And did you get one?

2 A. I did.

3 Q. And did you have to take a course to get the
4 learner's permit?

5 A. I did, sir.

6 Q. And did you have to take a course to get the
7 driver's license?

8 A. I did. No, no, I did not.

9 Q. You did not have to take a course?

10 A. No.

11 Q. Is it that you took a course to get a learner's
12 permit, and then once you became 16, you can
13 automatically go get a license?

14 A. Yes, sir. You just have to take a written test
15 and then the driving test.

16 Q. Is your permit different from your license, a
17 different card?

18 A. Yes.

19 Q. And when you took your exams for driving in
20 North Carolina, where did you do that?

21 A. It was a North Carolina DOT station in
22 Fairview.

23 Q. And when you were 15, did you primarily drive
24 with your parents?

25 A. I did.

1 **Q. And when you were 16, you obtained your**
2 **license?**

3 A. I did.

4 **Q. And what year was that?**

5 A. That would've been four years ago, so 2011.

6 **Q. And in 2011 did you have a car that you drove?**

7 A. I did.

8 **Q. And what kind of car was it?**

9 A. It was a 1995 Honda Civic.

10 **Q. All right. And did you get that when you were**
11 **15, 16?**

12 A. I got it when I was 16.

13 **Q. And other than your class and examination for**
14 **obtaining your permit and your license in North**
15 **Carolina, did you have any other training driving from**
16 **anywhere or anyone else?**

17 A. Just in North Carolina they require you to
18 drive with your parents for over 20 hours, and so I
19 received training from both my parents.

20 **Q. And do you have to submit to the DMV that**
21 **you've done that?**

22 A. They just had to sign a piece of paper.

23 **Q. When you had the Civic, would you drive that to**
24 **the classes for co-op?**

25 A. Yes, sir.

1 Q. Would you drive it for football?

2 A. Yes, sir.

3 Q. What other occasions would you have to drive
4 the car?

5 A. Going to the gym or going to see friends.

6 Q. Would you drive it pretty regularly?

7 A. Yes, sir.

8 Q. All right. How would you maintain that
9 vehicle?

10 A. Oil changes, balancing the wheels, new wheels,
11 keeping it filled with gas.

12 Q. Where would you go to do that?

13 A. There were several different areas that I would
14 go to.

15 Q. Okay. At that time when you were 16, you would
16 have been living in Flat Rock?

17 A. Yes, sir.

18 Q. And give me a couple other places you would go
19 to do oil changes or rotate tires.

20 A. Normally, oil change would be done at a shop on
21 Church Street in Hendersonville, and then usually tire
22 change would be done at Discount Tire.

23 Q. And the Church Street shop, was that like a
24 local store, not a chain?

25 A. Yes, sir.

1 Q. Do you remember the name of it as you sit here
2 today?

3 A. I do not.

4 Q. Did you go anywhere or were those primarily the
5 two places you would go?

6 A. Those were primarily the two places I would go.

7 Q. How would you know that you needed to change
8 your tires?

9 A. The tread on the tires would be low.

10 Q. Did you do anything to test them or would you
11 just look at them and say they look low; I need new
12 tires?

13 A. I mean, I think there's a variety of tests that
14 my dad would probably have done, and also I could've
15 just looked at them.

16 Q. What about with respect to changing the oil?
17 What year Civic was it?

18 A. '95.

19 Q. '95? Did it have anything on the dash that
20 told you the oil was low or any other fluids were low?

21 A. No, sir. Just normally when you get your oil
22 change, they put the little sticker up there that tells
23 you how many miles.

24 Q. And you would know to go back at that point?

25 A. Right.

1 **Q. Is there anything else that you would do other**
2 **than the standard rotating and changing of tires,**
3 **checking oil, keeping gas in the car to maintain your**
4 **vehicle?**

5 A. I mean, I keep it clean.

6 **Q. Do you recall when you met Bradley Ledford?**

7 A. Yes, sir. I met him at Biltmore Baptist
8 Church.

9 MR. FERNANDEZ: I'm sorry. I didn't hear that.

10 BY MR. ORR:

11 **Q. Biltmore Baptist Church and which I'm assuming**
12 **is near Biltmore in Asheville?**

13 A. Yes, sir. Yeah.

14 **Q. All right. Did you meet him on Sundays, or did**
15 **you guys meet through some sort of group associated with**
16 **the church?**

17 A. I would only see him normally on Sundays
18 primarily.

19 **Q. Okay. And how did you start talking to him?**
20 **Did you just see him at church and know him -- know of**
21 **him previously, or did you just randomly walk up to each**
22 **other in church?**

23 A. Well, we were both pretty outgoing guys so we
24 met pretty quickly and then met him at the gym, and we
25 became friends after that.

1 Q. Did you plan to go to the gym together from
2 church, or did you randomly run into each other at the
3 gym?

4 A. We ran into each other at the gym.

5 Q. Okay. Which gym was it?

6 A. The YMCA.

7 Q. In Asheville?

8 A. Yes, sir.

9 Q. And when you started hanging out with Bradley,
10 how old would you say you were?

11 A. 16, 17.

12 Q. Bradley is about the same age?

13 A. Yes, sir.

14 Q. And how often would you guys work out?

15 A. About five days a week.

16 Q. How long did you work out for?

17 A. About two hours.

18 Q. And would you do that in the evenings?

19 A. Evenings, afternoons. We were at the gym all
20 the time.

21 Q. Other than that, what other things would you
22 and Bradley do?

23 A. Hang out with other friends, shoot ducks, drive
24 cars.

25 Q. Would you say about that time whenever you

1 started hanging out and working out five days a week
2 that he was your best friend?

3 A. Yes, sir.

4 Q. All right. Other than Bradley, who else would
5 you guys hang out with the most?

6 A. Jordan Hutchinson and Corban Crosley.

7 Q. Jordan. And what was the other guy's name?

8 A. Corban Crosley.

9 Q. Corban. Are Jordan and Corban in the Asheville
10 area?

11 A. They are, sir.

12 Q. And were they homeschooled, or did they go to a
13 school somewhere?

14 A. They were both homeschooled, and then Corban
15 Crosley started going to school where Bradley went to
16 school.

17 Q. Asheville Christian?

18 A. Yes, sir.

19 Q. And would you guys ever stay at each other's
20 houses?

21 A. Regularly.

22 Q. Regularly. And so you knew his parents fairly
23 well?

24 A. Yes, sir.

25 Q. And he knew your parents fairly well?

1 A. Yes, sir.

2 **Q. When did you go on your first vacation**
3 **together?**

4 A. We went to California for New Year's.

5 **Q. Do you remember what year that was?**

6 A. I believe it was when 2013 turned to 2014.

7 **Q. Got it. And where in California did you go?**

8 A. We went to Encinitas outside of San Diego.

9 **Q. Who all went?**

10 A. Mr. Ledford and Ms. Joni.

11 **Q. And you and Bradley?**

12 A. Yes, sir.

13 **Q. And what was the plan for that vacation?**

14 A. Brad and I were flying out to meet Mr. Ledford
15 and Ms. Joni, and then we were just going to spend New
16 Year's in San Diego. Pretty much that.

17 **Q. How many days were you guys going to be out**
18 **there?**

19 A. I think about five days.

20 **Q. And where were you staying?**

21 A. We were staying at the house that Mr. Ledford
22 had acquired for us, I guess.

23 **Q. Do you recall what you did while you were**
24 **there?**

25 A. Oh, yeah. I definitely recall. We did a lot

1 of surfing and paddleboarding in the ocean right outside
2 of Mr. Ledford's house and then got to drive a Ducati.
3 And then we went to the desert and drove a dune buggy.

4 **Q. Now, being from Asheville, had you surfed**
5 **before?**

6 A. I had, yes, sir.

7 **Q. And so you went surfing for little bit,**
8 **paddleboarding, and then you went out to the desert and**
9 **were in a dune buggy?**

10 A. Yes, sir.

11 **Q. You and Brad went?**

12 A. Yes, sir.

13 **Q. And you did that for a day?**

14 A. Almost a full day. Yes, sir.

15 **Q. What else did you guys do while you were there?**

16 A. We went into San Diego a few times or -- yeah,
17 San Diego a few times and just met new friends, and then
18 we ate a lot of fish tacos. I think that was about it.

19 **Q. Now, at that point you were 17 or 18?**

20 A. I believe I was 17.

21 **Q. 17. What month was your birthday again?**

22 A. August.

23 **Q. August. August 1st?**

24 A. Yes, sir.

25 **Q. So Bradley -- how old is Bradley? A year**

1 younger than you?

2 A. Yes, sir.

3 Q. Did you guys drive on your own outside of Joni
4 and David's presence?

5 A. Yes, sir.

6 Q. Did you have a rental car or something?

7 A. I'm not 100 percent sure if it was a rental car
8 or if it was a car that Mr. Ledford had out there. I
9 couldn't tell you.

10 Q. But you guys just used it whenever someone
11 wasn't using it?

12 A. Yes, sir. Yeah, right.

13 Q. Did you drive the vehicle?

14 A. I don't recall precisely, but I would be
15 surprised if I hadn't driven it.

16 Q. And you and Bradley switched off driving
17 vehicles?

18 A. Yes, sir.

19 Q. After you got back from that trip, what was the
20 next thing, next vacation or next trip, you and Bradley
21 took together?

22 A. Going down to Florida for spring break.

23 Q. How did that come about that you guys were
24 going to do that?

25 A. I don't remember correctly, precisely how that

1 came about.

2 **Q. You guys were just hanging out one day and the**
3 **idea came to go to Florida?**

4 A. Yes, sir. I believe that Brad pitched the idea
5 to me, and then I was, like, wow, that sounds fantastic.

6 **Q. You guys went to go see or were going to go see**
7 **someone in concert?**

8 A. Yes, sir. I think it was the -- it wasn't
9 Counting Crows. It was -- I can't remember the name of
10 the band.

11 **Q. Okay. Who came up with that idea to go see**
12 **that band?**

13 A. I think we both probably came up with it. We
14 both just were looking up stuff to do at the time.

15 **Q. In the area?**

16 A. Yes, sir.

17 **Q. And found that concert?**

18 A. Yes, sir.

19 **Q. And that concert was on a Saturday night?**

20 A. I believe so.

21 **Q. How did you-all determine where you were going**
22 **to stay throughout the vacation?**

23 A. I think Mr. Ledford just had a house down there
24 that we decided to stay at.

25 **Q. And prior to going on the trip to Florida and**

1 prior to going to San Diego, had you stayed at David
2 Ledford's house?

3 A. I had been down there one time before, but I
4 don't think I had ever spent the night there.

5 Q. Primarily, when you were staying at each
6 other's houses, you would stay at his mother's house,
7 Brad's mother's house?

8 A. Yes, sir.

9 Q. Now, when you made the decision that you were
10 going to go to Florida, how did you come to decide how
11 long you would be there for?

12 A. I'm not 100 percent sure how we made the
13 decision to stay there, the amount of time, sir.

14 Q. Did you have a spring break similar to the
15 spring break that Bradley would have with his school at
16 Christian?

17 A. Yes, sir, I did.

18 Q. How does that work? You just don't go to the
19 co-op classes that week or --

20 A. Normally, the co-op classes just have a time
21 that they call spring break.

22 Q. Got it. And when you left or when you were
23 planning on leaving, who picked who up?

24 A. Brad came to my house, and he was driving his
25 car. And we had dinner with my parents, and then we

1 drove.

2 **Q. What car was that?**

3 A. It was BMW X3, I think.

4 **Q. And that BMW X3, you've ridden with Brad before**
5 **in that vehicle?**

6 A. Several times. Yes, sir.

7 **Q. And you had driven that vehicle previous to him**
8 **picking you up?**

9 A. I'm not sure if I had driven the vehicle
10 before.

11 **Q. Prior to him picking you up that day, you**
12 **hadn't?**

13 A. I'm not sure if I have.

14 **Q. And he picked you up at your house?**

15 A. Yes, sir.

16 **Q. And when he picked you up, what was the plan**
17 **for the next step? Where were you guys going to go?**

18 A. We were driving down to, I believe, Greenville,
19 South Carolina to meet with Mr. Ledford.

20 **Q. How did you decide who would be driving whose**
21 **car at that point?**

22 A. I think we just had decided to drive Brad's car
23 because my truck had a lot of -- was not gas efficient.

24 **Q. Did you get rid of the Civic and get a truck at**
25 **some point?**

1 A. Yes, sir.

2 Q. All right. Let's go back to that. How long
3 did you have the Civic?

4 A. Till I was about 17 and I was about to turn 18.

5 Q. And why did you get rid of that?

6 A. My parents had gotten me a truck.

7 Q. What kind of truck was it?

8 A. It was a Sierra.

9 Q. GMC?

10 A. Yes, sir.

11 Q. And do you remember what year it was?

12 A. I think it was '97.

13 Q. All right. And that particular truck, would
14 you maintain it the same way you maintained your Civic?

15 A. Yes, sir.

16 Q. And would you do that at the same places you
17 had maintained your Civic?

18 A. Yes, sir.

19 Q. Now, was there any other reason that you and
20 Bradley selected the BMW over the truck other than it
21 was more gas efficient?

22 A. Not that I know of.

23 Q. The plan was to go to David Ledford's place in
24 Greenville, South Carolina. Why?

25 A. I think we were just rendezvousing with

1 Mr. Ledford down there. Before -- we drove down a
2 little bit ahead of Mr. Ledford. We got -- we were
3 meeting up with Mr. Ledford there.

4 Q. But you don't remember prior to going down
5 having any sort of plan as to we need to go meet with
6 Bradley's dad for some reason?

7 A. No, sir.

8 Q. You didn't have to pick anything up from him?

9 A. We may have just needed to get money from him.

10 Q. Okay. Who drove from Asheville to Greenville?

11 A. I don't remember, sir.

12 Q. It could have been you; it could have been
13 Bradley?

14 A. Yes, sir.

15 Q. When you got to Greenville -- what day was it?
16 Was it on a Saturday?

17 A. I believe so, sir.

18 Q. What time of day did you leave Asheville?

19 A. I remember we made it to Florida very quickly
20 so I think we left around in the midafternoon.

21 Q. What time was the concert you were trying to
22 get to, do you remember?

23 A. I think about -- it started at 7:00.

24 Q. And when you got to Greenville, South Carolina,
25 where did you-all meet David Ledford?

1 A. I believe it was at a Costco.

2 **Q. Did you ever meet him anywhere else first?**

3 A. Not that I recall, sir.

4 **Q. Do you remember meeting him at his work?**

5 A. Yes, sir. We did meet him at his work as I
6 recall, and then we went to Costco from there.

7 **Q. All right. When you got to his work address
8 and you met him there, what did you guys talk about?**

9 A. Our plans for the week, and I believe that was
10 all.

11 **Q. When you were going down, what you were going
12 to be doing kind of thing?**

13 A. Yes, sir.

14 **Q. Was anybody else present other than you and
15 Bradley and David Ledford?**

16 A. I believe there were some employees scattered
17 about the premises.

18 **Q. But nobody that was sitting there talking with
19 you-all?**

20 A. Not that I recall, sir. I don't remember.

21 **Q. What other conversation did you have at that
22 time with David Ledford?**

23 A. I don't remember any specific conversation,
24 sir.

25 **Q. Did he, David Ledford, ask you and Bradley if**

1 **you were prepared to make the trip?**

2 A. I don't recall, sir.

3 **Q. Did he ask you whether the vehicle was in good**
4 **enough shape to make the trip?**

5 A. I don't recall.

6 **Q. How did it come up that you guys were going to**
7 **go to Costco?**

8 A. I believe we probably wanted to get some food
9 for the trip, and Mr. Ledford said we needed new tires.

10 **Q. Is that something that you and Bradley had**
11 **planned to do originally when you left Asheville to get**
12 **new tires?**

13 A. No, sir.

14 **Q. So that was a curve ball David Ledford threw at**
15 **you?**

16 A. I believe so, sir.

17 **Q. When he did that and he told you that he needed**
18 **new tires on the BMW, what was your and Bradley's**
19 **reaction to that?**

20 A. I believe we agreed.

21 **Q. At first did you-all just want to go to try to**
22 **get down to the concert because you were running late?**

23 A. I don't recall.

24 **Q. Did David Ledford ask you and Bradley to make a**
25 **decision on whether you wanted to go to Costco, and you**

1 **and Bradley stepped aside and talked about it?**

2 A. I don't recall, sir.

3 **Q. When you did finally go to Costco, what do you**
4 **recall doing there?**

5 A. I recall getting new tires and then we ate
6 pizza and I believe that was it.

7 **Q. Okay. Did you look under the hood at Costco?**

8 A. I don't recall doing so, sir.

9 **Q. Did you look under the hood back at the work**
10 **address when you first met David Ledford?**

11 A. I don't recall.

12 **Q. And checked the fluids?**

13 A. I don't recall, sir.

14 **Q. And checked the oil?**

15 A. I don't recall.

16 **Q. Do you recall how long you had to wait for the**
17 **tires to get put on?**

18 A. No, sir, I do not.

19 **Q. After the tires were put on, what was the plan**
20 **between you and Bradley and David Ledford?**

21 A. I believe that Brad and I were going to leave
22 Costco and drive down to Florida to make the concert,
23 and then we would meet -- rendezvous with Mr. Ledford at
24 the -- the --

25 **Q. Camp.**

1 A. -- the camp, yes, sir, I think the next day.
2 And Brad and I were going to sleep through that night
3 and then meet up with him the next day.

4 **Q. How did you drive -- what route did you take to**
5 **get to Florida on the way down?**

6 A. I honestly don't remember, sir.

7 **Q. Do you know if you went through Georgia?**

8 A. I'm sure we did, sir.

9 **Q. Do you know if you took 75, 85, or 95?**

10 A. I don't recall sir.

11 **Q. Who drove?**

12 A. It was -- him and I switched off.

13 **Q. Switched off. How often did you switch off?**

14 A. I don't recall. Just about whenever we needed
15 to.

16 **Q. My wife and I, when we go on long trips, switch**
17 **off so the other one can answer e-mails and be on our**
18 **cell phones. Is that why you guys were switching off?**

19 MR. KALBAC: Object to the form.

20 A. No, sir.

21 BY MR. ORR:

22 **Q. Why were you guys switching off?**

23 A. Just to give the other one a break.

24 **Q. How often?**

25 A. I don't recall.

1 Q. Okay. Do you recall how long the trip was?

2 A. I know it took us about an hour and a half less
3 than normal to get down there.

4 Q. How often did you guys stop after you left
5 Greenville?

6 A. The minimum amount of times to get gas.

7 Q. So if you were able to get down on one tank,
8 you think you may have stopped once?

9 A. Yes, sir.

10 Q. And if you stopped one time, you only switched
11 one time?

12 A. No, sir.

13 Q. Okay. How would you switch if you guys didn't
14 stop?

15 A. We would just switch while we were driving.

16 Q. You guys would be driving and have one person
17 pedal it and actually switch and one get in the
18 passenger seat and one get in the driver's seat?

19 A. Yes, sir.

20 Q. And would you pull over on the side of the road
21 or you just keep doing it on the highway?

22 A. I believe we would just keep doing it on the
23 highway.

24 Q. Okay. And when you would do the switch, do you
25 recall who was the last person driving when you got into

1 **Tampa?**

2 A. No, sir, I do not.

3 **Q. Was the concert in Tampa or was it in St. Pete**
4 **or Clearwater?**

5 A. It was a -- it was at a college. I think they
6 had a dog as the mascot. It wasn't, obviously, Georgia.

7 **Q. Okay. I don't know -- I'll have to look -- I**
8 **know of Stetson and the South Florida Bulls. USF? I'll**
9 **have to look up --**

10 A. It definitely wasn't USF.

11 MS. BILLOTTE MOSES: What's Tampa?

12 MR. ORR: It was Tampa?

13 MS. BILLOTTE MOSES: No, I'm asking what's
14 University of Tampa.

15 MR. ORR: I don't know.

16 BY MR. ORR:

17 **Q. But you got to the concert. And what did you**
18 **guys do when you arrived?**

19 A. We looked for the best seats we could get.

20 **Q. You didn't have assigned seats?**

21 A. I believe we did.

22 **Q. Okay. But it was pretty packed at that point?**

23 A. Yes, sir. And there were -- yes.

24 **Q. How late were you guys?**

25 A. The opening act had already finished, and it

1 was into the first or second song.

2 Q. So about 8:00, 8:30 would you say, if it
3 started at 7:00?

4 A. Yes, sir.

5 Q. And how late did the concert go that night?

6 A. I don't recall, sir.

7 Q. Did you guys have anything to drink at the
8 concert?

9 A. Nothing alcoholic.

10 Q. Okay. When you left the concert and went back
11 to wherever you were going to be staying that evening,
12 who drove?

13 A. I don't recall, sir.

14 Q. And when you got to -- where were you staying?

15 A. At the camp, sir.

16 Q. The first night?

17 A. Yes, sir.

18 Q. So you went to the concert and drove over to
19 the camp?

20 A. Yes, sir.

21 Q. And you don't recall who made that drive?

22 A. I do not.

23 Q. How long was it?

24 A. I don't recall, sir.

25 Q. Do you remember in time how far away it was? A

1 **couple hours?**

2 A. No, sir.

3 **Q. What did you guys do when you got back to the**
4 **camp that night?**

5 A. We had a significant amount of Oreos and then
6 went to bed.

7 **Q. Where did you get the Oreos from?**

8 A. Maybe at the Costco.

9 **Q. You can't remember?**

10 A. I can't remember where we got the Oreos, sir.

11 **Q. What did you guys pack as you went down? You**
12 **had a suitcase?**

13 A. Yes, sir.

14 **Q. Bradley had a suitcase?**

15 A. Yes, sir.

16 **Q. Did you have a cooler?**

17 A. Yes, sir.

18 **Q. The blue ice cube cooler?**

19 A. Yes, sir.

20 **Q. Did you guys pack anything else for the trip?**

21 A. I just had an emergency bag that I always took
22 as well.

23 **Q. What's in the emergency bag?**

24 A. Something that fits any situation, something to
25 go camping and something to hunt with, something to fix

1 a car with, something to fix somebody with.

2 Q. Okay. Was it a box?

3 A. It was a backpack.

4 Q. Backpack. Now, anything else you can remember
5 that you guys may have packed?

6 A. Some blankets and a pillow.

7 Q. And when you got back to the camp that night
8 and had Oreos, whatever it is you ate, you guys got to
9 bed?

10 A. Yes, sir.

11 Q. Do you remember what time you got to bed --

12 A. No, sir.

13 Q. -- that first night?

14 A. No, sir.

15 Q. Was it before midnight?

16 A. I don't recall, sir.

17 Q. What were the sleeping arrangements at the
18 camp? Were they bunks where you're sleeping on a couch?
19 Were you sleeping on a futon?

20 A. On the first night we stayed above -- in the
21 camp there were several buildings spread around, but
22 then there's a central building where you would eat at.
23 And then we stayed -- on the first night when
24 Mr. Ledford wasn't there, we stayed above the central
25 building. And I believe there was just -- it was kind

1 of like a storage area so there was just some -- I think
2 we just slept on the ground maybe.

3 **Q. Okay. So did you guys bring sleeping bags?**

4 A. We brought a couple blankets and a pillow, but
5 there were blankets provided to us, I believe.

6 **Q. So you took the blankets that were provided,
7 pillows, and you just slept on the floor that first
8 night?**

9 A. Yes, sir.

10 **Q. What time did you get up the next morning?**

11 A. Pretty early. We were motivated to go to the
12 beach.

13 **Q. Back over in the Clearwater, St. Pete area?**

14 A. Yes, sir.

15 **Q. And do you remember what time it was?**

16 A. It was early in the morning. I would say about
17 7:30 or 8:00.

18 **Q. Do you think you guys got a good sleep that
19 first night?**

20 A. We didn't get a very long sleep.

21 **Q. Were you up all night or did you guys actually
22 sleep through the night?**

23 A. We went to sleep very quickly.

24 **Q. Okay. And when you got up that next morning,
25 did you go straight to the beach?**

1 A. Yes, sir.

2 **Q. Who drove?**

3 A. I don't recall.

4 **Q. One of you?**

5 A. Yes, sir.

6 **Q. When you got to the beach, did you meet up with**
7 **anyone?**

8 A. Not that we had planned to meet up with. We
9 just made some friends on the beach.

10 **Q. What was the plan for that day?**

11 A. To make friends on the beach, play volleyball.

12 **Q. Did you guys bring a volleyball?**

13 A. No, sir.

14 **Q. Did you know where a volleyball net would be?**

15 A. No, sir.

16 **Q. So the plan was to go to the beach and meet**
17 **some people?**

18 A. Yes, sir.

19 **Q. All right. Did you stop anywhere else before**
20 **going to the beach?**

21 A. Not that I recall, sir. We may have stopped to
22 get some sun screen somewhere, but I don't recall.

23 **Q. Do you remember exactly where you were at the**
24 **beach?**

25 A. We moved a significant amount on the beach.

1 Q. Do you remember where you parked? Were you in
2 Clearwater or St. Pete?

3 A. We were definitely in Clearwater, sir.

4 Q. And do you remember if you were near a hotel?

5 A. Not when we first parked. I don't remember.

6 Q. And how long was it before you and Bradley had
7 met some people?

8 A. Maybe a minute.

9 Q. People you didn't know?

10 A. Yes, sir.

11 Q. All right. Who did you meet?

12 A. Oh, I couldn't tell you. We met a significant
13 amount of people that day.

14 Q. And did you play volleyball?

15 A. We did.

16 Q. Did you guys drink at all that day?

17 A. No, sir.

18 Q. Now, throughout the day did you ever leave the
19 beach?

20 A. Yes, sir. To eat.

21 Q. For lunch?

22 A. Yes, sir.

23 Q. Where did you go eat?

24 A. I don't recall, sir.

25 Q. Was it somewhere where you actually sat down

1 and had a meal, or did you get it and bring it back to
2 the beach?

3 A. We sat down and had it, yes, sir.

4 Q. When you were at the beach after lunch, were
5 you hanging out with anybody new, or were you still
6 meeting new people?

7 A. We continued to meet new people and we had had
8 some friends that we had made that we kind of just kept
9 in contact with throughout the course of the vacation.

10 Q. Did they eat lunch with you that first day?

11 A. I don't believe so, sir.

12 Q. That afternoon did you continue to play
13 volleyball and hang out?

14 A. Yes, sir.

15 Q. What time did you leave the beach?

16 A. I'm not sure that we left the beach the first
17 night. We had found a volleyball tournament, and then
18 we had gotten a room at a hotel although I'm not sure if
19 that was the first day or the second day.

20 Q. It was a volleyball tournament that was going
21 on for the weekend, or how was it set up?

22 A. There was just a lot of people playing
23 volleyball, and I don't know if it was the whole
24 weekend, but we just got in kind of towards the end.
25 And then we had played volleyball, and then we got a

1 room.

2 **Q. Did you actually sign up to be a part of this**
3 **tournament?**

4 A. You didn't have to actually sign up. Just once
5 you were done, that was it.

6 **Q. You just kept playing throughout the day? Was**
7 **there any prize for winning?**

8 A. No, sir.

9 **Q. Now, that evening, what was the plan?**

10 A. The plan was to go back to the camp, but then
11 we stayed at the hotel.

12 **Q. Do you remember what hotel you stayed at?**

13 A. No, sir.

14 **Q. Do you remember what time you left the beach**
15 **that afternoon?**

16 A. No, sir.

17 **Q. Did you go out to eat that evening?**

18 A. Yes, sir.

19 **Q. Do you remember where you went to eat?**

20 A. No, sir.

21 **Q. Did your new friends come with you?**

22 A. I don't recall, sir.

23 **Q. The group that you met, where were they from?**

24 A. There were several people that we had met. I
25 don't --

1 Q. You had --

2 A. -- recall, sir.

3 Q. -- I'm sorry. Let me -- you had mentioned a
4 moment ago that you had met some friends that you stayed
5 in contact with throughout the vacation. I'm talking --

6 A. Yes, sir --

7 Q. -- about them.

8 A. -- there were several, several of those groups,
9 and it wasn't just one group of people.

10 Q. You don't recall whether you hung out with
11 anybody for dinner that evening?

12 A. No, sir. I doubt we did.

13 Q. After you went to dinner, what did you guys do?

14 A. We most likely walked around. We definitely
15 walked around and then went back to the hotel.

16 Q. Do you remember where you walked around?

17 A. Just along the beach and then the shops in the
18 area.

19 Q. Did you visit anyone?

20 A. No, sir.

21 Q. How late did you guys stay up?

22 A. I don't recall, sir.

23 Q. Well, you said you were walking along the beach
24 and visiting the shops. Which shops were you visiting?

25 A. Assorted surf shops and clothing stores.

1 Q. And did you and Bradley hang out with anybody
2 that night?

3 A. Not that I recall, sir. I'm sure we did.

4 Q. You're sure you did, but you don't remember
5 who?

6 A. No, sir.

7 Q. Did you hang out with anyone that evening other
8 than Bradley?

9 A. I don't recall if that's a yes or a no, sir.

10 Q. So if you just were looking at clothing stores
11 and going to surf shops and then you went back to the
12 hotel, did you get to bed at a relatively early time
13 that evening?

14 A. I would assume so, sir.

15 Q. Why stay there and not go back to the camp if
16 you guys weren't going to be up very late?

17 A. Just because we would be right on the beach
18 then.

19 Q. For the next day?

20 A. Yes, sir.

21 Q. And so did you get to bed at a reasonable hour
22 that night?

23 MR. KALBAC: You're all right? Do you need a
24 break?

25 MR. ORR: You're good?

1 MR. KALBAC: Let's take --

2 THE WITNESS: Just one second. I do need a
3 break, sir.

4 MR. ORR: Why don't we take a break. Let's go
5 off the record.

6 THE VIDEOGRAPHER: Off the video record. The
7 time is 10:02 a.m.

8 (Break was taken.)

9 THE VIDEOGRAPHER: We're now back on the video
10 record. The time is 10:15 a.m.

11 BY MR. ORR:

12 Q. That night when you got back or you got to the
13 hotel, that would have been Sunday night, right?

14 A. Yes, sir.

15 Q. Do you recall whether you and Bradley got up
16 early the next morning?

17 A. Yes, sir, we did.

18 Q. Were you able to get a good night's rest that
19 night at the hotel?

20 A. I believe so.

21 Q. And when you got up the next morning, do you
22 remember what time?

23 A. No, sir.

24 Q. Was it a little bit later than the day before?

25 A. I don't recall, sir.

1 Q. Because you didn't have to drive the whole
2 distance?

3 A. I don't recall.

4 Q. When you got up, did you guys go eat breakfast?

5 A. I don't recall, sir.

6 Q. Do you remember what you did, the first thing
7 you did that day?

8 A. Went to the beach.

9 Q. And when you got to the beach, did you meet up
10 with anybody?

11 A. We met some new people. Yes, sir.

12 Q. New people, not people that you had met the day
13 before?

14 A. I believe we had seen -- we saw some people
15 that we had met the day before also but. . .

16 Q. Were you playing volleyball again?

17 A. Yes, sir.

18 Q. Were you out there the whole day?

19 A. Yes, sir.

20 Q. Throughout the day what was your plan for that
21 evening?

22 A. To go get dinner and. . .

23 Q. Were you going to stay at the beach again, or
24 were you going to go back to the camp?

25 A. Stay at the beach again.

1 Q. And did you leave the beach at some point to go
2 eat that day?

3 A. Yes, sir.

4 Q. Do you remember where you ate lunch?

5 A. No, sir.

6 Q. Do you remember if anybody other than you and
7 Bradley you ate with?

8 A. No, sir.

9 Q. And when you went back to the beach that
10 afternoon, do you recall how long you stayed there?

11 A. No, sir.

12 Q. Do you recall doing anything other than playing
13 volleyball and hanging out at the beach?

14 A. No, sir.

15 Q. Do you recall drinking anything?

16 A. Yes, sir.

17 Q. Okay. What did you drink on that day on
18 Monday?

19 A. We had a couple of beers on the beach.

20 Q. Okay. Do you remember how you got them?

21 A. I believe just someone that we knew had them.

22 Q. One of the people that you had met?

23 A. Yes, sir.

24 Q. It wasn't somebody you had known from back home
25 or anything like that?

1 A. No, sir, no, no.

2 Q. Did you and Bradley ever that week come into
3 contact with anybody that you knew from back home?

4 A. Yes, sir. We went to Disney World and met up
5 with my girlfriend and one of her friends that Bradley
6 and I both knew.

7 Q. And we'll talk about that in a moment. So
8 going back to Monday, you had a couple of beers. Did
9 you have those in the afternoon or in the morning?

10 A. The afternoon.

11 Q. And after you had those, what did you do?

12 A. Just continued to stay at the beach.

13 Q. What time did you leave the beach?

14 A. Early afternoon or late afternoon.

15 Q. And did you go straight back to the hotel to
16 get ready for dinner?

17 A. No, sir. I believe that we went to -- a group
18 of people, a group of guys that we had met on the beach,
19 just where they were staying.

20 Q. Their hotel?

21 A. A few blocks off the beach. It was like a
22 condo house they had rented.

23 Q. And what did you guys do there?

24 A. We just said hello and hung out for a little
25 while.

1 Q. Hung out?

2 A. Yes, sir.

3 Q. How long did you hang out with them?

4 A. I'd say probably a little less than an hour.

5 Q. And what was the plan with them? Were you guys
6 going to get back together that evening?

7 A. We said that we may see them just on the little
8 boardwalk that was there, but we didn't have a plan to
9 meet back up with them specifically.

10 Q. When you left their place, did you end up going
11 to dinner?

12 A. Yes, sir.

13 Q. Where did you go?

14 A. I don't recall, sir.

15 Q. Did anybody else other than you and Bradley go
16 to dinner?

17 A. I don't recall, sir.

18 Q. Do you recall what you did after dinner that
19 evening?

20 A. We just -- it was kind of a mirror of the day
21 before. We just kind of walked around.

22 Q. Went to the shops and went to the stores?

23 A. Yes, sir.

24 Q. And went back to the hotel after that?

25 A. Yes, sir.

1 **Q. You didn't meet up with anybody else that**
2 **evening?**

3 A. Not that we had planned to, no.

4 **Q. Did you run into somebody else that evening?**

5 A. Yeah. We met several people. Usually,
6 anywhere we go we meet people.

7 **Q. And when you and Bradley met people that**
8 **evening, did you guys go anywhere together?**

9 A. I believe a group of people that we met came
10 back to the pool with us.

11 **Q. The pool at your hotel?**

12 A. Yes, sir.

13 **Q. Okay. And how long did you guys stay up that**
14 **evening?**

15 A. I don't recall, sir.

16 **Q. Do you recall on that day, Monday, whether**
17 **Bradley -- or excuse me -- whether David Ledford and**
18 **Joni Canterbury were in Florida yet?**

19 A. I do not recall, sir.

20 **Q. Do you recall a point where they were trying to**
21 **get you guys to come back to the camp?**

22 A. We were in contact with them, but I don't
23 recall them asking us to go back to the camp.

24 **Q. Was the original plan when you left North**
25 **Carolina to be at the camp one night and then stay at**

1 **the hotel for a couple of days?**

2 A. I believe that we understood it would be a
3 fluid plan.

4 **Q. You didn't know when you left North Carolina**
5 **whether and how often you would be staying in a hotel at**
6 **the beach?**

7 A. No, sir.

8 **Q. And that night do you recall what time you left**
9 **the pool?**

10 A. No, sir.

11 **Q. And when you got back to the room -- I'm**
12 **assuming you went back to your room after being at the**
13 **pool?**

14 A. Yes, sir.

15 **Q. Did you get to bed at a reasonable hour?**

16 A. Around midnight.

17 **Q. And did anybody else stay with you guys other**
18 **than you and Bradley?**

19 A. No one stayed the night with us, no, sir.

20 **Q. And did you both get good sleep that night?**

21 MR. KALBAC: Object to form.

22 A. Yes, sir.

23 BY MR. ORR:

24 **Q. Okay. And next morning when you woke up, do**
25 **you recall what time it was?**

1 A. No, sir.

2 Q. What did you guys do the next morning? This
3 would have been Tuesday.

4 A. I don't recall exactly which day we went to --
5 back to the camp and then straight to Disney World if
6 that was Tuesday or Wednesday, but whichever day it was.

7 Q. Do you remember spending three days at the
8 beach or two full days at the beach?

9 A. I don't recall.

10 Q. When you got up the next morning, do you
11 remember -- you don't remember whether you stayed at the
12 beach that whole day for the third time or whether you
13 went back to the camp?

14 A. I don't recall, sir.

15 Q. Do you recall what day of the week you were
16 heading home the day of the accident?

17 A. April 3rd.

18 Q. And that was a Thursday, right?

19 A. I believe so. Yes, sir.

20 Q. So let's back up from that and go backwards.
21 The night before that and the day before that would have
22 been Wednesday, the 2nd?

23 A. Okay. Yes, sir. That's the day --

24 Q. What day did you guys -- what did you guys do
25 on Wednesday, the 2nd?

1 A. That's when we went to Disney World and then we
2 stayed that night at the camp.

3 **Q. Okay. Do you recall where you left from to go**
4 **to Disney World?**

5 A. I believe the beach.

6 **Q. So you think you may have stayed at the beach**
7 **on Tuesday, the 1st, another day?**

8 A. Yes, sir.

9 **Q. But you don't have any recollection of what you**
10 **did that third day at the beach?**

11 A. I believe it was also another mirror image of
12 what we did on the --

13 **Q. Sunday, Monday?**

14 A. -- preceding two days. Yes, sir.

15 **Q. And so, mirror image, did you guys go out to**
16 **dinner that night?**

17 A. Yes, sir.

18 **Q. All right. And did you have people over at the**
19 **pool, or did you do something else that last evening**
20 **before you guys slept?**

21 A. We had met -- we had met up with a group of
22 people that we had met from Central Florida, I think.

23 **Q. Okay. And where did you meet up with them? On**
24 **that same strip, or were you at a hotel or a house?**

25 A. On the same strip.

1 Q. And how late did you guys stay up?

2 A. I'd say around midnight again.

3 Q. All right. And when you got to bed that night,
4 did anybody else stay with you guys other than you and
5 Bradley?

6 A. No, sir. No one stayed with us the night.

7 Q. All right. That next morning on the 2nd when
8 you woke up, do you recall what you did?

9 A. We went outside to retrieve a football because
10 a fire alarm had gone off that night, and so we had
11 taken our football outside and had left it out there.

12 Q. Do you remember what time the fire alarm had
13 gone off?

14 A. It was late at night, around -- it was earlier
15 in the morning, I should say, around 3:00 a.m. probably.

16 Q. Okay. And you guys had to exit the hotel?

17 A. Yes, sir.

18 Q. And you grabbed the football and took it with
19 you?

20 A. Yes, sir.

21 Q. And you guys were just throwing the football.
22 How long did you throw the football?

23 A. Probably 30 minutes to an hour.

24 Q. Okay. Do you remember if it was 30 minutes, or
25 was it an hour?

1 A. It was probably about 30 minutes.

2 Q. And then after you were done with the football,
3 you guys left it out there?

4 A. I think we got it stuck in a tree.

5 Q. The football got stuck in a tree?

6 A. Yes, sir.

7 Q. All right. And then you got back inside and
8 went right back to bed?

9 A. Yes, sir.

10 Q. And then do you remember what time you woke up
11 the next morning?

12 A. Earlyish, earlier in the morning so probably
13 around 7:00 or 8:00.

14 Q. 7:00 or 8:00? And then when you got up, you
15 got the football and then you got on the road?

16 A. I believe so, sir.

17 Q. Who drove at that point?

18 A. I don't recall, sir. I may have asked Brad if
19 I could drive his car or he may have driven. I'm not
20 sure.

21 Q. And did you drive straight from the hotel back
22 to the camp?

23 A. I believe so, sir.

24 Q. And when you got to the camp, what did you guys
25 do next?

1 A. I believe we went to Disney World that day.
2 It's a Wednesday?

3 **Q. Wednesday. This would be the 2nd.**

4 A. So I believe we went to Disney World that day.

5 **Q. All right. So when you got to the camp, did**
6 **you immediately drop your stuff and go straight to**
7 **Orlando?**

8 A. I believe so.

9 **Q. And who drove from the camp to Orlando?**

10 A. I'm not sure, sir.

11 **Q. And you were planning to meet Gracelyn?**

12 A. Yes, sir.

13 **Q. And her friend?**

14 A. Yes, sir.

15 **Q. What was her friend's name again?**

16 A. Celesta Edge.

17 **Q. Edge. Where is she now?**

18 A. I believe she's out of the country right now.

19 **Q. On a trip?**

20 A. Yes, sir.

21 **Q. Do you know where she -- does she reside in**
22 **Asheville?**

23 A. Yes, sir. But she goes to college at Liberty
24 University, I think.

25 **Q. At Liberty. What about Gracelyn?**

1 A. I believe she's still in Asheville.

2 Q. Still in Asheville. Is she in high school or
3 is she going to college or --

4 A. College.

5 Q. Where is she going to college?

6 A. I believe it's community college in Asheville.

7 Q. In Asheville. When you got to Disney World,
8 what park did you go to?

9 A. I do not recall, sir. Maybe the Studios park.

10 Q. What was your plan for that day?

11 A. To meet up with Gracelyn and Celesta.

12 Q. And hang out for the day?

13 A. Yes, sir.

14 Q. And do you know what time you met them?

15 A. Early afternoon.

16 Q. Around lunchtime?

17 A. Yes, sir.

18 Q. And how long were you at Disney World?

19 A. I'd say the majority of the day until about
20 5:00.

21 Q. And did you go to any other parks, or did you
22 just stay at that one park?

23 A. We stayed at that one park.

24 Q. And what did you-all do? Did you ride any
25 rides or did you walk around?

1 A. We rode rides and walked around, sir.

2 Q. Do you remember any of the rides you rode?

3 A. No, sir.

4 Q. At the end of the afternoon, what was the plan
5 at that point for you and Bradley?

6 A. To go back to the camp and to --

7 Q. What were Gracelyn and her friend going to do?

8 A. I believe go back to their hotel.

9 Q. And did you leave at five o'clock on Wednesday,
10 April 2nd, and drive straight to the camp, or did you go
11 somewhere else?

12 A. I don't recall, sir. We may have stopped when
13 we were out and about.

14 Q. When you got back to the camp, what did you do?

15 A. We -- I believe we ate dinner with the adults
16 there at the camp, and then Brad and I kind of milled
17 around, talked to them. And I remember we went and got
18 two packs of Oreos and had those, and then we went to
19 sleep.

20 Q. Backing up for a second, on that day, on
21 Wednesday, April 2nd, was the plan to still stay the
22 entire week?

23 A. No, sir. I believe we were planning on going
24 home on the 3rd.

25 Q. On the 3rd?

1 A. Yes, sir. That was the plan the whole time.

2 Q. Even when you left Asheville to come down to
3 Florida, the plan was to come home on Thursday, the 3rd?

4 A. Yes, sir.

5 Q. There was nothing that changed during the
6 vacation where either of your parents wanted you home
7 early?

8 A. No, sir.

9 Q. And on the 3rd -- excuse me -- on the 2nd do
10 you recall what you had to eat?

11 A. On the 2nd?

12 Q. That evening you said you had eaten maybe with
13 the parents?

14 A. I do not recall what we had for dinner that
15 night, sir, no.

16 Q. But it was at the camp?

17 A. I believe so, sir.

18 Q. And after you had the dinner, did you and
19 Bradley stay at the camp for a while and then go to a
20 grocery store, or how did that work?

21 A. I believe we stayed at the camp for a little
22 wheel, then went to a grocery store.

23 Q. Do you remember what it was? Publix?

24 A. No, sir. I don't remember.

25 Q. And when you went to the grocery store, was the

1 **plan just to get Oreos?**

2 A. I believe so.

3 **Q. Did you get anything else from the grocery**
4 **store other than Oreos?**

5 A. Maybe milk, but I don't recall.

6 **Q. And after you got back in the car, who drove?**

7 A. I might have asked Bradley if I could drive, or
8 he may have driven. I don't recall.

9 **Q. You're not sure. Whenever you got back to the**
10 **camp, were David Ledford and Joni Canterbury there?**

11 A. Yes, sir.

12 **Q. Now, that night were you sleeping in two beds?**

13 A. Yes, sir.

14 **Q. And is this a camp site where everything is**
15 **open and you're sleeping in one big room with David and**
16 **Joni, or were you and Bradley in a separate room?**

17 A. I believe the little -- I don't think shack is
18 the right word, but the area that we were staying, it
19 was a nice little, small, one-room, basically, house.
20 So you go in, and then you can go upstairs to where the
21 sleeping quarters is. And then it's kind of a U around
22 the opening down to the center.

23 **Q. Right.**

24 A. And so Mr. Ledford and Joni were sleeping on
25 one side of the U, and Brad and I were on the other in

1 two twin beds.

2 Q. Of the U. Okay. Do you recall what time you
3 got to bed that night?

4 A. Probably 10:30 or 11:00.

5 Q. The grocery store that you went to, was it
6 closing right before you got there?

7 A. I don't remember, sir.

8 Q. You don't remember trying to run to get there
9 before it closed at ten o'clock?

10 A. I don't remember, sir.

11 Q. And when you got to bed that evening, did you
12 get a good sleep?

13 A. We did, sir.

14 Q. And what was the plan that very next morning
15 when you got up?

16 A. The plan, I believe, was that we were gonna
17 wake up and head back to the house because Mom was
18 planning to have us for dinner that evening and before
19 Brad went back to his own house. But then I think that
20 Mr. Ledford invited us to go fly gliders at an airport.

21 Q. So the original plan for you and Bradley was to
22 get up the next morning and go straight home so that you
23 could make a dinner?

24 A. I believe so.

25 Q. And what was Bradley going to get home for?

1 A. I don't think I remember what he was going home
2 -- exactly going home for.

3 **Q. Right. But do you remember there being**
4 **something he was trying to get home for, or in time for,**
5 **similar to your getting home for dinner?**

6 A. It may have been something to do with baseball.

7 **Q. Okay. You don't remember?**

8 A. I don't remember. I know we were both planning
9 to have dinner at my house.

10 **Q. Okay. So as far as getting invited to go on**
11 **the gliders, is that something that came about on**
12 **Wednesday, the 2nd, or when you woke up the next**
13 **morning?**

14 A. I believe it's when we woke up the next morning
15 because I think I -- I believe I had to tell my mom that
16 we weren't going to be able to make it.

17 **Q. Okay. And so you called your mom that morning?**

18 A. (Nods head.)

19 **Q. Or did you text her?**

20 A. I text -- I called her.

21 **Q. And did you have to coordinate with anyone else**
22 **or call anyone else to tell them you weren't going to be**
23 **leaving at the same time?**

24 A. No, sir.

25 **Q. You and Bradley had breakfast. Do you remember**

1 **what you ate?**

2 A. I believe eggs and bacon.

3 **Q. At the camp?**

4 A. Yes, sir.

5 **Q. Do you remember what time that was?**

6 A. No, sir. It was before 12:00 noon. It was in
7 the morning.

8 **Q. It was in the morning? And then when you got
9 up, did you go straight to the glider port?**

10 A. We showered and had breakfast, and then I
11 believe we left for the glider port.

12 **Q. Were you guys already packed up the day before,
13 or did you guys pack up that morning?**

14 A. I don't recall, sir.

15 **Q. When you drove to the glider port, was the car
16 packed up?**

17 A. I believe so.

18 **Q. Had you guys acquired anything throughout the
19 trip that you didn't have on the way down that you put
20 in the car? We talked about your two suitcases and the
21 cooler. Was there anything else?**

22 A. Those were the same things in the car.

23 **Q. And when you got to the glider port, was anyone
24 else there other than you, Bradley, David, and Joni?**

25 A. Yes, sir.

1 **Q. Who else was there?**

2 A. I don't recall. I know there was someone who
3 had a house kind of right on the strip. He had an
4 antique airplane. And then there was the people that
5 were running the airport, of course. That's all I know.

6 **Q. Do you recall talking with anybody else there?**

7 A. Yes, sir.

8 **Q. What conversations did you have?**

9 A. Just run-of-the-mill conversation, what I was
10 planning on doing after school and. . .

11 **Q. When you were sitting at the camp that morning**
12 **before you went to the glider port, did David Ledford**
13 **just walk up to you and Bradley and say, hey, before you**
14 **leave do you want to go on the gliders? How did that**
15 **come about?**

16 A. I don't recall, sir. He may have just spoken
17 to Bradley, he may have spoken to both of us, but I
18 don't recall exactly how that came about.

19 **Q. All right. But your recollection is that that**
20 **discussion was had that morning and not the day before?**

21 A. Yes, sir.

22 **Q. And did you have an interest in going on a**
23 **glider?**

24 A. Oh, absolutely, yeah.

25 **Q. Had you been on one before?**

1 A. No, sir.

2 **Q. Had Bradley been on one before?**

3 A. Yes, sir.

4 **Q. And when you got to the glider port, who went**
5 **up first?**

6 A. Brad and Mr. Ledford went up first, and then I
7 waited with Joni.

8 **Q. And how long were they up?**

9 A. I believe 15, 20 minutes.

10 **Q. And then you went on the second?**

11 A. Yes, sir.

12 **Q. And how long were you up?**

13 A. About 30 minutes.

14 **Q. And who went up with you?**

15 A. Mr. Ledford.

16 **Q. All right. And just for the record, that's**
17 **David Ledford?**

18 A. Yes, sir.

19 **Q. And when you and David Ledford went on the**
20 **glider, how did you get up? How did you take off if you**
21 **were explaining to somebody what you did?**

22 A. So with the glider, we were held in tow behind
23 another fully powered airplane that would take us up.
24 And then once we got to a certain altitude, we released
25 the latch on that, and then he would go back around and

1 land. And then we would glide around and then just
2 search for areas that, I guess, birds were circling to
3 gain altitude, and I think that's called soaring.

4 **Q. Got it.**

5 A. And then we would gain altitude and just stay
6 up for as long as we could.

7 **Q. So if somebody hasn't done it before, you got**
8 **two people holding on, and you're kind of buckled in or**
9 **latched in or --**

10 A. No, sir, no. It's -- imagine like an airplane,
11 like if you're watching Top Gun --

12 **Q. Right.**

13 A. -- two -- a pilot and a copilot both behind
14 each other and I was in the front and Mr. Ledford was in
15 the back. And then we go up, and it's just like an
16 airplane except with no engine.

17 **Q. Did you have controls?**

18 A. Yes, sir.

19 **Q. All right. And did you both have controls?**

20 A. Yes, sir. But Mr. Ledford was in control most
21 of the time, and then he let me take over a little.

22 **Q. All right. And so you did that, and then how**
23 **do you -- where do you land?**

24 A. Back on the same airstrip we take off from.

25 **Q. And did you enjoy it?**

1 A. I had a great time. Yes, sir.

2 Q. All right. So after you did that, you got to
3 the ground. Do you remember what time it was?

4 A. No, sir.

5 Q. What was the plan at that point?

6 A. I believe Brad and I were planning on leaving,
7 and then Mr. Ledford offered to let us help him tear the
8 airplane down so we could see how it's stored up.

9 Q. Okay. And did you guys do that with him to see
10 how it would break down?

11 A. We did, yes, sir.

12 Q. All right. Now, when you got to the vehicle,
13 did you do the same thing similar to what you did when
14 you left South Carolina? You check the tires, check the
15 fluids?

16 MR. KALBAC: Object to the form.

17 MR. ORR: You can answer.

18 A. No.

19 BY MR. ORR:

20 Q. You don't recall doing that?

21 A. No, sir.

22 Q. Did you ever look at the tires before you got
23 in the car?

24 A. On the way back, no, just because I knew we had
25 just changed them.

1 Q. Did you ever look at the fluids before you got
2 back in the car?

3 A. No, sir. I don't recall.

4 Q. Do you recall at any point prior to leaving on
5 that morning from the glider port having any issues with
6 the BMW throughout the whole trip?

7 A. No, sir.

8 Q. Do you recall at any point you and Bradley
9 having to stop somewhere to have maintenance done on it
10 after you left Costco?

11 A. No, sir.

12 Q. Now, you left the glider port. Where did you
13 go next?

14 A. We went to, I believe, Steak'n Shake to get
15 lunch, and then we both got back in the car and headed
16 back.

17 Q. Do you remember where the Steak'n Shake was?

18 A. No, sir.

19 Q. Was it off I-4 or was it off another road, do
20 you know?

21 A. I don't know, sir.

22 Q. What did you get at Steak'n Shake?

23 A. I don't recall what meal I had. I remember it
24 was really good.

25 Q. Do you guys have Steak'n Shake up in the

1 **Asheville area?**

2 A. We do not, no, sir. It was definitely a treat.

3 **Q. All right. Do you remember how much you ate?**

4 A. Yes, sir. We had a full meal and then a shake,
5 and then Brad and I, both being athletes, we decided we
6 were still hungry so we got another meal.

7 **Q. You got a second meal?**

8 A. Yes, sir.

9 **Q. At Steak'n Shake?**

10 A. Yes, sir.

11 **Q. Got it. Were you sitting the whole time for**
12 **that?**

13 A. Other than when we were ordering or using the
14 restroom.

15 **Q. I ask -- you said on the way down that you guys**
16 **were switching and didn't stop unless you had to get**
17 **gas. But on the way back you stopped --**

18 A. Much more leisurely, yes, sir.

19 **Q. Much more leisurely.**

20 A. Yeah.

21 **Q. Not as much in a rush to get somewhere as you**
22 **were on the way down?**

23 A. Correct.

24 **Q. When you left Steak'n Shake, do you remember**
25 **what time it was?**

1 A. No, sir.

2 Q. Do you remember who was driving when you left
3 Steak'n Shake?

4 A. Brad.

5 Q. Who was driving immediately before you went to
6 Steak'n Shake?

7 A. I don't -- I don't recall, sir.

8 Q. Okay. One of you?

9 A. Yes, sir.

10 Q. And when he was driving to Steak'n Shake, what
11 was the plan that you-all discussed at Steak'n Shake for
12 getting home?

13 A. That we were gonna drive from Florida to North
14 Carolina.

15 Q. Do you remember how you were going to do it,
16 what road you were going to take?

17 A. I assume the one that went kind of close to
18 Daytona, seeing that's where the accident happened.

19 Q. So I-4 to I-95?

20 A. I believe so, sir.

21 Q. Have you ever looked at a map or understood
22 that you were on Interstate 4 driving to I-95?

23 A. I was, sir.

24 Q. Did you have an understanding as to where you
25 would go once you got on to I-95 to get back home?

1 A. Yes, sir. Every time before I leave somewhere,
2 I always check the map just in case my phone dies or
3 something.

4 **Q. You use the one that iPhone has, the MapQuest?**

5 A. Yes, sir.

6 **Q. All right. When you hit that button, would you**
7 **just put in Asheville?**

8 A. I probably put my home address in it, sir.

9 **Q. Home address. And would you just go the**
10 **fastest route?**

11 A. I'm not sure which one I picked, sir, no.

12 **Q. They give you a couple of options?**

13 A. They usually give you about three.

14 **Q. One would be the fastest route; one would be**
15 **less highways; one may be something else--**

16 A. Yes, sir.

17 **Q. -- you don't remember which one that you had**
18 **selected?**

19 A. No, sir.

20 **Q. But it was a different route from the route**
21 **that you had selected to come down to Florida, correct?**

22 A. Yes, sir, yes.

23 **Q. Now, what was the plan as far as how often you**
24 **and Bradley were going to be switching off?**

25 A. There was no plan that I recall.

1 **Q. Was it going to be similar to the way you guys**
2 **did it coming down?**

3 MR. KALBAC: Object to the form.

4 A. Like I said, I didn't think there would be any
5 plan.

6 BY MR. ORR:

7 **Q. Why would it be that you guys did it one way**
8 **coming down and weren't going to do it the same way**
9 **going back?**

10 MR. KALBAC: Object to the form.

11 A. I believe that on the way down, I mean, it was
12 just understood that we would switch off when needed
13 just to get down there in the shortest amount of time
14 possible.

15 **Q. Right.**

16 A. And on the way back we decided -- I'm sure that
17 it was understood we would switch off when needed.

18 **Q. You-all didn't have any discussion at any point**
19 **prior to getting on the road on April 3rd as to how**
20 **often you would switch off?**

21 A. I don't recall, sir.

22 **Q. It's possible but you don't remember?**

23 A. I don't recall.

24 **Q. When you keep saying "I don't recall," is that**
25 **that you don't remember?**

1 A. Yes, sir.

2 Q. Okay. So do you remember at some point making
3 a phone call to anyone prior to leaving Steak'n Shake?

4 A. It's very likely I may have called my parents
5 to tell them we were on our way.

6 Q. Anyone else that you can think of?

7 A. I may have called my girlfriend. I may have
8 called my -- I'm not sure, sir.

9 Q. You're not sure. When you have -- did you have
10 an iPhone at the time?

11 A. I did, sir.

12 Q. Was it the four or the five?

13 A. Whichever one the newest one was.

14 Q. And did you have Facebook on it?

15 A. I did, sir.

16 Q. Did you have Twitter?

17 A. Yes, sir.

18 Q. Instagram?

19 A. Yes, sir.

20 Q. Snapchat?

21 A. Yes, sir.

22 Q. Did you have e-mail on it?

23 A. Yes, sir.

24 Q. What e-mail account did you use that you linked
25 to your phone?

1 A. An AOL account.

2 **Q. What's the address?**

3 A. Dmcauthor, spelled the same way as my last
4 name, @aol.com.

5 **Q. And did you have any other e-mail addresses**
6 **linked to that account?**

7 A. Yes, sir.

8 **Q. What were they?**

9 A. Calendar@chickfila.net and then --

10 **Q. I'm sorry. You said D calendar?**

11 A. Calendar@chickfila.net.

12 **Q. Oh, calendar@chickfila.net.**

13 A. And then manager@chickfila.net.

14 **Q. Let's talk about that for a moment. You worked**
15 **at Chick-fil-A?**

16 A. Yes, sir.

17 **Q. Did you work anywhere else prior to working at**
18 **Chick-fil-A?**

19 A. No, sir.

20 **Q. Ever do any odd jobs with your family or**
21 **anything like that?**

22 A. Oh, yes, sir. I mowed grass and would work
23 around my neighborhood for people.

24 **Q. What does your dad do?**

25 A. He's a financial adviser.

1 Q. Was your mom a stay-at-home mom?

2 A. She was.

3 Q. Did you ever work with your dad in his business
4 at all?

5 A. No, sir. I was too young.

6 Q. All right. And when you got the job at
7 Chick-fil-A, do you remember when that was?

8 A. Yes, sir.

9 Q. When was it?

10 A. It was my fourteenth year of life. I was about
11 fourteen and a half, so it would've been in December.

12 Q. And what were you doing when you got a job at
13 Chick-fil-A?

14 A. Originally, I was hired as a cashier.

15 Q. And were you working for Chick-fil-A from that
16 point all the way up to the time of the incident?

17 A. Yes, sir.

18 Q. How often would you work?

19 A. I worked about 40 to 60 hours a week.

20 Q. In addition to the homeschooling?

21 A. Yes, sir.

22 Q. Was that during the entire year?

23 A. Yes, sir.

24 Q. And that was for a consistent time period all
25 the way up to the point of being hired to the time of

1 **the incident?**

2 A. I worked about 40 to 60 hours a week from the
3 time I was 16. In North Carolina you're not allowed to
4 work more than 20 hours before you're 16.

5 **Q. And so would you attempt to work up to 20 hours**
6 **prior to being 16 years old?**

7 A. Yes, sir.

8 **Q. On your cell phone at the time, on the iPhone**
9 **6, what other apps would you use?**

10 A. I don't recall, sir.

11 **Q. Did you have a favorite app other than social**
12 **media?**

13 A. No, sir.

14 **Q. Bleacher Report, ESPN, anything like that?**

15 A. I had several news agency apps on that and then
16 an app link to the naval academy.

17 **Q. When you left to go on this trip, you were in**
18 **your last year of school?**

19 A. Of high school? Yes, sir.

20 **Q. What was your expected date of graduation?**

21 A. I'm not sure of the exact date. I'm sure it
22 was sometime in May.

23 **Q. You had taken an exam, a final exam?**

24 A. Yes, sir. I still had my AP test to take, but
25 other than that, I think that was about it.

1 Q. Okay. You got on the road. Do you recall
2 sending any messages on social media to anybody?

3 A. Not specifically, sir, no.

4 Q. Do you recall reviewing any?

5 A. No, sir, not specifically.

6 Q. When you got into the vehicle, did you and
7 Bradley have any conversation about when you would
8 switch off?

9 A. No, sir. Brad and I usually just moved forward
10 with a common understanding of things.

11 Q. Okay. How does that -- what does that mean to
12 people other than you and Bradley?

13 A. I believe that we had just decided we would
14 switch off when the other one needed to switch off.

15 Q. When you got up that morning to go to the
16 glider port, were you tired?

17 A. No sir.

18 Q. When you left Steak'n Shake, were you tired?

19 A. No, sir.

20 Q. How long were you on the road before you put
21 your seat back to go to sleep?

22 A. I don't recall, sir.

23 Q. You don't remember if it was right away or if
24 it was later?

25 A. I don't.

1 **Q. Do you recall if at any point you told Bradley**
2 **I'm going to go to sleep?**

3 A. No, sir. Just normally after traumatic
4 injuries, people have loss of -- memory loss so I don't
5 really remember much of that right after Steak'n Shake.

6 **Q. I'm going to ask you a bunch of questions today**
7 **that I'm sure you're going to have some trouble**
8 **remembering, and that's perfectly fine. I just want you**
9 **to tell me whether you remember or not. That's fine.**

10 MR. KALBAC: Just for the record, if it saves
11 time, you're welcome to go over stuff that he doesn't
12 know, but he will tell you that he has no memory from
13 the Steak'n Shake until sometime well after the
14 accident.

15 MR. ORR: Well, now you're testifying for him,
16 but that's perfectly fine --

17 MR. KALBAC: No, ask him. I'm just trying --

18 MR. ORR: -- I appreciate that.

19 MR. KALBAC: -- to save you time and the
20 truth --

21 MR. ORR: No, well, we'll go through it, and
22 that's perfectly fine if that's going to be his
23 answer.

24 BY MR. ORR:

25 **Q. So do you remember -- is that your testimony**

1 that you don't remember anything after you left Steak'n
2 Shake?

3 A. No, sir, I do not.

4 Q. You don't remember how you were positioned in
5 the car?

6 A. No, sir.

7 Q. You don't remember how the accident happened?

8 A. I have no memory, sir.

9 Q. You don't remember anything after the accident
10 how you got out of the car?

11 A. I have no memory, sir.

12 Q. You don't remember how you got to the hospital?

13 A. I do not remember, sir.

14 Q. You don't -- what's the first thing you do
15 remember?

16 A. Actually, I have memories from the Halifax
17 Hospital. The first thing I do remember is -- my
18 earliest memory is I remember the lights, much like
19 these, going over my head when I was being trolled into
20 the trauma room.

21 Q. Do you remember anything else other than that?

22 A. I remember the young female doctor that was
23 holding my hand, and other than that, I don't.

24 Q. Do you remember when the first time it was that
25 you actually had a conversation with somebody?

1 A. Yes, sir. That would have been on my last day
2 in Halifax with a nurse named Greg.

3 **Q. A nurse named Greg?**

4 A. A nurse named Greg.

5 **Q. Okay. Do you remember when your last day was?**

6 A. I do not, sir.

7 **Q. And you were there for several weeks?**

8 A. Five.

9 **Q. Five weeks. And that would have been into May**
10 **of 2014?**

11 A. Yes, sir.

12 **Q. At the end of your time at Halifax and having**
13 **that conversation with this nurse, Greg, what was the**
14 **next conversation you remember having?**

15 A. (No response.)

16 MR. ORR: Mr. Cawthorn, do you need to take a
17 break?

18 THE WITNESS: (Nods head.)

19 MR. ORR: Why don't we take a minute.

20 THE VIDEOGRAPHER: Going off the video record.

21 The time is 10:51 a.m.

22 (Break was taken.)

23 THE VIDEOGRAPHER: We are now back on the video
24 record. The time is 11:06 a.m.

25 (The last question was read.)

1 THE WITNESS: It was a conversation with my
2 flight nurse Jen. That was the next conversation I
3 remember.

4 BY MR. ORR:

5 Q. Do you remember what you and Greg discussed?

6 A. Yes, sir. We were discussing dogs. I was in a
7 significant amount of pain that day because we were
8 trying to take me off pain medicine so he was trying to
9 get my mind off of it.

10 Q. And what were you guys discussing about dogs?
11 How did you get -- go on there?

12 A. Just what kind of dog I would have if I could
13 have a dog right now.

14 Q. Okay.

15 A. Then -- that's why we were talking about dogs.

16 Q. All right. And then do you remember anything
17 else about the conversation other than that?

18 A. Talked about what kind of dog my brother would
19 be if he was a dog.

20 Q. Okay. And you don't have to tell me that on
21 the record. You can tell me later.

22 A. Okay.

23 Q. After you got done with Greg, what conversation
24 did you have with the flight nurse?

25 A. With Jen, I remember we were talking about --

1 yeah. It was my first time meeting her at that point so
2 we just talked about run-of-the-mill general
3 information.

4 **Q. Okay. Where you're from --**

5 A. Right.

6 **Q. -- what you do kind of thing? All right.**

7 **Anything that you can remember specifically about that**
8 **conversation?**

9 A. Yeah. She had just broken up with her
10 boyfriend. She was planning on moving to North
11 Carolina, and then she was flying to Abu Dhabi the next
12 day.

13 **Q. Okay. And at that point do you recall**
14 **discussing, or having any conversation, rather, with**
15 **someone else?**

16 A. After that?

17 **Q. Yeah.**

18 A. No. The next conversation I remember was with
19 a rec therapist at the Shepherd Center talking about
20 ways, like what activities I probably wouldn't be able
21 to do ever again, what activities I would be able to do
22 in a wheelchair.

23 **Q. All right. Let's back up for a second, still**
24 **at Halifax. Did you ever talk with Bradley at Halifax?**

25 A. Not that I -- I mean, I have -- that

1 conversation I told you about with Greg was my first.
2 It's the only conversation I remember.

3 **Q. Okay. Do you remember having any conversation**
4 **with your dad or your mom?**

5 A. The conversation with Greg is the only
6 conversation I remember.

7 **Q. And then Jen after that?**

8 A. Yes, sir. That was the next day.

9 **Q. The next day. And was the day that you left**
10 **Halifax, was that the day you had the conversation with**
11 **Jen?**

12 A. Yes.

13 **Q. All right. And do you recall maybe not having**
14 **conversations but recall people visiting you?**

15 A. Yes. I have memories of visitations from
16 people.

17 **Q. Okay. Do you remember specifically who was**
18 **there visiting you?**

19 A. I know different people. I know just about
20 everyone because of pictures but actual memories. . .

21 **Q. Thank you for making that distinction, and I**
22 **just want to talk about what you actually remember right**
23 **now. Other than the conversation with Greg and the**
24 **conversation with Jen at the end of your time at**
25 **Halifax, you don't remember any other conversations or**

1 **who was visiting, correct?**

2 A. No, conversation, no.

3 **Q. And do you have any specific recollection of**
4 **somebody else being there with you?**

5 A. Oh, yes. I remember my brother very clearly.
6 I remember a girl named Lauren White. I remember
7 Gracelyn. I remember both my parents. I remember a
8 coworker of my dad and their family, Chip Chiappini,
9 visiting. I remember the Crawford family visiting, and
10 I remembered a family from the local church in Halifax
11 that came to visit, the Hofstras.

12 **Q. How do you spell the name of Chip, his last**
13 **name?**

14 A. C-H-I-P-I-N-N-I-T-T-I.

15 **Q. And do you remember who the family was from the**
16 **local church, the Hofstras you said?**

17 A. Yes, sir, the Hofstras.

18 **Q. Do you remember their names?**

19 A. Negative.

20 **Q. Okay. Now, you listed all those people. Do**
21 **you remember Bradley Ledford being there?**

22 A. I don't have a specific memory of that, no.

23 **Q. Okay. Do you remember David Ledford being**
24 **there?**

25 A. No, sir.

1 Q. Do you remember Joni Canterbury being there?

2 A. I mean, like I said, I remember from pictures
3 but not an actual memory, no.

4 Q. But you do have an actual memory from this
5 family from a local church, your dad's coworker, the
6 Crawford family, Gracelyn, and what was the other young
7 lady's name?

8 A. Lauren White.

9 Q. Where is she from?

10 A. North Carolina where -- my hometown.

11 Q. Asheville?

12 A. Yes, sir.

13 Q. All right. And where is she now?

14 A. I couldn't tell you. Appalachian State,
15 Appalachia. Yes, sir.

16 Q. What about the Crawford family? Do you
17 remember any of their first names?

18 A. Yes, sir. Emily, Brady, Mike, and I can't
19 remember the mother's name.

20 Q. Do you recall how you were going to be
21 transferred from Halifax to Shepherd?

22 A. Yes, sir. That's where I had the conversation
23 with my flight nurse.

24 Q. Jen?

25 A. Yes, sir.

1 **Q. She's the one that explained to you that you**
2 **were going to be transferred?**

3 A. I just remember getting into a jet and then
4 flying to Atlanta.

5 **Q. Do you remember being put into the jet at all?**

6 A. Yes.

7 **Q. Okay. How did you leave the hospital?**

8 A. Via ambulance.

9 **Q. And did the ambulance take you to an airport?**

10 A. They did.

11 **Q. Which airport?**

12 A. Couldn't tell you.

13 **Q. All right. And you got into a jet?**

14 A. Indeed.

15 **Q. Do you recall who was on the jet with you?**

16 A. My mother, two pilots, the pilot and the
17 copilot, and then my flight nurse, Jen, and then a
18 gentleman named Mike.

19 **Q. Do you remember what Mike's role was at all?**

20 A. No. He was an anesthesiologist. He put me to
21 sleep.

22 **Q. Do you remember conversations on the flight**
23 **with any of those people?**

24 A. With Jen, my flight nurse. Yes, sir.

25 **Q. The conversation you've already related to me?**

1 A. Yes, sir.

2 **Q. Did you fly into Atlanta?**

3 A. I did.

4 **Q. And do you recall at that point getting a ride**
5 **from the airport to Shepherd Center?**

6 A. Yes, sir, yeah. Almost wrecked in an ambulance
7 on the way there.

8 **Q. Okay. You were in an ambulance, and how did**
9 **you almost wreck?**

10 A. I don't exactly know the situation because I
11 was in the back of the ambulance. You can't see the
12 front. All I know is that I was -- it was related to me
13 that we ran some -- I think we were trying to make a
14 yellow light, and then the traffic was stopped in front
15 of us so we had to slam on the brakes.

16 **Q. Okay. So somebody told you about that**
17 **afterwards and explained it to you; that's not something**
18 **you --**

19 A. I --

20 **Q. -- specifically remember?**

21 A. -- I do specifically remember almost falling
22 out of the gurney.

23 **Q. Okay. And at that point were you transported**
24 **directly to Shepherd, or did you go anywhere else?**

25 A. I went to Shepherd Center.

1 **Q. All right. And when you got to Shepherd**
2 **Center, what do you first remember?**

3 A. I remember a nurse trying to flip me.

4 **Q. Do you remember who it was?**

5 A. I think her name was De Wan (phonetic).

6 **Q. And do you recall any conversations you had at**
7 **the Shepherd Center when you arrived?**

8 A. Yes, sir. I was visited by a series of
9 doctors, and I had lengthy conversations of what had
10 happened and them explaining what that meant for the
11 rest of my life.

12 **Q. You had conversations with doctors wherein they**
13 **explained what happened or you explained what happened?**

14 A. They explained.

15 **Q. Okay. Do you recall ever responding to them**
16 **and providing them any information?**

17 A. Yes, sir. It was a conversation.

18 **Q. Do you remember what you told them?**

19 A. Do you want the entire -- all of it?

20 **Q. Anything you can remember, like were you asking**
21 **questions?**

22 A. Well, anyway, my first doctor was -- I don't
23 remember his -- he was my primary doctor for my first
24 few weeks at the Shepherd Center. He was explaining to
25 me what a compressed spinal cord meant and the terms of

1 the possibility of a recovery and the possibility of no
2 recovery. And then he was asking me what sports I
3 played so I told him football, basketball, baseball.
4 And then he was telling me that I would never be able to
5 do those again. And then he was asking me about my
6 pain, and I was rating my pain on a scale of one to ten,
7 one being the lowest and ten being the highest, of where
8 everything hurt and how it hurt. And then he was asking
9 how much medication I thought I needed, and I would
10 answer those questions. And then he asked me about if I
11 had a girlfriend. I answered the question, and then he
12 asked me about -- he asked me a lot of -- a series of
13 just really random questions like what my favorite color
14 was, my favorite food.

15 **Q. Sure.**

16 A. And then he continued to explain to me what
17 having only one kidney meant. And he asked me if I was
18 an alcoholic, if I smoked, and I said no. He explained
19 to me about how my medications would hurt me without
20 having two kidneys, and then he continued to explain
21 the --

22 **Q. Do you remember what he looked like?**

23 A. Yes, sir. He was a very old man.

24 **Q. White, Hispanic, African-American?**

25 A. He was white. He always wore a strange tie,

1 very unprofessional.

2 **Q. You said very unprofessional?**

3 A. Yes, sir.

4 **Q. Okay. What made him unprofessional?**

5 A. He was just a terrible doctor. He didn't take
6 his role very seriously.

7 **Q. Got it. How long was he your primary care?**

8 A. For, I would say, about the first two months
9 there.

10 **Q. Now, after that conversation, what's the next
11 conversation you remember having at Shepherd Center?**

12 A. I met my two therapists, Jill and Jill.

13 **Q. Jill and who?**

14 A. Jill.

15 **Q. Two Jills?**

16 A. Indeed.

17 **Q. All right.**

18 A. And then we talked about -- she asked me if I
19 was a motivated person, and I responded yes. And then
20 she said good because this will be the hardest thing
21 you've ever done. And then the second Jill who was the
22 OT nurse, the OT therapist, she explained to me that she
23 was basically going to teach me how to live in a
24 wheelchair. And I remember saying, well, that's
25 pointless, I'm not going to be in a wheelchair, and then

1 they explained to me that I was indeed going to be in a
2 wheelchair.

3 **Q. Who's "they"? Jills --**

4 A. Jills. The Jill and Jill.

5 **Q. Okay. Do you remember what the next**
6 **conversation was that you had?**

7 A. Yes. It was with my night nurse, Glenda. She
8 was very friendly. She was asking me a series of normal
9 questions.

10 **Q. Okay. Outside of the treating physicians, the**
11 **nurses, the Jills, people at Shepherd Center, who was**
12 **with you at Shepherd Center?**

13 A. My family members, my dad, my mother and my
14 brother, and Gracelyn.

15 **Q. Anybody else come to visit you at Shepherd**
16 **Center?**

17 A. Yeah.

18 **Q. Who else visited you at Shepherd Center? And I**
19 **-- why don't we start within the first couple of weeks?**

20 A. Fred and Katherine Elgin. The Chiappinis came
21 down another time. Gracelyn's family, the Perries, came
22 down. Katherine Black and her sister, Michelle, and
23 Sarah. The first few weeks?

24 **Q. Yes, sir.**

25 A. And Bruce Frank, Ryan Terry, John Leathers. My

1 Florida nurse, Greg, came up to visit. My grandparents,
2 my Uncle Rick, and then Jordan Hutchinson, Corban
3 Crosley, Sarah Stamey, Austin Stamey. Do you want me to
4 continue? I mean, the list is --

5 **Q. Yeah. Anybody you can remember.**

6 A. -- well over 300 people.

7 **Q. Well over 300 people?**

8 A. Yes, sir.

9 **Q. Okay. Do you remember Bradley Ledford coming?**

10 A. Yes.

11 **Q. Okay. Do you remember Joe Kalbac visiting you?**

12 A. I do.

13 **Q. Okay. Do you remember when that was?**

14 A. It was within my first portion of my stay at
15 Shepherd Center.

16 **Q. The first week or two?**

17 A. I'd say within the first month.

18 **Q. Okay. Who else was there with Mr. Kalbac**
19 **visiting you?**

20 A. My dad was present while he was there, but it
21 was just Mr. Kalbac.

22 **Q. Anyone else?**

23 A. Not that I recall.

24 **Q. Okay. And do you remember why he was there?**

25 A. He's my lawyer.

1 MR. KALBAC: You're not to disclose anything
2 that was told to you by me or anything you said to
3 me.

4 BY MR. ORR:

5 Q. The only question I'm going to ask you is: Do
6 you remember -- did you retain Mr. Kalbac as an
7 attorney?

8 A. Obviously.

9 Q. Okay. And you did that while you were at
10 Shepherd Center, correct?

11 A. Yes.

12 Q. All right. So would that have been in May or
13 June of 2015? 2014, I'm sorry.

14 A. Couldn't tell you, sir.

15 Q. Okay. Do you recall having any conversations
16 with Bradley Ledford at Shepherd Center?

17 A. Yes.

18 Q. Okay. What conversations did you have?

19 A. He came to stay with me several times so we had
20 a very -- we had a very large number of conversations
21 varying from how I was doing to how Asheville was to
22 what my treatment was about, how I felt, what my pain
23 was like.

24 Q. Did he stay in the room with you?

25 A. He did.

1 **Q. And when he was there, was Jordan and Corban**
2 **there?**

3 A. They were.

4 **Q. Did they sleep in the room too?**

5 A. They did.

6 **Q. Do you recall any point you and Bradley**
7 **discussing the accident and what happened at Shepherd?**

8 A. I think that as a group when he was down with
9 Isaac Cothran and Corban, we discussed just kind of what
10 had happened, I believe some speculation -- I don't --
11 we discussed the accident several times.

12 **Q. Okay. Other than Corban, you said Isaac**
13 **Kauffman?**

14 A. Cothran. Yes, sir.

15 **Q. How is that spelled?**

16 A. C-O-T-H-R-O-N.

17 **Q. And is Isaac -- he's Asheville area as well?**

18 A. He is, sir.

19 **Q. One of your friends?**

20 A. Best friend, yes, sir.

21 **Q. What is he doing now?**

22 A. He is at West Point.

23 **Q. Is he a first year?**

24 A. Yes, sir. He's plebe.

25 **Q. Anyone else other than you and Bradley -- was**

1 it Jordan or Corban was there when you were discussing
2 the accident with Isaac?

3 A. I believe it was Corban.

4 Q. Corban. Okay. And can you remember, as you
5 sit here today, any of the specifics of the discussions
6 you had with them about the accident?

7 A. No, sir.

8 Q. Does Bradley wear eyeglasses?

9 A. Yes.

10 Q. What does he wear them for?

11 A. To aid him with vision.

12 Q. Does he wear them -- have you ever been to any
13 of his baseball games?

14 A. I have been to his baseball games before, yes,
15 sir.

16 Q. As his best friend back then, did you guys
17 discuss him wanting to get glasses for baseball?

18 A. I don't believe so, sir, no.

19 Q. You don't remember that discussion?

20 A. No, sir.

21 Q. Did you have a discussion at any point about
22 why he wanted glasses?

23 A. I don't remember ever -- no, sir. He had
24 glasses pretty much the entire time I knew him.

25 Q. How often did he wear them?

1 A. Usually, on dates he would wear them.

2 **Q. His girlfriend at the time, what was her name?**

3 A. At the time of the accident?

4 **Q. Yeah.**

5 A. Bethany.

6 **Q. Bethany. She liked him wearing glasses?**

7 A. I mean -- I couldn't -- yeah. Yes, sir.

8 **Q. Is that something he talked to you about?**

9 A. Yes, sir. Yeah.

10 **Q. Okay. Do you remember him wearing them like**
11 **when you guys would go to the beach?**

12 A. On the beach? No, I don't ever remember him
13 wearing them.

14 **Q. Did he wear them at any point while driving on**
15 **the Florida trip?**

16 A. Yes, sir. Oh, not -- not on the Florida trip,
17 no, sir.

18 **Q. You can remember a time where he did wear his**
19 **glasses driving?**

20 A. Yes, sir.

21 **Q. When was that?**

22 A. It was in the winter of 2014, Bethany Sikkink
23 and Lauren Chiappini and I were all going on a group
24 date to -- we went to the Grove Park in downtown
25 Asheville and I just -- he wore glasses that day.

1 **Q. Can you remember a time where he wore his**
2 **glasses other than when he was going on a date with**
3 **Bethany?**

4 A. Yes, sir. Yes, I can.

5 **Q. When was that?**

6 A. Several times I had seen him with glasses. I
7 had seen him wore glasses to the gym a couple times and
8 then take them off to work out. I mean, it wasn't like
9 he would wear glasses every single day. It was just --

10 **Q. Occasionally?**

11 A. -- sometimes, yeah, he'd have them on;
12 sometimes he wouldn't.

13 **Q. Did you ever have discussions with Bradley**
14 **about why he sometimes wore glasses and why he didn't**
15 **other than with his girlfriend Bethany?**

16 A. No, sir.

17 **Q. Did he ever tell you that he had problems**
18 **seeing?**

19 A. He never said that, no.

20 **Q. Did you ever witness prior to that Florida trip**
21 **him ever having problems seeing?**

22 A. I don't recall a time I specifically saw him,
23 like, run into a wall or anything, but no.

24 **Q. With your -- Shepherd Center, while you're**
25 **there, you've got all these people visiting you off and**

1 on. Do you remember all of the conversations you had
2 with all of these people?

3 A. No way. No, sir.

4 Q. Do you remember how long it was before you were
5 able to critically think?

6 MR. KALBAC: Object to the form.

7 A. Yes. It was -- it took quite a while for me
8 to -- my, like, executive reasoning skills to really
9 kick in. I just worked a lot on that in physical -- in
10 therapy so. . .

11 BY MR. ORR:

12 Q. You're one step ahead of me. I was going --
13 the next question I was going to ask you is: What would
14 they do to help you work on your cognitive thinking and
15 speaking?

16 A. We would use the website, Lumosity.

17 Q. Okay. And what would you do for the training?

18 A. One second.

19 Q. You're good?

20 A. Um-hmm. For the training, we would -- there
21 were several different things we would do. We would
22 have a lot of flash cards, and then she would show them
23 to me and then flip them all over and move them all
24 around. And I have to find where all the flash cards
25 she had shown me were.

1 **Q. Okay.**

2 A. Or she'd tell me numbers and I would repeat
3 them back to her in a growing number. So we would start
4 at, like, one and two and then one and then up to 40
5 numbers.

6 **Q. And would you do -- what would you do on the**
7 **Internet or on the computer?**

8 A. They had daily workouts, workout of the day,
9 and then so it -- it was something different almost
10 every day.

11 **Q. Did you do that the entire time you were at**
12 **Shepherd Center?**

13 A. No, sir.

14 **Q. All right. Do you remember when it stopped?**

15 A. When I left inpatient.

16 **Q. And do you remember when that was?**

17 A. Yes. It was in mid-July, I believe.

18 **Q. Okay. And in mid-July when you left inpatient,**
19 **where did you go?**

20 A. I went to outpatient which is called day
21 therapy so I was still in the Shepherd Center, but it's
22 just called something different.

23 **Q. And how long were you an outpatient for?**

24 A. I was an outpatient for about another four
25 weeks.

1 Q. And when you were an outpatient, you weren't
2 doing any of the cognitive training exercises?

3 A. No, sir.

4 Q. All right. I asked that poorly. It won't read
5 right when we go back. Did you do any of the cognitive
6 training exercises during outpatient?

7 A. I did it on my own because I was frustrated
8 with not being able to think at my old abil -- ways.

9 Q. Do you remember a time when you were able to
10 get that ability back?

11 A. (No audible response.)

12 Q. You don't?

13 A. No, sir. I've never regained my full mental
14 ability.

15 Q. Okay. We'll talk about that a little bit later
16 this afternoon. When you were still in the Shepherd
17 Center and you had an opportunity to talk to all these
18 people, other than people that were coming from back
19 home and family and other than Mr. Kalbac and other than
20 Bradley Ledford and David Ledford -- did David Ledford
21 come, do you remember?

22 A. Yes, sir, yes. He brought me a lot of
23 helicopters.

24 Q. Other than the Ledfords, do you recall -- and
25 Greg, the nurse, you told me -- do you recall anyone

1 **else coming?**

2 A. Coming to what, sir?

3 **Q. Visit you at Shepherd Center.**

4 A. Other than all the people from back home?

5 **Q. Correct.**

6 MR. KALBAC: He said there was over 300 people
7 so --

8 THE WITNESS: I mean, there --

9 MR. ORR: Right, but I'm assuming most of them
10 were from back home so I'm asking you --

11 THE WITNESS: -- there's almost about a
12 thousand people that came to visit me at my time at
13 Shepherd Center so I couldn't --

14 BY MR. ORR:

15 **Q. Okay. And that's fine. I understand that. My**
16 **question to you is: Other than Mr. Kalbac, your family,**
17 **all your friends, and all the people from back home in**
18 **the Asheville area, do you remember somebody else coming**
19 **to visit you that was someone you wouldn't expect to**
20 **come visit you?**

21 MR. KALBAC: Object to the form of the
22 question.

23 MR. ORR: You can answer.

24 A. Yes. I had several families from Texas come
25 and visit me. I had several families from New York come

1 and visit me. I had a dear friend from Mississippi come
2 and visit me. I had a really good friend from Georgia.
3 I had a really good friend from Virginia. I had several
4 people from Florida come and visit me. And I had a
5 good --

6 BY MR. ORR:

7 Q. Mr. Cawthorn, I don't want to know about people
8 that you knew that were friends that you expected. I'm
9 trying to get to people that you didn't expect to come
10 visit you and you were kind of, like, oh, I don't even
11 know these people.

12 A. So someone I didn't know --

13 Q. Didn't know --

14 A. -- that came to visit me?

15 Q. -- that came to visit you. You mentioned the
16 families from New York and Texas. Did you know those
17 families?

18 A. Oh, yes, sir, yeah.

19 Q. Okay. So put those aside. Somebody you didn't
20 know, didn't expect to visit you.

21 A. Somebody I didn't -- there was several people
22 that I guess had heard about my story that came to visit
23 from --

24 Q. Okay.

25 A. I mean, there was a very large number of people

1 that I had never met that came to visit me.

2 Q. I'll rattle off some of what I'm think -- did
3 any news reporters come?

4 A. Yes.

5 Q. Okay. How many came?

6 A. Three.

7 Q. Okay. Which ones came?

8 A. The Hendersonville Lightning, Blue Ridge Now,
9 and then one for Asheville Citizen Times.

10 Q. Okay. All from back home?

11 A. Yes, sir.

12 Q. Any others that you can remember?

13 MR. KALBAC: Any other reporters?

14 MR. ORR: Yes.

15 A. Any other reporters? Not in my time in
16 Shepherd. I had several reporters from Florida come
17 visit me in Halifax.

18 BY MR. ORR:

19 Q. Do you remember talking with them at Halifax?

20 A. I don't have a memory of it, no, sir. I just
21 know they came.

22 Q. At Shepherd Center, other than the three you
23 just listed, can you remember any others that came to
24 visit you from any news media?

25 A. No, sir.

1 **Q. Can you remember any other attorneys visiting**
2 **you other than Mr. Kalbac?**

3 A. Not as a client.

4 **Q. Okay. Attorneys you knew as friends?**

5 A. (Nods head.)

6 **Q. Is that a yes?**

7 A. Yes, sir. That's a yes.

8 **Q. And who was that?**

9 A. There was one from Asheville. His last name
10 might be Mr. Dotch, D-O-T-C-H. I just know -- I've
11 known him for a long time.

12 **Q. Okay. Any other attorneys?**

13 A. Yes, sir. Fred Elgin who is an attorney.

14 **Q. Any others you can think of?**

15 A. No, sir. They weren't there on a matter of
16 law. They were --

17 **Q. No, I understand.**

18 A. -- just there as friends.

19 **Q. Fred Elgin is from back home?**

20 A. Yes.

21 **Q. Now, after you left the Shepherd Center, where**
22 **did you go?**

23 A. I came back home on August 7th.

24 **Q. August 7th of 2014.**

25 A. '14, yes, sir.

1 **Q. All right. Prior to August 7, 2014, do you**
2 **remember any of the conversations you had with Bradley**
3 **Ledford other than the one you just described to me a**
4 **moment ago with Corban and Isaac?**

5 A. About the accident?

6 **Q. Anything.**

7 A. Yes. We talked multiple, multiple times.

8 **Q. Did you talk every day?**

9 A. Very nearly. Yes, sir.

10 **Q. Okay. Did you talk mostly on the phone?**

11 A. Yes, sir.

12 **Q. And in person?**

13 A. Yes, sir.

14 **Q. Did you communicate via Facebook?**

15 A. No.

16 **Q. Did you communicate via text?**

17 A. Yes.

18 **Q. Did you communicate via any other social media**
19 **that you can remember?**

20 A. If you define as liking a picture on Instagram
21 as communication or sending a Snapchat communication,
22 then yes, but --

23 **Q. Other than that, physically typing words into a**
24 **message, do you remember doing that?**

25 A. I mean, I had -- not on social media, no, sir.

1 Q. Did you ever send e-mails to him?

2 A. No, sir.

3 Q. Did he ever send e-mails to you?

4 A. No, sir.

5 Q. Do you remember having a conversation with him
6 about the accident other than the conversation that you
7 described for me a moment ago with Corban and Isaac?
8 We're still talking prior to August 7th.

9 A. No, sir.

10 Q. Same line of question for David Ledford. Do
11 you remember discussing the accident at all with David
12 Ledford?

13 A. Never.

14 Q. What about with Joni Canterbury?

15 A. Never.

16 Q. What about with Beth Ledford?

17 A. Never.

18 Q. What about with your dad?

19 A. Yes.

20 Q. Okay. What conversation did you have with your
21 dad about what happened in the accident?

22 A. We talked about the accident just about every
23 single day so. . .

24 Q. Well, going back before August 7th, did you
25 have conversations with him about it?

1 A. Just about every single day.

2 **Q. Okay. And how did you have that conversation?**

3 A. Just talking about how the accident happened,
4 how it was -- changed my life, how I wasn't able to
5 fight back against it, how I was asleep, how we thought
6 the accident happened, what we knew, what doctors were
7 speculating about how the accident might have happened.

8 **Q. What did he tell you that he knew about the**
9 **accident?**

10 A. He knew that Brad Ledford fell asleep, we ran
11 into a concrete wall, and I can't walk now.

12 **Q. How did he tell you that he knew Bradley fell**
13 **asleep?**

14 A. Because that's what happened.

15 **Q. Who told you that?**

16 A. I have no memory.

17 **Q. Well, we just talked about your dad having a**
18 **conversation with you about what happened in the**
19 **accident prior to August 7th. During those**
20 **conversations your father told you that Bradley Ledford**
21 **fell asleep?**

22 A. Yes.

23 **Q. Okay. Did you ever ask your dad how he found**
24 **that out?**

25 A. I mean, I knew how he found it out. I read the

1 message he sent to my brother.

2 **Q. The message that Bradley sent to Zach?**

3 A. Yes, sir.

4 **Q. Was that a Facebook message?**

5 A. Yes, sir.

6 **Q. Okay. And what did it say?**

7 A. It said that six hours ago we had fallen asleep
8 and about -- we had gone off the road for about -- I
9 think it said almost about 200 feet and ran into a
10 concrete wall and that the car had caught on fire. And
11 then I had almost been dead and that I had almost died
12 and that I was now in the hospital and that --

13 **Q. When --**

14 A. -- he was sorry.

15 **Q. -- when did you read that Facebook message?**

16 A. I think I read it several times. I think the
17 first time I read it was sometime within my first month
18 of being at Shepherd's.

19 **Q. Is that something Zach showed you or Bradley**
20 **showed you?**

21 A. That Zach showed me.

22 **Q. And did you ever ask Bradley about it?**

23 A. No, sir.

24 **Q. Why not?**

25 A. It was a tender subject for Brad. I mean, he

1 had destroyed his best friend's life. I wouldn't really
2 want to bring that up with somebody.

3 **Q. How was he the one that destroyed his best**
4 **friend's life?**

5 A. He fell asleep at a car wheel, and then we ran
6 into a concrete wall.

7 **Q. You blame him for your injuries?**

8 A. Yes.

9 **Q. Okay. And you blame him because you think he**
10 **fell asleep?**

11 A. I blame him because he told me he fell asleep.

12 **Q. When did he tell you he fell asleep?**

13 A. He said it, I believe, in a Facebook message,
14 and I believe he said it several times since then.

15 **Q. Wait a minute. I thought you told me the**
16 **Facebook message was to Zach?**

17 A. It was.

18 **Q. Okay. My question to you is: When did he tell**
19 **you that he fell asleep?**

20 A. I'm not 100 percent sure.

21 **Q. Okay. Can you remember one time where he said**
22 **that to you?**

23 A. Physically to me?

24 **Q. Yes.**

25 A. No.

1 **Q. Have you --**

2 A. All right. Yes, yes.

3 **Q. When was that?**

4 A. It was this past December. We were at a
5 basketball game and then we were rolling in and we had
6 set off an alarm somehow going into the basketball court
7 because we had to go in through a back entrance. And
8 then he -- I was asking -- it was my brother and I
9 there, and I was about to give a pep talk to the
10 basketball team. And then somehow -- one of us was
11 obviously going to need to go up the stairs to turn off
12 the alarm, tell them to turn the alarm off when it
13 happened. And then my brother had said I'll do it, and
14 then Zach was, like, no, no, I'm the one who fell asleep
15 and put him in the wheelchair, I'll do it. And then he
16 took off running.

17 **Q. Zach said that or you mean Bradley said that?**

18 A. Brad said that.

19 **Q. Bradley said I'm the one that fell asleep and**
20 **put him in a wheelchair; I'll do it --**

21 A. Yes, sir.

22 **Q. -- I'll turn the alarm off?**

23 A. Yes.

24 **Q. Okay. And what was your reaction then?**

25 A. I mean, it was kind of like -- it was kind of

1 funny. It wasn't a -- he just said -- I mean, it wasn't
2 like a serious comment. We were just. . .

3 **Q. At any point prior to that incident -- are you**
4 **okay?**

5 A. Um-hmm. Go ahead.

6 **Q. At any point prior to that incident, do you**
7 **recall ever speaking with Bradley about him falling**
8 **asleep?**

9 A. No, sir. As I said, it was a very tender
10 subject, and I wouldn't want to put my best friend
11 through having to relive that every time I saw him.

12 **Q. Do you believe that he relives it whether you**
13 **bring it up or not?**

14 A. I don't venture to think about that.

15 **Q. Why not?**

16 A. I'm normally in my own pain. I would assume
17 that he thinks about it often.

18 **Q. Has he ever told you that he does think about**
19 **it often, that it's hard on him?**

20 A. I mean, yes, we've spoken to many groups before
21 together as a group and he said it.

22 **Q. Prior to that conversation and that comment he**
23 **made when you got into the basketball gym and the alarm**
24 **went off, did he specifically tell you, Bradley, that he**
25 **fell asleep?**

1 A. No, sir.

2 Q. After that time has he ever specifically told
3 you he fell asleep?

4 A. No, sir.

5 Q. Has he told you he, quote, nodded off?

6 A. In a deposition that I was present at, and as
7 were you, he said it several times.

8 Q. Prior to that deposition, had he ever told you
9 that he had nodded off?

10 A. Is there a difference between nodding off and
11 falling asleep?

12 Q. I don't know. Do you think there is?

13 A. No.

14 Q. Okay. Why not?

15 MR. KALBAC: It's argumentative --

16 A. I mean, you're losing consciousness --

17 Q. Mr. Kalbac can't help you --

18 A. -- you're losing consciousness --

19 Q. -- answer the questions.

20 MR. KALBAC: I just objected to the form of the
21 question. You're being argumentative.

22 BY MR. ORR:

23 Q. Okay. You say that it's -- in both instances
24 you're losing consciousness?

25 A. Yes.

1 Q. Okay. When you nod off, you fall asleep?

2 A. Yes.

3 Q. Okay. Prior to the deposition with Bradley
4 Ledford up in Asheville, can you remember another
5 instance where you and Bradley have been together and he
6 used those words "noddod off"?

7 A. Other than when we were speaking at
8 engagements, no.

9 Q. How often did you guys speak at engagements
10 together?

11 A. I believe we spoke at two or three engagements
12 together.

13 Q. And when you guys would do that, that's when he
14 would use the words "noddod off"?

15 A. Yes.

16 Q. And do you remember which places that you would
17 go to speak and that occurred?

18 A. FCA groups.

19 Q. What is FCA?

20 A. It's Fellowship of Christian Athletes at
21 various college.

22 Q. So do you remember which were the three that
23 you went to for FCA?

24 A. No, sir. I believe it was only two but --

25 Q. Do you remember where they were? Were they in

1 **your hometown area?**

2 A. Well, I know one was in South -- I mean, one
3 was in South Carolina. I've talked to so many of them.
4 They kind of blend together.

5 **Q. All right. So in one instance you're telling**
6 **me you spoke at two and then you're saying you spoke at**
7 **so many. Are you distinguishing between something?**

8 A. Yes. There's two that Bradley spoke at with
9 me.

10 **Q. Got it. And then you had a number where you**
11 **spoke at by yourself?**

12 A. Indeed.

13 **Q. Thank you. But you don't remember which two**
14 **they were that Bradley was with you?**

15 A. I know one was in South Carolina at -- I
16 couldn't tell you the name of the college. I think
17 they're Spartans.

18 **Q. Do you remember what city it was in?**

19 A. No, sir.

20 **Q. Greenville?**

21 A. No.

22 **Q. Do you remember where the other one might have**
23 **been?**

24 A. No, sir.

25 **Q. Did you guys have to travel together to get to**

1 **wherever you were going?**

2 A. We did.

3 **Q. How did you get there?**

4 A. My brother drove us.

5 **Q. Zach?**

6 A. Yes.

7 **Q. Okay. Now, other than the conversation at the**
8 **basketball game, what you heard on those two speaking**
9 **engagements and during his deposition, have you ever**
10 **heard Bradley tell you or anyone else in your presence**
11 **that he fell asleep?**

12 A. No, sir.

13 **Q. Have you ever heard him, other than those**
14 **occasions, tell anybody that he nodded off?**

15 A. No, sir.

16 **Q. All right. Prior to the accident, did he ever**
17 **tell you that he was tired?**

18 A. As I've told you before, I don't have any
19 recollection after Steak'n Shake so I don't remember.

20 **Q. All right. My question is: Prior to the**
21 **accident at any point, not just after Steak'n Shake but**
22 **prior to the accident, so --**

23 A. Bradley has told me --

24 **Q. -- go back to past Steak'n Shake.**

25 A. -- he was tired before in our life together.

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Q. All right. That day of.

A. The day of? I don't recall.

Q. The 3rd?

A. I don't recall.

Q. Do you remember him ever telling you while you were at the glider port that he was tired?

A. No, sir.

Q. Okay. Do you remember him telling you the day before that he was tired?

A. No, sir.

Q. Do you remember him telling you on Tuesday he was tired?

A. I don't recall. I'm sure he said he was tired when we went to sleep.

Q. Do you recall him telling you at any point on Monday that he was tired that week?

A. No, sir.

Q. Same question for Sunday: Do you remember him telling you that he was tired that week?

A. I don't have a recollection of that. No, sir.

MR. ORR: It's just prior to twelve o'clock. Why don't we go ahead and take a quick break for lunch.

THE WITNESS: Is it going to be much longer? I'm willing to knock it out right quick if you want.

1 MR. ORR: No, it's going to be a while.

2 MR. KALBAC: We do need to break for lunch.

3 MR. ORR: We do need to break for lunch. It's
4 not going to be a while. It's not ending any time
5 soon so we do need to break for lunch.

6 THE VIDEOGRAPHER: Going off the video record.
7 The time is 11:45 a.m.

8 MR. ORR: Just for the record, the plaintiffs
9 are willing to go through lunch.

10 (Lunch break was taken.)

11 THE VIDEOGRAPHER: We're now back on the video
12 record. The time is 12:33 p.m.

13 (Exhibit No. 1 was marked for identification.)

14 BY MR. ORR:

15 **Q. Mr. Cawthorn, I'm going to hand you what I've**
16 **marked as Exhibit 1. This is a notice of taking**
17 **videotaped deposition. I'd just like you to take a**
18 **moment and review that.**

19 A. Is there anything you want me to take note
20 from?

21 **Q. I just want you to review it and then tell me**
22 **whether or not you've seen that before, that particular**
23 **document.**

24 A. Yes.

25 **Q. Okay. Do you recall when you saw it?**

1 A. No. I know I've seen this front page before.

2 Q. Was this the time back in June of this year
3 that you knew you were going to have a deposition that
4 you would give in this case?

5 A. In June of this year that I knew I was going to
6 have a deposition?

7 Q. Yes.

8 A. Yes. After the deposition of Bradley is when I
9 found out I was having a deposition done.

10 Q. Okay. And other than your attorney, have you
11 spoken with anyone else about your deposition?

12 A. No.

13 Q. Did you talk with your mom?

14 A. No.

15 Q. Your dad?

16 A. Yes.

17 Q. Okay. What did you talk with your dad about?

18 A. About travel arrangements.

19 Q. Anything else other than travel arrangements?

20 A. Negative.

21 Q. Anything about your testimony?

22 A. Negative.

23 Q. Okay. Other than your dad and your attorney,
24 is there anyone else that you spoke to about your
25 deposition?

1 A. No, sir.

2 Q. Did you review any documents for your
3 deposition?

4 A. I did.

5 Q. What documents did you review?

6 A. My interrogatories.

7 Q. Other than your interrogatory answers, did you
8 review anything else?

9 A. No.

10 Q. No photographs?

11 A. No, sir.

12 (Exhibit No. 2 was marked for identification.)

13 BY MR. ORR:

14 Q. I'm going to show you what we've previously
15 marked as Exhibit 2. This is an amended notice of
16 taking deposition. This notice was filed August 6th,
17 served August 6th. Have you seen this particular
18 document before?

19 A. This is the notice of my -- I believe so then.
20 Yes.

21 Q. Do you recall having a conversation at some
22 point that the deposition would be moved to Orlando?

23 A. I do.

24 Q. Do you recall at any point after receiving that
25 notice having conversations about your deposition today?

1 A. With anyone other than --

2 Q. Well, do you recall having conversations about
3 your deposition after August 6th?

4 A. Yes.

5 Q. Okay. Were those conversations with your
6 attorney?

7 A. They were.

8 Q. All right. Other than your attorney, any other
9 conversations with anyone about your deposition?

10 A. No, sir.

11 Q. How did you get here to Orlando for your
12 deposition?

13 A. Via plane.

14 Q. Who did you fly with?

15 A. My father.

16 Q. Okay. Did you talk with your father at any
17 point about your deposition testimony the whole trip
18 down here?

19 A. No.

20 Q. And prior to coming here, did you review
21 anything else other than your interrogatory answers?

22 A. Negative.

23 (Exhibit No. 3 was marked for identification.

24 BY MR. ORR:

25 Q. I'm going to show you what we've marked as

1 **Exhibit 3. That is plaintiff's notice of serving**
2 **unverified answers to defendant's first set of**
3 **interrogatories and ask you to take a look at that for a**
4 **moment and let me know if that's what you recall**
5 **reviewing.**

6 A. Indeed.

7 **Q. And do you see your answer to No. 2 on the**
8 **second page?**

9 A. List the names, businesses, dates of employment
10 and rates of pay regarding all employees including
11 self-employment for whom you have worked in the past
12 five years.

13 **Q. You see your rate of pay you put North Carolina**
14 **minimum wage?**

15 A. Yes.

16 **Q. Do you remember what it was?**

17 A. I cannot tell you precisely, no.

18 **Q. Do you still have any of your paychecks?**

19 A. From Chick-fil-A?

20 **Q. Yes.**

21 A. No.

22 **Q. How would you get paid by Chick-fil-A?**

23 A. By paycheck.

24 **Q. Would they give you a statement telling you how**
25 **many hours you worked and then a check would be attached**

1 to it?

2 A. Indeed.

3 Q. Did you keep all of those?

4 A. I did not.

5 Q. What did you do with them?

6 A. I would cash them and then discard them.

7 Q. Why did you stop working at Chick-fil-A in
8 January of 2014?

9 A. Because I was going to go to the United States
10 Naval Academy. I wanted to spend time with my brother
11 before I left.

12 Q. Okay. You were going to the U.S. Naval Academy
13 to visit or for school?

14 A. For school, sir.

15 Q. In January 2014?

16 A. I was leaving for the naval academy in summer,
17 that -- that coming summer so I took -- stopped working
18 so I could spend time with my brother.

19 Q. In January?

20 A. Indeed.

21 Q. We'll talk about college just a little bit
22 later. Your -- if you turn to No. 9 --

23 A. Um-hmm.

24 Q. -- the interrogatory asks you to describe in
25 detail each act or omission on the part of any party in

1 **this lawsuit that you contend constitute negligence that**
2 **was a contributing legal cause to the incident in**
3 **question. Do you remember answering that question?**

4 A. I'm pretty sure my response is objection, this
5 request is overbroad and protected by the work product
6 privilege. Subject to said objections, the discovery
7 process has just been commenced and, therefore, the
8 plaintiff refers the defendant to plaintiff's complaint
9 wherein he alleges the defendant driver negligently
10 operated or maintained the subject vehicle so -- do you
11 want me to continue, sir?

12 **Q. I'm just asking if that's your answer.**

13 A. That is --

14 **Q. You remember --**

15 A. -- my answer.

16 **Q. -- and you remember asking this question?**

17 A. With the help of my lawyers, yes.

18 **Q. Okay. On this particular line that you just**
19 **read where you say that defendant driver negligently**
20 **operated or maintained the subject vehicle, is the**
21 **subject vehicle the BMW X3?**

22 A. I would assume so, seeing that's the only
23 vehicle in this case.

24 **Q. And in that particular -- well, I'm just asking**
25 **you based on your answer. Are you assuming that's it,**

1 or did you actually know that that's what you were
2 talking about when you answered the interrogatories?

3 A. That's the vehicle I'm talking about.

4 Q. Okay. Now, you say that the defendant driver
5 negligently operated or maintained. How was the BMW X3
6 negligently maintained?

7 MR. KALBAC: Object to the form.

8 A. Well, the reason why I said "or" is because it
9 could be either or. It may not be negligently
10 maintained, but it was negligently operated.

11 BY MR. ORR:

12 Q. Do you have any information -- and we'll talk
13 about the operated and we've talked about it a little
14 bit already. But on the maintenance side of it, do you
15 have any information as you sit here today that the
16 vehicle was negligently maintained?

17 A. I do not.

18 Q. Did you ever have any issues ever with that
19 vehicle?

20 A. We had run into a guardrail once before.

21 Q. Who's "we"?

22 A. Bradley and I.

23 Q. When was that?

24 A. It was in winter of the same year of the
25 accident.

1 **Q. Okay. Do you remember if it was December,**
2 **January, February?**

3 A. I'm going to say it was probably December.

4 **Q. And who was driving?**

5 A. Bradley.

6 **Q. And where were you going?**

7 A. Back to Bethany Sikkink's house.

8 **Q. Where from?**

9 A. The Grove Park.

10 **Q. Was that after that date you had told me about?**

11 A. Indeed.

12 **Q. All right. And who was in the vehicle?**

13 A. Myself, Bethany, and Brad.

14 **Q. And where were you seated?**

15 A. I was seated in the captain seats behind the
16 two front seats.

17 **Q. Bethany was in the front seat?**

18 A. Indeed.

19 **Q. What road were you traveling on when you came**
20 **into contact with the guardrail?**

21 A. I-40.

22 **Q. Eastbound?**

23 A. I believe so.

24 **Q. Was it east or west?**

25 A. It was probably west. I'm not 100 percent

1 sure.

2 **Q. Sure. When did you contact a guardrail**
3 **traveling home?**

4 A. I was sitting in the back, and we were all just
5 talking. And then we were talking and driving, and then
6 on the way back to Bethany's house, I think we just
7 veered off the road a little bit. The guardrail is very
8 close to the white line on the road so the side of the
9 car hit the guardrail. That's the only. . .

10 **Q. And this was at night?**

11 A. This was at night, yes, sir.

12 **Q. Did the car bounce or move when it hit the**
13 **guardrail?**

14 A. Well, for every action there's an equal and
15 opposite reaction so it did bounce off a little bit.

16 **Q. It did bounce off?**

17 A. I mean, by the laws of physics it had to.

18 **Q. I'm asking you if you know whether it did.**

19 A. Yes, it did.

20 **Q. Okay. And when it bounced off, did you guys**
21 **come to a stop?**

22 A. No. We just continued driving.

23 **Q. What did everybody say at the time?**

24 A. Well, Brad and I continued on with our
25 conversation, and Bethany was a little bit freaked out.

1 And then I looked out the window.

2 **Q. What were you and Bradley talking about?**

3 A. How good drivers we were.

4 **Q. And at what point did you stop the vehicle**
5 **after coming into contact with the guardrail?**

6 A. When we got to Bethany's house.

7 **Q. And did you get out and look at it?**

8 A. We did.

9 **Q. And was there damage to it?**

10 A. Yes. I mean, there was just a small dent and
11 scratch.

12 **Q. And where was the small dent and scratch?**

13 A. I believe it was on the left side of the car.

14 **Q. Driver's side?**

15 A. Yes, sir.

16 **Q. And was it up by the engine, on the driver**
17 **door, on the rear door, or on the rear panel?**

18 A. It was on the rear door --

19 **Q. Rear door.**

20 A. -- and the scrape continued from the rear door.
21 The dent was on the rear door and the scrape continued
22 to the rear panel.

23 **Q. Did it lift the paint off?**

24 A. It did.

25 **Q. About how thick was it?**

1 A. About that thick (indicating).

2 **Q. And about how long?**

3 A. About from the midsection of the rear panel --
4 of the rear door to the midsection of the rear panel.

5 **Q. And did you guys have any discussion at that**
6 **point about how you had just damaged the car?**

7 A. We did, yes, sir. I leaned out the window to
8 see -- check on the damages, and then I reported what I
9 saw to Brad.

10 **Q. And what did he say?**

11 A. Brad then said okay, and then we continued on
12 our way.

13 **Q. It was no big deal?**

14 A. No, sir.

15 **Q. No, it wasn't a big deal or no, yes, it was a**
16 **big deal?**

17 A. No, sir. It did not seem like a big deal to
18 Brad.

19 **Q. Did it seem like a big deal to you?**

20 A. I mean, it wasn't my vehicle so I -- no.

21 **Q. Well, you rode in the vehicle again after that,**
22 **right?**

23 A. I did.

24 **Q. The next time you rode in the vehicle, was the**
25 **same scrape and dent there?**

1 A. The next time I rode in the vehicle, yes, the
2 same scrape --

3 **Q. Was still there? Other than the dent, was**
4 **there any other part of the body of the vehicle that was**
5 **distorted?**

6 A. No, sir.

7 **Q. On that particular instance, can you remember**
8 **any other time that you had any other issues with the**
9 **vehicle?**

10 A. No.

11 **Q. Do you believe that that incident where you**
12 **guys scraped the guardrail had anything to do with the**
13 **incident on April 3, 2014?**

14 A. I do not.

15 **Q. Do you recall being at the glider port and**
16 **David Ledford asking you and Bradley if you were**
17 **prepared to make the trip home and you saying in**
18 **response to David Ledford, sir, yes, sir?**

19 A. No, sir.

20 **Q. Is it you don't remember or you're saying you**
21 **never said that?**

22 A. I don't remember that, and I don't think I've
23 ever said, sir, yes, sir in my life.

24 **Q. Do you remember being asked that question?**

25 A. No.

1 Q. Do you remember at any point having a
2 conversation with David Ledford about whether or not you
3 and Bradley were ready to make the trip home?

4 A. I don't have a specific memory of one, no.

5 Q. We'll talk more later this afternoon about your
6 treatment, but for now if you look under interrogatory
7 No. 9?

8 A. Indeed.

9 Q. Excuse me. Page 9, No. 16. And we're asking
10 for names and businesses of physicians, medical
11 facilities, or other health care provider whom you've
12 been examined or treated in the past ten years. And you
13 gave a Mark Jackson, pediatrician, annual physicals, a
14 Dr. Christian Estes, orthopedic. Have you seen either
15 of those doctors after the incident?

16 A. I have.

17 Q. Did you see both of them beforehand?

18 A. I have, yeah. They're both good friends of
19 mine.

20 Q. And with Christian Estes, the orthopedic
21 doctor, why did you have to see him before the accident?

22 A. When I was very young, I believe I was eight
23 years old, I had football practice. I tripped over my
24 friend, and my kneecap landed on a helmet. And we went
25 to go check, and so we thought we might have a hairline

1 fracture on my growth plate and so put the leg in a leg
2 cast.

3 **Q. And did you?**

4 A. I did. Oh, we don't know. It was either have
5 the MRI or just put it in a leg cast which he was
6 probably gonna do anyway so --

7 **Q. Put it in a cast?**

8 A. Yeah.

9 **Q. Did you ever have any other issues with your**
10 **knee after that?**

11 A. Never.

12 **Q. All right. Other than those two individuals,**
13 **have you treated with anybody else in North Carolina?**

14 A. Yes.

15 **Q. Who?**

16 A. Actually, no, it was in South Carolina. It's a
17 group of several doctors that the Department of Defense
18 sent to examine my body.

19 **Q. And do you recall when that was?**

20 A. Yes. That was in, I believe, February of 2014.

21 **Q. And do you recall where was it? In Greenville?**

22 A. It may have been. I'm not 100 percent sure
23 where it was.

24 **Q. Do you remember the names of any of the**
25 **doctors?**

1 A. No, sir.

2 Q. Do you have any of the records?

3 A. No, sir.

4 Q. Who was your contact with the DOD that told you
5 to go there to have an examination?

6 A. Lieutenant Berk, I believe.

7 Q. B-E-R-K?

8 A. Yes, sir.

9 Q. Do you remember Lieutenant Berk's first name?

10 A. I do not.

11 Q. Male or female?

12 A. Male.

13 Q. Do you remember where he was stationed?

14 A. Yes, sir. He was stationed in Indianapolis,
15 Maryland.

16 Q. And was he affiliated with the naval academy?

17 A. He was.

18 Q. Was that part of the application process that
19 you had to do that?

20 A. Yes, sir.

21 Q. Anyone else in North Carolina or South Carolina
22 that you've treated with?

23 MR. KALBAC: Do you mean including the
24 accident, Michael, or you mean --

25 MR. ORR: At any point.

1 A. At any point?

2 Q. Yes.

3 A. In North Carolina or South Carolina?

4 Q. Right.

5 A. Yes. There was a -- no. Actually, he didn't
6 treat me, no. That's it.

7 Q. Do you have a primary care physician in North
8 Carolina now? Is that Mark Jackson?

9 A. It is.

10 Q. Do you still see Mark Jackson?

11 A. I do.

12 Q. If you turn to 19, please?

13 A. Yes, sir.

14 Q. It's on page 11. We were asking about any
15 pictures, models, plats, maps, drawings, videotapes,
16 photos. And your response was plaintiff, father,
17 mother, Roger Schmidt, and attorneys are believed to
18 have photographs of the scene and/or injuries.

19 What photos do you have of the scene or your
20 injuries?

21 A. In my personal possession? No.

22 Q. Yes, sir.

23 A. I have -- no.

24 Q. Prior to April 3, 2014, did you take pictures
25 on the vacation?

1 A. I did.

2 Q. Did you just take them with your cell phone?

3 A. I did.

4 Q. Did you have a separate camera?

5 A. No.

6 Q. Did you ever upload any of the photos or
7 e-mail?

8 A. I did.

9 Q. Where did you upload them to?

10 A. To a -- there's a social media site called
11 Instagram, to there, and also Twitter.

12 Q. Anywhere else other than Instagram and Twitter?

13 A. I don't believe so.

14 Q. Were there photos that you took that you did
15 not upload?

16 A. Yes.

17 Q. Were those all on your phone?

18 A. They were, yes, sir.

19 Q. Have you ever seen your phone since the
20 incident?

21 A. No. It burned up in the crash.

22 Q. Other than those photos that you've uploaded,
23 have you seen any other photos of the scene of the
24 accident or your injuries?

25 A. Yes.

1 **Q. Okay. And what photos have you seen from --**
2 **that your father has had?**

3 A. My father has had? I'm not 100 percent sure
4 who had the actual ownership of the photos, but all --
5 I've seen every photo of my injury from X-rays, seen
6 multiple different angles from every injury down my
7 backside that I've not been able to see myself. I've
8 seen just about every picture of my injuries there is.

9 **Q. Do you know -- where have you seen them when**
10 **you saw the pictures?**

11 A. Normally, at the hospitals.

12 **Q. Okay. Did you see any at home?**

13 A. I have, yes, sir. We do have some pictures.
14 We have all my X-rays, all my pictures of my injuries.

15 **Q. And when you say "we," is that you, your mom,**
16 **and your dad?**

17 A. Yes, sir.

18 **Q. So there's not one of the three of you that**
19 **holds all the pictures --**

20 A. Correct.

21 **Q. -- they're just at the house?**

22 A. Yes, sir.

23 **Q. Do you know approximately how many there are?**

24 A. I do not.

25 **Q. More than 50?**

1 A. Yes.

2 **Q. More than a hundred?**

3 A. No.

4 **Q. Have you ever seen any pictures from Roger**
5 **Schmidt?**

6 A. I have, yes, sir. Wait. No, sir, no, I have
7 not.

8 **Q. Have you ever talked with Roger Schmidt before?**

9 A. I have.

10 **Q. And who is Roger Schmidt?**

11 A. He was an eyewitness at the incident. He
12 helped me get out of the car.

13 **Q. And when did you talk to him for the first**
14 **time?**

15 A. He came to see me at Halifax. Had a brief
16 conversation with him. I didn't know who he was. And
17 then I saw him when I was a keynote speaker at Halifax
18 the spring, and I saw him there.

19 **Q. I thought you told me earlier when you were at**
20 **Halifax that you only remembered those two**
21 **conversations?**

22 A. Those are the only conversations I remember.

23 **Q. But you also now remember you had a**
24 **conversation with Roger Schmidt?**

25 MR. KALBAC: Object to the form.

1 A. I don't remember that, no, sir. I just know I
2 did.

3 BY MR. ORR:

4 **Q. You remember he visited you at Halifax?**

5 A. Yes, sir. There was a picture of me having a
6 conversation with him.

7 **Q. And that's how you remember?**

8 A. Indeed.

9 **Q. Got it. Other than seeing him when you were a
10 keynote speaker at Halifax this past spring, had you
11 spoken to Roger Schmidt at any other time?**

12 A. I have not.

13 **Q. Had he ever called you?**

14 A. No.

15 **Q. Text messaged?**

16 A. No, sir.

17 **Q. Had he ever showed you any photos?**

18 A. No.

19 **Q. Has anyone ever shown you photos and said these
20 are the photos that Roger Schmidt took?**

21 A. Not that I recall.

22 **Q. Other than the photos that we just referenced
23 that are at your house, the 50 to a hundred, have you
24 seen any other photos of the scene?**

25 MR. KALBAC: Object to the form.

1 A. That's attorney-client privilege. I've seen
2 with my attorney.

3 **Q. Okay. Well, which photos have you seen?**

4 MR. KALBAC: Well, that's privileged. Don't
5 answer that.

6 MR. ORR: It's just like telling us what
7 documents he looked at prior to the --

8 MR. KALBAC: What I decide to show him is work
9 product privilege.

10 MR. ORR: We can address that later.

11 BY MR. ORR:

12 **Q. So you're not going to answer that question on**
13 **the basis --**

14 A. I will not.

15 **Q. -- of your instruction? Okay. Thank you, sir.**

16 **Can you recall any other photos other than the**
17 **ones you've seen with your lawyer, other than the photos**
18 **that your mother and father and you have at home, that**
19 **someone has shown you with respect to the scene?**

20 A. Is that a question?

21 **Q. Yes.**

22 A. What is the question?

23 MR. ORR: Can you ask that, please, re-ask it.

24 (The question on lines 16-19 was read.)

25 THE WITNESS: No.

1 MR. ORR: Thank you.

2 THE WITNESS: Thank you.

3 MR. KALBAC: And to save some time, Michael, if
4 you care, I haven't shown him any photos other than
5 that was attached to the -- Bradley's depo. So if
6 you want to save some time and ask him that, that's
7 fine, but I've not shown him any photos at the scene.

8 MR. ORR: I'll show him --

9 MR. KALBAC: He saw them --

10 MR. ORR: -- those a little bit later.

11 MR. KALBAC: -- he saw them at Bradley's depo,
12 and he saw them attached to Bradley's depo.

13 MR. ORR: Fair enough. I'll show him -- I'll
14 probably end up showing him those pictures in a
15 little bit. Thank you.

16 BY MR. ORR:

17 **Q. Number 23. If you could turn to page 12.**

18 A. (Witness complies.)

19 **Q. At the time of the incident described in the**
20 **complaint, were you wearing a seat belt, and your answer**
21 **was yes, right?**

22 A. Indeed.

23 **Q. I thought you told me you didn't remember**
24 **anything from the point you left Steak'n Shake to a**
25 **month later.**

1 A. It's my habit to wear a seat belt. I don't
2 think I've ever ridden or driven without a seat belt on.

3 **Q. So you're doing that based on habit, not based**
4 **on your own personal knowledge?**

5 A. Indeed.

6 **Q. And you answered based on your habit, not your**
7 **own personal knowledge?**

8 A. Indeed.

9 **Q. Has anyone told you, you were or were not**
10 **wearing a seat belt?**

11 A. No, not that I recall.

12 **Q. Did anyone at Halifax tell you that any of your**
13 **injuries came from the seat belt?**

14 A. I believe so, but I don't personally remember
15 having those conversations.

16 **Q. You generally remember somebody at Halifax**
17 **telling you, but you don't remember specifically who and**
18 **specifically what they said?**

19 A. Indeed.

20 **Q. Do you know how you were seated in the vehicle?**

21 A. I do not remember anything.

22 **Q. Do you remember putting your seat back?**

23 A. I do not remember anything.

24 **Q. Do you remember putting your feet on the dash?**

25 A. I do not remember anything.

1 **Q. Was putting your seat back and putting your**
2 **feet on the dash a habit of yours?**

3 MR. KALBAC: Object to the form.

4 A. I would not say it's a habit, no, sir.

5 BY MR. ORR:

6 **Q. Had you done it before?**

7 A. I have done it before, yes, sir.

8 **Q. Okay. Number 25 at the bottom there is just**
9 **asking for any prior accidents that you've been involved**
10 **in, and you indicated that you were involved in a fender**
11 **bender in 2012. What happened there?**

12 A. I was merging on a highway. Someone hit me
13 from behind at approximately 10 to 20 miles an hour. I
14 was not injured.

15 **Q. Where was that?**

16 A. It was in Fairview, North Carolina.

17 **Q. Where is Fairview?**

18 A. It's about ten minutes outside of Asheville.

19 **Q. Is it north or south or --**

20 A. Couldn't tell you.

21 **Q. Did you make any claim for insurance benefits?**

22 A. I'm not sure, sir.

23 **Q. Do you recall ever being contacted by anyone**
24 **from any insurance company?**

25 A. I don't recall.

1 MR. ORR: Can you hand me the verified? I'll
2 mark that as Exhibit 4.

3 (Exhibit No. 4 was marked for identification.)

4 BY MR. ORR:

5 Q. I'm going to show you what we're marking as
6 Exhibit 4 which are your verified answers to
7 interrogatories. This is something you served to us on
8 the 19th of September.

9 A. All right.

10 Q. And if you'll go back to the -- first, take a
11 look at that and tell me whether you've seen those
12 before.

13 A. I have.

14 Q. And on the very last page --

15 A. All right.

16 Q. -- is that your signature right above the word
17 "affiant"?

18 A. That is.

19 Q. Who is the notary public?

20 A. Looks like the name is Deborah T. Moore.

21 Q. Do you know her?

22 A. Not personally, no, sir.

23 Q. Do you recall executing these answers on
24 September 16, 2014?

25 A. I don't have a vivid memory of it.

1 Q. Do you remember having to do it at some point?

2 A. I believe so.

3 Q. Do you remember whether you had to change
4 anything from your unverified interrogatories that we've
5 just looked at as Exhibit C?

6 A. I don't recall having to change anything.

7 Q. But do you recall at least having two
8 opportunities to look at these answers before they went
9 out and were served in this case on the dates that are
10 reflected on each of the certificates of service?

11 A. I don't have a specific memory of that, no,
12 sir.

13 Q. We talked about what you were potentially told
14 about your seat belt. Did any of your doctors at
15 Halifax talk to you about how you sustained any of your
16 injuries?

17 A. I think I already filled you in on all the
18 memories of conversations I had from Halifax so. . .

19 Q. So is the answer no?

20 A. Yes.

21 Q. Okay. Same question, then, for Shepherd. Did
22 anyone at Shepherd at any point tell you how you
23 sustained any of your injuries?

24 A. No, sir.

25 Q. Did you ever ask anyone at Shepherd?

1 A. No.

2 Q. Is it possible that you asked and you just
3 don't remember today or --

4 A. It is possible.

5 Q. Do you think you would have asked?

6 A. Probably not.

7 Q. Why not?

8 A. I feel like I already have an understanding of
9 what happened in the accident. And they didn't treat me
10 from trauma so I figured I would have a better
11 understanding from Halifax than I would from them.

12 Q. From Shepherd when you say "them"?

13 A. Yes.

14 Q. Did you ever go back and talk to anyone at
15 Halifax?

16 A. Yes.

17 MR. ORR: Why don't you hand me the next
18 exhibit, please. It's actually right here.

19 (Exhibit No. 5 was marked for identification.)

20 BY MR. ORR:

21 Q. I'm going to show you what we're marking as
22 Exhibit 5 to your deposition. This is a witness list
23 that was filed by your attorneys in this case. I want
24 you to take a moment and let me know first whether you
25 ever recall seeing this document.

1 A. I've seen a lot of documents. I'm not 100
2 percent sure if I've seen this exact document, but I
3 believe I have.

4 **Q. If you turn to the second page --**

5 A. Affirmative.

6 **Q. -- we've got No. 5, Joel Sebastien, M.D.**

7 A. Um-hmm.

8 **Q. Do you know who Dr. Sebastien is?**

9 A. Yes, sir.

10 **Q. Have you ever spoken with him?**

11 A. I have.

12 **Q. And when did you speak with him?**

13 A. In the last spring. And I believe I'm sure I
14 spoke to him while I was at Halifax, but I don't
15 remember.

16 **Q. You don't remember. Fair enough. And I do**
17 **only want to know what you remember, and I know you've**
18 **made it clear you only remember those two conversations**
19 **from the first stay at Halifax.**

20 **When you had this conversation with Joel**
21 **Sebastien, it was this spring?**

22 A. Yes, sir.

23 **Q. This past spring 2015?**

24 A. I believe so.

25 **Q. Do you remember when that was specifically,**

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what month?

A. No, sir.

Q. And you were going down there to speak?

A. Yes, sir.

Q. Who arranged that?

A. The Halifax.

Q. Do you know who at Halifax?

A. I believe their marketing director and the president of the company.

Q. Do you know their names?

A. I do not.

Q. When you came down, how did you link up with Dr. Sebastien?

A. He was at the --

Q. Are you all right?

A. Yeah.

Q. You want to take a minute?

A. No.

Q. Okay. He was at where you were speaking?

A. He was.

Q. And what conversation did you have with him?

A. I told him thank you for all the work he had done on me and just a hello.

Q. Did you have any conversations about your injuries?

1 A. I had a conversation just about all my -- about
2 how my injuries were healing which is about every doctor
3 I saw there.

4 **Q. Sure. But did you have a conversation with him**
5 **about how your injuries came about?**

6 A. I do not recall that.

7 **Q. What about -- if you go down to Todd McCall,**
8 **No. 8 on that list in front of you?**

9 A. Yes, sir.

10 **Q. Did you seek him when you went back in the**
11 **spring?**

12 A. There's a good chance I did, but I'm not 100
13 percent sure that I did.

14 **Q. Other than that visit in the spring, have you**
15 **spoken with anyone from Halifax Hospital?**

16 A. Several of my nurses. Yes, sir.

17 **Q. Okay. On the phone?**

18 A. Yes.

19 **Q. Other than Greg, who else?**

20 A. Actually, Greg came to stay with us as well so
21 I saw him in person.

22 **Q. In Asheville or Shepherd?**

23 A. Asheville.

24 **Q. Came and stayed at your house?**

25 A. Yes, sir. For one night. And he was in

1 Asheville later for a while.

2 **Q. And then other than Greg, who else from Halifax**
3 **did you talk to on the phone?**

4 A. I believe one nurse who is now a physician's
5 assistant. I think his name is Johnny. I don't know
6 his last name. And then two female nurses that I'm not
7 sure of their name.

8 **Q. And on what occasion did you have to speak with**
9 **them over the phone?**

10 A. I've spoken with Johnny over the phone several
11 times and then just the two nurses that he'll sometimes
12 hand them the phone.

13 **Q. Do you call him or does he call you?**

14 A. It goes both ways.

15 **Q. And why would you pick up the phone and call**
16 **them?**

17 A. To say hello.

18 **Q. And they do the same for you?**

19 A. Indeed.

20 **Q. Did you have conversations with any of them**
21 **about how you sustained your injuries?**

22 A. Not that I know of, sir.

23 **Q. When you got down to Halifax this past spring,**
24 **do you recall having a specific conversation with Todd**
25 **McCall about how you sustained your injuries?**

1 A. I do not, sir.

2 Q. And I'm going to go through each of those that
3 are from Halifax. Do you see No. 9 there?

4 A. I do sir.

5 Q. Any recollection of speaking with that doctor,
6 Dimayuga?

7 A. I spoke to just about every single doctor I had
8 there, but I don't recall specifically. I talked to a
9 lot of doctors while I was down there so. . .

10 Q. Sure. And I understand you've probably spoken
11 with all these doctors at some point while they were
12 treating you. I'm asking you about instances where you
13 actually remember conversations you had and you remember
14 either the nature of the conversation or what was said.
15 So any on that first page starting with No. 9 through
16 13? Do you remember speaking with any of them?

17 A. I don't think there's any on this list that I
18 have an exact memory of.

19 Q. Okay. And you don't see the names of the
20 nurses you've spoken to on this list, correct?

21 A. I do not.

22 Q. Same question. If you go to page 4 and you
23 start from the top, what conversations can you recall
24 after Halifax up until today having with David Ledford?

25 A. Talked about helicopters several times. Talked

1 about how his lot was doing. I asked him how Charlie
2 was doing.

3 **Q. Is that Charlie Wilson?**

4 A. I believe that's his last name. I'm sure I've
5 asked him how he was. I'm sure I said thank you for
6 different things, but I don't -- other than that, not
7 very lengthy conversations.

8 **Q. Did you ever talk to him about this lawsuit?**

9 A. No, sir.

10 **Q. Did you ever tell him that you were filing the**
11 **lawsuit but you would never do anything to harm him or**
12 **his company?**

13 A. I did not. I never told him that, no.

14 **Q. Did you ever tell him that you were filing the**
15 **lawsuit but you would never attempt to collect money**
16 **against him or Bradley or his company?**

17 A. No, sir.

18 **Q. Did you ever have that conversation with your**
19 **dad?**

20 A. Which conversation?

21 **Q. That you were filing the lawsuit but you were**
22 **not going to try to attempt to collect money against**
23 **Bradley Ledford or David Ledford or David Ledford's**
24 **company?**

25 A. No, sir.

1 Q. Have you ever discussed this lawsuit with David
2 Ledford?

3 A. No, sir.

4 Q. Next person down, Roger Schmidt, we already
5 talked about a little bit. Have you ever seen him in
6 person other than, understandably, he came at some point
7 to visit you at Halifax?

8 A. No, sir.

9 Q. Chuck Medovich. Have you ever met him?

10 A. Not that I know of.

11 Q. Ever talked to him?

12 A. Not that I know of.

13 Q. Robert Northrup. You ever met him?

14 A. I'm not 100 percent sure that I have, sir.
15 There's a really good chance I have, though.

16 Q. Do you remember, as you sit here today, ever
17 having a conversation with Robert Northrup?

18 A. I don't have a specific memory of it, no.

19 Q. What about Jon Wandeck?

20 A. No, sir.

21 Q. What about Joe Hoyle or anyone at Orange City
22 Collision?

23 A. No, sir.

24 Q. What about the trooper, Kayla Ruede, from
25 Florida Highway Patrol?

1 A. No, sir.

2 Q. Have you ever seen any correspondence from her?

3 A. I have not.

4 Q. Have you ever looked at the accident report?

5 A. Not that I know of. A chance I have, though.

6 Q. Did you ever speak with Michael Inglette?

7 A. Not that I know of, sir.

8 Q. What about anyone from Volusia County Fire and
9 Rescue? Do you remember having conversations with any
10 of them?

11 A. Negative.

12 Q. What about -- if you turn to that very next
13 page, see those names Shawn Mannion and Karl Froling,
14 John Taylor and Jonathan Tulutke?

15 A. I do.

16 Q. Have you ever had conversations with any of
17 them?

18 A. Not that I know of.

19 Q. Okay. Did anyone at Shepherd or Halifax tell
20 you that you sustained your spinal injuries because your
21 feet were on the dash when the air bag deployed?

22 A. No, sir.

23 Q. Has any treating physician or nurse ever told
24 you any --

25 A. I didn't.

1 Q. Let me finish. I'm sorry. Has any doctor or
2 any treating nurse ever told you anything about your
3 feet being on the dash and how that would have caused
4 your injury?

5 A. No, sir.

6 Q. Has anyone other than a doctor or treating
7 physician told you that?

8 A. I mean, lots of people made speculations about
9 how I received my injuries. Just a lot of people know
10 about my accident.

11 Q. Have you speculated about it?

12 A. I've made speculation, but I have no idea how
13 it happened.

14 Q. Do you think that you were folded up like a
15 pretzel?

16 MR. KALBAC: Object to the form.

17 A. I believe I have used those words but, again,
18 that was just speculation.

19 BY MR. ORR:

20 Q. You were speculating when --

21 A. I was indeed.

22 Q. -- you said that? Okay. If your physicians
23 told you that your injuries were sustained because your
24 feet were on the dash, would you have any reason to
25 doubt them?

1 MR. KALBAC: Object to the form of the
2 question.

3 A. Yes.

4 BY MR. ORR:

5 **Q. Why is that?**

6 A. I mean, I've been taught a million ways how to,
7 like, break someone's collarbone in a football game, and
8 if I wanted to, I could make it look like it happened a
9 thousand different ways. But, I mean, it's really hard
10 to tell unless you were actually there.

11 **Q. But my question is: If a doctor, if one of**
12 **your treating physicians told you that based on their**
13 **experience and education that you sustained your**
14 **injuries to your spine because of the position you were**
15 **in, in the vehicle with your feet on the dash, would you**
16 **have any reason to doubt them?**

17 MR. KALBAC: Object to the form.

18 A. Yes.

19 BY MR. ORR:

20 **Q. And why is that?**

21 A. I'm pretty sure there's a really high statistic
22 of how many times doctors are incorrect about their
23 prognoses or what they say happened.

24 **Q. You don't remember where your feet were at the**
25 **time, right?**

1 A. As I said before, I don't remember anything of
2 the accident.

3 **Q. If your feet were on the dash and your feet**
4 **were on the dash when the air bag deployed, do you**
5 **accept any responsibility for having your feet on the**
6 **dash?**

7 MR. KALBAC: Object to the form.

8 A. Not at all.

9 BY MR. ORR:

10 **Q. Why is that?**

11 MR. KALBAC: Same objection.

12 A. Why don't I accept any responsibility?

13 **Q. For having your feet on the dash?**

14 A. There is no warning that says I can't have my
15 feet on the dash, and even if I did have my feet on the
16 dash, nothing would have happened unless Brad fell
17 asleep and ran into a wall.

18 **Q. Do you recall whether Bradley had any injuries**
19 **when he was in this accident?**

20 A. As I have said, I have no memory of the
21 accident so I don't know.

22 **Q. Having spoken to him and hung out with him**
23 **several times since the accident, have you ever heard**
24 **him talk about any injuries he had?**

25 A. Indeed. He said that he had a small cut on his

1 hand from going out the window, I believe, and that they
2 were trying to treat him to see if he had a broken hand
3 but that he thought that was unnecessary because he
4 definitely didn't. And then they gave him an X-ray, I
5 believe, anyways so I know that he had a cut on his
6 hand.

7 **Q. Are you aware of any other injuries he had on**
8 **his hand?**

9 A. Physical?

10 **Q. Yes.**

11 A. No.

12 **Q. When you went through your driving course in**
13 **North Carolina, do you recall learning about what**
14 **responsibilities you had as a driver and what**
15 **responsibilities you had as a passenger?**

16 A. I do recall it very well, actually.

17 **Q. Okay. And do you have -- in North Carolina are**
18 **you as a passenger responsible for how you're seated in**
19 **the car, or is the driver responsible?**

20 A. As far as I know, the driver is in command of
21 the car.

22 **Q. Is the driver responsible for how the passenger**
23 **is seated based on your education?**

24 A. He is in command of the car so he's responsible
25 for his -- what's beneath him in his line of command.

1 Q. His passenger?

2 A. Yes.

3 Q. What if the driver is under 18? Does that make
4 a difference at all?

5 A. Nope, because he is the driver. He's accepted
6 the responsibility of being a driver.

7 Q. What if the passenger is over 18? Does that
8 make a difference?

9 A. Again, he's the passenger, but it doesn't make
10 the driver not in command of the car.

11 MR. ORR: Why don't we take a two-minute
12 bathroom break.

13 THE VIDEOGRAPHER: Going off the video record.
14 The time is 1:17 p.m.

15 (Break was taken.)

16 (Exhibit No. 6 was marked for identification.)

17 THE VIDEOGRAPHER: Now back on the video
18 record. The time is 1:24 p.m.

19 BY MR. ORR:

20 Q. Mr. Cawthorn, I'm going to show you what we've
21 marked as Exhibit 6.

22 A. Yes, sir.

23 Q. This is a statute from North Carolina 20-137.1.
24 If you could read Section A, please?

25 A. Out loud?

1 **Q. Sure.**

2 A. Every driver who is transporting one or more
3 passengers of less than 16 years of age shall all such
4 passengers properly secured in a child passenger
5 restraint system or seat belt which meets federal
6 standard applicable at the time of its manufacture.

7 **Q. Is it your understanding in North Carolina,**
8 **having read that, that as a driver you're responsible**
9 **for passengers under age 16?**

10 A. It sounds like they're responsible to have them
11 in a child restraint system.

12 **Q. Or seat belt?**

13 A. Yes, sir.

14 **Q. Okay. Is it your understanding that if you're**
15 **not wearing a seat belt in North Carolina as a passenger**
16 **and you're 18 years old, do you get the ticket or does**
17 **the driver get the ticket?**

18 A. Driver.

19 **Q. You're sure about that?**

20 A. I would assume so.

21 **Q. Have you ever had that happen before?**

22 A. No, sir.

23 **Q. Okay. Do you have an understanding, as you sit**
24 **here today, as to whether as somebody who is older than**
25 **16 years of age in North Carolina you have**

1 **responsibility for your own position in the vehicle?**

2 A. I'm not going to say I have a legal
3 understanding of it, but I would say that the driver is
4 in command of the car at all times.

5 (Exhibit No. 7 was marked for identification.)

6 BY MR. ORR:

7 **Q. I'm going to show you what we've marked as**
8 **Exhibit 7.**

9 A. All right.

10 **Q. This is a statute here in Florida on safety**
11 **belt usage. If you look at No. 4 --**

12 A. Yes, sir.

13 **Q. -- you see where it says "it is unlawful for**
14 **any person"?**

15 A. I do.

16 **Q. What does Section (a) say?**

17 A. To operate a motor vehicle in this state unless
18 each passenger and the operator of the vehicle under the
19 age of 18 are restrained by a safety belt or by a child
20 restraint device pursuant to 316.613 if applicable or.

21 **Q. Read now Section 5.**

22 A. It is unlawful for any person 18 years of age
23 or older to be a passenger in the front seat of a motor
24 vehicle unless such person is restrained by its safety
25 belt when the vehicle is in motion.

1 **Q.** So similar to the law in North Carolina, were
2 you aware at the time of this incident that as a
3 passenger who was 18 years of age or older that you were
4 responsible for how you were seated and the use of the
5 safety belt?

6 MR. KALBAC: Object to the form of the
7 question.

8 A. Can you repeat that question?

9 **Q.** **Sure.**

10 MR. KALBAC: Same objection.

11 MR. ORR: Having read this -- you want me to
12 wait, Joe?

13 MR. KALBAC: No. I need to make a call to the
14 judge. Courtney will take over. Go ahead.

15 (Mr. Kalbac leaves the room.)

16 MS. ENGELKE: He has a conference in another
17 matter.

18 MR. ORR: On another case. I thought he was
19 calling the judge in this case. I was going we
20 have some other people that may want to be on the
21 phone.

22 MR. FERNANDEZ: The usual ex-parte. Don't
23 worry.

24 THE WITNESS: He's really objecting to that
25 form.

1 BY MR. ORR:

2 Q. All right. I was going to ask you the same
3 question, just --

4 A. I gotcha.

5 Q. -- that this is basically saying if you're 18
6 or older as a passenger, you're responsible for your
7 seat belt. And if it says if you're the driver and
8 someone is under the age of 18, you're responsible for
9 their seat belt. So the age of majority is 18 in
10 Florida. Were you aware of that at the time of this
11 trip?

12 MS. ENGELKE: Object to form.

13 A. I was not.

14 BY MR. ORR:

15 Q. Are you aware of any state that you've driven
16 in that is any different from North Carolina or Florida
17 and that once you're 18 in a vehicle, you're responsible
18 for your own seat belt use and seating position?

19 MS. ENGELKE: Object to form.

20 A. I am not, sir. I am still pretty sure that if
21 you get pulled over and you have unbuckled people in
22 your car, you're gonna get a ticket.

23 BY MR. ORR:

24 Q. If the unbuckled person is over 18, that's your
25 understanding?

1 A. That's my understanding, yes, sir.

2 Q. Okay. When you took your driver education
3 class to get your license in Florida, did they ever talk
4 to you about the importance of how the seat belt is
5 positioned on you?

6 A. Just to clarify, you said in Florida. You mean
7 in North Carolina?

8 Q. In North Carolina. Thank you.

9 A. The importance of how it is on you?

10 Q. How it -- yes, how it's -- how the seat belt is
11 fitting on you.

12 A. I don't recall them saying that, no.

13 Q. In other words, did you ever have any training
14 that if the seat belt is not touching your chest or not
15 touching your -- low on your waist, that it's not being
16 used properly?

17 A. I don't recall any training like that, sir.

18 Q. Okay. Outside of the class that you had for
19 getting your license, can you recall any incidence where
20 anyone has ever trained you or told you that you must
21 have your body making contact with both the lap belt and
22 the shoulder belt to wear a seat belt properly?

23 A. No, sir.

24 Q. Do you believe that, as you sit here today, you
25 must have your body touching both a lap belt and a

1 **shoulder belt for the seat belt to work properly?**

2 MS. ENGELKE: Form.

3 A. No, sir.

4 BY MR. ORR:

5 **Q. And why is that?**

6 A. Because if you have a buckle just right across
7 you and you're saying you're not touching the chest
8 harness, you're just not going to get a ticket for being
9 an unbuckled passenger.

10 **Q. Is it your understanding that that's proper use**
11 **of a seat belt if you're not touching the shoulder belt**
12 **with your body?**

13 MS. ENGELKE: Form.

14 A. It's my understanding that if you're buckled,
15 you're buckled. I know you're not supposed to put it
16 behind you.

17 **Q. Right.**

18 A. But --

19 **Q. Right. If you're sitting in the seat and your**
20 **seat is all the way back and the lap belt is across your**
21 **waist but the shoulder belt is not touching your chest**
22 **or shoulder in any place, it's just suspended in air in**
23 **front of you, is that using the seat belt properly?**

24 MS. ENGELKE: Form.

25 A. Yes.

1 BY MR. ORR:

2 Q. If you go to what I'm going to mark for you as
3 Exhibit 8, these are answers that were given in this
4 case that's some interrogatories that were sent to
5 Bradley.

6 A. Okay.

7 (Exhibit No. 8 was marked for identification.)

8 BY MR. ORR:

9 Q. And Bradley and his attorney responded on
10 November 26, 2014?

11 A. All right.

12 Q. And If you look at the first five, they're all
13 the exact same for the most part with the exception I
14 think of -- actually, they are a little bit different.
15 I take that back. The first three are the same, and
16 four and five are different.

17 A. All right.

18 Q. Can you read one, two, and three to yourself
19 and just see if those look the same to you.

20 MS. ENGELKE: Michael, do you have the
21 questions that go onto these?

22 MR. ORR: This is how they were filed. I do
23 not have the questions. I'm just going to ask him
24 about the statement. Thank you, Courtney. I won't
25 ask about the question.

1 A. So these are all the exact same answers?

2 BY MR. ORR:

3 Q. For the first three.

4 A. Okay.

5 Q. So my question to you is: The statement that
6 you were a knowing participant on the drive home, that
7 you agreed to drive in shifts and chose to fall asleep
8 during the ride with the seat reclined and feet up on
9 the dashboard, are any of those statements false?

10 MS. ENGELKE: Object to the form.

11 A. Well, I don't know that my feet were on the
12 dashboard, and I don't even know that I was reclined.

13 BY MR. ORR:

14 Q. You don't know because you don't remember?

15 A. Indeed.

16 Q. What about the part that you agreed to drive in
17 shifts?

18 A. I think that was just a -- we both knew that,
19 but I don't think we ever said, all right, this is this
20 shift; this is this one. We didn't have, like, a
21 schedule printed up.

22 Q. You knew based on habit?

23 A. Right.

24 MS. ENGELKE: Form.

25 Q. On No. 4, the next one down?

1 A. Yes.

2 Q. It says, "Nevertheless, I believe Madison was
3 fully reclined in his seat with his seat belt across his
4 waist but not in contact with his shoulders." Do you
5 have any reason to doubt that?

6 MS. ENGELKE: Form.

7 A. Yes, because I have no idea if I was.

8 BY MR. ORR:

9 Q. You don't know one way or the other?

10 A. Right. I have no recollection of the accident.

11 Q. Do you believe Bradley Ledford would lie about
12 that?

13 A. I believe he would do what his lawyers told him
14 to do.

15 Q. Do you believe that he would lie about it,
16 though?

17 MS. ENGELKE: Form.

18 A. If his lawyers asked him to, yes.

19 BY MR. ORR:

20 Q. Would you lie about something if your lawyers
21 asked you to?

22 MS. ENGELKE: Form.

23 A. No.

24 Q. Why do you think Bradley would?

25 MS. ENGELKE: Form.

1 A. Do I have to answer that question?

2 BY MR. ORR:

3 **Q. Yeah.**

4 A. Because I feel like he's under a lot of
5 pressure from his father.

6 **Q. And what makes you believe that?**

7 A. Because Mr. Ledford is a very strong-willed
8 man. I mean, he's a very persuasive man as well.

9 **Q. What about -- remember I was asking you a
10 minute ago about conversations you may have had with
11 David Ledford or may have had with your father about not
12 going after them personally or their company, just the
13 insurance money? Do you remember me asking you about
14 that?**

15 A. Could you repeat that whole question? I
16 apologize.

17 **Q. Sure. Do you remember maybe about 20, 30
18 minutes ago I was asking you that line of questioning
19 about did you talk with your father or David Ledford
20 about (a) I'm not -- I'm filing this lawsuit but I'm not
21 coming after you guys personally or your business; I'm
22 just going after the insurance money. You told me you
23 didn't remember ever saying that to your dad or to David
24 Ledford.**

25 A. Correct.

1 Q. All right. What about to Bradley Ledford?

2 A. I'm not sure. I don't recall.

3 Q. Do you recall saying that to Bradley Ledford in
4 the presence of your dad?

5 A. I may have told him that I will -- I will try
6 my best not to have to sue you but. . .

7 Q. Do you recall after or when you were suing him
8 after you had already filed the lawsuit, because you
9 know you've sued Bradley Ledford --

10 A. I have.

11 Q. -- and you've sued the company?

12 A. Yes, sir.

13 Q. All right. After you had sued Bradley Ledford,
14 do you remember telling him I'm only coming after the
15 insurance money; I'm not coming after you personally?

16 MS. ENGELKE: Form.

17 A. I may have.

18 BY MR. ORR:

19 Q. Okay. And do you recall anyone else being
20 there other than your dad and Bradley?

21 A. I'm not even sure of the instance -- where it
22 would have taken place so I don't know.

23 Q. You don't remember?

24 A. No, sir.

25 Q. Do you see on No. 4 in front of you, again,

1 where he says, "I believe Madison had his feet up on the
2 dashboard while he was sleeping. The basis for my
3 knowledge is the fact that I was in the car with
4 Madison." Do you have any reason to doubt that?

5 MS. ENGELKE: Form.

6 A. Yes. Just being present inside of his
7 deposition, I know he said he didn't know whether or not
8 my feet were on the dashboard when the accident
9 happened. So I had a reason to doubt that if he said he
10 didn't know, then how could he know.

11 BY MR. ORR:

12 Q. Did he also know, having listened through his
13 deposition, that he was riding down the road the entire
14 time your feet were on the dashboard and that at no
15 point prior to the incident did he see them come off?

16 MS. ENGELKE: Form.

17 A. I don't recall that, no, sir.

18 BY MR. ORR:

19 Q. Okay. You see No. 5 where it says, "The site
20 of the accident involved roadway construction which may
21 have caused or contributed in whole or in part to the
22 damages claimed"? Have you ever had any conversations
23 with Bradley about any of that?

24 MS. ENGELKE: Form.

25 A. No, sir.

1 BY MR. ORR:

2 Q. The roadway construction?

3 A. No, sir. We tried our best to not speak of the
4 lawsuit.

5 Q. You guys were best friends after the accident,
6 right?

7 A. Yes, sir.

8 Q. And you heard in his deposition -- and I don't
9 want to quote him and misquote him, but he said
10 something to the effect of he loved you, loved you like
11 a brother; he'd do anything for you?

12 A. He did, yes, sir.

13 Q. Okay. Do you feel the same way about him?

14 A. Absolutely, yeah.

15 Q. And do you believe that despite the fact that
16 you're suing him, Bradley Ledford loves you like a
17 brother?

18 A. Yes, sir.

19 Q. I understand that you two don't talk about the
20 incident very often because it's a sensitive subject
21 between you. Are there instances where friends, other
22 than the conversation we talked about with Corban and
23 Isaac --

24 A. Right. I remember.

25 Q. -- where friends have talked about it with you

1 **and Bradley being there?**

2 A. I know I've advised all my friends to not talk
3 about it around Brad because I know it mentally is
4 extremely hard to deal with.

5 **Q. Right. Are you aware of him going to see a**
6 **psychologist?**

7 A. I am.

8 **Q. Does he tell you about any of that stuff, or he**
9 **just tells you he's going?**

10 A. We've talked about it.

11 **Q. Okay. Does he -- what has he told you?**

12 A. I mean, I know how hard it is for him.

13 **Q. Has he just told you that he's going to see**
14 **someone because of this incident, because of his best**
15 **friend being in the condition he's in?**

16 A. Had he told me that he's going to see a
17 psychiatrist?

18 **Q. Right. Or --**

19 A. Yes, he has.

20 **Q. -- psychologist?**

21 A. Yes.

22 **Q. Because of the condition that you're in and how**
23 **he feels about it?**

24 A. Yes.

25 MR. ORR: I'm going to show you what we're

1 going to mark as Exhibit 9.

2 (Exhibit No. 9 was marked for identification.)

3 BY MR. ORR:

4 Q. This is a response to a request for production
5 that Bradley sent, I think, responding to your
6 attorneys.

7 A. Okay.

8 Q. And it's a request. And, Courtney, the same
9 issue, I don't see the questions on here, but I'm just
10 going to ask about one particular response. And it's
11 only No. 2.

12 Number 2 says, "Defendant believes he's only in
13 possession of one photo taken during the spring break
14 trip to Florida in 2014 and it will be provided. Any
15 other photos taken were on defendant's cell phone which
16 was damaged in the accident."

17 Remember, earlier, you were telling me about
18 the photos that you took during spring break that you
19 uploaded?

20 A. Indeed.

21 Q. All right. What were they of generally?

22 A. Of people so, generally, they were -- there was
23 one picture of not really missing home; it was a picture
24 of the beach. I think that was posted on the day we
25 were leaving to go back to the camp. And then there was

1 another picture posted with myself and one of the
2 friends that we had met, the guy's house we had gone to,
3 and him and I both standing there. I was in a black
4 buttoned-up shirt, and I don't remember the caption on
5 that picture. And then I believe another picture was of
6 Brad laying down on a bed, and I took a picture of that.
7 And then another picture was of Brad standing outside
8 after the fire alarm. That was the Twitter. And then
9 another picture of us both in the car.

10 (Mr. Kalbac enters the room.)

11 **Q. Those are the ones you can remember generally?**

12 A. I believe so. Yes, sir.

13 **Q. Have you and Brad ever had any discussions**
14 **about any of those pictures?**

15 A. No, sir.

16 MR. KALBAC: Michael, can we take a break?

17 MR. ORR: Yes, sir. Absolutely. Let's take a
18 break.

19 THE VIDEOGRAPHER: Going off the video record.
20 The time is 1:42 p.m.

21 (Break was taken.)

22 (Proceedings continued on page 179 in Volume II
23 of II.)
24
25

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR VOLUSIA COUNTY, FLORIDA
CASE NO.: 2014-11310-CIDL

DAVID MADISON CAWTHORN,

Plaintiff,

DIVISION: Div. 01

vs.

BRADLEY D. LEDFORD and
BOB LEDFORD'S RV & MARINE,

Defendants,

and

BOB LEDFORD'S RV & MARINE,

Third-Party Plaintiff,

vs.

CONDOTTE/DE MOYA JV, LLC, a Florida
Limited Liability Company; CONDOTTE
AMERICA, INC., a Florida Corporation;
and THE DE MOYA GROUP, INC., a
Florida Corporation,

Third-Party Defendants.

VOLUME II OF II
(Pages 175-366)

VIDEOTAPED DEPOSITION OF
DAVID MADISON CAWTHORN

Tuesday, August 18, 2015
9:22 a.m. - 5:29 p.m.

U.S. Legal Support, Inc.
20 North Orange Avenue
Suite 1209
Orlando, FL 32801

Stenographically Reported By:
Margaret Lowe

1 APPEARANCES

2
3 On behalf of the Plaintiff:

4 COLSON HICKS EIDSON
5 255 Alhambra Circle
6 Penthouse
7 Coral Gables, FL 33134
8 305-476-7400
9 Jkalbac@colson.com
10 Courtney@colson.com
11 BY: JOSEPH J. KALBAC, JR., ESQ.
12 COURTNEY L. ENGELKE, ESQ.

13
14 On behalf of Defendant Bradley Ledford:

15 FISHER RUSHMER, P.A.
16 390 North Orange Avenue
17 Suite 2200
18 Orlando, FL 32802
19 407-843-2111
20 Jmoses@fisherlawfirm.com
21 BY: JAMIE BILLOTTE MOSES, ESQ.

22
23 On behalf of Defendant Bob Ledford's RV & Marine:

24 DAWSON ORR
25 50 North Laura Street
Suite 1675
Jacksonville, FL 32202
904-358-8300
Mfo@dawsonorr.com
BY: MICHAEL F. ORR, ESQ.
CARL D. DAWSON, ESQ.
KATHLEEN H. CROWLEY, ESQ.

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APPEARANCES (Continued)

On behalf of the Third-Party Defendants:

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
9300 South Dadeland Blvd.
4th floor
Miami, FL 33156
305-670-1101
Gfernandez@qpwblaw.com
BY: GEORGE L. FERNANDEZ, ESQ.

WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
2601 South Bayshore Drive
Suite 1500
Miami, FL 33133
305-455-9107
Kspinelli@wwhgd.com
BY: KATE D. SPINELLI, ESQ.

On behalf of Defendant Bradley Ledford as Personal Counsel:

LAW OFFICE OF MICHAEL T. CALLAHAN
2935 1st Avenue North
Suite 2
Saint Petersburg, FL 33713
727-209-1504
Mick@mickcallahanlaw.com
BY: MICHAEL T. CALLAHAN, ESQ.

Also Present:

Roger Cawthorn
Joni Canterbury
Bradley Ledford
David Ledford

Anthony DeMalia, Videographer

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1 (Proceedings continued from Volume I of II.)
2 (Exhibit No. 10 was marked for identification.)
3 THE VIDEOGRAPHER: We are now back on the video
4 record. The time is 1:56 p.m.
5 BY MR. ORR:
6 Q. All right. I'm going to show you what we've
7 marked as Exhibit 10.
8 A. Yes, sir.
9 Q. This is just another witness list that's filed
10 in this case by your attorneys, and my only question for
11 each one of these is going to be have you spoken to any
12 of these people. So the first one is Paul Lewis. Have
13 you ever spoken to Paul Lewis?
14 A. No, sir.
15 Q. Number 2 is Paul Deutsch.
16 A. Deutsch.
17 Q. Deutsch.
18 A. Yes, sir.
19 Q. You've spoken to him?
20 A. I have.
21 Q. Okay. And we'll come back to that in a second.
22 Number 3, Bernard Gerstman. You've spoken to him?
23 A. I don't think so.
24 Q. Okay. F.A. Raffa. You've spoken to him?
25 A. I don't think -- believe I have.

1 Q. Okay. Robert Caldwell. Have you spoken to
2 him?

3 A. No, sir.

4 Q. What about the same question from each of their
5 offices? Have you spoken to anyone from Mr. Caldwell's
6 office?

7 A. I'm not 100 percent sure that I have, sir.

8 Q. Okay. What about the same one above there, the
9 Raffa Consulting?

10 A. The economic -- I don't think I have. I think
11 Mr. Deutsch -- I've just spoken to Paul Deutsch.

12 Q. Okay. And have you -- he's in Oviedo, Florida.
13 Have you ever personally visited him?

14 A. No, sir. He visited me.

15 Q. He came up to Asheville?

16 A. Yes, sir.

17 Q. And approximately when was that?

18 A. I'd say in January.

19 Q. Any other occasions other than that time that
20 you've met with him?

21 A. No, sir.

22 Q. Do you maintain constant communication with him
23 or anything?

24 A. No, sir.

25 Q. Did you provide him any documentation?

1 A. I believe I did.

2 **Q. Do you know what you gave him?**

3 A. No, sir.

4 **Q. Did he tell you anything with respect to your**
5 **rehabilitation during the visit?**

6 A. No, sir.

7 **Q. Do you recall what he told you his purpose of**
8 **interviewing you or being with you was?**

9 A. Yes, sir. He was to kind of decide what I was
10 going to need for the rest of my life most likely and
11 what kind of surgeries would probably come up, what kind
12 of medication I need, and in that way he could give the
13 money to the economist and the -- what I would need to
14 the economist, and then he could put dollar amounts with
15 each of those.

16 **Q. Got it. Okay. Now, with -- can we go back for**
17 **a moment? Give me a second. There's one -- okay. It**
18 **was No. 8 was the question I didn't ask.**

19 A. Okay.

20 MS. BILLOTTE MOSES: We're on Exhibit 8?

21 MR. ORR: Yes. Exhibit -- going back to
22 Exhibit 8 real quick. The -- here it is.

23 BY MR. ORR:

24 **Q. I was asking about the -- Madison being a**
25 **knowing participant on the drive home and agreeing to**

1 drive in shifts, choosing to fall asleep during the
2 ride, seat reclined, his feet up on the dashboard. And
3 I asked you if you had any reason to doubt. You said
4 yes, and then you said you didn't know if that was
5 something that Bradley's attorneys were telling him to
6 do. Do you remember I asked you about that?

7 A. (Nods head.)

8 Q. Is that a yes?

9 A. Oh, I'm sorry. Yes, sir.

10 Q. Do you remember whether or not Bradley's story
11 as to what happened has changed since before the lawsuit
12 was filed and after the lawsuit was filed?

13 A. I just know that he told my brother that he had
14 punched a window out and he came back in and unbuckled
15 me and then pulled me out of the car. But I'm just
16 under the impression that he had gotten out of the car,
17 and then two others came and assisted me and pulled me
18 out of the car. And then he helped after that.

19 Q. Other than that, other than -- and we'll talk
20 about that, but other than that, I'm specifically
21 pointing to in Exhibit 8 the things that he said here
22 about, you know, you falling asleep and with your seat
23 reclined, feet on the dash, was that not the same thing
24 he was saying prior to you filing the lawsuit?

25 A. I believe so.

1 Q. Have you ever heard him say something different
2 from that?

3 A. No, sir.

4 Q. All right. Now, with respect to pulling you
5 out of the vehicle, is it your understanding that when
6 he broke the window and climbed out and unbuckled you,
7 he had to have assistance from two other people?

8 A. Yes, sir.

9 Q. Do you know who those people are?

10 A. I know Roger was one of them.

11 Q. Roger Schmidt?

12 A. Yes, sir.

13 Q. Do you know who the third one was?

14 A. I do not.

15 Q. So Bradley, Roger Schmidt, and somebody you
16 don't remember are the three people that you understand
17 pulled you out of the car?

18 A. Yes, sir.

19 Q. And that's based on what other people have told
20 you?

21 A. Indeed.

22 Q. Has that been what Bradley has told you? Was
23 he one of the people that told you that?

24 A. I was under the -- I just know I was under the
25 impression that Brad had, like, busted a window out,

1 unbuckled me and then came back into a burning car and
2 pulled me out himself, but now I'm kind of confused as
3 to what the truth is now.

4 **Q. Okay. Has anyone told you that the car was not**
5 **on fire?**

6 A. No.

7 **Q. Has anyone told you that Bradley did not punch**
8 **your window out?**

9 A. I believe so.

10 **Q. Who?**

11 A. I don't remember. I just believe that -- it's
12 my understanding now that the window was kind of already
13 broken out. He just had to clear some glass away.

14 **Q. Who told you that?**

15 A. I believe it was -- I think that was -- my
16 counsel did.

17 **Q. Okay. Well, I don't want to talk about any**
18 **conversations with your counsel, but has any witness**
19 **told you that?**

20 A. It's -- no, sir.

21 **Q. Okay. Has any witness told you that Bradley**
22 **did not unbuckle your seat belt?**

23 A. No. I've never personally spoken to a witness.

24 **Q. Okay. So other than what you've heard from**
25 **your lawyer, which I don't want to talk about what**

1 you've heard from your lawyer, has anyone told you a
2 story different from what Bradley has told you?

3 MR. KALBAC: Object to the form.

4 A. No.

5 MR. ORR: Thank you.

6 (Exhibit No. 11 was marked for identification.)

7 BY MR. ORR:

8 Q. I'm going to show you what I'll mark as Exhibit
9 11. These are similar interrogatory answers to what
10 I've shown you previously. These are --

11 MR. KALBAC: This is 11?

12 MR. ORR: Yes, sir.

13 Q. -- notice of serving verified answers to
14 third-party defendants' first set of interrogatories.
15 And they're dated -- these were served by your attorney
16 on April 16th of this year. Would you take a look at
17 that and tell me if you remember responding to those?

18 A. With the help of my lawyers.

19 Q. Can you look through all of them and make sure
20 that's something you remember?

21 A. I believe my lawyers helped me heavily in this
22 but. . .

23 Q. Take a look at No. 8.

24 A. Okay.

25 Q. This is the one that asked to describe in

1 detail how the incident in the complaint happened
2 including all actions taken by you to prevent the
3 incident. And if you look on the second line, you say,
4 "Without waiving said objection, in the moments
5 preceding the accident, plaintiff was asleep in the
6 front passenger seat of the vehicle."

7 Did you know in April of 2015 when you answered
8 this that immediately in the moments preceding the
9 accident you were asleep in the front seat of the
10 vehicle?

11 A. As I said, I don't remember the accident at
12 all.

13 Q. So that answer wouldn't have been from you;
14 that would have been from somebody else?

15 MR. KALBAC: Object to the form.

16 A. I don't remember the accident so I'm not 100
17 percent sure.

18 BY MR. ORR:

19 Q. So if you don't remember the accident, this
20 part of the answer that you were asleep in the front
21 passenger seat of the vehicle had to have come from
22 somebody else, correct?

23 A. Probably. I was under the assumption that
24 that's how it was.

25 Q. You then say in your response, "According to

1 what has been told to him, the driver swerved off the
2 road hitting the mile marker on the grass and barrier."
3 You don't remember any of that, correct?

4 A. Correct.

5 Q. So that came from someone other than you?

6 A. Indeed.

7 Q. It states, "At some point, plaintiff lost
8 consciousness." You don't know when that occurred?

9 A. (Shakes head.)

10 Q. Is that a no?

11 A. I do not.

12 Q. And same thing, "The vehicle caught on fire and
13 plaintiff was pulled out of the car and carried away."
14 You don't have any memory of that?

15 A. No, sir.

16 Q. And "Shortly thereafter, the car was engulfed
17 in flames." You don't remember that, correct?

18 A. I do not remember anything of the crash.

19 Q. And so then the last line that says there was
20 nothing you could do to prevent this incident, how would
21 you know if there was something you could have done to
22 prevent the incident if you don't remember what
23 happened?

24 A. I just feel it's kind of common sense. I mean,
25 I was really strong but I wasn't that strong.

1 **Q. So you don't -- you don't believe there was**
2 **anything that you could have done to prevent this**
3 **incident despite not knowing what happened?**

4 MR. KALBAC: Object to the form.

5 MR. ORR: You can answer.

6 A. I mean, no. I mean, if the car is running off
7 the road and I'm asleep and I wake up and run into a
8 concrete wall, there's not much I can do to stop that.

9 BY MR. ORR:

10 **Q. But you didn't wake up prior to hitting the**
11 **concrete wall?**

12 MR. KALBAC: Object to the form.

13 A. As I said, I have no memory, but I would be
14 extremely surprised if I slept through running through a
15 gigantic sign running over grass and then someone
16 screaming.

17 BY MR. ORR:

18 **Q. But you don't remember that?**

19 A. I don't remember it, no, sir.

20 **Q. When you say "someone screaming," who do you**
21 **mean?**

22 A. I would assume Brad was yelling something.

23 **Q. But you don't remember?**

24 A. I don't remember, sir.

25 **Q. Okay. If you turn to No. 10 --**

1 A. Yes, sir.

2 Q. -- and this is similar to the answer you gave
3 in response to the interrogatories we read earlier. It
4 says in the second paragraph, "Subject to said records,
5 Mr. Cawthorn states he sustained a traumatic brain
6 injury." Who has told you, you sustained a traumatic
7 brain injury?

8 A. My therapist.

9 Q. Which one?

10 A. I don't remember her name.

11 Q. Do you know where she was?

12 A. Yes. She was at the Shepherd Center.

13 Q. And when did she tell you that?

14 A. Throughout my entire stay there. It was pretty
15 clear that there was something wrong with me.

16 Q. Had you gone back and treated with her since
17 you went into outpatient and ultimately left?

18 A. No, sir.

19 Q. Have you treated with anyone else other than
20 her for traumatic brain injury?

21 A. No, sir.

22 Q. Did you have any intention to?

23 A. Actually, yes, I have been treated with someone
24 else. It was a local therapist in Asheville. I don't
25 remember her name.

1 Q. Do you remember where she was located in
2 Asheville?

3 A. No, sir.

4 Q. When did you see her?

5 A. My first few months of being home.

6 Q. How did you know to go see her?

7 A. I believe I was recommended to her.

8 Q. From the Shepherd Center?

9 A. Indeed.

10 Q. Do you recall anywhere being with a physician
11 and them discussing your traumatic brain injury after
12 that meeting in Asheville that you just described?

13 A. No, sir. I haven't seen any physicians that --
14 neurosurgeons since then.

15 Q. And you don't remember where that office was
16 near or anything in Asheville --

17 A. It is --

18 Q. -- what exit or --

19 A. -- it's in Asheville. It's off of -- if you're
20 going down King Creek or -- it's very close to
21 Interstate 40. It's at the Home -- the Fun Depot exit.

22 Q. And your understanding is she's a -- what's her
23 title?

24 A. OT. I think she's an occupational therapist.

25 Q. Okay. And she -- when she treated you, did she

1 **tell you what she wanted you to do to follow up or for**
2 **treatment?**

3 A. Yes, sir. She just wanted me to continue to do
4 Lumosity games and to continue to stretch my thinking
5 and to write down everything I've done in a day and then
6 go back and read it the next morning if I had forgotten
7 something. Then -- once I could start remembering
8 things pretty consistently.

9 **Q. Did you do that?**

10 A. I did.

11 **Q. Did you actually handwrite things or did you**
12 **type them?**

13 A. Handwritten.

14 **Q. Did you keep what you wrote?**

15 A. No, sir. I usually would tear the page out and
16 throw it away.

17 **Q. How long did you do that?**

18 A. About four months.

19 **Q. Did you ever follow up with her or any other**
20 **physician on the results of your treatment?**

21 A. I mean, I was seeing her throughout the
22 majority of those four months until I was taken back to
23 Shepherd's for -- to treat -- for another surgery, but
24 then I was pretty clearheaded after that.

25 **Q. Was she a solo practitioner, or did she have**

1 **partners she was working with?**

2 A. She had partners that she worked with.

3 **Q. Okay. Did the title of the business have**
4 **multiple names in it, or do you remember?**

5 A. Yes. I think so. I believe so. I just don't
6 remember the name of the practice.

7 **Q. Fair enough. Now, when you were treating with**
8 **her, did she ever contact you and say I need you to come**
9 **back in so we can do another evaluation?**

10 A. No, sir.

11 **Q. And when you say that when you got back from**
12 **Shepherd, you were pretty clearheaded at that point,**
13 **what was it about that visit at Shepherd changed?**

14 A. It was time. My neuroplasticity in my brain
15 had been hampered. That was really what the major
16 problem with the injury was so my thinking wasn't as
17 quick or as clearheaded or as impressive as it used to
18 be.

19 **Q. Did you take any exams just prior to the**
20 **accident?**

21 A. I did.

22 **Q. What exams did you take?**

23 A. It was some test to test something about my
24 thinking. I did it at the naval academy.

25 **Q. And you submitted it to them, or was it on**

1 **computer?**

2 A. I did it with those doctors that I saw from the
3 DOD.

4 **Q. In South Carolina?**

5 A. Yes, sir.

6 **Q. Do you recall taking any other exams in the**
7 **spring of 2014?**

8 A. I took lots of exams in the spring of 2014.

9 **Q. Where did you take exams?**

10 A. I did two physical fitness tests to test my
11 readiness for combat. I took one at a marine
12 recruitment station with about 60 other kids from North
13 Carolina competing for NROTC scholarship. Then I
14 completed an ASVAB, and I completed another fitness test
15 with the United States Naval Academy. And then I did
16 another fitness test exam for football, just chest and
17 bench press, dead lift, everything.

18 **Q. What about examinations other than physical**
19 **fitness tests?**

20 A. I did several for the Marine Corps and for the
21 naval academy.

22 **Q. Did you do any others other than for the Marine**
23 **Corps and the naval academy?**

24 A. No, sir.

25 **Q. Were you still being homeschooled in the spring**

1 of 2014?

2 A. I was, sir, yes.

3 Q. And you weren't taking -- you were doing
4 homework, but you weren't taking exams?

5 A. Right. The exam happened at the end of the
6 school year.

7 Q. Did you ever take your exams --

8 A. No, sir.

9 Q. -- for the end of the year?

10 A. No.

11 Q. Have you as of today taken them?

12 A. No, sir.

13 Q. And why not?

14 A. I didn't need to graduate.

15 Q. How does that work again? This is --

16 A. Well, normally, with a -- in a class your final
17 grade is based upon, like, 60 -- 50 percent of your
18 final, the 20 percent from tests, and the rest from
19 homework. And my score is high enough that it didn't
20 matter if I failed or passed.

21 Q. You still passed; you still graduated?

22 A. (Nods head.)

23 Q. And so did you get an actual diploma?

24 A. Yes, sir.

25 Q. And where did that come from?

1 A. From my -- from my homeschool.

2 **Q. What is it called?**

3 A. I don't know the exact name of it. I really
4 have no idea what the name is.

5 **Q. That's fine. And do you recall having to take**
6 **AP classes?**

7 A. Yes, sir.

8 **Q. What AP classes did you take?**

9 A. Government AP, U.S. history, AP calculus, AP
10 chemistry, AP physics, and AP literature.

11 **Q. Did you take the AP examinations for each one**
12 **of those?**

13 A. Not for the ones I took in my senior year.

14 **Q. Which ones did you take? What AP tests did you**
15 **actually take?**

16 A. AP government, AP U.S. history, AP literature,
17 AP chemistry, and AP world literature.

18 **Q. And then you had those six. Which ones did you**
19 **not take?**

20 A. The AP calculus, the AP -- not chemistry, the
21 AP government and the AP --

22 **Q. Physics?**

23 A. -- physics.

24 **Q. With those, did you take them -- were you**
25 **scheduled to take them in the spring of 2014 --**

1 A. I was, sir.

2 Q. -- after the accident?

3 A. Yes.

4 Q. All right. With the ones that you took prior
5 to, did you pass them?

6 A. Yes, sir. I got fives in all of them.

7 Q. What's the scoring range from someone who
8 hasn't done the AP --

9 A. Zero to five.

10 Q. So that's the highest score?

11 A. Yes, sir.

12 Q. All right. And what would that allow you to
13 do?

14 A. To skip that course in college, in most
15 colleges but not at the college I was attempting to go
16 to.

17 Q. What colleges were you attempting to go to?

18 A. I had a full-ride scholarship to any state
19 school in the country for the Marine Corps and Naval
20 ROTC, and then I was attempting to go to the naval
21 academy.

22 Q. How could you get a full scholarship to any
23 state school in the country?

24 A. Because the Naval ROTC is offered at almost
25 every state school in the country, and I was picked

1 first in North Carolina for the Naval ROTC. And there's
2 13 scholarships given out, and so I was able to pick any
3 school I wanted.

4 **Q. Did you have to actually get into the school**
5 **first, though?**

6 A. Yes, sir. But, I mean, if you can get the
7 scholarship, you can get into any school.

8 **Q. But you --**

9 A. Yeah. You still have to apply.

10 **Q. You still have to apply and get admitted to a**
11 **university. What you got was the Naval ROTC saying you**
12 **finished top in the state --**

13 A. And then they said --

14 **Q. -- and we're going --**

15 A. -- pick any school, and then I picked NC State
16 as the school.

17 **Q. And we're going to give you a full scholarship**
18 **for any school that you get admitted to?**

19 A. Correct.

20 **Q. And you chose NC State?**

21 A. Indeed.

22 **Q. And how did you apply to NC State?**

23 A. Just like any other high school senior, just --

24 **Q. Online?**

25 A. -- online. Yes, sir.

1 **Q. Did you have to submit anything in writing?**

2 A. Normally, you have to submit an essay, but
3 because of my scores, I did not have to.

4 **Q. And who did you have as a contact with Naval**
5 **ROTC to obtain that scholarship?**

6 A. There was several people I had to contact. I
7 don't remember all their names.

8 **Q. Do you remember any of their names?**

9 A. No, sir.

10 **Q. Do you remember whether you had to submit**
11 **online for that scholarship?**

12 A. I did have to submit online in the beginning,
13 yes, sir.

14 **Q. And when you say you were number one in the**
15 **state, what were you number one in?**

16 A. There's normally about, I don't know, 1200
17 people that apply for the Naval ROTC scholarship and
18 then about 4,000 apply for the AROTC scholarship.

19 **Q. The what? I'm sorry.**

20 A. The Army ROTC --

21 **Q. Army.**

22 A. -- scholarship, and I was just the best they
23 had.

24 **Q. Is that best grade point average?**

25 A. It's a whole person review so they review

1 leadership. They review positions you've held. They
2 review your community service. They review athletics.
3 They review school, SAT scores, everything, so. . .

4 **Q. And when you selected NC State, when was that?**

5 A. Well, I had been accepted to NC State at the
6 earliest you could be so -- my brother went to NC State
7 so I picked NC State pretty quickly.

8 **Q. Was that in the fall of 2013?**

9 A. I was accepted in the fall. Yes, sir.

10 **Q. Do you still have your acceptance letter?**

11 A. I do not.

12 **Q. What did you do with it?**

13 A. I think it just disappeared while we were
14 moving houses.

15 **Q. And were you recruited to play football at NC
16 State?**

17 A. No, sir, not NC State because I had only just
18 found out that the naval academy wasn't working out. So
19 I was about two days before the thing, and then my
20 congressman was fixing the naval academy so I still
21 hadn't even needed to call the coach yet.

22 **Q. All right. We'll talk about the naval academy
23 in a second, but backing up just for NC State, you had
24 the ROTC scholarship, you had been admitted to NC State
25 in the fall of 2013, and had you accepted your admission**

1 to NC State and told them that you were accepting your
2 admission?

3 A. Yes, sir.

4 Q. Okay. When did you tell NC State that?

5 A. Right before I left for spring break.

6 Q. Did you tell them in writing or with an e-mail
7 or --

8 A. I'm not 100 percent sure how I did that.

9 Q. What was your plan as far as when you were
10 going to go to NC State?

11 A. I would have --

12 Q. For the fall?

13 A. No, sir. I would have gone in the summertime.

14 Q. Now, other than NC State, had you looked at any
15 other universities?

16 A. Yes, sir.

17 Q. And what were those universities?

18 A. I had been accepted to Princeton. I had been
19 accepted to Appalachian State, Ole Miss, University of
20 Miami, and I believe that's all the schools that I had
21 accepted --

22 Q. -- letters from?

23 A. Yeah. Right.

24 Q. And out of those schools, could you use the
25 Naval ROTC scholarship at each one of those?

1 A. Yes, sir.

2 Q. For a full ride?

3 A. Yes, sir.

4 Q. And that included room and board?

5 A. Yes, sir.

6 Q. And tuition?

7 A. Indeed.

8 Q. Was there any school that you looked at for
9 football?

10 A. Well, I was mainly focused on the naval
11 academy. But I had lots of smaller schools reach out
12 for football, but I didn't want to go to a smaller
13 school. I had not been contacted by NC State's football
14 team, but I easily could have walked on there.

15 Q. Can you remember -- why do you think you easily
16 could have walked on?

17 A. Just -- I just could have.

18 Q. Tried out?

19 A. Yes, sir, yeah.

20 Q. Because you had never spoken with a coach from
21 NC State?

22 A. No, sir.

23 Q. All right. Now, with the naval academy, how
24 did that come about that you had an interest in the
25 naval academy?

1 A. When I was 13 years old, I went to -- it's
2 called a STEM camp. It's a science, technology,
3 engineering, mathematics, and lots of schools were doing
4 it because we just need more engineers, I guess. And
5 then when I got there, I found out that it was the
6 hardest school in the world to get accepted to so I was,
7 like, it sounds like a good challenge.

8 **Q. And did you apply?**

9 A. Yes, sir.

10 **Q. And when did you apply?**

11 A. You would start your application process your
12 junior year so I started in fall of 2013 -- fall of
13 2012.

14 **Q. And what was the initial response from the**
15 **naval academy?**

16 A. I was top tier.

17 **Q. Did they accept you?**

18 A. I hadn't gotten to that point yet. I had
19 gotten my nomination from my congressman, but I hadn't
20 gotten all the way through yet.

21 **Q. They had never denied admission initially?**

22 A. No, sir.

23 **Q. How do you get notified that you're a top tier?**

24 A. There's just the website that has it all, and
25 then you're ranked where you're at. You get invited to

1 a summer camp and then they rank you on that.

2 **Q. Were you invited to the summer camp in 2014 or**
3 **2013?**

4 A. 2013, my junior year.

5 **Q. And you went to that camp. Where was it?**

6 A. At Annapolis, Maryland.

7 **Q. At Annapolis. Did you ever print off that**
8 **information showing you were in the top tier?**

9 A. I don't think so, sir.

10 **Q. And what congressman were you working with to**
11 **get into the naval academy?**

12 A. Mark Meadows.

13 **Q. Do you presently work with Mr. Meadows?**

14 A. I do, sir.

15 **Q. Now, with Mark Meadows, when did he write a**
16 **letter on your behalf to your knowledge?**

17 A. He wrote a letter on my behalf, I believe, in
18 the fall, and I officially got my nomination from him in
19 the winter.

20 **Q. Had you heard anything else back from the naval**
21 **academy other than that you were in the top tier prior**
22 **to the vacation in Florida?**

23 A. Yes, sir. We had received notification that
24 all the candidate slots had been filled from my
25 congressman even though I was the number one. But he --

1 before I left he said he would take care of that, and so
2 I never got the chance to find out what happened.

3 **Q. You never got the chance?**

4 A. No, sir.

5 **Q. Did he ever tell you at any point that he was**
6 **following up on your behalf to see what they say?**

7 A. Yes, sir.

8 **Q. Okay. And when was that?**

9 A. Right before I left.

10 **Q. Okay. And did you ever talk with him**
11 **afterwards about any conversations he had with the naval**
12 **academy?**

13 A. Yes, sir.

14 **Q. And what did they say to him?**

15 A. He said that if I wanted an honorary
16 appointment that they had granted that.

17 **Q. What was your response to that?**

18 A. It was just a lot of -- I said if it works out
19 well, then do it but. . .

20 **Q. Have you gone forward with any of that at this**
21 **point?**

22 A. No, sir.

23 **Q. When you left Shepherd Center, who was your**
24 **primary treating physician?**

25 A. Mark Jackson.

1 Q. And that's --

2 A. Oh, when I left Shepherd Center?

3 Q. Yeah --

4 A. I apologize.

5 Q. -- at Shepherd Center, not back in Asheville.

6 A. ChiChi Berhane. It's C-H-I.

7 Q. How do you spell the last name?

8 A. B-E-R-H-A-N-E.

9 Q. With Berhane?

10 A. Berhane.

11 Q. Berhane. What was the primary treatment that
12 he was providing to you?

13 A. Wound care.

14 Q. And what wounds?

15 A. I had open wounds on both of my feet. I had
16 third and fourth degree burns on my left foot. I had
17 multiple surgery sites that are still a little bit
18 getting infected. I had a -- my -- the flesh on my
19 right-foot heel had all died away so I had a large
20 crater he's having to treat and convince to grow back.
21 And then I had to receive a skin graft so I had a large,
22 huge gash on my left thigh which had a wound vac into
23 it. On my tailbone they had to go in to remove some hip
24 and that wasn't healing up completely and so he was
25 monitoring that. I had been dropped at the Shepherd

1 Center on my tailbone and then -- but he suspected that
2 there may be a hematoma, and so he was --

3 **Q. From the drop?**

4 A. Yes, sir.

5 **Q. Do you remember when they dropped you at the**
6 **Shepherd Center?**

7 A. It was early in my stay there, but then it was
8 found out later that that's not what caused the
9 hematoma. It was from the initial trauma from the
10 accident.

11 **Q. Who told you that?**

12 A. Dr. Berhane.

13 **Q. And other than treatment or wound care, was**
14 **there any physician treating you at the end of your stay**
15 **for your rehab?**

16 A. Yes, sir. I believe it's a female. It's the
17 only female head of department at Shepherd Center. I
18 couldn't tell you who that was, but I just know she's
19 the only female head of department.

20 **Q. She was the one working with you in your rehab?**

21 A. Yes, sir. She's in charge of all rehab.

22 **Q. What were your instructions at the end of your**
23 **stay at Shepherd for what you were going to do for rehab**
24 **when you went home?**

25 A. That I was going to go home and resume my rehab

1 with a PT and an OT here.

2 Q. In Asheville?

3 A. Yes, sir.

4 Q. And they're the ones that called on your behalf
5 and referred you to somebody?

6 A. I believe so.

7 Q. And that was the one OT you told me about
8 earlier that was off I-40 that you can't remember the
9 name of?

10 A. Off -- I don't understand what 540 means, sir.

11 Q. I-40, Interstate 40?

12 A. Oh, yes, sir, yes, yes, yes.

13 Q. Okay. Was there anyone else that Shepherd
14 Center referred you to back in Asheville for rehab other
15 than that person?

16 A. Yes, sir. There was a PT also.

17 Q. Do you remember where the PT was?

18 A. At the same place.

19 Q. As the OT?

20 A. Yes, sir.

21 Q. And what did they tell you, you would have to
22 do for your rehabilitation?

23 A. That I would just need to continue to stretch
24 and to strengthen my muscles as much as I could.

25 Q. Did they ever talk to you about your ability to

1 **have feeling in your legs?**

2 A. Yes. My therapists in the Shepherd Center did.

3 **Q. And what did your therapist tell you?**

4 A. They were extremely pessimistic about it. They
5 said that it was very unlikely I'd ever regain feeling
6 in my legs.

7 **Q. Did you recall any moment while you were at**
8 **Halifax having pain in your legs?**

9 A. They were -- I had pain everywhere, sir.

10 **Q. Right. I understand that a hundred and ten**
11 **percent. I'm just asking you if you remember any pain**
12 **in your legs while at Halifax.**

13 A. I have very few memories from Halifax.

14 **Q. Fair enough. When you got to Shepherd Center**
15 **and you had them telling you that they didn't think you**
16 **were going to have feeling in your legs, do you remember**
17 **who that was?**

18 A. Jill.

19 **Q. Jill, one of the Jills?**

20 A. Yes, sir.

21 **Q. Do you remember which one?**

22 A. The PT.

23 **Q. And when she told you that, did she go into any**
24 **detail about why she felt that?**

25 A. Just because she worked with several patients

1 with my prognosis and my -- where I was at and how far I
2 had come at that point and that it was just very
3 unlikely that anything would ever recover.

4 **Q. Had anyone told you up to the point that you**
5 **left Shepherd why you had no feeling waist down?**

6 A. Yes, sir. My spinal cord had been compressed.

7 **Q. Did they tell you where?**

8 A. Right behind the T12 vertebra.

9 **Q. And do you, as you sit here today, you have no**
10 **feeling in your right leg?**

11 A. I have no feeling in my left leg. I have
12 partial feeling in my right leg.

13 **Q. Okay. In your right leg, where do you have**
14 **feeling?**

15 A. Right on the top of the right thigh.

16 **Q. Quad?**

17 A. Indeed.

18 **Q. Do you have -- you know when you're -- when you**
19 **can flex a quad muscle and you have your quad going**
20 **almost all the way down to your knee up pretty close to**
21 **your thigh, could you -- do you have feeling throughout**
22 **the entire quad --**

23 A. No, sir.

24 **Q. -- or is it in one part of the quad?**

25 A. Do you mind if I point?

1 Q. Yeah.

2 A. It's from about the top of the knee right here
3 to the upper mid -- midlevel --

4 Q. Midquad?

5 A. -- of the thigh. Yeah.

6 Q. Got it. All right. And what type of feeling
7 do you have there?

8 A. I can flex my quad, and then I have -- the
9 sensation just becomes more and more mature as I grow,
10 as time goes.

11 Q. Got it. What about -- and you have no feeling
12 knee down?

13 A. No, sir. Just pain.

14 Q. And same for both feet, no feeling in the feet?

15 A. I can feel if you, like, step on my foot just
16 because some of my nerves are still active down there,
17 but they have no pathway to get back to my brain. So
18 the easiest receptor that they can have is pain so they
19 just send pain.

20 Q. What about if a doctor -- you know how doctors
21 would take the mallet and tap you on the knee?

22 A. I would break --

23 Q. Has anyone --

24 A. -- down crying.

25 Q. -- tried -- what's that?

1 A. I would cry.

2 Q. You would cry?

3 A. Yeah.

4 Q. Okay. And that's exactly what I wanted to know
5 if they tried, if somebody tapped you in each area of
6 your leg, although you wouldn't have feeling to where
7 you can move it, you do feel the tapping or the pain?

8 A. Right. Yes, sir.

9 Q. Other than seeing the OT and the PT in
10 Asheville, what follow-up treatment have you had since
11 last August?

12 A. I've had two surgeries. I've seen my pain
13 doctor, my pain specialist in Atlanta, five times. I've
14 seen my plastic surgeon eight times. I've had an AFib
15 drain in my ischial tuberosity for the last four months
16 that just kept me from doing rehab. Also a JP drain.
17 I've had several UTIs that required following up.

18 Q. You have a urologist?

19 A. Yes, sir.

20 Q. Where is your urologist?

21 A. Atlanta.

22 Q. At Shepherd?

23 A. Yes, sir.

24 Q. All these things that you've just mentioned to
25 me, following up with a pain specialist, having the AFib

1 drain, consulting with plastic surgery, all of those
2 were done at Shepherd?

3 A. Yes, sir. And the AFib drain is a misspeak.
4 It's a JP drain.

5 Q. JP drain.

6 A. Yes, sir.

7 Q. But all of that was done at Shepherd?

8 A. Yes, sir.

9 Q. Anywhere else?

10 A. I've had my drain and most of my UTI stuff
11 treated in Asheville by a doctor there.

12 Q. Who is the doctor in Asheville that treated
13 that?

14 A. Moore, Dr. Moore.

15 Q. Do you remember Dr. Moore's first name?

16 A. I do not, sir.

17 Q. Do you remember -- same questions I had about
18 the PT and OT. How would you get there? Where are they
19 located?

20 A. He's in that Mission Hospital, and he's become
21 a good friend so I could just go to his house.

22 Q. For the treatment if you need to go there?

23 A. Yes, sir.

24 Q. Do you remember Dr. Moore's first name?

25 A. I do not.

1 **Q. Okay. Now, with the actual surgeries you've**
2 **had since August, do you remember what those surgeries**
3 **were?**

4 A. Yes, sir. With that -- the thing that the
5 plastic surgeon had been monitoring which we thought was
6 from the fall but actually turned out to be from the
7 accident, he had been monitoring that for a long time.
8 And then I just had extreme redness over my ischial
9 tuberosity which is right under your gluteus maximus --

10 **Q. Right.**

11 A. -- and so it's just basically a part of the --
12 your haunches. And I had extreme redness so I went
13 there, and then he said, well, we're going to need to
14 cut you open to see how it looks. And then so he opened
15 me up and searched -- looked into it and saw there was
16 some fluid that had gotten there. And then there was
17 about -- there was a piece of flesh that had died about
18 the size of this that's sitting over my bones because
19 that's what was causing a lot of my, um --

20 **Q. Pain?**

21 A. -- pain. Yes, sir.

22 **Q. When was that that you had that removed?**

23 A. That was in November.

24 **Q. Last November?**

25 A. Yes, sir.

1 Q. And after having that particular surgery, did
2 it give you any help, any relief?

3 A. It did, yes, sir.

4 Q. What were you able to do after that that you
5 weren't able to do before?

6 A. I could sit for longer.

7 Q. And after that surgery, what was the next
8 surgery you had?

9 A. The next surgery I had was them just having to
10 open that site back up to put the drains in.

11 Q. And do you remember when that was?

12 A. There had been several instances throughout the
13 winter and into the spring and even now.

14 Q. Going back to the Shepherd Center for that?

15 A. Normally, I go to Mission Health Hospital.

16 Q. To see Dr. Moore?

17 A. Yes, sir.

18 Q. Other than the drains, other than that surgery,
19 have you had any other surgical procedures since leaving
20 Shepherd last August?

21 A. No, sir.

22 Q. And how often do you conduct physical therapy?

23 A. I haven't been able to do physical therapy
24 because of the drain that's in me right now. You're not
25 able to do intensive therapy because it'll just -- you

1 could rip the muscle in half, and they've taken partial
2 of my muscle from my hamstring to put up there to cover
3 the bone.

4 **Q. Right.**

5 A. And so -- I work out and stretch on a daily
6 basis, but I haven't been able to do physical therapy in
7 about eight months.

8 **Q. So you haven't been able to do physical therapy**
9 **since just prior to November?**

10 A. Yes, sir.

11 **Q. During that little time period of August to**
12 **November of last year, what would you do for physical**
13 **therapy?**

14 A. I would go to my PT and I would do a lot of
15 hydrotherapy so I'd be in the pool a lot.

16 **Q. Give me some examples if you were just**
17 **explaining to a lay person what you would do in the**
18 **pool.**

19 A. I would flex my muscles with the weightlessness
20 of the pool. Your muscles are a lot stronger, and so I
21 was able to move my muscles, my legs around more. And
22 then I would swim just to get my heart rate up.

23 **Q. And when you would swim, were you able to move**
24 **your legs?**

25 A. No.

1 Q. You were just doing it with your arms?

2 A. Indeed.

3 Q. And when you're in the pool, you're doing that
4 every day?

5 A. It was about every three days.

6 Q. And then when you were not in the pool, what
7 other physical therapy would you do?

8 A. Just -- mainly just working out and stretching.

9 Q. Did you work out with weights?

10 A. Yes, sir.

11 Q. What types of exercises would you do?

12 A. Curls, hammer curls, triceps, different sets of
13 curls, tricep extensions, bench press, pull-ups,
14 shoulder presses.

15 Q. Did you do those with weights?

16 A. Indeed.

17 Q. How often would you do that in the August,
18 November time frame?

19 A. I was -- my body could really only handle about
20 every -- like, to about maybe two days a week.

21 Q. And after you got through that, had that
22 procedure in November, is that when you stopped doing
23 physical therapy where they removed --

24 A. Yeah. I had to stop, yes, sir.

25 Q. Has anyone told you when they think you can

1 **start doing physical therapy?**

2 A. As soon as my JP drain comes out.

3 **Q. Do you know when that's scheduled to occur?**

4 A. It's once my -- the fluid that's coming out of
5 my body is down to about 10 cc's a day.

6 **Q. And do you know what it's at now?**

7 A. 20.

8 **Q. Has anybody given you a time estimate saying --**

9 A. No.

10 **Q. -- this is what we're expecting?**

11 A. There is no time estimate.

12 **Q. Okay. So it could happen tomorrow; it could
13 happen a year from now?**

14 A. It could.

15 **Q. And how often are you scheduled to go see
16 Dr. Moore to follow up on that?**

17 A. I just schedule as needed.

18 **Q. He didn't give you any course telling you,
19 look, I want you to see me at least once a month so we
20 can check and see how it's doing?**

21 A. It's really not necessary for that, no.

22 **Q. Are you presently set to go see him?**

23 A. No.

24 **Q. Do you have a plan on scheduling a time to go
25 see him?**

1 A. Indeed.

2 **Q. How do you measure the cc's now?**

3 A. On the JP drain it's like a little pocket just
4 like this. It has lines on it to see how many cc's it
5 is.

6 **Q. Got it. And so you can do it for a day and**
7 **look at it --**

8 A. Yes, sir.

9 **Q. -- and say, all right, I'm still at 20 and,**
10 **really, until it gets down to ten, I'm not seeing**
11 **Dr. Moore again.**

12 A. Indeed.

13 MR. ORR: Okay. Why don't we take another
14 break. We've been going for a little while.

15 THE WITNESS: Do you mind if we just power
16 through? I want to knock this out.

17 MR. ORR: I need to use the restroom so we can
18 take one about every 45 minutes to an hour, but it's
19 not going to be long. We'll take a three-minute
20 break.

21 THE VIDEOGRAPHER: Now going off the video
22 record. The time is 2:41 p.m.

23 (Break was taken.)

24 THE VIDEOGRAPHER: We're now back on the video
25 record. The time is 2:52 p.m.

1 BY MR. ORR:

2 Q. Mr. Cawthorn, I know that you, after the
3 incident, met with tons of people in your time at
4 Shepherd and when you got back home. Do you also recall
5 occasions where people have given you money?

6 A. Not that I've been handed personally money, no.

7 Q. Can you recall where people have done
8 fundraisers on your behalf?

9 A. I can, yes.

10 Q. Okay. Who are the individuals or companies
11 that have done fundraisers on your behalf?

12 A. Jared Stocks and Chick-fil-A.

13 Q. Jared Stocks?

14 A. Jared Stocks.

15 Q. How is that spelled, Jared?

16 A. J-A-R-E-D.

17 Q. Okay. What is Jared Stocks?

18 A. It's a gentleman's name.

19 Q. Got it. And who is he?

20 A. He is an individual who did a fundraiser for
21 me.

22 Q. Is he from Asheville?

23 A. He is.

24 Q. Do you know what he does?

25 A. Yes, sir. He runs a transportation company,

1 taking people from Greenville to Charlotte and to
2 Asheville.

3 **Q. And how did you know him prior to the incident?**

4 A. He watched me play football a lot and, I
5 believe, through church.

6 **Q. And other than Jared Stocks, Chick-fil-A?**

7 A. Yes, sir. Specifically Joe Benson, the
8 operator.

9 **Q. Joe Benson is the operator for the one you**
10 **worked at?**

11 A. Yes, sir.

12 **Q. Other than Chick-fil-A, has anyone else raised**
13 **money for you?**

14 A. Not that I really know of, sir.

15 **Q. What about your church?**

16 A. I believe they loaned my father a little money.

17 **Q. Do you know how much?**

18 A. No.

19 **Q. And this is the same church you and Bradley met**
20 **at?**

21 A. Indeed.

22 **Q. And do you know how much Chick-fil-A raised for**
23 **you?**

24 A. No, sir.

25 **Q. Where is the money going that they raised?**

1 A. Well, it's going towards the home. We're
2 remodeling our home so I can get inside of it.

3 **Q. I thought -- was Home Depot doing the**
4 **remodeling?**

5 A. No, sir. They built the deck.

6 **Q. Has Home Depot recently agreed to do more than**
7 **just build the deck?**

8 A. No, sir.

9 **Q. Do you know how much that project cost?**

10 A. No, I don't, sir.

11 **Q. Or the value of it?**

12 A. I do not.

13 MR. KALBAC: You mean the deck --

14 MR. ORR: Yes.

15 MR. KALBAC: -- or the whole project?

16 THE WITNESS: For the whole project?

17 BY MR. ORR:

18 **Q. No. Just the deck. I'm talking about Home**
19 **Depot.**

20 A. I don't know.

21 **Q. Okay. Chick-fil-A, in raising the money so**
22 **that you could have the house rebuilt, did you ever have**
23 **any meetings with Joe Benson and anyone else over what**
24 **needed to be done on the house?**

25 A. No. He just asked for what we needed.

1 Q. And you told him?

2 A. Yes, sir.

3 Q. And do you know how much he raised?

4 A. No, sir.

5 Q. Do you know where the money is that he raised?

6 A. I believe my dad would probably have used it to
7 give back to the church after loaning us money to
8 remodel the house.

9 Q. Are you sure about that?

10 A. Not 100 percent.

11 Q. What about Jared Stocks, the money that
12 Mr. Stocks raised in that fundraiser?

13 A. I believe it also would've been the same, but
14 I'm not 100 percent sure.

15 Q. Was it an amount of money that during the
16 fundraising you saw a number and you just don't know
17 whether that was the final number?

18 A. No, sir, I don't have --

19 Q. You have no clue how much anybody has raised on
20 your behalf?

21 A. I do not, sir.

22 Q. Had you ever met with Mr. Stocks and discussed
23 with him what type of money was being raised on your
24 behalf?

25 A. No, sir.

1 Q. Have you ever met with him or talked to any
2 representative from his fundraising effort about why
3 they were raising funds for you?

4 A. Oh, why they were raising funds for me?

5 Q. Right.

6 A. Just to help, financial aid.

7 Q. Did you ever get anything in writing from Jared
8 Stocks, Chick-fil-A, or your church regarding money
9 they're raising?

10 A. Not that I know of, sir.

11 Q. Who at the church would you be dealing with on
12 getting a loan?

13 A. Mike Crawford.

14 Q. He was part of the Crawford family that came
15 and saw you?

16 A. No, sir.

17 Q. Different Crawfords?

18 A. Indeed.

19 Q. All right. What is his position with the
20 church?

21 A. I'm not 100 percent sure. I know he's an
22 associate pastor.

23 Q. Other than Jared Stocks, Chick-fil-A, and the
24 church, has anyone else raised money on your behalf?

25 A. Not that I know of, sir.

1 Q. And other than building the deck, has Home
2 Depot raised any money for you?

3 A. I don't believe so, sir.

4 Q. Have you talked to anybody other than your
5 attorney about how much your medical bills have been?

6 A. No, sir.

7 Q. Has anyone told you that you were going to be
8 responsible for any part of your medical bills?

9 A. Not that I recall, sir.

10 Q. Have you had any conversation with anyone from
11 Medicare, Medicaid, Social Security about payments made
12 on your behalf?

13 A. No, sir.

14 Q. Have you had conversations with anyone in any
15 level of government about payments made on your behalf
16 of medical bills?

17 A. No, sir.

18 Q. Have you received and reviewed any bills from
19 any medical facilities as a result of your treatment?

20 A. I believe so.

21 Q. What facilities have you seen bills from?

22 A. I would assume Halifax Hospital and the
23 Shepherd Center, but I'm not 100 percent sure, sir, and
24 Mission Health.

25 Q. With Halifax, Shepherd, and Mission, are there

1 any instances that you can remember as you sit here
2 today where you picked up a bill and read a bill from
3 one of those facilities at home?

4 A. No, sir. My father is a -- he normally handles
5 all the financial issues.

6 Q. Has your father told you at any point that he
7 accepted funds on your behalf?

8 A. No, sir.

9 Q. Are you okay to continue?

10 A. I am.

11 Q. If at any point you need a break --

12 A. I understand.

13 Q. Okay. The work that was done with respect to
14 your house, which address was that? 59 --

15 A. 59.

16 Q. And was that work to that house something that
17 was initiated by you and your family?

18 A. Yes, sir.

19 Q. Okay. Who did you get with, what contractors
20 or architects, to discuss construction to the house?

21 A. We had originally started out with a gentleman
22 named Brad Hutchinson who turned out not to be the man
23 for the job and so we went to a man named Bill Miller.

24 Q. And where is Bill Miller? Asheville?

25 A. Asheville. Yes, sir.

1 Q. And he was a contractor?

2 A. He was.

3 Q. Did he ever tell you how much it was going to
4 cost?

5 A. Not to me personally, no, sir.

6 Q. Did you ever hear from anyone how much it was
7 going to cost?

8 A. Yes, sir.

9 Q. How much?

10 A. Over a hundred thousand dollars.

11 Q. Do you recall at any point getting any
12 documentation from Bill Miller about the construction of
13 your house?

14 A. Not that I personally received, sir, no. It's
15 not my house. It's my dad's.

16 Q. Your father's. What -- and we're talking about
17 the same property.

18 A. We are.

19 Q. We're talking about 59 Flat Rock, in Flat Rock.

20 A. Indeed.

21 Q. What construction was going to be done at 59?

22 A. Well, my room was upstairs and there were no
23 accessible bathrooms and I couldn't get really through
24 any of the doorways in the house. And so it was
25 widening the doorway, opening up the floor plan, like,

1 on the ground floor so that I could navigate the house,
2 creating an accessible bathroom where it had a roll-in
3 shower that I could get into, creating a bedroom on the
4 bottom floor for me to sleep in, and just creating what
5 access points into the house for me to get to.

6 **Q. When did that construction take place?**

7 A. From about the middle of August is kind of --
8 about the middle of August when they started knocking
9 down walls. And then there was kind of a lull in the
10 progress of it and then we changed who our --

11 **Q. Contractor?**

12 A. -- contractor was and then it picked up and
13 finished.

14 **Q. Is that when you changed from Hutchison to Bill**
15 **Miller --**

16 A. Indeed.

17 **Q. -- or you changed from Bill Miller to somebody**
18 **else?**

19 A. I changed from Hutchinson to Bill Miller.

20 **Q. Got it. Is Hutchinson in Asheville?**

21 A. He is.

22 **Q. Do you know the names of either one of their**
23 **companies?**

24 A. I do not.

25 **Q. Where were you residing after you left Shepherd**

1 **and your house was being remodeled?**

2 A. A gentleman from our church had just vacated
3 his own home so that we could live in it. It was in
4 Skyland, North Carolina.

5 **Q. Where is Skyland?**

6 A. Arden.

7 **Q. Okay. And what was the name of the gentleman**
8 **that offered the house to you?**

9 A. I couldn't tell you, sir.

10 **Q. And did you and your family live in the home?**

11 A. We did.

12 **Q. Your mother, father, and brother?**

13 A. And cousin.

14 **Q. Who's your cousin?**

15 A. Nicole Smith.

16 **Q. I'm trying to dig back from earlier in the day.**
17 **Where was she from?**

18 A. She was from outside of Atlanta.

19 **Q. How long did she live with you?**

20 A. Around, I'd say, about three months.

21 **Q. How old is Nicole?**

22 A. 19.

23 **Q. Is she in school now?**

24 A. She is.

25 **Q. Where is she in school?**

1 A. I couldn't tell you, sir.

2 Q. Somewhere in Georgia?

3 A. I don't know, sir.

4 Q. Did anyone else other than Home Depot donate
5 toward the project?

6 A. Not that I know of, sir.

7 Q. And other than the individuals that -- and the
8 entities that you've listed for me, Jared Stocks,
9 Chick-fil-A, and your church, you are not aware of
10 anyone else that's raised money on your behalf?

11 A. No, sir.

12 Q. Have you ever received money from anyone after
13 this accident as a result of the accident?

14 A. No, sir.

15 Q. Have you received money from anyone after the
16 accident as a result of your injuries?

17 A. No, sir.

18 Q. Have you received any gifts after the incident
19 from anyone?

20 A. Yes.

21 Q. And I'm not going to talk about any little card
22 or any gift. Have you received anything of value in
23 excess of a thousand dollars?

24 A. Negative, sir.

25 Q. Thank you. Can you recall at any moment

1 somebody approaching you and talking to you about
2 raising funds on your behalf?

3 A. No, sir.

4 Q. And not having yet done it?

5 A. No, sir.

6 Q. You heard of the accounts like Go Fund Me?

7 A. I have.

8 Q. Have you had a Go Fund Me account?

9 A. No, sir.

10 Q. Have you seen your Facebook page, Prayers for
11 Madison?

12 A. I have.

13 Q. Do you operate that?

14 A. I do not.

15 Q. Who does?

16 A. My brother.

17 Q. Can you post to it?

18 A. It's my brother that posts to it.

19 Q. I understand he does. Do you have the ability
20 to, if you wanted to, post to it?

21 A. I'd have to go through him.

22 Q. Is it attached to his Facebook page --

23 A. It is.

24 Q. -- personal?

25 A. Yes, sir.

1 **Q. What could you do before this incident that you**
2 **can't do now?**

3 MR. KALBAC: Object to the form.

4 MR. ORR: You can answer.

5 A. Basically, everything -- anything I enjoyed
6 doing I can't do.

7 BY MR. ORR:

8 **Q. Can you give me a list of ten things that you**
9 **enjoyed doing before that you can't do now?**

10 A. Yes, sir. I can't work out. I can't play
11 football. I can't stand up and pee. I can't wake up in
12 the morning by myself. I'll probably never be able to
13 procreate. I can't run. I can't jump. I can't wrestle
14 with my brother. I can't get throughout the day without
15 pain. I can't wake up in the morning without forgetting
16 I'm paralyzed and also falling out of my bed. I can't
17 be too far away from my doctors. I can't climb
18 anything. I can't go adventuring in places. I can't
19 hike. I can't ride horses. I can't bail hay. Do you
20 want me to continue?

21 **Q. If you can remember anything else off the top**
22 **of your head.**

23 MR. KALBAC: Object to the form.

24 A. I can't climb a ladder. I can't walk. Can't
25 rappel. Can't go to the military. I can't live on my

1 own as of right now.

2 BY MR. ORR:

3 Q. I'll ask you about a couple of the ones you
4 brought up, and we don't have to go through them all,
5 but you said you can't procreate. How do you know that?

6 A. Just because I can't.

7 Q. Who has told you?

8 A. As of right now, I cannot. My neurologist.

9 Q. Your neurologist told you. Is that the one up
10 in Asheville or the one in Shepherd Center?

11 A. In the Shepherd Center.

12 Q. That's right. You don't have one in Asheville.

13 A. I do not.

14 Q. Thank you. Have they told you that that will
15 never change?

16 A. I mean, everyone is always hopeful but, I mean,
17 with my injury it's unlikely that I'll walk or procreate
18 or, you know, recover.

19 Q. And you understand I'm asking you these
20 questions because I have to ask you.

21 A. Yes.

22 Q. Do you have the ability to use your penis to go
23 to the bathroom?

24 A. Yes.

25 Q. Okay. And do you have the ability to have an

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erection?

A. No.

Q. And you've never had one since the incident?

A. Negative.

Q. Have you talked with a urologist about the ability or inability to do that?

A. I have.

Q. And what has the urologist said about why you can't do that?

A. Because I'm paralyzed.

Q. But you can urinate?

A. Right. Which is -- it's kind of a medical phenomenon, but I can.

Q. Is that what they've told you?

A. Well, yes, sir. I have to wear a condom catheter because I can't stop myself, but I can force myself to.

Q. Got it. Now, if you, prior to the accident, were able to do a lot of those things you listed for me and you said to me that you couldn't wake up after the accident, what did you mean by that? I know you said you couldn't wake up without forgetting you're paralyzed and almost fall out of bed, but before that you said you couldn't wake up. What do you mean by that?

A. Oh, for a very long time I was unable -- it was

1 just extremely difficult for me to wake up, and it must
2 have -- we assume it's from the drugs, but I'm not
3 really sure why.

4 **Q. You said the trucks?**

5 A. The drugs.

6 **Q. Oh, drugs. Okay.**

7 A. Yeah. Medicine.

8 **Q. Okay. Do you recall what medicine you were on**
9 **prior to November of last year but after you left**
10 **Shepherd?**

11 A. Nucynta and Lyrica and Lopressor.

12 **Q. And what were those three drugs for?**

13 A. The Lyrica and Nucynta are just things that
14 kind of assist in numbing nerve pain. They're not opium
15 based but -- and then my Lopressor makes sure my heart
16 doesn't beat out of my chest.

17 **Q. Gotcha. After you had the surgery in November,**
18 **did you start taking additional medications?**

19 A. I had to go on a series of antibiotics just
20 because of infections.

21 **Q. Have you run the course of that treatment with**
22 **antibiotics?**

23 A. No, sir. I'm still on it.

24 **Q. What antibiotics are you taking?**

25 A. They change almost every week so I couldn't

1 tell you.

2 Q. Okay. Where do you fill your prescriptions?

3 A. The Ingles pharmacy in Highland Lake.

4 Q. Did you say Eagles of Ingles?

5 A. Ingles.

6 Q. I-N-G-L-E-S?

7 A. Yes, sir.

8 Q. And that's in where?

9 A. Highland Lake.

10 Q. Highland Lake. Do you know what road it's on?

11 A. Highland Lake Road.

12 Q. Have you filled prescriptions anywhere else?

13 A. Yes. At the Shepherd Center.

14 Q. Other than those two places --

15 A. No, sir.

16 Q. -- can you remember anywhere else that you
17 filled prescriptions?

18 A. Negative.

19 Q. I want to talk about from the waist up right
20 now. Do you have any permanent scarring from the waist
21 up?

22 A. Yes.

23 Q. Where is your permanent scarring?

24 A. Along my abdomen here -- can I point and just
25 say here and here?

1 **Q. Sure. Absolutely.**

2 MR. KALBAC: And then describe verbally for the
3 record.

4 MR. ORR: Thank you, Joe.

5 A. Above both my pectorals in between my shoulder
6 and collarbone on both sides. On both my latissimus
7 dorsi, along my back from about the T11 vertebra down to
8 the L2. I have a scar over my right hip. You're just
9 talking about waist up?

10 **Q. Waist up.**

11 A. I have three scars on my three bottom ribs. I
12 have a chipped right canine. I have four scars along
13 the left side of my -- inside of my left forearm, one on
14 the outside of my shoulder, two in between my shoulder
15 and collarbone that are not above the pectoral, and one
16 in my floating rib. Oh, and this one, on my throat from
17 a tracheotomy.

18 **Q. Tracheostomy?**

19 A. Tracheostomy.

20 **Q. The areas that you just described for me, are**
21 **those all scars?**

22 A. Indeed.

23 **Q. And do you have pictures of all of those**
24 **injuries? Have you taken pictures of them?**

25 A. Not that I know of.

1 Q. I understand that Mr. Kalbac was just shaking
2 his head right now when I asked that question. You
3 looked at him and you said no. Is there any picture
4 that you have that you've taken or that your parents
5 have taken that you have in your possession of your
6 injuries?

7 A. Of all my scars, it would be pretty much an
8 impossible picture to take.

9 Q. For your parents to take one?

10 A. I mean, honestly, they're in a 360 view.
11 Unless you have a camera that can take a picture of them
12 every angle, they can't get it.

13 Q. Okay. I'm not going to ask you to start
14 removing clothing so that we can see scars, but what I'd
15 like for you to do, if you would, is just show me the
16 ones on your forearm, on your left forearm, so I can see
17 generally what you're talking about. And then you can
18 tell me if the other scars are similar in nature to that
19 one.

20 A. These are much less -- not similar at all.
21 Were you asking if I have a picture -- a single picture
22 of every scar on my body?

23 Q. No, no. Pictures, pictures.

24 A. Oh, yes, yes --

25 Q. Pictures.

1 A. -- I do.

2 Q. Okay. You thought I was saying a picture of
3 all of them --

4 A. Yeah --

5 Q. -- showing all of them at once.

6 A. -- I was confused.

7 Q. No. You and I were on different pages. So
8 what I'm talking about is pictures of each individual
9 scar. You have those?

10 A. Yeah. I have pictures not of every single one,
11 but I can --

12 Q. But a lot of them?

13 A. Yes, sir.

14 Q. Okay. Are those the 50 to a hundred you were
15 telling me about earlier?

16 MR. KALBAC: Object to the form.

17 A. No.

18 BY MR. ORR:

19 Q. Those were other pictures --

20 A. They're just pictures of me. They're not
21 necessarily of my scar. It's -- they're there.

22 Q. Okay. And can you maintain any pictures of the
23 scar that you have?

24 A. I can.

25 Q. And, actually, I wanted you to -- did the

1 camera -- were you able to see the scars on his forearm?
2 Can you show that to the camera real quick because I'm
3 going to ask you two questions about that and then the
4 other scars based on that.

5 A. There's one here.

6 Q. Hold that for the camera so that that can focus
7 it in.

8 A. (Witness complies.)

9 Q. Now I'm looking at the discoloration right here
10 in your forearm, that scar?

11 A. And then these two are very small, but there's
12 just a small -- I don't know if you can see this.
13 There's a small line that goes straight through there.

14 Q. Okay.

15 A. And then there's a line that goes straight
16 through there.

17 Q. Now, this scar with the discoloration, are the
18 other scars that you just detailed for me that are all
19 over, are those similar, in that, it's a discoloration?

20 A. Yeah. The scars all over my body are more
21 similar to the one that my tracheostomy tube had gone
22 through. They're just like more of a purple color than
23 a skin tone.

24 Q. Got it.

25 A. And that's about it.

1 **Q. Now, with your scarring, are you doing any**
2 **treatment with respect to scar revision?**

3 A. Yes, sir.

4 **Q. What are you doing?**

5 A. Tea tree oil and then some other Vitamin C high
6 oil that helps scars dissipate.

7 **Q. Where are you obtaining that from?**

8 A. I think it's just an over-the-counter thing.

9 **Q. Is there any professional medical care that**
10 **you're getting post-August of last year in relation to**
11 **scar revision?**

12 A. No, sir.

13 **Q. Take your time. You need to take a break?**

14 A. No, sir.

15 **Q. Okay. Has anyone in any medical facility told**
16 **you to follow up in any way, shape, or form in regard to**
17 **scar revision?**

18 A. Scar revision?

19 **Q. Yes.**

20 A. Yes. My plastic surgeon, Dr. ChiChi Berhane,
21 said if I ever -- if my scars don't heal very well, he
22 can take care of them.

23 **Q. What's the time line that he gave you as far as**
24 **when you should be looking at the scars and making a**
25 **decision?**

1 A. He didn't give me one. Just the main one he
2 was speaking about is my skin graft on my left thigh.
3 If it continues to stay grotesque, then he'll fix it
4 but --

5 **Q. I'm going to do that next, talk about waist**
6 **down. Just a couple more questions about up. All**
7 **right. With your scar revision that has been discussed**
8 **with that doctor, has he specifically told you I think**
9 **you should come back and see me at some point to do scar**
10 **revision surgery?**

11 A. He has not.

12 **Q. Okay. And as far as you know, his instruction**
13 **to you for care and treatment of those scars has been to**
14 **use the items you've just described to me?**

15 A. No, sir.

16 **Q. That has not been his instruction?**

17 A. No, sir. He has not given me any instruction
18 on how to fix it.

19 **Q. You're doing that on your own accord?**

20 A. Indeed.

21 **Q. Same line of questioning for waist down. What**
22 **scars do you have waist down?**

23 A. I had fourth degree burns on my left foot so
24 there's lots of scars there. I have a lot of surgery
25 scars on both my feet, primarily on my right ankle and a

1 burn mark there. I have a -- over my ischial tuberosity
2 I have a large surgery scar on my left thigh where I had
3 my skin graft surgery done. There's a large rectangular
4 square there and then -- which is on my pelvis over the
5 middle of my pelvis and then on the two sides of my
6 hips.

7 **Q. Did anyone tell you what any of those scars**
8 **were from?**

9 A. Surgery.

10 **Q. Surgery. And with those particular scars, have**
11 **you consulted with anybody about revision surgery?**

12 A. No, sir. That would be very painful.

13 **Q. At any point, any doctors told you that there**
14 **is any other type of treatment for your scarring other**
15 **than surgery?**

16 A. No, sir.

17 **Q. Other than the physical therapy and**
18 **occupational therapy we've talked about and the drain**
19 **with the cc's and trying to get it back down to ten,**
20 **what other treatment have you been undergoing in the**
21 **past six months?**

22 A. Treatment to get rid of urinary tract
23 infections and general infections in my body and pain
24 management from my doctor in Atlanta.

25 **Q. The treatment with respect to the infections,**

1 **that's the antibiotics you told me about earlier that**
2 **you've been taking?**

3 A. Indeed.

4 **Q. And then the pain medication that you've been**
5 **taking has been what you've been using to treat the**
6 **pain?**

7 A. Yes, sir. And then I've been having to do foot
8 care for my -- because of the low blood circulation
9 going to my feet, my skin doesn't heal as rapidly so
10 when my toenails grow, it causes ingrown toenails so I
11 had to get those clipped back and destroyed. That's it.

12 **Q. All right. Any other treatment that you can**
13 **think of that you were doing in the past six months?**

14 A. No, sir.

15 **Q. Are you pretty much in holding pattern waiting**
16 **for your cc's to get down so you can do PT?**

17 A. I am.

18 **Q. Since this accident have you ever talked to**
19 **anyone other than Bradley, Isaac, Corban, and your dad**
20 **about what happened?**

21 MR. KALBAC: Object to the form.

22 A. Yes.

23 BY MR. ORR:

24 **Q. Who else have you talked to?**

25 A. Hundreds of people.

1 Q. Specifically about what happened in the
2 accident?

3 A. Yes.

4 Q. Okay. Can you remember -- and I'm not talking
5 about the instances where you've spoken at different --

6 A. Oh, okay.

7 Q. -- colleges. I'm talking about where you've
8 sat down and been somewhere with somebody one on one or
9 in a small group and talked about what happened.

10 A. Yeah. I understood that. Hundreds of people.

11 Q. Okay. Hundreds?

12 A. (Nods head.)

13 Q. Can you remember, as you sit here today, when
14 the last time was that you spoke with somebody about
15 what happened in the accident?

16 A. Yes, sir. Sunday evening with Joe Benson.

17 Q. Okay. And what did you discuss with
18 Mr. Benson?

19 A. He was just thinking of different ways the
20 accident could have happened.

21 Q. What was he saying?

22 A. He was just talking about how the car might
23 have hit, what different positions I could have been in,
24 and what could have caused what, but, I mean, it's just
25 people talking.

1 Q. He was just speculating?

2 A. Yes, sir. Yeah.

3 Q. Were you speculating as well?

4 A. I was mainly listening.

5 Q. Can you recall the last time you had a
6 conversation with somebody where you were explaining
7 what happened in the accident?

8 A. On Friday evening, this past Friday evening,
9 with a girl named Courtney.

10 Q. Okay. What was her last name?

11 A. Shehan.

12 Q. And she's in Asheville?

13 A. She is.

14 Q. And what were you discussing with her?

15 A. She said she had heard a lot about my accident
16 but what might -- she just wanted to hear from me. So I
17 was just telling her what I had been told happened and
18 also that I don't know anything about it but what I've
19 been told.

20 Q. Were these through Facebook messages or
21 through --

22 A. In person.

23 Q. In person? Any of it through text?

24 A. No, sir.

25 Q. Where were you when you had this conversation?

1 A. In Biltmore Park in Arden.

2 Q. Can you recall the last time before that where
3 you were telling somebody what happened in the accident?

4 A. Before that?

5 Q. Correct.

6 A. Tuesday night with a girl named Katrina
7 Krulik. That's K-U-R-K-I-L-A-S [sic].

8 Q. And what conversation were you having with
9 Katrina?

10 A. Just discussing what happened in the -- what
11 I've been told happened in the accident.

12 Q. With each of these times, did they -- these are
13 friends of yours, correct?

14 A. They are.

15 Q. Are they friends of yours that you've spoken to
16 on numerous occasions?

17 A. Indeed.

18 Q. The three we've just talked about?

19 A. Yes.

20 Q. With those three individuals, had you spoken
21 with them previously about what happened in the
22 accident?

23 A. Well, most likely, I've know all three of those
24 people for a very long time.

25 Q. Is that something you talked about every time

1 **you talked with them?**

2 A. No.

3 **Q. Why and how did you get on that conversation in**
4 **the past week and a half talking with those three**
5 **people?**

6 A. I was just in extended periods of conversation
7 with them, and I had asked them everything about their
8 life so I guess they wanted to talk about mine.

9 **Q. And when you told them what happened in the**
10 **accident, what did you tell them?**

11 A. I told them that I understand I've been told
12 that I was asleep in a car and then my best friend fell
13 asleep at a wheel of a car and ran into a concrete wall.
14 And then my spinal cord became compressed and I almost
15 died and I explained my injuries.

16 **Q. You explained your injuries to them?**

17 A. (Nods head.)

18 **Q. Is that a yes?**

19 A. Yes, sir, yes.

20 **Q. Now, other than those instances, have you ever**
21 **put in writing what you believe happened in the**
22 **accident?**

23 A. Not that I know of.

24 **Q. And I'm not talking about the interrogatory**
25 **answers. I'm talking about outside the context of this**

1 **lawsuit.**

2 A. Indeed.

3 **Q. Have you ever sent a Facebook message about the**
4 **accident?**

5 A. Not that I know of, sir.

6 **Q. Have you ever sent -- are you sure you didn't?**

7 A. Not that I know of.

8 **Q. So it's possible you did; you just don't**
9 **remember?**

10 A. It is possible, yes, sir.

11 **Q. What about the same for Twitter?**

12 A. It's possible that I may have, but you can only
13 use 140 characters on Twitter so I doubt it.

14 **Q. But you don't remember?**

15 A. I don't remember.

16 **Q. And then the last is e-mail. Do you remember?**

17 A. Definitely not.

18 MR. ORR: I'm going to show you a few photos,
19 and I'm going to ask you some quick questions about
20 them. This is Exhibit -- composite Exhibit 13. Were
21 we on 12 last? Okay. Let's go to 12 then.

22 (Exhibit No. 12 was marked for identification.)

23 BY MR. ORR:

24 **Q. I'll show you Exhibit 12, a series of photos.**

25 A. Do you want me to browse through all these?

1 **Q. Yeah. Take a quick look at them. There's just**
2 **-- it looks like one, two, three four. Do you have four**
3 **over there?**

4 A. Indeed.

5 **Q. All right. Have you seen those photos prior to**
6 **today?**

7 A. I have.

8 **Q. When was the first time you saw them?**

9 A. Early last year. Not early last year.
10 Probably summer or August, a little after August of last
11 year.

12 **Q. After August of 2014?**

13 A. Yes, sir.

14 **Q. And is that the vehicle you were in?**

15 A. I believe it is.

16 **Q. And do you see -- if you flip to the second**
17 **page --**

18 A. Yes, sir.

19 **Q. -- you see that blue cooler?**

20 A. I sure do.

21 **Q. What was in the cooler?**

22 A. A water bottle, a bottle of champagne, and I
23 think that's it.

24 **Q. Did you guys ever drink the champagne?**

25 A. We tried it, yes, sir, but we didn't like it.

1 Q. Anything else in the blue cooler?

2 A. Not that I know of, sir.

3 Q. All right. You see the suitcase right beside
4 it?

5 A. I do.

6 Q. Whose suitcase is that?

7 A. Mine.

8 Q. Did anyone ever go and get your suitcase for
9 you?

10 A. Not that I know of.

11 Q. Did Charlie Wilson bring it back and have
12 someone from Bob Ledford's RV Marine deliver your
13 suitcase to you?

14 A. I don't know, sir.

15 Q. Have you ever seen that suitcase --

16 A. No.

17 Q. -- since the accident?

18 A. No.

19 Q. Have you ever gone and looked at the car?

20 A. No, sir. It's destroyed.

21 Q. How did you learn it was destroyed?

22 A. I just knew it was.

23 Q. Did somebody tell you?

24 A. Yes, sir. I've never gone to see it so I --
25 yes.

1 Q. But my question is: Who told you it was
2 destroyed?

3 A. My counsel.

4 Q. Okay. Well, I don't want to know about
5 anything with your counsel.

6 A. Okay.

7 Q. Has anyone else told you that the car was
8 destroyed?

9 A. Not that I know of.

10 Q. And prior to August, September of last year,
11 you had not seen any of these photos?

12 A. I don't believe so.

13 Q. Having looked at these photos, do you attach
14 any significance to anything in them?

15 MR. KALBAC: Object to the form.

16 A. Can you rephrase that question?

17 BY MR. ORR:

18 Q. Sure. Having looked at these four photos that
19 you have in front of you, is there anything upon looking
20 at these photos that you found significant?

21 MR. KALBAC: Object to the form.

22 Q. Other than the fact that the car was destroyed?

23 MR. KALBAC: Same objection.

24 A. Well, yeah. It's pretty significant when
25 someone fell asleep while driving a freaking car.

1 BY MR. ORR:

2 Q. Is that what you see in these photos?

3 A. Looks like someone had to be pretty stupid.

4 Q. Are you saying Bradley Ledford was stupid?

5 A. To fall asleep in the car, yeah.

6 Q. Why?

7 A. Anyways, as I was saying, to fall asleep in a
8 car is probably really dumb because, obviously, you ruin
9 people's lives.

10 Q. Do you believe that Bradley Ledford was tired
11 prior to him going off the roadway?

12 A. I don't think that's of any importance in any
13 way.

14 Q. Why is that?

15 A. I mean, I've been tired hundreds of instances.
16 It's just a matter of will power.

17 Q. But my question to you -- and if you don't have
18 any reason to know one way than the other, that's fine,
19 but do you believe that Bradley Ledford was tired prior
20 to him going on the roadway?

21 A. No.

22 (Exhibit No. 13 was marked for identification.)

23 BY MR. ORR:

24 Q. Now I'm going to show you the same set of
25 photographs that -- if you could pass that -- it's

1 **Exhibit 13. And I'm assuming this is another set you**
2 **may have seen before, but can you do the same thing,**
3 **just flip through them for me. I think you've got ten**
4 **photos.**

5 A. (Witness complies.)

6 **Q. Had you ever seen these before?**

7 A. No, sir.

8 **Q. Prior to today?**

9 A. (Shakes head.)

10 **Q. You told me you had seen Exhibit 12 before,**
11 **though, right?**

12 A. Yes, sir.

13 **Q. Other than Exhibit 12 and Exhibit -- and I**
14 **understand you haven't seen Exhibit 13, are there any**
15 **other photographs that you recall seeing of the car or**
16 **the scene of the accident?**

17 A. Yes. I've just seen pictures of me laying down
18 at the scene of the accident.

19 **Q. Do you believe Bradley intended to hurt you?**

20 A. No.

21 MR. KALBAC: Just recovered from that question.

22 MR. ORR: Do we need to take a break?

23 MS. BILLOTTE MOSES: I'm going to officially
24 move to strike any reference to that when we do the
25 trial.

1 MR. ORR: Okay. Now I --

2 MR. KALBAC: You can delete it from the record.
3 I don't care.

4 BY MR. ORR:

5 Q. Do you believe that what happened on April 3,
6 2014, was an accident?

7 MR. KALBAC: Objection to form.

8 A. Yes.

9 Q. Tell me everything that you can remember that
10 you put into the car that you were bringing back home
11 and that was left in the car or burned up or destroyed
12 in this accident.

13 A. .22 long rifle, my cell phone, the thing I
14 refer to as my go bag which had tents, cleaning
15 supplies, weapons, food, hatchets, medical supplies,
16 infant medical supplies, jumper cables, pliers, every
17 kind of tool you could imagine.

18 Q. Suitcase?

19 A. Suitcase, a cooler.

20 Q. That was your cooler?

21 A. Yes, sir.

22 Q. Anything else?

23 A. That's it.

24 Q. Did Bradley Ledford tell you at any point that
25 he was not tired prior to nodding off and going off the

1 **roadway?**

2 A. You mean falling asleep?

3 **Q. Nodding off is the words he used.**

4 MR. KALBAC: Object to the form.

5 A. No. He never told me he was tired that I
6 recall.

7 BY MR. ORR:

8 **Q. One moment. I think I'm just about done. The**
9 **nurse, Greg --**

10 A. Yes.

11 **Q. -- you didn't remember his last name, right?**

12 A. Tumblin.

13 **Q. Do you remember how it's spelled?**

14 A. T-U-M-B-L-I-N.

15 **Q. And do you have his telephone number in your**
16 **phone?**

17 A. I do.

18 **Q. Can you please provide that?**

19 A. I don't think I can.

20 **Q. Why is that?**

21 A. I don't think he wants to be called.

22 **Q. Why is that?**

23 MR. KALBAC: Just give me the number.

24 **Q. Why do you believe that?**

25 MR. KALBAC: Just -- not now. Just give me the

1 number and you can request it, Michael.

2 THE WITNESS: I'll give it to him later.

3 BY MR. ORR:

4 **Q. What I'm asking you is why you believe that I**
5 **don't want to call him?**

6 A. I believe you want to call him. I don't think
7 he wants to be called. He's just a really busy guy.

8 **Q. You're saying you don't believe he wants to be**
9 **bothered?**

10 A. Yes.

11 **Q. Can you please provide his phone number?**

12 MR. KALBAC: He'll give it me and then I'll
13 provide it to you.

14 MR. ORR: We'll do that today?

15 MR. KALBAC: If he has it today.

16 MR. ORR: Well, he has his cell phone on him
17 so --

18 MR. KALBAC: Well, you can't require him to go
19 into the cell phone and retrieve information.

20 MR. ORR: Why not?

21 MR. KALBAC: You can't.

22 MR. ORR: Are you saying that's some rule or
23 something?

24 MR. KALBAC: Yeah. You asked him the question.
25 You can ask him a question, do you know his cell

1 phone, and he said no.

2 MR. ORR: And then he said it's in his cell
3 phone that he has with him.

4 MR. KALBAC: Okay. And then you said will you
5 provide it, and he said he'll provide it to his
6 lawyer. He has answered your question.

7 MR. ORR: We'll see if we can do that --

8 MR. KALBAC: You can send me an interrogatory,
9 and if you haven't exceeded 30, then I'll answer it.

10 MR. ORR: I need you to --

11 MR. KALBAC: Including subparts, by the way.

12 MR. ORR: -- answer that question.

13 THE WITNESS: What question?

14 MR. ORR: I need him to provide the cell phone.

15 MR. KALBAC: He's not going to produce his cell
16 phone here today.

17 MR. ORR: No, him provide the cell phone. He
18 has it. He can look --

19 MR. KALBAC: He doesn't know the answer. I
20 just told you what he's going to do.

21 MR. ORR: Let me finish just for the record.
22 He has his cell phone with him. He has the number in
23 his cell phone. He can look up the number and
24 provide it today.

25 MR. KALBAC: There's no requirement --

1 MR. ORR: And we're required to ask him.

2 MR. KALBAC: Madison, don't pull your cell
3 phone out. You can send an e-mail -- I mean, an
4 interrogatory. I told you how you can get the phone.
5 You've asked --

6 THE WITNESS: I can't find it.

7 MR. KALBAC: -- him a question --

8 BY MR. ORR:

9 **Q. You can't find it?**

10 A. Not right now.

11 **Q. Okay. Have you written e-mails to anybody**
12 **about what happened on April 3, 2015, other than your**
13 **lawyers?**

14 A. No, sir.

15 **Q. Have you sent text messages to anyone other**
16 **than your lawyers about what happened on April 3, 2014?**

17 A. Not that I recall.

18 **Q. Have you sent Facebook messages to anyone other**
19 **than your attorneys about what happened on April 3,**
20 **2014?**

21 A. Not that I recall.

22 **Q. Have you sent tweets or messages on Twitter to**
23 **anyone about what happened on April 3, 2014?**

24 A. I don't recall, sir.

25 MR. ORR: Mr. Cawthorn, I'm sorry we're meeting

1 under these circumstances. I appreciate your working
2 with me today, and I know we've been here for a
3 while. I think some other people may have some
4 questions for you. Thank you.

5 THE WITNESS: Thank you.

6 CROSS-EXAMINATION

7 BY MR. FERNANDEZ:

8 Q. Good afternoon, Mr. Cawthorn. I'm going to not
9 be as long as Mr. Orr was or, obviously, cover what he's
10 already talked about, but sometimes during the
11 deposition I had a little difficulty hearing what you
12 said. So I want to just ask you a few follow-up
13 questions.

14 A. Yes, sir.

15 Q. Do you remember what day of the week it was
16 when you left North Carolina to go see David Ledford?

17 A. I believe it was Saturday.

18 Q. And roughly how long of a drive was it from
19 where you were in Asheville to South Carolina?

20 A. About an hour at the most.

21 Q. And I believe you said when you got to South
22 Carolina, you went to Costco, and I think you had
23 something to eat; is that right?

24 A. Yes, sir.

25 Q. Is that pretty much the extent of your

1 **activities in Greenville when you went to South**
2 **Carolina?**

3 A. We also got new tires from Costco.

4 **Q. That's what you did at Costco?**

5 A. Yes, sir.

6 **Q. How many hours would you estimate you spent in**
7 **Greenville, roughly?**

8 A. Maybe one.

9 **Q. And do you remember what time you got to**
10 **Greenville?**

11 A. It was midafternoon.

12 **Q. All four tires were replaced?**

13 A. I believe so, sir.

14 **Q. So you would have left sometime in the**
15 **afternoon?**

16 A. Yes, sir.

17 **Q. And when you left Greenville, it was just you**
18 **and Brad Ledford in the car?**

19 A. Yes, sir.

20 **Q. And your objective was to travel straight to**
21 **Florida to attend a concert?**

22 A. Yes, sir.

23 **Q. Do you remember the name of the band that you**
24 **were going to see?**

25 A. Avett Brothers. I remember that.

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Q. Sir?

A. The Avett Brothers.

Q. And that was in what city, that concert?

A. It was -- I believe it was here in Orlando.

Q. The concert was in Orlando?

A. Or maybe it was in Tampa. Tampa maybe.

Q. You said the mascot was a dog?

A. I think it was. I believe so. It was a red school. I know that.

Q. And you got to the concert, I think you said, around 8:30 which is about an hour and a half after it started?

A. Yes, sir.

Q. And along the way you stopped only in one location to get gas?

A. Oh, I don't know that, sir. I think he assumed that.

Q. How many times did you stop, if you remember?

A. I don't remember.

Q. And you're not able to tell us how many times you switched positions and driver seat with Brad Ledford?

A. I know we both drove probably at least two times.

Q. And you have no recollection as to which route

1 or which roads you took to get to Florida?

2 A. No, sir.

3 Q. Do you remember if it was the East Coast or the
4 West Coast that you drove down of Florida?

5 A. Of Florida?

6 Q. Yes, sir.

7 A. Oh, I believe it was the West Coast.

8 Q. From the time you left Greenville until the
9 time you got to the concert, did you drive through any
10 construction zones on the highways?

11 A. Yes, sir.

12 Q. Do you remember which construction zones you
13 drove through, sir?

14 A. No, sir.

15 Q. But it wasn't one of the interstates that you
16 were traveling on?

17 A. Yes, sir.

18 Q. And it was obvious to you in those situations
19 that you were in a construction zone when you saw, for
20 example, the fast warning signs?

21 A. Absolutely.

22 Q. Were there times where Brad Ledford was driving
23 the vehicle during the time that you were driving
24 through those other construction zones?

25 A. I don't recall, sir.

1 Q. Were there times that you were driving the
2 vehicle through those construction zones?

3 A. I believe so.

4 Q. Had you ever driven in a motor vehicle with
5 Brad Ledford through a construction zone other than when
6 you came down to Florida?

7 A. Yes, sir.

8 Q. Were there times where Brad Ledford was driving
9 the vehicle that you were in, in the construction zone?

10 A. Almost every time we rode together.

11 Q. And where do you remember riding in a vehicle
12 where Brad Ledford was the driver and you were in a
13 construction zone?

14 A. On the I-26 corridor in the Asheville area
15 there's been construction on that for about the last
16 four years, and then on I-40 there's also construction
17 there.

18 Q. And those are two roads that you were a
19 passenger in Brad Ledford's car when you were driving
20 through there?

21 A. Yes, sir.

22 Q. Did you have conversations with Brad Ledford
23 about the construction zones in those areas when you
24 were driving with him?

25 A. I don't believe we had specific conversations,

1 no, sir.

2 Q. When you were driving to Florida, is that when
3 you said that you and Brad Ledford were switching seats
4 while driving the vehicle?

5 A. Yes, sir.

6 Q. And you did that each of these two times?

7 A. Yes, sir.

8 Q. Before you got to the concert, do you remember
9 when the last time was that you actually performed that
10 maneuver?

11 A. I don't remember sir, no.

12 Q. And whenever it was that you performed that
13 maneuver with Brad Ledford, you were actually on the
14 interstate driving?

15 A. Yes, sir.

16 Q. The first night, what time did the concert end,
17 sir?

18 A. I believe at around 10:00 or 11:00, maybe
19 10:30, maybe.

20 Q. And during the concert, did you see Brad
21 Ledford drinking any alcoholic beverages?

22 A. He definitely did not, no, sir.

23 Q. And when you left the concert, did you stick
24 around and then meet people and socialize at the
25 concert?

1 A. Yes, sir, we did.

2 Q. Until what time would you say you did that?

3 A. Probably until about 11:00, 11:30.

4 Q. And at around 11:00 or 11:30 when you left, did
5 you drive straight to the camp site?

6 A. Yes, sir.

7 Q. Is that the location where David Ledford had
8 some sort of cabin?

9 A. Yes, sir.

10 Q. I think it's called the Wallaby Ranch. Does
11 that sound right?

12 A. That's it.

13 Q. And did you stop anywhere along the way from
14 the time you left the concert site to the Wallaby Ranch
15 that night?

16 A. No, sir.

17 Q. So if you left the concert around 11:30, you
18 would have driven straight from the concert all the way
19 to the Wallaby Ranch?

20 A. Absolutely.

21 Q. Can you estimate for me how long it took you to
22 get from the concert to the Wallaby Ranch?

23 A. I wouldn't think it was more than an hour.

24 Q. So you would have gotten to the Wallaby Ranch
25 after midnight?

1 A. Yes, sir.

2 Q. When you got to the Wallaby Ranch, did you
3 greet Mr. Ledford and Joni, or were they already asleep?

4 A. No, sir. They were not present at the camp
5 that day.

6 Q. When you got to the Wallaby Ranch, where did
7 you go? Where did you report to?

8 A. When we went in, they -- it was -- I believe it
9 was, like, their anniversary of opening or something,
10 and so there was kind of a -- like a small party going
11 on. And so we just got out and met -- Brad knew many of
12 the people there and so we met a lot of people and
13 then --

14 Q. And you socialized when you got there for how
15 long?

16 A. Not very long, just kind of long enough to meet
17 about ten people and then to direct us to our rooms, and
18 then we had some Oreos and then went to bed.

19 Q. So did you go to bed that night past 1:00 a.m.?

20 A. Probably, yes, sir.

21 Q. And Brad Ledford went to bed at the same time
22 as you?

23 A. He did.

24 Q. The next morning, is that when you got up
25 around seven o'clock in the morning?

1 MR. ORR: Object to form.

2 MS. ENGELKE: Form.

3 A. Yes, sir.

4 BY MR. FERNANDEZ:

5 Q. And the next morning when you got up early, is
6 that when you went to the beach?

7 A. Indeed.

8 Q. Did Brad Ledford get up about the same time
9 that you did?

10 A. He did, sir.

11 Q. I think you mentioned -- you mentioned you had
12 breakfast that morning?

13 A. I did.

14 Q. Did you have breakfast at the Wallaby Ranch?

15 A. Yes, sir.

16 Q. And do you remember what time you left the
17 Wallaby Ranch to go to the beach that morning?

18 A. We probably would have packed up in about 45
19 minutes and been ready to move out, so probably around
20 8:00, 9:00.

21 Q. And how long did it take to get from the
22 Wallaby Ranch to Clearwater Beach, roughly?

23 A. I don't know, sir. Just knowing where the
24 location is, I would say probably a little over an hour.

25 Q. Did you drive straight to Clearwater Beach from

1 **Wallaby Ranch?**

2 A. Yes, sir.

3 **Q. Just you and Brad Ledford?**

4 A. Yeah.

5 **Q. Was it your plan to meet anyone at the beach**
6 **that you knew that day?**

7 A. No, sir.

8 **Q. When you got to the Clearwater Beach, did you**
9 **go straight to the beach sand to actually enjoy the**
10 **beach, or did you go somewhere else first?**

11 A. We went straight to the beach. Yes, sir.

12 **Q. So you had gotten to the beach around nine**
13 **o'clock in the morning --**

14 A. Yes, sir.

15 **Q. -- give or take?**

16 A. Yeah.

17 **Q. And did you spend the whole day at the beach?**

18 A. The entire day, yes, sir.

19 **Q. I believe you said you met new friends, made**
20 **new friends on the beach?**

21 A. Yes, sir.

22 **Q. And then did you say that on that day you met**
23 **people that you already knew or no?**

24 A. I had -- we bumped into someone that we knew
25 but out of no plan. It was just circumstance.

1 Q. Your girlfriend at the time was Gracelyn?

2 A. Yes, sir.

3 Q. Was she in Florida?

4 A. She was on a cruise. I believe she may have
5 been in Florida waters. I'm not 100 percent sure.

6 Q. When did Gracelyn get to the mainland, Florida?

7 A. She returned back to Florida on, I believe,
8 Tuesday.

9 Q. So after spending the entire day at the beach,
10 you left the beach at around what time?

11 A. In the evening, around -- probably around 5:00,
12 6:00.

13 Q. So you and Brad Ledford were at the beach from
14 around 9:00 a.m. till about 5:00 or 6:00 p.m.?

15 A. Yes, sir.

16 Q. And was that one of the days that you said you
17 had some beers to drink?

18 A. No, sir. That was the next day.

19 Q. On this first day that we're talking about, did
20 Brad Ledford have anything to drink at the beach?

21 A. No, sir.

22 Q. At the end of that day, is that when you
23 checked into a hotel?

24 A. Yes.

25 Q. The hotel was in Clearwater?

1 A. Yes, sir.

2 **Q. And you don't remember the name of the hotel?**

3 A. I believe it was the Marriott. It's a giant
4 pink one. Any time you look at Clearwater, it's the
5 picture.

6 **Q. And who booked that room? You or Brad Ledford?**

7 A. I think we did it under Brad's name because he
8 was the only one with a credit card.

9 **Q. Did you use his credit card?**

10 A. Yes, sir, but then we paid in cash. You just
11 had to put a credit card down.

12 **Q. Do you know if it was his personal card or one
13 of his parents' cards?**

14 A. It was his mother's card.

15 **Q. Do you know if he used the card at the hotel
16 while you were there?**

17 A. I don't know, sir.

18 **Q. Did you stay at that hotel just for one night,
19 sir?**

20 A. No. We stayed for two nights, sir.

21 **Q. So that takes us to the next morning. First of
22 all, what time did you-all go to bed that night?**

23 MR. ORR: Object to form.

24 A. Probably later in the evening.

25 BY MR. FERNANDEZ:

1 **Q. What's your best estimate?**

2 A. It was about our habit to usually go to bed
3 around midnight.

4 **Q. And, again, for this first night at the hotel,**
5 **did Brad Ledford go to bed about the same time you did?**

6 A. Yes, sir. We always went to bed at the same
7 time.

8 **Q. From the time that you left the beach at around**
9 **five o'clock or so until midnight, what did you and Brad**
10 **do?**

11 A. We got -- we went -- they had a complimentary
12 room that we could go to immediately, and so we went
13 there and showered and changed clothes and then went to
14 dinner. And then we just walked around the little strip
15 area.

16 **Q. And do you remember where you went to dinner?**

17 A. No, sir. They serve seafood. I know that.

18 **Q. Did Brad have anything to drink at dinner?**

19 A. Not alcoholic, no, sir.

20 **Q. The champagne that you described that was in**
21 **the cooler, who bought that champagne?**

22 A. Neither of us bought it. We grabbed it from
23 the Wallaby Ranch.

24 **Q. You grabbed it from where in the Wallaby Ranch?**

25 A. Like I said, they were kind of having a

1 celebration and everyone over there is over 21. So we
2 arrived and so it was just kind of sitting in like a
3 basin with water in it.

4 **Q. Was there any other alcohol in the cooler other**
5 **than the champagne?**

6 A. No, sir.

7 **Q. Was it an entire bottle of champagne?**

8 A. Yes, sir.

9 **Q. When did you-all try the champagne?**

10 A. I believe on our last night -- last night
11 there, sir.

12 **Q. During the course of the deposition, you**
13 **grimaced sometimes to show that you're in some sort of**
14 **pain, but the question wasn't asked. What part of your**
15 **body is causing you pain during the deposition?**

16 A. What it is, it's called nerve pain so it's my
17 nerves trying to restart because I have some nerve
18 centers that are still just intact below my legs. But
19 they're just -- the only pain signals that can get
20 through is just pain. And so whenever they try and
21 reboot, they're just testing the waters kind of, and so
22 it's normally below my left knee in that entire area of
23 the leg and occasionally in my right leg.

24 **Q. Mostly in your left leg?**

25 A. Yes, sir.

1 Q. And how often do you experience that pain in
2 your left leg?

3 A. It's pretty sporadic. I have a low level of
4 pain all throughout the day no matter what. I rate that
5 about a three out of ten, but then that pain is about a
6 six or a seven.

7 Q. So throughout --

8 A. And it --

9 Q. I'm sorry. Go ahead.

10 A. It usually comes maybe three or four times an
11 hour, more than that maybe.

12 Q. So throughout the entire day you experience
13 pain that you rate about three out of ten into your left
14 leg, a steady pain?

15 A. Yes. That's just all day.

16 Q. And then three or four times an hour you
17 experience this pain that you describe as -- you say six
18 or seven out of ten?

19 A. Yes, sir.

20 Q. And you experience that pain three or four
21 times an hour every day?

22 A. Yes, sir.

23 Q. So we're getting back to the -- you spent the
24 first night at the hotel. You wake up the next morning,
25 and did you-all go straight to the beach the next

1 **morning?**

2 A. We did, sir.

3 **Q. Do you remember what time you got up the next**
4 **morning?**

5 A. We -- I mean, we don't -- we didn't usually
6 require much sleep so I think we got up around 9:00,
7 maybe 10:00. Then we had breakfast and went down to the
8 beach.

9 **Q. And you had breakfast at the hotel?**

10 A. Yes, sir.

11 **Q. The next day when you went to the beach, you**
12 **had gotten there around 9:00 or 10:00?**

13 A. Yes, sir.

14 **Q. And how long did you spend at the beach on that**
15 **second day?**

16 A. All day again.

17 **Q. Until what time?**

18 A. Until about 5:00 or 6:00 in the afternoon. We
19 left to go get lunch.

20 **Q. During that day did Brad Ledford have anything**
21 **to drink that was alcoholic?**

22 A. Yes, sir.

23 **Q. What did he drink?**

24 A. Some beers.

25 **Q. How many beers did you see Brad Ledford drink**

1 **or did he tell you that he drank?**

2 A. Probably about two.

3 **Q. What type of beer did he drink?**

4 A. I couldn't tell you, sir.

5 **Q. Where did he get the beer?**

6 A. Just from some friends we had made on the
7 beach.

8 **Q. People that you did not know before you got**
9 **there?**

10 A. Right. Correct.

11 **Q. In addition to those two beers, did you see him**
12 **drink any champagne on that second day?**

13 A. No, sir. That was on the third day, our last
14 day in the hotel.

15 **Q. And what time did you leave the beach that**
16 **second day?**

17 A. About 5:00 or 6:00 p.m.

18 **Q. Same routine as the first day?**

19 A. Yes, sir.

20 **Q. And then you were going to spend a second night**
21 **at the hotel, right?**

22 A. Correct.

23 **Q. Did you go back to the room to shower again?**

24 A. Yes, sir.

25 **Q. And did you-all go to dinner again?**

1 A. We did.

2 **Q. Do you remember where you went to dinner the**
3 **first night or the second night?**

4 A. No, sir. I don't remember the first night.
5 The second night was -- I don't remember. I know we had
6 seafood again but we just -- we would just find people
7 that we knew that lived around there and asked them
8 where to go.

9 **Q. During the second night at dinner, did Brad**
10 **Ledford have anything to drink?**

11 A. No, sir, not alcoholic.

12 **Q. How late did you spend at dinner the second**
13 **night?**

14 A. We were probably done with dinner around 7:00
15 or 8:00, and then we just milled around the area.

16 **Q. You say "milled around the area." What did you**
17 **do in general?**

18 A. We had made several friends and we would meet
19 up with them and --

20 **Q. Were there, like, bars and lounges that you**
21 **went to with him?**

22 A. No, sir. It was more just the shops because
23 none of us are 21 so we couldn't get into any bars and
24 piers and just -- it was a really big boardwalk area so
25 there was lots of places to congregate.

1 Q. So you were socializing with the people in
2 those areas?

3 A. Yes, sir.

4 Q. And until what time did you socialize with them
5 in those public areas?

6 A. Probably until about 10:00, and then we invited
7 some people back to the pool at the hotel with us.

8 Q. Marriott?

9 A. Yes, sir.

10 Q. And did they come back to the hotel?

11 A. They did.

12 Q. How many people did you invite back?

13 A. It was a group of five people.

14 Q. Have you -- did you make them friends that you
15 still keep in touch with or --

16 A. Yes, sir.

17 Q. Do you remember their names?

18 A. One is Savannah Brook and the other is Shaylin
19 (phonetic) Taylor. I don't remember the others' names.

20 Q. And they got to your pool with you at around
21 what time?

22 A. 10:00, 10:30.

23 Q. How long did you and your five friends and Brad
24 stay at the pool that second night?

25 MR. ORR: Object to the form.

1 A. Until about midnight or so.

2 BY MR. FERNANDEZ:

3 Q. Was Brad with you?

4 A. He was.

5 Q. At midnight did your five new friends leave, or
6 did they stay at the hotel with you?

7 A. They didn't stay the night at the hotel with
8 us. They stayed with us for a little while.

9 Q. So they came back to the room?

10 A. Yes, sir.

11 Q. Which one of the girls came back to the room,
12 the young ladies?

13 A. They all did.

14 Q. They all did?

15 A. Yes, sir.

16 Q. So there was seven of you in the room?

17 A. Yes, sir.

18 Q. And you get there around midnight?

19 A. Yes, sir.

20 Q. And are they all about your age, the five
21 people that were there?

22 A. Yes, sir.

23 Q. And when you get to the room at midnight with
24 these five new friends, I assume you were obviously
25 having a good time with them in the room?

1 A. Indeed, sir.

2 **Q. Playing music?**

3 A. I think we were watching a movie, I believe. I
4 don't remember the movie.

5 **Q. Anybody in the group of seven drinking alcohol?**

6 A. No, sir.

7 **Q. Not one?**

8 A. No, sir.

9 **Q. Was there alcohol in the room at that time?**

10 A. There was the champagne bottle, but it hadn't
11 been opened. I know one of the girls had drank alcohol
12 previous to us finding them, but they weren't drinking
13 around us.

14 **Q. And among the five people that were there, were**
15 **they romantic interests for you and Brad?**

16 A. I had kissed one of them, but they weren't
17 really romantic interests.

18 **Q. Okay. Well, that counts as romantic.**

19 A. Okay.

20 MS. BILLETTE MOSES: In your era.

21 **Q. And how long did you and your five new friends**
22 **and Brad stay in the room that second night?**

23 A. Late into the evening, probably until about
24 3:00 in the morning or so.

25 **Q. And they left around three o'clock in the**

1 **morning?**

2 A. I would -- yes, sir.

3 **Q. And Brad was up entertaining them with you**
4 **until three o'clock in the morning.**

5 MS. BILLETTE MOSES: Object to form.

6 A. Around then, yes, sir.

7 **Q. And who was he paired with in that group --**

8 MS. BILLETTE MOSES: Object to the form.

9 **Q. -- if anyone?**

10 A. If you could say paired with, I would say maybe
11 the young lady named Shaylin, but I wouldn't -- I'm -- I
12 think paired is too strong of a word. I mean --

13 BY MR. FERNANDEZ:

14 **Q. Who was he interested in?**

15 A. Shaylin, yeah. Yes, sir.

16 **Q. And was she interested in him?**

17 A. Yes, sir.

18 **Q. Did she stay up until three o'clock in the**
19 **morning?**

20 A. Yes, sir.

21 **Q. And she spent her time mostly with Brad?**

22 MS. BILLOTTE MOSES: Object to form.

23 A. Yes, sir. But, I mean, we -- him and I kind of
24 consider ourselves gentlemen so we weren't doing
25 anything inappropriate with them. We were just --

1 BY MR. FERNANDEZ:

2 Q. And I'm not suggesting that you were.

3 A. Yes, sir. We were just hanging out.

4 Q. I understand. And when your five friends left,
5 did they all leave at once?

6 A. Yes, sir.

7 Q. And at that point, at around three o'clock in
8 the morning, did you and Brad talk for a while?

9 A. We wrestled that night. I know that, and then
10 we --

11 Q. After your friends left?

12 A. Yes, sir.

13 Q. So at three o'clock in the morning you started
14 wrestling with Brad?

15 A. Yes, sir.

16 Q. And for how long did you wrestle with Brad?

17 A. I don't know. Maybe ten minutes.

18 Q. And after those ten minutes, you spent some
19 time talking with each other about the night, recapping
20 what happened?

21 A. Yes, sir.

22 Q. For how long?

23 A. Probably about five, ten minutes. We went to
24 bed rather quickly after we brushed our teeth.

25 Q. So you would have gone to bed roughly about

1 **3:30 in the morning?**

2 MR. ORR: Object to form.

3 A. Yes, sir.

4 BY MR. FERNANDEZ:

5 **Q. And the next morning you got up at around what**
6 **time to check out of the hotel?**

7 MR. ORR: Object to form.

8 A. Oh, we had the fire alarm that night so we went
9 to bed later that night.

10 **Q. Okay. So --**

11 A. Because we had gone to bed about 3:00 or 3:30,
12 and then the fire alarm went off kind of right as we
13 were in bed.

14 **Q. Okay. So you and Brad went to bed the second**
15 **night at about 3:30, and then the hotel's fire alarm**
16 **went off?**

17 A. Yes, sir.

18 **Q. Which, obviously, disrupted your sleep, right?**

19 A. Yes, sir.

20 **Q. And made you get up?**

21 A. Right.

22 **Q. Made Brad get up?**

23 A. Right.

24 **Q. And did you have to leave the room?**

25 A. Yeah. We went outside. We brought our

1 football and made new friends.

2 Q. So it was a full-fledged fire drill?

3 A. Yes, sir, yeah.

4 Q. At 3:30 in the morning --

5 A. Yes, sir.

6 Q. -- after you went to bed at three o'clock in
7 the morning?

8 A. Indeed.

9 Q. And did everybody in the hotel -- did you see
10 people leave with you?

11 A. Everyone in the hotel had to get out.

12 Q. And you and Brad took a football with you?

13 A. Yes, sir.

14 Q. And did you throw the football around at 3:30
15 in the morning?

16 A. We did.

17 Q. I assume that it takes some period of time for
18 everyone in the hotel to march out and then to be
19 cleared to come back into the hotel, right?

20 A. I guess so, sir, yeah.

21 Q. How long did you play football at 3:30 in the
22 morning?

23 MR. ORR: Object to form.

24 A. Probably about 20 to 30 minutes. We hung out
25 with the firefighters. They let us climb on their

1 ladders and we had a good time.

2 BY MR. FERNANDEZ:

3 Q. So around what time was it when you were
4 notified that you could go back to the hotel? Sometime
5 after 4:00 a.m.?

6 A. Yes, sir.

7 MR. ORR: Object to form.

8 Q. And who notified you? Was it a loudspeaker, a
9 person? How did you find out?

10 A. It was -- I assume the night manager. She was
11 wearing a different uniform from the other crew members.
12 She came out and just kind of announced it was good to
13 go back in and then. . .

14 Q. And did you allow most of the others to go back
15 into the hotel before you went back in?

16 A. Well, actually, Brad and I became friends with
17 this kind of younger family, and so we carried two of
18 the younger kids up, kind of right as it started, up to
19 the room for them.

20 Q. Were they on the same floor or a different
21 floor?

22 A. They were two floors above us.

23 Q. And when you got up there, did you spend some
24 time talking with them?

25 A. No, sir. We went right back to bed.

1 Q. They were tired --

2 A. Oh, yeah.

3 Q. -- little kids, right?

4 A. Yeah.

5 Q. Okay. So you got back to your room around what
6 time after 4:00 a.m.?

7 A. It was not -- it didn't take too long. It was
8 about probably 4:05, 4:10.

9 Q. And at that point did you and Brad wrestle
10 again or --

11 A. No. We --

12 Q. -- did you talk or --

13 A. -- we went to bed. That was --

14 Q. You were tired at that point?

15 A. Yes, sir, yes.

16 Q. And so you went to bed sometime after 4:05 or
17 4:10 a.m.?

18 A. Yes, sir.

19 Q. And you got up the next morning around what
20 time?

21 A. 10:00, 10:00 or so.

22 Q. And when you got up at 10:00, did you pack up
23 all your stuff?

24 A. Yes, sir. I believe we did. That would be
25 Wednesday?

1 **Q. After your second night at the hotel.**

2 A. I believe -- yes, sir. If that's the day we
3 went back -- if that's the day we went to the Disney
4 World, then yes.

5 **Q. Well, after you checked out of the hotel is**
6 **when you went to Disney?**

7 A. Yes, sir, yes. So we packed everything up.

8 **Q. So you got up at 10:00. Around what time did**
9 **you leave the hotel?**

10 A. Not too long after that we just got dressed and
11 headed out.

12 **Q. And was it your intention that morning to go**
13 **straight to Disney World?**

14 A. I believe so. Yes, sir.

15 **Q. And you were meeting your girlfriend?**

16 A. Yes, sir.

17 **Q. And her friend?**

18 A. Yes, sir.

19 **Q. And her friend's name was?**

20 A. Celeste.

21 **Q. Did you know Celeste before that?**

22 A. I did, sir.

23 **Q. Did Brad know Celeste before that?**

24 A. Very well.

25 **Q. Did he date Celeste?**

1 A. More or less, yes, sir.

2 **Q. He was interested in Celeste?**

3 A. They had been before but not at that time. He
4 had a girlfriend.

5 **Q. Is that one of the reasons he was interested in**
6 **going?**

7 A. No, sir. It was just primarily just for me
8 because I was asking her to the prom there and so. . .

9 **Q. And did you drive straight to the park?**

10 A. I believe so, sir.

11 **Q. And I didn't get this part, but do you remember**
12 **which park it was that you went to?**

13 A. I believe it was the Studio park. I'm not 100
14 percent sure.

15 **Q. Disney Studios?**

16 A. I think so, sir.

17 MR. KALBAC: Was it Universal?

18 MS. ENGELKE: MGM.

19 BY MR. FERNANDEZ:

20 **Q. MGM? Does that sound right?**

21 A. Yes, sir. It was one that looked like a big
22 movie set everywhere.

23 MR. FERNANDEZ: Right. Okay. Let's go ahead
24 and change.

25 THE VIDEOGRAPHER: Going off the video record.

1 The time is 4:01 p.m.

2 (Break was taken.)

3 THE VIDEOGRAPHER: We are now back on the video
4 record. The time is 4:16 p.m.

5 BY MR. FERNANDEZ:

6 Q. Mr. Cawthorn, we were just discussing the point
7 in time you checked out of your hotel to go to Disney
8 World, and I have a few more follow-up questions for
9 you. Was it just you and Brad that drove to the Disney
10 park?

11 A. Yes, sir.

12 Q. Do you remember what time you arrived there?

13 A. I don't remember, sir.

14 Q. Can you give me a best estimate as to when it
15 would have been? Morning, afternoon?

16 A. Probably afternoon.

17 Q. And you didn't do anything in between the time
18 you left the hotel till the time you went to Disney; you
19 just drove straight there?

20 A. We may have stopped to eat something. I don't
21 recall completely.

22 Q. When you got to the Disney park, was your
23 girlfriend and her friend already there?

24 A. Yes, sir, they were.

25 Q. They got there first?

1 A. Yes, sir. They had a hotel there.

2 **Q. At Disney?**

3 A. Yes, sir. They had been on a Disney cruise and
4 so. . .

5 **Q. Were they with their family or alone?**

6 A. They were with -- my girlfriend was with her
7 friend's family.

8 **Q. Did you meet them at the hotel or in the park?**

9 A. Well, they didn't know we were at the park. We
10 kind of coordinated with the park directors and
11 everything to construct something.

12 **Q. You surprised them?**

13 A. Yes, sir.

14 **Q. So you knew that your girlfriend was going to**
15 **be at the park, but they didn't know you were going to**
16 **be there?**

17 A. Yes, sir.

18 **Q. And how did you find them at the park? How did**
19 **you know where to find them?**

20 A. We -- I kind of, like, located them with them,
21 and then there was -- my girlfriend's favorite Disney
22 movie was the Beauty and the Beast, and so that's the
23 play they were doing that day by chance. And so they
24 had kind of -- we had kind of found them and told them
25 where they were, and so they had one of their employees

1 following them. And they walked up to my girlfriend and
2 said, hey, we have special tickets for you, come with
3 me, and they kind of took her, like, on one of those,
4 like, express ride things. And then she went and sat
5 down. Her and her friend got to sit, like, this throne
6 to watch the play. And then at the end the beast took
7 his head off and it was me, and then I said -- I asked
8 her to the prom.

9 **Q. That's a terrific story.**

10 A. It was a good time.

11 **Q. Very nice. Making the rest of us look bad.**

12 **And around what time was it that you actually saw her**
13 **that day?**

14 A. It was midafternoon. It was probably around
15 3:00.

16 **Q. After you saw her, did you spend some time with**
17 **her and her friend at the park?**

18 A. Yes, sir. We rode just about every ride. They
19 gave us one of those little express pass things so we
20 got to go to them all.

21 **Q. And how late did the four of you stay at the**
22 **park?**

23 A. Not that late. They had another show to catch,
24 and so then Brad and I headed back to the. . .

25 **Q. What time would you estimate that you left the**

1 **park that day?**

2 MR. ORR: Object to form.

3 A. Probably around 5:00 or 6:00.

4 BY MR. FERNANDEZ:

5 **Q. And when you left the park, was it your**
6 **intention to go straight back to the Wallaby Ranch?**

7 A. Yes, sir.

8 **Q. Did you stop anywhere along the way?**

9 A. No, sir.

10 **Q. What time would you estimate you got to the**
11 **Wallaby Ranch?**

12 A. Later -- early evening.

13 **Q. On that day that you went to Disney, did Brad**
14 **Ledford have anything to drink?**

15 A. No, sir.

16 **Q. And, I'm sorry, what's your best estimate as to**
17 **what time you got to the Wallaby Ranch?**

18 A. Early evening, 5:00 or 6:00. We ate dinner
19 there and then. . .

20 **Q. You had dinner at the Wallaby Ranch?**

21 A. Yes, sir.

22 **Q. At someone's cabin, or is there a restaurant**
23 **there?**

24 A. The cabins are all kind of built around this --
25 like a central building where they have kind of a mess

1 hall.

2 Q. Is that where you ate, at the mess hall?

3 A. Yes, sir.

4 Q. And after you had dinner -- dinner was around
5 what time?

6 A. Probably around 7:00, I guess.

7 Q. And Brad had dinner with you?

8 A. Yes, sir.

9 Q. What time did you finish dinner, would you say?

10 A. I mean, pretty quickly. Maybe 7:30. We talked
11 to a lot of people around there.

12 Q. And after dinner what did you and Brad do that
13 evening?

14 A. We kind of just -- we kind of had a laid-back
15 evening, and then we went to bed with Mr. David and
16 Ms. Joni around -- we got to bed early, probably 10:30,
17 11:00.

18 Q. And did Brad Ledford go to bed the same time
19 that you did?

20 A. Yes, sir. He fell asleep before I did.

21 Q. And did you-all sleep in the same room --

22 A. Yes, sir.

23 Q. -- you and Brad?

24 A. Yes, sir.

25 Q. Were you asleep from the time you went to bed

1 at 10:30 or 11:00 until the next morning?

2 A. Indeed.

3 Q. So you don't know if you woke up during the
4 night, for example?

5 A. Correct. I would not know that.

6 Q. And the next morning you got up at what time?

7 MR. ORR: Object to form.

8 A. It wasn't a -- it wasn't a very early time. It
9 may be 8:00 or 9:00, and then we had breakfast, brushed
10 our teeth, packed up, and then went with Mr. David to
11 the airport.

12 BY MR. FERNANDEZ:

13 Q. The glider port?

14 A. Yes, sir.

15 Q. And what time did you leave to go to the glider
16 port?

17 A. In the morning. I couldn't tell you what time.
18 Maybe around 10:30, 11:00.

19 Q. Shortly after breakfast?

20 A. Yes, sir.

21 Q. And after you finished the activity at the
22 glider port, did you come back to the Wallaby Ranch
23 before leaving?

24 A. Come back to Wallaby Ranch. No, sir, no. We
25 left straight from the glider port.

1 Q. So from the glider port that's where you
2 started your journey back to --

3 A. Indeed.

4 Q. -- North Carolina before the accident happened?

5 A. Yes, sir. Went to Steak'n Shake after that.

6 Q. From the glider port you went straight to
7 Steak'n Shake?

8 A. Yes, sir.

9 Q. Do you remember what city it was in?

10 A. I do not. I remember I located it kind of
11 recently, but I couldn't pull it off the top of my head.

12 Q. Do you remember how far it was from the glider
13 port?

14 A. No, sir.

15 Q. That's where you and Brad had the two meals?

16 A. Yes, sir.

17 Q. He had a second meal as well?

18 A. He did, yeah.

19 Q. It sounds like you and Brad engaged in the same
20 activities during this trip together; is that true?

21 A. We absolutely did, yes, sir.

22 Q. You went -- you woke up at the same time,
23 right?

24 A. Yes, sir.

25 Q. Went to bed at the same time?

1 A. We were like twins.

2 **Q. You mirrored each other's activities during all**
3 **of those days up until the time of the accident, right?**

4 A. Indeed, sir.

5 MR. ORR: Object to form.

6 MR. KALBAC: Object to the form.

7 BY MR. FERNANDEZ:

8 **Q. And when you left the Steak'n Shake, is that**
9 **when you went to sleep?**

10 A. Yes, sir. As I said, I don't really have any
11 memory after Steak'n Shake so I assume I went to sleep,
12 but I don't know that I did.

13 **Q. Okay. If Brad testified that you went to**
14 **sleep, you wouldn't have any reason to dispute that?**

15 A. I wouldn't be able to answer.

16 **Q. And if true, then you would have gone to sleep**
17 **because you were tired, correct?**

18 A. Yes, sir.

19 **Q. And to summarize, from the time that you left**
20 **Steak'n Shake, you have zero memory of any activities**
21 **that happened, anything that happened whatsoever until**
22 **the time you got to Halifax Hospital?**

23 A. Yes, sir.

24 MR. ORR: Object to form.

25 BY MR. FERNANDEZ:

1 Q. You mentioned at one point that you have just
2 one kidney?

3 A. Yes, sir.

4 Q. Did you lose a kidney in the accident?

5 A. It was ripped clean off. Yes, sir.

6 Q. Are you taking any sort of special medications?
7 Are you receiving any special medical care as a result
8 of that condition?

9 A. No, sir. I'm just having to have -- watch my
10 intakes.

11 Q. Do you see a nephrologist?

12 A. I do have one, but I really don't have many
13 problems with it.

14 Q. You haven't had any side effects, any problems
15 you've experienced so far?

16 A. No, sir. Other than early on I got sick a lot
17 just because of it, they said, but -- they said it's
18 kind of learned to keep up.

19 Q. You talked about -- I'm going to jump around
20 here looking at my notes.

21 A. Go ahead, boss.

22 MR. KALBAC: Mr. Fernandez.

23 Q. You talked about a Facebook message that Brad
24 sent to -- was it your brother?

25 A. Yes, sir.

1 Q. And when you say a Facebook message, is that a
2 post on Facebook, or is it an actual e-mail message
3 through Facebook?

4 A. It's very similar to like an instant message
5 that you just send straight to him, through their
6 Facebook.

7 Q. Okay. It's the actual message, not the post?

8 A. Yes, sir.

9 Q. And so the message was transmitted by Bradley
10 Ledford and sent to your brother?

11 A. Yes, sir.

12 Q. Your brother's name is Zach?

13 A. It is.

14 Q. And your knowledge of that message is that you
15 actually saw it?

16 A. Yes, sir.

17 Q. Your brother showed it to you?

18 A. Yes, sir. It's in the stack somewhere.

19 Q. It's in what stack?

20 A. This stack.

21 Q. The Facebook message is in there?

22 A. Yes, sir.

23 Q. Could you show it to me?

24 A. I could.

25 MS. BILLOTTE MOSES: You have it as an exhibit.

1 MR. ORR: You have it as an exhibit. It was
2 attached to --

3 MS. BILLOTTE MOSES: It was part of my
4 production.

5 MR. ORR: -- Exhibit Number --

6 MS. BILLOTTE MOSES: Number 10 or 11. Here we
7 go, No. 9.

8 MR. FERNANDEZ: Oh, I see.

9 MS. BILLOTTE MOSES: My response for request to
10 produce.

11 BY MR. FERNANDEZ:

12 Q. So when you were discussing the Facebook
13 message earlier, it's the one that's identified as page
14 74 on Exhibit No. 9. I want to make sure that's the
15 same one you're talking about.

16 A. On Exhibit No. 9?

17 Q. Yes, sir. If you look at the bottom right-hand
18 corner, it should be PL Depo 0074. Is that the one
19 you're referring to?

20 A. Yes, sir, it is.

21 Q. Thank you, sir. You mentioned earlier that you
22 and Brad have spoken to groups together?

23 A. Yes, sir.

24 Q. How many times have you and Brad Ledford done
25 that?

1 A. I believe I said two, but now that I'm thinking
2 back on it, I believe he only spoke at one. He's gone
3 to two with me.

4 **Q. Which one did you speak at?**

5 A. We spoke to a fellowship of Christian athletes
6 group at some school in South Carolina. It's a smaller
7 school.

8 **Q. And he spoke as well?**

9 A. Yes, sir.

10 **Q. What did he talk about?**

11 A. He just talked about kind of the -- how it is
12 hard to handle mentally and then -- and then he said --
13 he kind of -- he didn't talk anything about the accident
14 because he said I was going to speak about it.

15 **Q. When you talked about it being hard to handle
16 mentally, the accident you're talking about?**

17 A. No, sir. Just knowing that he had ruined my
18 life.

19 **Q. Those are the words that he used?**

20 A. No, sir.

21 **Q. Do you remember what words he used in general?**

22 A. I think crushing my best friend were the words
23 he used.

24 **Q. Now, as I understand it, this accident that's
25 the subject of this lawsuit is actually the second time**

1 **you've been in a car with Brad Ledford where he went off**
2 **the road and struck someone?**

3 A. Third time.

4 MR. ORR: Object to form.

5 MS. BILLOTTE MOSES: Object to form.

6 BY MR. FERNANDEZ:

7 **Q. Sir?**

8 A. Third time.

9 **Q. Third time?**

10 A. Yes, sir.

11 **Q. So the time before this accident, I think you**
12 **described he struck a guardrail?**

13 A. Yes, sir.

14 **Q. Was that the most recent time before this**
15 **accident that he went off the road and struck an object?**

16 MR. ORR: Object to form.

17 A. Yes, sir.

18 BY MR. FERNANDEZ:

19 **Q. And this happened on which road?**

20 A. I believe it was Interstate 40, either east or
21 westbound. I'm not 100 percent sure.

22 **Q. Had you yourself driven on that road before the**
23 **accident?**

24 A. Several times.

25 **Q. Had you driven the same lane that he was in**

1 **when his accident occurred?**

2 A. Many times. Yes, sir.

3 **Q. Did you ever have any problems staying in that**
4 **lane yourself?**

5 A. No, sir.

6 **Q. And to be clear, during this prior accident, he**
7 **was the driver of the car and the car went outside of**
8 **the lane and struck a guardrail?**

9 A. Indeed, sir.

10 MR. ORR: Object to form.

11 MS. BILLOTTE MOSES: Object to form.

12 BY MR. FERNANDEZ:

13 **Q. Is that what happened?**

14 A. Yes, sir.

15 **Q. And it caused damage to the vehicle?**

16 A. It did, sir.

17 **Q. You mentioned there's a third time he was in an**
18 **accident. When was that?**

19 A. It was -- we crashed in a dune buggy in
20 California one time.

21 **Q. He was driving?**

22 A. Yes, sir.

23 **Q. Where were you operating the dune buggy?**

24 A. It was in the desert. I'm not 100 percent sure
25 of the name of the desert. It wasn't like a motor

1 vehicle. It was just a dune buggy, but we crashed.

2 **Q. He was the driver and you were the passenger?**

3 A. Yes, sir.

4 **Q. What did he crash into at that time?**

5 MS. BILLOTTE MOSES: Object to the form.

6 A. It was -- it was either deciding to run into a
7 small boy on a dirt bike or run over kind of a shrub
8 that had built up a small dune around it. So when we
9 hit it, we went airborne and then ran into the ground
10 with our dune buggy.

11 BY MR. FERNANDEZ:

12 **Q. By the way, for this second time, the one where**
13 **he struck the guardrail, did he ever offer an**
14 **explanation for why he went off the road?**

15 A. No, sir. We kind of breezed over it because
16 the young lady was in the car, and so I didn't want to
17 kind of dwell on him making a mistake with the girl he
18 was trying to impress.

19 **Q. But he never talked to you about why he went**
20 **off the road at any point after that accident?**

21 MS. BILLOTTE MOSES: Object to form.

22 A. I mean, I had -- we had, like, jokingly made --
23 I had, like, jokingly made fun of him about it, but he
24 hadn't said any particular reason. He didn't, like, nod
25 off, like, fall asleep or anything.

1 BY MR. FERNANDEZ:

2 Q. Before -- strike that. You talked about having
3 a discussion with the therapist about having a traumatic
4 brain injury?

5 A. Yes, sir.

6 Q. Did you say that the individual who made that
7 statement to you was an occupational therapist?

8 A. Yes, sir.

9 Q. As I understand it, since leaving Shepherd, you
10 haven't followed up with any neurologist for any
11 treatment of any traumatic brain injury; is that true?

12 A. No, sir.

13 Q. That's true?

14 A. Yes, sir. That is true, yes, sir.

15 Q. Since leaving Shepherd's, have you undergone
16 any sort of neuropsychologic testing?

17 A. No, sir. I don't think so.

18 Q. Have you seen any neuropsychologist since
19 leaving Shepherd's?

20 A. Other than an -- I believe she's an
21 occupational therapist who just worked with me on it.

22 Q. And now given the amount of time that's passed
23 since the accident, do you feel clear minded, feel
24 better?

25 A. Oh, yeah. I'd say I'm about 90 percent.

1 Q. Continuing to improve every day?

2 A. I think I may have plateaued, but I don't know.
3 I may be getting better. I'm not sure.

4 Q. Do you feel that you have any memory problems?

5 A. No memory problems, no, sir, just. . .

6 Q. You used the term "clearheaded" at one point
7 describing how you felt after you did the Lumosity test.
8 Is that how you feel now, clearheaded?

9 A. Yes, sir, absolutely.

10 Q. With regard to schooling, you mentioned that
11 you were accepted to several universities?

12 A. Yes, sir.

13 Q. When you were homeschooled throughout high
14 school, did you have a grade point average?

15 A. I did sir.

16 Q. And was one of the colleges you got accepted to
17 Princeton?

18 A. Yes, sir.

19 Q. What was your grade point average?

20 A. 4.3.

21 Q. Was that a weighted average?

22 A. It was, sir.

23 Q. It has to be weighted. And did you only get
24 accepted to the five colleges that you mentioned?

25 A. I had been accepted to a lot of other -- I know

1 I -- my mom told me that I had been accepted to other
2 colleges, but that was after the accident so I don't
3 know.

4 **Q. The naval academy issue, for someone who's not**
5 **familiar with that process, tell me how you apply to**
6 **qualify for the naval academy.**

7 A. So the naval academy, out of about 60,000
8 applicants, they accept 600 high school students every
9 year and then another 100 prior enlisted, like,
10 soldiers. But the way you have to go about it is you
11 start in your junior year, and it's an extremely long
12 process. It takes many months, and you have to go
13 through tons of physical testing, rigorous mental
14 testing where they just kind of check your personality
15 type, make sure you're not a psychopath. And then when
16 you go up -- you have to go to the naval academy for the
17 summer seminar program. It's not required but,
18 basically, if you want to get accepted, it is required.

19 And then there you're put into like a squad.
20 It's kind of like they mock what it's like to actually
21 be at the naval academy, and so you go through your
22 week. They see how you encourage your teammates to see
23 how you handle the pressure and everything. And then
24 after you come out, the hardest part about it is that
25 you have to receive a nomination to be accepted. And

1 receiving a nomination has to be from your congressman
2 or your senator and then so your congressman ranks you
3 on a scale of one to ten. They can only nominate ten.
4 And then so that is the congressman's preference which I
5 was his number one, and then so he sends me up. And
6 it's harder for homeschooled students to get accepted
7 just because they have less to judge you against other
8 students. And so they had accepted -- they had accepted
9 the maximum number that he can have at the school at
10 that time, but then before he -- he was trying -- he was
11 fixing the problem after the accident happened so. . .

12 **Q. What's the congressman's name?**

13 A. Mark Meadows.

14 **Q. Meadows?**

15 A. Yes, sir.

16 **Q. He's still in congress?**

17 A. Yes, sir. He's my employer.

18 **Q. Sir?**

19 A. He's my employer.

20 **Q. Your employer?**

21 A. Yes, sir.

22 **Q. How long have you worked for him?**

23 A. Since January.

24 **Q. What do you do for him?**

25 A. I brief him and the chief of staff every

1 morning on what's going on in the district, and then any
2 important voting issues I have to research and determine
3 if they're constitutional or not. And then I manage all
4 the new interns and then most of the district staff
5 that's not in DC.

6 **Q. I read somewhere, I think, that you wanted to**
7 **be a congressman?**

8 A. I do, sir.

9 **Q. Is that still a goal of yours?**

10 A. Absolutely.

11 **Q. And I think I also read whatever report it was**
12 **that you wanted to go to law school. Is that something**
13 **you still want to do?**

14 A. I'm debating either that or political science.
15 I don't know which one I'll -- I'm still considering law
16 school very heavily.

17 **Q. Despite the interaction with all these lawyers?**

18 A. Yes, sir.

19 **Q. How did you get the job with Congressman**
20 **Meadows?**

21 A. He had been my debate mentor while I was
22 growing up. I did debate for about four years, and so
23 he just kind of knew my -- how I felt about lots --
24 because we had to talk about the policy and values and
25 everything doing that. And then he dealt with me really

1 heavily throughout the nomination process so he kind of
2 knew how qualified I was. And then after the accident,
3 he kind of -- after he found out that I was mentally
4 okay, offered me a job.

5 **Q. Is it a full-time job or a part-time job?**

6 A. Full time, sir.

7 **Q. Do you have to report to an office?**

8 A. I do not, sir. I go in maybe once a month, but
9 that's -- I don't have to go into the office very much.

10 **Q. So you work out of your house?**

11 A. I work all throughout the district but, yes,
12 sir.

13 **Q. Do you travel throughout the district?**

14 A. Yes, sir.

15 **Q. How do you get around?**

16 A. I have a vehicle that's equipped with hand
17 controls.

18 **Q. You're able to drive it?**

19 A. Yes, sir.

20 **Q. What kind of vehicle is it?**

21 A. It's a Dodge.

22 **Q. How long have you had the Dodge?**

23 A. It's a 2000 -- I've been able to drive it for
24 about two and a half or three months.

25 **Q. You're able to obviously drive by yourself?**

1 A. Yes, sir.

2 Q. And you do drive by yourself?

3 A. I do.

4 Q. Do you drive pretty much every day?

5 A. Yes, sir.

6 Q. And I guess since you work for a congressman,
7 you deal with constituents?

8 A. Yes, sir.

9 Q. Is that your main job?

10 A. Yes, sir, basically.

11 Q. Because it's everyone's main job that works for
12 a congressman?

13 A. Absolutely.

14 Q. And what type of -- give me some examples of
15 what kind of things that you do with the constituents.

16 A. Any time I have to deal with the constituents,
17 it's -- we have case worker officers who -- so we have
18 about ten people who deal with constituents' problems.
19 But whenever they have like a jurisdiction problem,
20 that's -- I mean, like if it's involved with schools or
21 police or fire department, then they just send it over
22 to me because I can handle that really quickly.

23 Q. So you're a problem solver?

24 A. Yes, sir.

25 Q. Do you report directly to the congressman?

1 A. I do, sir.

2 Q. And when you say you have a full-time job, is
3 it a 40-hour-a-week job or is it more? How does that
4 work?

5 A. It's however long it takes to get done. It
6 normally doesn't take 40 hours, but it's -- I'm not paid
7 by the hour.

8 Q. You're paid salary?

9 A. Yes, sir.

10 Q. How much is that salary?

11 A. It's a little shy of 20,000. I think it's,
12 like, sixteen and a half.

13 Q. Sixteen-five per year?

14 A. Yes, sir.

15 Q. In the last -- strike that.

16 Since January what time do you typically start
17 work each day and what time do you typically finish just
18 to have an idea of the hours that you work?

19 A. I have to have my report in every morning by
20 11:00 just to the congressman and the chief of staff
21 just to kind of have them updated on what's going on in
22 the district. Because they're focused in Washington,
23 they can't be focused on the district. And so I'm just
24 kind of their eyes and ears in that area and then --
25 but, I mean, normally, I send in lots of case studies

1 on, like, different voting issues that are coming up
2 like the XM bill that just got passed. But whenever
3 that is, I have to study for that all throughout the day
4 and just watching the news, but then I just can draft a
5 report for that and send it in.

6 **Q. Are you able to give me any idea as to the**
7 **number of hours you typically work per day?**

8 A. I'd say two.

9 **Q. Two hours per day?**

10 A. Of the study, yes, sir, yeah.

11 **Q. How about altogether? How many hours per day**
12 **you work altogether for the congressman?**

13 A. I can normally get my work done in about five
14 hours.

15 **Q. Are there some days you work more than five**
16 **hours?**

17 A. No, sir. That's the most.

18 **Q. You work five days a week?**

19 A. Yes, sir. And weekends. I'm always on.

20 **Q. Seven days a week?**

21 A. Yes, sir.

22 **Q. So, basically, five hours a day times seven, 35**
23 **hours a week?**

24 A. Yes, sir.

25 **Q. Does that sound right?**

1 A. Yes, sir.

2 Q. And as part of your job when you drive, do you
3 go to constituents' homes?

4 A. No, sir. The only times I ever have to drive
5 is if we're going to a -- normally, just like running a
6 town hall or going to a VA meeting and just keeping up
7 with like --

8 Q. Does that happen?

9 A. Yes, sir.

10 Q. How often does it happen?

11 A. I'd say about once -- once or twice every week.

12 Q. The report that you were talking about, is that
13 a written report or a verbal report?

14 A. It's a written report.

15 Q. Summarizing any developments in the district?

16 A. Yes, sir.

17 Q. Because you're sort of like the liaison between
18 the congressman and the constituents?

19 A. Indeed, sir.

20 Q. So you need to know what's going on in the
21 community?

22 A. Yes, sir.

23 Q. Have you developed relations with news media
24 and things like that?

25 A. Yes, sir.

1 **Q. What type of news media?**

2 A. Mainly newspapers and then just -- I mean, we
3 live in kind of a smaller area so there's very few news
4 agencies that are on the air. There's WLOS 13. That's
5 mainly the one that's on -- news agency on the air that
6 I have to deal with, but then there's mainly just
7 newspapers in all the small towns around.

8 **Q. So to summarize, your job requires you to deal**
9 **with constituents, to prepare reports, to attend town**
10 **hall meetings, to study developments in the district,**
11 **and to serve as the liaison between the congressman and**
12 **all of the constituents?**

13 A. Yes, sir. And to research voting issues.

14 **Q. Are you happy with your job?**

15 A. Love it.

16 **Q. Are you planning to stay there as long as you**
17 **can?**

18 A. Yes, sir. Depending on how much better I get.

19 **Q. I went off on a tangent here. I was asking you**
20 **about the naval academy.**

21 A. Yes, sir.

22 **Q. If you can complete telling me what would have**
23 **happened if you had been able to attend the naval**
24 **academy. Do you actually go to an academy?**

25 A. Yes, sir.

1 **Q. How long is that?**

2 A. It's just like a four-year college. It's
3 basically a really super intense college. And so I
4 would have gone up in June, and then that would have
5 been called my plebe summer. And, basically, it's just
6 -- they call it, like, the hell summer. And they just
7 build you into a solder, and then you start your ac year
8 which is your academic year. But you're in the military
9 from that point on, but then you're going to college to
10 become an officer.

11 **Q. And the idea is that after you finish those**
12 **four years, then you attend a mainstream college?**

13 A. No, sir. Then you -- once I would've
14 graduated, I would've had my bachelor's in engineering
15 and then whatever my major was. So I would have a
16 double major.

17 **Q. What did you want to study?**

18 A. Political science.

19 **Q. Since the accident, other than working for the**
20 **congressman, have you worked in any other capacity for**
21 **any other person or company?**

22 A. I've trained the managers at Chick-fil-A.

23 **Q. And when you say you trained them, you actually**
24 **trained them as an employee for Chick-fil-A?**

25 A. Yes, sir, yes.

1 **Q. And what period of time did you work for**
2 **Chick-fil-A after the accident?**

3 A. I worked for that -- for Joe Benson, the
4 operator at Chick-fil-A, for five years so I have a very
5 close relationship with him. He's very close to me so
6 he just kind of calls me. And I don't think I've ever
7 actually been taken off of the employee list so whenever
8 I can just go in and clock in, and then Mr. Benson just
9 kind of pays me accordingly.

10 **Q. So after the accident you continued to actually**
11 **go to the restaurant to work there?**

12 A. Yes, sir.

13 **Q. When was the first time after the accident that**
14 **you went there? Just roughly?**

15 A. I believe in January.

16 **Q. January of 2015?**

17 A. Yes, sir.

18 **Q. And since January of 2015 through today, have**
19 **you periodically worked at Chick-fil-A?**

20 A. Yes, sir. I mean, maybe like an hour or two
21 hours a month. It doesn't take much.

22 **Q. And those one or two hours per month is for the**
23 **sole purpose of training managers?**

24 A. Yes, sir.

25 **Q. Is it your plan to continue working at the**

1 **restaurant in that capacity?**

2 A. As long as that man needs me. I mean, he's
3 just very close to me so. . .

4 **Q. So since January you've actually had two jobs?**

5 A. Yes, sir.

6 **Q. Any other forms of employment that you've had**
7 **since the accident?**

8 A. No, sir.

9 **Q. Have you attended any schools at all since the**
10 **accident, sir?**

11 A. No, sir.

12 **Q. Do you have any plans to?**

13 A. Yes, sir.

14 **Q. What's the plan?**

15 A. I plan on starting Harvard next semester.

16 **Q. Next semester?**

17 A. Yes, sir.

18 **Q. Have you applied?**

19 A. Yes, sir. I'll be doing the online program.

20 **Q. When did you apply?**

21 A. The application process, it's not like a
22 traditional application process so I just had to
23 complete some standard -- like standardized testing they
24 have to get accepted to it. And then I'll start in
25 January and if I pass, they'll let me in.

1 Q. So you did get accepted to Harvard?

2 A. Yes, sir, yes.

3 Q. And will all the classes be online?

4 A. Yes, sir.

5 Q. Will any of the classes be in person and on the
6 campus?

7 A. At this time I'm not planning on doing that,
8 but that may change as time goes. It's --

9 Q. Is that an option that the school has given
10 you?

11 A. Yes, sir.

12 Q. So you have been authorized to be admitted to
13 Harvard, and if you so choose, you can actually attend
14 classes on campus if you wanted to do that?

15 A. Yes, sir.

16 Q. Is it your plan to study political science at
17 Harvard?

18 A. It is, sir.

19 Q. So up until today, you don't have -- well, you
20 actually have college credits because you have AP
21 credits, right?

22 A. Yes, sir.

23 Q. How many AP credits do you have?

24 A. Six.

25 Q. Is it your plan to attend Harvard --

1 A. No. I apologize, sir. Four, not six.

2 Q. Four credits?

3 A. Yes, sir.

4 Q. Is it your plan to attend Harvard part time or
5 full time starting next semester?

6 A. Full time as an online student.

7 Q. Have you enrolled in the actual courses?

8 A. No, sir. I was planning on enrolling this fall
9 semester, but then I wasn't able to make the financial
10 backing to it.

11 Q. So is the plan that you will graduate from
12 Harvard within four years if you're a full-time student?

13 A. Yes, sir.

14 Q. That's your objective?

15 A. Yes, sir.

16 Q. Do you feel you're going to be able to do that?

17 A. I do.

18 Q. Is it your plan to continue working for the
19 congressman while you're attending Harvard?

20 A. Yes, sir.

21 Q. By the way, congratulations on being accepted
22 into Harvard.

23 A. Thank you.

24 Q. It's quite an achievement. Have you spoken to
25 the congressman about your acceptance to Harvard?

1 A. I have, sir, yes.

2 Q. In terms of the plan, is the plan you're going
3 to work the same number of hours for the congressman?

4 A. Indeed, sir.

5 Q. So you're going to be a busy person starting
6 next semester between college and Harvard and working
7 for the congressman.

8 A. I assume so. Yes, sir.

9 Q. After receiving the political science degree,
10 do you have any other immediate plans as to what type of
11 postgraduate degrees you may be interested in?

12 A. I may pursue a law degree, but I'm not sure.
13 And then just to enter the workforce but. . .

14 Q. Out of curiosity, when did you decide that you
15 wanted to apply to Harvard?

16 A. Well, the naval academy is the hardest school
17 in the world to get into, and then Harvard is the fourth
18 hardest so I figured that's the best I could do.

19 Q. You mentioned earlier that since the accident
20 you've actually lifted weights occasionally?

21 A. Yes, sir.

22 Q. Is that something you still do?

23 A. Yes, sir. But I mean, not nearly in the
24 capacity like I used to be able to.

25 Q. I understand. You used to work out two hours a

1 **day you told us.**

2 A. Yes, sir.

3 **Q. But do you still lift weights regularly?**

4 A. About every three days, as much as I can take.

5 **Q. Do you go to the YMCA?**

6 A. Yes, sir.

7 **Q. In Asheville?**

8 A. Yes, sir.

9 **Q. And you mentioned exercises like curls. Do you**
10 **still do those?**

11 A. Yes, sir.

12 **Q. Bench press. Do you still do that?**

13 A. Yes, sir.

14 **Q. Shoulder press. Do you still do that?**

15 A. I've got to stop doing that, sir. I can't risk
16 hurting my shoulders.

17 **Q. Tricep exercises, like tricep pushdowns, things**
18 **like that?**

19 A. Yes, sir.

20 **Q. What other types of exercises do you do**
21 **regularly at the YMCA these days?**

22 A. I push around a track trying to get my heart
23 rate up, but it's hard to do.

24 **Q. Any other form of exercise that you do those**
25 **days other than going to the YMCA?**

1 A. Unfortunately, not, sir.

2 **Q. Since the accident have you taken any trips**
3 **outside of your hometown in North Carolina other than**
4 **going to Atlanta for medical care or Florida for a**
5 **lawsuit related to this incident?**

6 A. Yes, sir.

7 **Q. How many trips have you taken?**

8 A. Two.

9 **Q. Where have you gone?**

10 A. My dad has incentives given to him from his
11 company, and so he won a trip to go down on to a cruise
12 to the Caribbean. And so we did that, and then we went
13 to Yosemite National Park in California.

14 **Q. When did you go on the cruise?**

15 A. Over spring break of this year.

16 **Q. March, April?**

17 A. Yes, sir.

18 **Q. And who went on that cruise, sir?**

19 A. My whole family.

20 **Q. How long was the cruise?**

21 A. Six days.

22 **Q. Do you remember the cruise line?**

23 A. Royal Caribbean.

24 **Q. Do you remember the destination? Was it**
25 **Eastern Caribbean, Western Caribbean?**

1 A. I couldn't tell you, sir. We went to
2 St. Martin and I couldn't -- I can't recall.

3 **Q. St. Thomas --**

4 A. St. Thomas, yes, sir.

5 **Q. In the Bahamas?**

6 A. Yes, sir.

7 **Q. One of the big Royal ships like the Allure?**

8 A. The Allure, yes, sir. That was it.

9 **Q. Did you get off of the ship at the ports?**

10 A. Yes, sir, we did. But it was very difficult to
11 do so I wasn't really able to.

12 **Q. The trip to Yosemite, when was that, sir?**

13 A. That was about a week ago.

14 **Q. Who went on that trip?**

15 A. My entire immediate family.

16 **Q. And remind me. I know about your father, your**
17 **mother, and Zach. Is there anybody else in the**
18 **immediate family?**

19 A. That's all, sir.

20 **Q. And how long did you-all spend in Yosemite?**

21 A. About another six days.

22 **Q. Did you fly there?**

23 A. Yes, sir.

24 **Q. What type of activities did you do there?**

25 A. We just basically did sightseeing. There

1 wasn't much I could do just because it's a national park
2 so it's not very ADA.

3 **Q. Any other trips other than these two since the**
4 **accident, sir?**

5 A. No, sir.

6 **Q. Are you -- strike that. There was some**
7 **reference that you may have attended the same church as**
8 **Brad Ledford at one point. Do you still attend the same**
9 **church?**

10 A. Brad comes occasionally, but I believe his
11 mother is Presbyterian so I think that's the church he's
12 actually like -- he's a member at, but he comes to
13 Biltmore Baptist regularly.

14 **Q. What's the name of your church?**

15 A. Biltmore Baptist.

16 **Q. Are you active at the church?**

17 A. Yes, sir.

18 **Q. You go to services every week?**

19 A. I try to, sir.

20 **Q. When are the services that you attend?**

21 A. The eleven o'clock service.

22 **Q. Sundays?**

23 A. Indeed.

24 **Q. Any other church-related activities, Bible**
25 **study, anything like that that you do?**

1 A. No, sir.

2 Q. By the way, when you recently applied to go to
3 Harvard, did you have to take any sort of test?

4 A. Yes, sir.

5 Q. What kind of test did you take?

6 A. It was an English proficiency, a math
7 proficiency, and a science proficiency test.

8 Q. English, science, and math?

9 A. Yes, sir. And then an essay portion.

10 Q. You did that all online?

11 A. Yes, sir.

12 Q. Did you receive the results?

13 A. I did, sir.

14 Q. And how did you do in English?

15 A. Excellent.

16 Q. How was it scored on that test?

17 A. They were scored in four different tiers. You
18 had to be in the top two tiers. It was a very easy test
19 so I hit the top.

20 Q. You were in the top tier?

21 A. Yes, sir.

22 Q. Are you able to explain to me how they
23 differentiate that tier, like top 10 percent, top 20
24 percent?

25 A. That would be the top 10 percent, and then the

1 next tier, I think, was like the next 30 percent, then
2 the bottom.

3 Q. So you were in the top 10 percent in English?

4 A. Yes, sir.

5 Q. You were the -- were you in the top 10 percent
6 in science?

7 A. Yes, sir.

8 Q. Were you in the top 10 percent in math?

9 A. Yes, sir.

10 Q. And were you in the top 10 percent for your
11 essay?

12 A. The essay wasn't really graded. It was kind of
13 just like a thing that you use as a, I guess, an
14 admission tool.

15 Q. So you were in the top 10 percent of all the
16 folks that were applying for Harvard when you took this
17 test after the accident?

18 A. Yes, sir.

19 Q. Do you have a romantic interest, girlfriend,
20 these days?

21 A. Yeah. Yes, sir.

22 Q. I'm not going to ask you for her phone number,
23 but can you tell me her name?

24 A. Yeah. Katherine Black.

25 Q. And how long have you been dating Miss Black?

1 A. I'd say about a few months.

2 Q. Does she live in your hometown?

3 A. Yes, sir.

4 Q. And do you and Miss Black have an opportunity
5 to socialize outside your house?

6 A. Not often, sir. She plays college soccer so
7 she's regularly gone.

8 Q. When she's not gone, are you able to socialize
9 with her out of your house?

10 A. Yes, sir.

11 Q. For example, traditional things that couples
12 may do, go to dinners. Do you do that with her?

13 A. Yes, sir.

14 Q. Go to movies with her?

15 A. Yes, sir.

16 Q. Go to parks with her?

17 A. We try to, but it's pretty difficult.

18 Q. Go to concerts with her?

19 A. I haven't done that yet. No, sir.

20 Q. What type of activities other than the ones I
21 just mentioned have you done with her outside of your
22 house, if anything?

23 A. That pretty much sums it up.

24 Q. Since the accident is she the only girlfriend
25 that you've had, or have you had other girlfriends

1 **before that?**

2 A. I dated Gracelyn Perry throughout the accident
3 for quite a while into mid-August and then -- but
4 Katherine is the only one.

5 **Q. When you say mid-August, of 2014, the year of**
6 **the accident?**

7 A. Yes, sir.

8 **Q. Okay. These days are there any hobbies that**
9 **you have that you engage in other than exercising and**
10 **working for the congressman?**

11 A. I enjoy reading, and I really enjoy shooting.

12 **Q. And do you still go shooting?**

13 A. Yes, sir. I try to.

14 **Q. What type of guns do you like to shoot?**

15 A. Handguns and rifles.

16 **Q. You go to a range?**

17 A. Yes, sir.

18 **Q. Indoor or outdoor?**

19 A. Indoor.

20 **Q. How often do you go to the indoor range?**

21 A. Maybe once a month.

22 **Q. You go by yourself or with friends?**

23 A. With friends. I usually need help.

24 **Q. Any other types of activities like that you do**
25 **outside of the house that we haven't talked about these**

1 **days?**

2 A. No, sir. I'm pretty limited in what I can do.

3 **Q. I wanted to ask you a little bit about your**
4 **activities of daily living. I don't think we've talked**
5 **about that yet. In terms of your ability to get dressed**
6 **on your own, are you able to do that or do you need**
7 **assistance?**

8 A. I need assistance.

9 **Q. For all clothing?**

10 A. I mean, obviously, not shirts but. . .

11 **Q. And these days who is providing that assistance**
12 **to you? Family members?**

13 A. Family members, yes, sir.

14 **Q. In terms of brushing your teeth, something you**
15 **do on your own?**

16 A. (Nods head.)

17 MR. FERNANDEZ: You want to take a break? I'm
18 almost done and I'm sorry to upset you. I probably
19 have about ten or 15 more minutes.

20 THE WITNESS: I can keep going for ten minutes.

21 MR. KALBAC: Keep going.

22 MR. FERNANDEZ: I'm sorry, sir. I don't mean
23 to upset you.

24 MR. KALBAC: He just needed a minute to --

25 THE VIDEOGRAPHER: Still on the record,

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Counsel.

MR. FERNANDEZ: We can go back.

THE VIDEOGRAPHER: Still on the record.

BY MR. FERNANDEZ:

Q. In terms of bathing yourself, grooming, do you need assistance for that?

A. No, sir.

Q. Are you able to take a bath or shower on your own?

A. Yes, sir.

Q. Since the home has been modified?

A. Yes, sir, since the home has been modified.

Q. Is that one of the many issues that they covered when they modified the home to make sure --

A. Yes, sir.

Q. -- that the bathroom is accessible to you and easy to use?

A. Yes, sir. That was the main -- the biggest thing.

Q. Okay. So you're able to go into the bathroom and disrobe and take a bath or shower and --

A. I need help disrobing and then -- yes, sir.

Q. Okay. The bath or shower you can do on your own?

A. Yes, sir.

1 Q. In terms of the use of a toilet, do you still
2 have the condom catheter I think you described it as?

3 A. Yes, sir.

4 Q. Do you have that -- do you use that all the
5 time?

6 A. Yes, sir. It has to be on all the time.

7 Q. In terms of bowel movements, do you have any
8 sort of assistive devices for that, or are you able to
9 have a normal bowel movement?

10 A. I have to get help getting, like, onto the
11 toilet to do a bowel movement, and then I have to
12 stimulate it with my hand.

13 Q. Are you having any issues with bowel movements?

14 A. No, sir.

15 Q. Do you use any sort of medications for that?

16 A. No, sir.

17 Q. Other than -- and, again, if you want to take a
18 break, I'm sorry to upset you. I don't want to upset
19 you.

20 I see that you obviously are using a
21 wheelchair. Is this the wheelchair you use every day?

22 A. Yes, sir.

23 Q. Do you have any sort of other wheelchairs,
24 electric wheelchairs, anything like that that you use?

25 A. No, sir.

1 Q. Are you interested in getting that type of a
2 wheelchair, a different type of wheelchair, or are you
3 happy with the one you have?

4 A. I'm happy with this one. Yes, sir.

5 Q. Any other sort of orthopedic devices that you
6 use that we haven't talked about?

7 A. No, sir.

8 Q. Since the accident -- strike that. Since you
9 were released from Shepherd's, have you had any seizure
10 activity that you know of?

11 A. No, sir.

12 Q. Any problems with dizziness?

13 A. Occasionally, yes, sir.

14 Q. How often?

15 A. About once a week.

16 Q. Any problems with vision?

17 A. No, sir.

18 Q. Do you wear eyeglasses or contact lenses?

19 A. I do not.

20 Q. The gentleman that did the work on the house,
21 it was the second contractor, what was his name?

22 A. Bill Miller.

23 Q. Miller?

24 A. Yes, sir.

25 Q. Is Mr. Miller the only person that's made

1 **modifications to your father's home?**

2 A. He was the general contractor so he had lots of
3 people working under him but --

4 **Q. And he's the one that -- that's the only**
5 **project that has been undertaken for your father's home,**
6 **right --**

7 A. Yes, sir.

8 **Q. -- the one that he directed?**

9 A. Yes, sir.

10 **Q. And has he finished all of those modifications?**

11 A. He has, sir.

12 **Q. And is the home, as far as you're concerned,**
13 **fully accessible to you now?**

14 A. It is.

15 **Q. Are you using any medications these days, sir?**

16 A. Yes, sir. I use two to kind of help with my
17 nerve pain. They're used to treat spasms, but it calms
18 nerves down.

19 **Q. Do you know the names of the medications?**

20 A. Yes, sir. It's Lyrica and then Nucynta, and
21 then Nucynta is N-U-E-S-I-N-T-A.

22 **Q. And that's for the nerve pain?**

23 A. Yes, sir. And then I take a Lopressor called
24 Metoprolol.

25 **Q. I'm sorry. A what?**

1 A. Lopressor called Metoprolol. It's like metro
2 and then pro, P-O-R-O-L.

3 **Q. What's the purpose of that medication?**

4 A. To make sure my heart doesn't kill me.

5 **Q. Any other medications you're currently taking,**
6 **sir?**

7 A. No, sir.

8 **Q. The Lyrica, what's the dosage?**

9 A. I think it's a hundred and fifty milligrams
10 three times a day.

11 **Q. And how about the Nucynta?**

12 A. It's a hundred and fifty milligrams. That's
13 twice a day.

14 **Q. The Lopressor?**

15 A. That is a hundred milligrams, I believe, twice
16 a day.

17 **Q. Were you using any prescription medications**
18 **before the accident, sir?**

19 A. No, sir.

20 **Q. Have the doctors told you that you need any**
21 **other prescription medications in the near future?**

22 A. I regularly need antibiotics to treat
23 infections.

24 **Q. Are you taking any prescription pain medication**
25 **other than the Lyrica and the Nucynta?**

1 A. No, sir.

2 Q. Use any over-the-counter pain medication?

3 A. No, sir.

4 Q. So the only medications that you use to address
5 the pain that you may be feeling are the two nerve
6 medications that we talked about?

7 A. Yes, sir. Does Advil count as an
8 over-the-counter pain?

9 Q. It does.

10 A. Okay. Then yes, I'm using Advil.

11 Q. How often do you use that?

12 A. I try to use it as least as possible, maybe
13 once a week.

14 Q. How tall were you at the time of the accident?

15 A. About six foot.

16 Q. And how much did you weigh at the time of the
17 accident?

18 A. 215.

19 Q. How much do you weigh now?

20 A. About 170.

21 Q. Have you applied for Social Security disability
22 benefits?

23 A. I think I have, sir.

24 Q. Did you get approved for them?

25 A. I believe so.

1 **Q. Do you remember roughly when it was that you**
2 **applied for the benefits?**

3 A. No, sir. I know my case manager and the
4 Shepherd Center took care of most of that.

5 **Q. Have you been receiving a monthly check from**
6 **the Social Security disability administration?**

7 A. Yes, sir.

8 **Q. How much do you receive, sir?**

9 A. I believe it's around \$200 a month.

10 **Q. Did you participate in actually filling out the**
11 **application, sir?**

12 A. No, sir. Like I said, my case manager oversaw
13 all that. I think I had to sign a contract, sign some
14 form of waiver.

15 **Q. Have you been receiving those benefits**
16 **continuously from the first time that they started**
17 **coming to your home?**

18 A. I stopped receiving them for about two months
19 for some reason. I just had to take care of it with the
20 Social Security department. I'm not sure exactly what
21 it was but. . .

22 **Q. You mentioned earlier that you have no feeling**
23 **whatsoever in your left leg?**

24 A. Yes, sir.

25 **Q. And you have partial feeling in the right leg,**

1 **you said, from the top of your quadricep?**

2 A. Indeed.

3 **Q. In terms of pain these days, say, in the last**
4 **six months, other than your -- either of your legs, do**
5 **you feel pain in any other part of your body?**

6 A. Yes, sir.

7 **Q. If you can, kind of starting from head to toe,**
8 **just kind of tell me what parts of your body is still**
9 **causing any form of pain.**

10 A. The two muscles that come up from my traps to
11 support my neck are generally -- I have pain throughout
12 those all throughout the day. And then all the muscles
13 around my T12 vertebra where the hardware has been put
14 in, those always hurt. And then my small of my back,
15 that's where the most intense pain is. And then my
16 pelvis really hurts if I -- I have to start breathing
17 hard or laughing hard or anything. That causes a lot of
18 pain. My shoulders get very tight regularly. And then
19 the worst part is the nerve pain in my legs. I feel
20 that all throughout the day, as I was saying, about a
21 three all throughout the day, and then it spikes to
22 about a seven or an eight. And that's when I grimace.
23 And then just general soreness.

24 **Q. In terms of the pain levels, how frequently do**
25 **you experience pain in your traps?**

1 A. Every day.

2 Q. On a scale of one to ten, ten being the worst
3 pain for your traps.

4 A. I'd say a four. About a three.

5 Q. How about the pain in the muscles around the
6 T12 area?

7 A. Four.

8 Q. Every day?

9 A. All day.

10 Q. The pain in the small of your back, that's your
11 worst problem; is that right?

12 A. Yes, sir. Those are about a six.

13 Q. And do you experience that pain every day?

14 A. Yes. Those have been more recent. They kind
15 of started about a month or two ago.

16 Q. Before a month or two ago, you didn't
17 experience the pain to the small of your back?

18 A. No, sir.

19 Q. How about the pelvic pain?

20 A. That's about a five when it happens.

21 Q. How often do you get the pelvic pain?

22 A. It happens at least once or twice a day.

23 Q. Left side or right side?

24 A. It's all throughout the pelvis.

25 Q. Shoulders? Is that just tightness or is it

1 **also pain?**

2 A. It's tightness and soreness. It's not -- it's
3 just kind of an unnatural tightness.

4 **Q. Have you described all of the pain you've been**
5 **experiencing these days in terms of the location in your**
6 **body?**

7 A. Yes, sir.

8 **Q. You mentioned that since leaving Shepherd's,**
9 **you had three surgeries, right?**

10 A. Yes, sir.

11 **Q. Were all three of them for the drain issue that**
12 **you talked about?**

13 A. Yes, sir.

14 **Q. Okay. And what facility did you have those**
15 **surgeries?**

16 A. The first surgery that kind of started the
17 whole issue that addressed it, it was removing a
18 hematoma which is just some dead skin that was caused by
19 trauma that had got up in -- allowed to fester for a few
20 months. And that was in November, and I was treated in
21 the Shepherd Center by ChiChi Berhane. And then the
22 reoccurring problems I'm having with the drain problem
23 in that same area, that's been handled by David Moore.
24 That was his first name, Dr. David Moore out of Mission
25 Hospital.

1 Q. Where is Mission Hospital?

2 A. It's in Asheville.

3 Q. Was the surgery at Mission Hospital?

4 A. No, sir. The surgery -- the surgery was where
5 he inserted it and had to fix it. Those were all at
6 Mission.

7 Q. Okay. We talked about hydrotherapy that you
8 were engaged in at some point. Was that a -- what pool
9 was that? A facility pool or --

10 A. It's at a facility. I'm just -- I'm really
11 forgetting the name of the facility that I was using
12 just because I haven't used it in about eight months.

13 Q. Was that hydrotherapy helping you?

14 A. Absolutely, yes, sir. It was really helping
15 loosen my joints and strengthening my muscles.

16 Q. And is the only reason you're not doing the
17 hydrotherapy now because of the drain issue?

18 A. Yes, sir.

19 Q. Is your plan to continue hydrotherapy after the
20 drain issue is resolved?

21 A. Absolutely.

22 Q. Did you continue to get improvement when you
23 were doing this hydrotherapy?

24 A. Yes, sir.

25 Q. The modifications to your home, you talked

1 about a couple of fundraisers that took place. Did
2 those fundraisers pay for the modifications?

3 A. No, sir. They attempted but, I mean, it was a
4 very small percentage.

5 Q. You don't know the exact numbers. You'd have
6 to ask your father about that?

7 A. I would, sir.

8 Q. Okay. How long were you displaced from the
9 home during those repairs approximately?

10 A. About eight or nine months.

11 Q. You described earlier that you had an issue
12 with recurring UTI infections or just general
13 infections. How often has that happened since you left
14 Shepherd's? Is that a monthly deal or is that a year,
15 every few months?

16 A. It happens about every couple months I'd say.

17 Q. And whenever you develop those problems with
18 infections, since being in North Carolina, is there a
19 particular place that you go to, to get treated?

20 A. Yes, sir. I normally go to Mission Hospital,
21 and then they just offer me -- they prescribe me a
22 prescription.

23 Q. So if we wanted to know the treatment that you
24 received for infections, they should be all in the
25 Mission Hospital records?

1 A. I believe so, sir. There's also some at
2 Mountain Area Pediatric. I think those took care of the
3 earliest ones.

4 **Q. Have any of your doctors told you that you need**
5 **any additional form of surgery, sir?**

6 A. No, sir. When they were putting my hardware
7 in, they said I may have to get some surgery in, I mean,
8 several years to kind of tweak my hardware in my back
9 but. . .

10 **Q. But there's been no discussion about imminent**
11 **surgery any time soon?**

12 A. No, sir.

13 **Q. What health insurance do you currently have, if**
14 **you know, sir?**

15 A. United Healthcare.

16 **Q. Is that the same insurance you've had since the**
17 **accident?**

18 A. I believe so, sir.

19 **Q. You get that through one of your parents?**

20 A. Yes, sir.

21 **Q. Which one?**

22 A. My father.

23 **Q. Through his work?**

24 A. Yes, sir.

25 **Q. Any other health insurance that you have since**

1 **the accident?**

2 A. I believe Medicare or Medicaid, whichever one
3 handles disabled people.

4 **Q. Because you qualify for Social Security**
5 **disability --**

6 A. Yes, sir.

7 **Q. -- you're eligible for Medicare, correct?**

8 A. Yes, sir.

9 **Q. You have a Medicare card, right?**

10 A. I believe so.

11 **Q. And, to your knowledge, you've used that**
12 **Medicare benefit for some of your medical expenses?**

13 A. Yes, sir.

14 **Q. Have you also received or been eligible for**
15 **Medicaid, to your knowledge, since the accident?**

16 A. I don't believe so, sir, but I'm not certain.

17 **Q. Since this accident have you been involved in**
18 **any other accidents where you hurt yourself? And I know**
19 **you did tell us about some sort of a fall at the**
20 **hospital. Other than that fall, any other accidents**
21 **where you hurt yourself?**

22 A. Let me think about that. No, sir, I don't
23 think so.

24 **Q. Just checking my notes. I'm just about done.**
25 **Thanks for your patience.**

1 A. Absolutely, sir.

2 **Q. These days do you have a best friend?**

3 A. My brother. Yes, sir.

4 **Q. Do you still consider Brad Ledford a close**
5 **friend?**

6 A. I don't know.

7 **Q. At the beginning of this case, did you consider**
8 **Brad Ledford a good -- close friend?**

9 A. Yes, sir. Best friend.

10 **Q. And today you don't know, right?**

11 A. Yes, sir.

12 MR. FERNANDEZ: I wish you the best, sir.

13 Thank you.

14 THE WITNESS: Thank you. That's very nice.

15 MS. BILLOTTE MOSES: Mr. Cawthorn, I have just
16 very few questions. Are you okay to go forward?

17 THE WITNESS: If we just knock 'em out real
18 quick.

19 MS. BILLOTTE MOSES: Okay. I'll try. I
20 understand. I mean, I represent Bradley.

21 CROSS-EXAMINATION

22 BY MS. BILLOTTE MOSES:

23 **Q. I didn't hear your answer about the dune buggy**
24 **accident. Did you say it was either hit the little boy**
25 **that was in the way or go into the shrub? That was the**

1 choice Bradley had to make?

2 A. Indeed.

3 Q. So instead of harming the boy, he went into the
4 shrub, correct?

5 A. Yes, ma'am.

6 Q. Okay. Would you have made the same choice?

7 A. Obviously.

8 Q. Okay. You were asked about Bradley having two
9 beers on the beach one day. You drank too, correct?

10 A. I did, yes, ma'am.

11 Q. Okay. So Bradley wasn't drinking and you were
12 saying, no, we shouldn't do this and you -- okay.

13 A. No, ma'am.

14 Q. Because you basically did everything together,
15 correct?

16 A. Yes, ma'am.

17 Q. Okay. Were you concerned at all with driving
18 with Bradley on the way home?

19 A. I was not concerned, no, ma'am.

20 Q. Okay. So there was no suggestion to you that
21 you-all should not have gotten in the car and start this
22 trip?

23 A. No, ma'am. I had no suggestion of that.

24 Q. And you were asked about hitting the guardrail
25 on that night you went out with Bethany and another girl

1 at the Omni Park Grove Inn?

2 A. Yes, ma'am.

3 Q. Okay. After that scraping of the guardrail,
4 were you concerned with driving with Bradley?

5 A. No, ma'am. I think he was just a little
6 distracted by the lady in the car. He just kind of ran
7 off the road. The guardrail was really close so. . .

8 Q. Right. I've driven on that. It's almost right
9 next to the white line, isn't it?

10 MR. KALBAC: Object to the form.

11 A. Yes, ma'am.

12 BY MS. BILLOTTE MOSES:

13 Q. And, in fact, you were so comfortable driving
14 with Bradley on the way home that you actually went to
15 sleep, correct?

16 A. Yes, ma'am, I did. I assume I did. I'm not
17 100 percent sure.

18 Q. Okay. Well, do you have any reason to question
19 Bradley --

20 MR. KALBAC: Object to the form.

21 Q. -- in his telling that you fell asleep?

22 A. No, ma'am. I don't normally know Brad to be a
23 liar.

24 Q. Okay. Thank you. You said that Mr. Kalbac
25 visited you at Shepherd's?

1 A. Yes, ma'am.

2 Q. Okay. And when were you at Shepherd's? Do you
3 remember the dates at all?

4 A. About five weeks after the accident so that
5 would've been -- I went there five weeks after the
6 accident. I stayed there for three months.

7 Q. So mid-May, early May?

8 A. Yes, ma'am.

9 Q. Okay. When was your family contacted by
10 Mr. Kalbac before that visit to Shepherd's?

11 MR. KALBAC: Object to the form.

12 A. I believe my family contacted Mr. Kalbac's
13 office and then at Halifax.

14 BY MS. BILLOTTE MOSES:

15 Q. So while you were at Halifax, you were in
16 contact with an attorney?

17 MR. KALBAC: Object to the form.

18 A. I believe so, ma'am. I don't have a full
19 recollection of that.

20 Q. Okay. But your first interaction with
21 Mr. Kalbac was at Shepherd's?

22 A. Yes, ma'am. That was my first face-to-face
23 meeting with him.

24 MS. BILLOTTE MOSES: Okay. All right. That is
25 actually all that I have.

1 THE WITNESS: Thank you. I really like you.

2 MR. ORR: I have more, but I'm going to wait
3 unless you have some to finish the first round.

4 MR. KALBAC: I don't have any questions at this
5 point in time. I'll save them for trial.

6 REDIRECT EXAMINATION

7 BY MR. ORR:

8 Q. I just have a few more based on some of the
9 answers that were provided. I want to make sure the
10 record is extremely clear when you gave an answer that I
11 think when we go back and read it, it's not going to be
12 clear.

13 You told me when I asked you earlier in the day
14 if you remembered anything from the point you left
15 Steak'n Shake until some point at Halifax, and I thought
16 your answer was you remembered nothing from the point
17 you left Steak'n Shake until five weeks later at Halifax
18 when -- I forget the nurse's name -- somebody had a
19 conversation with you. And you told me you remembered
20 the lights, I think, at some point; is that correct?

21 A. Yes, sir.

22 Q. All right. So when Mr. Fernandez -- and I
23 don't know that he intended to, but he worded his
24 question and said you didn't remember anything from the
25 time you left Steak'n Shake until the time you first got

1 **to Halifax. That's incorrect?**

2 MR. KALBAC: Object to the form.

3 MR. FERNANDEZ: Object to form.

4 A. When I first got to Halifax, my earliest memory
5 is coming in -- my earliest memory is as soon as the
6 helicopter landed, a young lady, she was one of the best
7 doctors there, she came out and held my hand and talked
8 to me really -- I don't remember what she said. And
9 then I was being rolled in on the gurney. I just
10 remember these lights going over my head. That's my --
11 so, I mean, that was exactly when I got there.

12 BY MR. ORR:

13 **Q. Got it. And then the next -- the first time**
14 **you remember actually having a conversation with**
15 **somebody being coherent was five weeks later?**

16 A. Yes, sir.

17 **Q. Now, do you remember Mr. Fernandez at the**
18 **beginning of his questioning asking you the exact same**
19 **questions I asked you about when you went to bed and**
20 **when you woke up each day during the vacation?**

21 MR. KALBAC: Object to the form.

22 A. Indeed, sir.

23 BY MR. ORR:

24 **Q. Was your memory better this morning answering**
25 **those questions or this afternoon answering those**

1 **questions?**

2 A. I think Mr. Fernandez just kind of led me into
3 the questions better to where I brought back more
4 memories.

5 **Q. So is the answer that he led you into the**
6 **questions better this afternoon so that you remembered**
7 **more things this afternoon than you did in the morning?**

8 MR. KALBAC: Object to form.

9 A. When I said that he led me, I don't mean that
10 he put words into my mouth. I just said that he helped
11 invigorate my memory. He was the catalyst.

12 BY MR. ORR:

13 **Q. Okay. That Dodge vehicle that you explained**
14 **had the hand controls, is that like Steptronic or**
15 **Triptronic but it actually also does the gas?**

16 A. I'm not sure what Steptronic or Triptronic is,
17 but it's I pull back to the accelerator and push forward
18 to stop.

19 **Q. Got it. And did somebody donate that to you?**

20 A. No, sir.

21 **Q. Who purchased that vehicle?**

22 A. My family and I.

23 **Q. And where did you purchase it from?**

24 A. The vehicle? From Advance Auto Sales, Exit 44
25 off of I-26.

1 **Q. In Asheville?**

2 A. Yes, sir.

3 **Q. Did you take the SAT and ACT?**

4 A. I only took the SAT, sir. I didn't really need
5 the ACT score after that.

6 **Q. How did you score on the SAT?**

7 A. Excellent.

8 **Q. What was your score?**

9 A. I hit a six-fifty in math, a seven-twenty in
10 critical reasoning, and then I think my writing score is
11 seven-eighty.

12 **Q. Do you recall your -- I'm going to list three**
13 **names. I just tried to look this up to see if we could**
14 **find out maybe and jog your memory of the place where**
15 **you were going to do your occupational therapy in**
16 **Asheville. Combined Therapy --**

17 A. No, sir.

18 **Q. -- Dr. Dortch? Carolina Therapy?**

19 A. No, sir.

20 **Q. Higher Ground Therapy?**

21 A. No, sir.

22 **Q. None of those?**

23 A. No, sir.

24 **Q. Do you know who George Rozier Lee is in**
25 **Nashville, Tennessee?**

1 A. I -- it doesn't bring anything to memory.

2 Q. Did you ever treat with a Dr. Lee in Nashville,
3 Tennessee?

4 A. I don't recall. I don't think I've ever been
5 to Nashville, Tennessee.

6 Q. Do you recall ever talking to a doctor from
7 Nashville, Tennessee?

8 A. There's a very strong chance I did, but I
9 don't --

10 Q. You don't remember?

11 A. I don't remember.

12 MR. KALBAC: It's Care Partners if you want to
13 know --

14 Q. Care Partners?

15 A. Care Partners. That is it.

16 MR. ORR: Okay. Thank you very much.

17 BY MR. ORR:

18 Q. I was listening to some of the questions a
19 moment ago about riding in the car with Bradley, and I
20 started thinking to myself if you were riding in the car
21 with Bradley and you had your feet on the dash and
22 Bradley turned to you and said, Madison, I don't think
23 you should have your feet on the dash, you should take
24 them down, what would you have done?

25 A. I would have taken them down.

1 MR. KALBAC: Object to the form.

2 BY MR. ORR:

3 Q. You would have taken them down? You wouldn't
4 have laughed at him?

5 A. I mean, I might have laughed at him, but I
6 probably still would have taken them down.

7 Q. You would have listened to him?

8 A. Yes, sir.

9 Q. In the friendship are you the more dominant
10 person?

11 MR. KALBAC: Object to the form.

12 A. I wouldn't say that at all, no, sir. Brad is
13 very strong willed just like I am so we're two very much
14 of our own people.

15 BY MR. ORR:

16 Q. Equals?

17 A. Yes, sir.

18 Q. Prior to today had you ever spoken with anyone
19 from any insurance company?

20 A. I'm sure I've spoken to an insurance agent at
21 some point.

22 Q. Okay. Do you recall who it was you've spoken
23 to?

24 A. No, sir. I mean, I know several insurance
25 agencies. I'm not saying I've talked to them about

1 insurance. I've just --

2 **Q. What about -- about this accident?**

3 A. About this accident? Not that I know of, sir.
4 I may have.

5 **Q. Can you recall at any point giving a statement**
6 **over the phone to any insurance company?**

7 A. No, sir, I cannot.

8 **Q. Do you know who your auto insurer is?**

9 A. No, sir.

10 **Q. Okay. You said at the end of Mr. Fernandez's**
11 **questioning that you consider Brad Ledford your best**
12 **friend, but then today you did not -- do not consider**
13 **him your best friend. Why is that?**

14 A. I believe he may have exaggerated or in some
15 way lied a little bit about what happened in the
16 accident. And I just -- before the accident if I had to
17 pick someone to be in the car with me, it would have
18 been Brad but, I mean, it's the most important thing
19 that's ever happened to me and to think that someone
20 might have misled me is pretty --

21 **Q. What do you think that he lied to you about?**

22 A. About just his -- my understanding of what I
23 was led to believe and what I was allowed to believe is
24 that Brad basically single-handedly saved my life,
25 unbuckled me, punched a window out, jumped out of the

1 car, came back into a fire at risk of burning his own
2 body off and then pulling me out of a car and then
3 running 200 yards away from the car and set me down and
4 taking his shirt off and keeping me from bleeding out on
5 my leg.

6 But I find out that there several bystanders
7 who also helped and that some of the eyewitnesses say
8 they actually had to unbuckle me and that Brad just
9 knocked the little bit of glass off. So it kind of
10 didn't sound that great after that.

11 **Q. Did any of the bystanders -- and, again, you've**
12 **never talked to any of the bystanders, correct?**

13 A. I've talked to Robert Schmidt.

14 **Q. And has Roger Schmidt ever given you a version**
15 **of what happened?**

16 A. I believe he told me of, like, what it looked
17 like when he came up, but I don't -- and I know he said
18 he caught my legs when I was being pulled out of the
19 car, but I don't really remember exactly.

20 **Q. Has he told you anything else, Roger Schmidt?**

21 A. No, sir, not about the accident.

22 **Q. Chuck Medovich, somebody who testified**
23 **recently, a witness, and I'll represent to you his**
24 **recollection was that he, Bradley, and another gentleman**
25 **who he did not know, probably Mr. Schmidt, helped pull**

1 you out of the vehicle. If he said that, Roger Schmidt
2 said that, and Bradley said that during his deposition
3 that he had helped pulling you out of the vehicle, would
4 you have any reason to believe Bradley is lying about
5 that?

6 A. No. See, that's kind of where I -- just in my
7 mind it was as if Brad had, like, knocked, like, punched
8 out a solid window from a BMW which, I mean, you could
9 hit it with a sledgehammer and those things don't break.

10 Q. Do you have an understanding as to how he got
11 out of the vehicle?

12 A. I heard different -- I heard so many different
13 ideas of how he got out of the vehicle. I really don't
14 know.

15 Q. Has anyone told you anything other than he
16 punched a window out and climbed out?

17 MR. KALBAC: Other than the lawyer?

18 MR. ORR: I'm sorry?

19 MR. KALBAC: Excluding any conversations with
20 his lawyer, of course.

21 MR. ORR: Yeah. Excluding -- thank you, Joe.
22 Of course.

23 A. Then no, then no.

24 BY MR. ORR:

25 Q. Yeah. Other than your lawyers, has anyone else

1 told you --

2 A. No, sir.

3 Q. And that last part that you were describing
4 about him wrapping you with his T-shirt, have you seen
5 pictures of him without his shirt on and his shirt being
6 on you?

7 A. Yes. I know he did that, but it just -- I kind
8 of misunderstood what had happened.

9 Q. Do you believe that Bradley Ledford exaggerated
10 how he got you out of the vehicle?

11 A. Yes.

12 Q. Do you believe that he did help get you out of
13 the vehicle?

14 A. Absolutely. I think that Brad would have done
15 everything he could just because -- I mean, I know Brad,
16 and you can't really fake the kind of character he's
17 displayed to me over the years I've known him. I mean,
18 he's an excellent young man. I just think that he got
19 caught in a bad situation and he wanted to exaggerate
20 what happened. It's just -- and if it was any other
21 situation, I would immediately overlook it just based on
22 our friendship. And I'd be, like, the good outweighs
23 the bad, but just with the gravity of this, of what this
24 means to my life, it's just him even exaggerating just a
25 tiny bit kind of --

1 **Q.** And you think the -- you think the exaggeration
2 part of it is at first he was explaining to you that
3 only he pulled you out of the car and then later you
4 learned it was he was saying multiple people did it and
5 another witness was saying multiple people helped?

6 A. Yes, sir. I mean, like in the Exhibit 9 on the
7 last page if you, like, read what he said --

8 **Q.** **Sure.**

9 A. -- I mean, it's just kind of -- I can pull it
10 out.

11 **Q.** **This one?**

12 A. Yeah. I got it.

13 **Q.** **He said -- is it 74, Plaintiff's Depo 74 or 75?**

14 A. 74. So, I mean, just like -- do you mind if I
15 speak?

16 **Q.** **Yeah, absolutely. You're answering my**
17 **question. So what are you pointing to?**

18 A. I mean, like, he says I was asleep the whole
19 time, but then just like on the third or fourth line he
20 says I was knocked unconscious so how could I be knocked
21 unconscious if I was already unconscious asleep? And
22 then he said the windows were rolled up and that he had
23 to punch them -- he panicked and then punched through
24 one. I think that's on line 7 or 8. And then he
25 reached over and unbuckled Madison and dove out of his

1 window and then reached out and pulled him out at the
2 same time out of the window when now that I understand
3 the window was almost completely broken through. So it
4 wasn't much to break through. I was most likely awake
5 when the accident happened if he's saying I was knocked
6 unconscious.

7 And then it sounded like he jumped out of the
8 car and was trying to come back in and to save me. And
9 I don't know if he was scared that I was gonna die and
10 he was gonna get charged with, like, manslaughter or
11 something and he was trying to make himself sound
12 better. I don't know. But now it seems like he got out
13 of the car and then two other guys came over to help and
14 they helped unbuckle me and helped me out. And so it
15 just kind of sounds like it was exaggerated and just --

16 **Q. Okay. In this one part of it, though, where he**
17 **says that you were knocked unconscious, do you believe**
18 **that after the accident he was saying that because as**
19 **they were taking you out of the vehicle, you were**
20 **unconscious?**

21 A. Right. I think he's saying that I was --
22 probably woke up and was screaming with him, and then
23 after the accident I was unconscious.

24 **Q. I mean, you believe that was true, right?**

25 A. That I was knocked unconscious?

1 Q. Right.

2 A. Absolutely, yeah.

3 Q. Okay. The whole punching the window out, you
4 understand that's how he got his injuries from his hand,
5 correct?

6 A. Correct. But now that I -- I mean, after --
7 the doctor's report said he didn't obviously, you know,
8 break his hand. I mean, I've punched a car window
9 before. They don't really break very easily, and if he
10 just had a cut, that could have happened just pushing
11 the glass out. And I'm just speculating. I don't know
12 any of that as a fact.

13 Q. So you're speculating as to whether he punched
14 it or pushed it or whatever he did to get out of it?

15 A. From what I understand now is that the window
16 was basically already completely busted out, and so he
17 just had to push the rest of the glass out so I wouldn't
18 cut myself coming out.

19 Q. Okay. Do you remember the pictures -- I
20 know you -- you haven't been back to the accident scene;
21 is that right?

22 A. I have not, sir. Are you done with this
23 message?

24 Q. I'm going to come back to it in a second. I
25 just want to show you one thing and I'll point to one

1 part of that message. And I'm pointing at -- everybody,
2 this is Exhibit 13, and this is page PL Depo 21.

3 This is in between those two barriers, and you
4 see up against the right side of the -- or the right
5 barrier in the photograph. Is it your understanding, as
6 you sit here today answering these questions, that your
7 car door was pinned up against this barrier?

8 A. Yeah. I'm pretty sure I was pinned up against
9 this barrier down here, but yeah.

10 Q. Right. And so in -- is it your understanding
11 that Bradley and these other two gentlemen, Schmidt and,
12 according to himself, Chuck Medovich, pulled you out of
13 the car over the barrier?

14 A. I mean, I believe so. It looks like that would
15 be the only way to do it.

16 Q. And then he says himself and one bystander
17 carried Madison 200 yards away from the burning car. 20
18 seconds after our escape, the entire car was engulfed in
19 flames.

20 Have you heard anything from any other witness
21 about them saying the same thing that after you guys got
22 out, the car was engulfed?

23 A. I mean, just looking at these pictures,
24 obviously, it was caught on fire unless someone was
25 really diligent with a pickaxe.

1 **Q. So is it your understanding not that Bradley**
2 **Ledford lied but that maybe you believe he exaggerated**
3 **how much he had to actually punch out a window and who**
4 **was actually helping him get you out?**

5 MR. KALBAC: Object to the form.

6 A. Indeed.

7 BY MR. ORR:

8 **Q. Do you still believe that young man loves you**
9 **like a brother today?**

10 MR. KALBAC: Object to the form.

11 A. Yes, sir.

12 MR. ORR: I have no further questions.

13 MR. KALBAC: Anybody else? He'll read, and
14 we're done.

15 THE WITNESS: That's it?

16 THE VIDEOGRAPHER: Off the video record. The
17 time is 5:29 p.m.

18 THE COURT REPORTER: Are you ordering,
19 Counsel?

20 MR. ORR: Absolutely, please.

21 MR. KALBAC: I'll take a copy.

22 THE COURT REPORTER: Mr. Fernandez, are you
23 ordering a copy?

24 MR. FERNANDEZ: Yes.

25 MS. BILLOTTE MOSES: Yes, a copy.

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(The deposition concluded at 5:29 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF ORANGE

I, Margaret Lowe, Professional Reporter, Notary Public, State of Florida, certify that DAVID MADISON CAWTHORN personally appeared before me and was duly sworn on the 18th day of August, 2015.

SIGNED this 31st day of August, 2015.

Margaret Lowe

Margaret Lowe
Professional Reporter
Notary Public - State of FL
Commission No.: EE142962
Commission Expires: 11/01/2015



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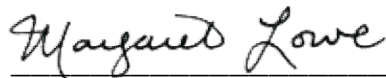
CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF ORANGE

I, Margaret Lowe, Professional Reporter,
certify that I was authorized to and did
stenographically report the videotaped deposition of
DAVID MADISON CAWTHORN; that a review of the transcript
was requested; and that the foregoing transcript,
Volumes I and II, pages 5 through 362, is a true and
complete record of my stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties,
nor am I a relative or employee of any of the parties'
attorneys or counsel connected with the action, nor am I
financially interested in the action.

DATED this 31st day of August, 2015.



Margaret Lowe
Professional Reporter

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WITNESS NOTIFICATION LETTER

August 31, 2015

Joseph Kalbac, Jr., Esq.
Colson Hicks Eidson
255 Alhambra Circle
Penthouse
Coral Gables, FL 33134

In Re: Cawthorn vs. Ledford et al.
U.S. Legal Support Job No. 1309624

Dear Mr. Kalbac:

The transcript of the above-referenced proceeding has been prepared and is being provided to your office for review by the witness.

We would request that the witness complete his review within 30 days from the date of this letter and return the errata sheet to our office.

Very truly yours,

Margaret Lowe
Professional Reporter

U.S. LEGAL SUPPORT, INC.
20 N. Orange Avenue
Suite 1209
Orlando, FL 32801
(407) 649-9193

Enclosure

Cc via transcript:
Jamie Billotte Moses, Esq.
George Fernandez, Esq.
Michael Orr, Esq.

ERRATA SHEET

IN RE: Cawthorn vs. Ledford, et al.

DAVID MADISON CAWTHORN

August 18, 2015

Page No.	Line No.	Change	Reason
200	18-21	<p>Change: "I had been accepted to Princeton. I had been accepted to Appalachian State, Ole Miss, University of Miami, and I believe that's all the schools that I had accepted -"</p> <p>To read: I applied through the ROTC program to Ole Miss and Princeton which is a different admission process than through the office of admissions. After I learned I was accepted to any state school in North Carolina, I did not proceed with my ROTC applications to these schools.</p>	Clarification
200	23	<p>Change: "Yeah. Right."</p> <p>To read: I don't believe I heard back from them.</p>	Clarification
304	18	<p>Change: "Yes, Sir."</p> <p>To read: I was told by the ROTC program I could go to any state school.</p>	Clarification
324	6-7	<p>Change: "It was an English proficiency, a math proficiency, and a science proficiency test."</p> <p>To read: "It was an English proficiency and a math proficiency test."</p>	Clarification

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

12/16/2015

Date



DAVID MADISON CAWTHORN