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PLAINTIFF'S COUNSEL: MR. MARCUS

THE WITNESS: MS. LINDA MARIA DONALDSON

DEFENSE COUNSEL I: MS. NICHOLS

DEFENSE COUNSEL II: MR. JASON

WARMUP

EXAMINATION

Q. BY MS. NICHOLS: State your entire name for the record.

A. Linda Maria Donaldson.

Q. Is that D-o-n-a-l-d-s-o-n?

A. That is correct.

Q. What / is your date of birth?

A. April 26, 1962.

Q. What is your current address?

A. 182 North Gretna Green Way, Los Angeles, / California 90049.

Q. How long have you resided there?

A. Since 2013.

Q. Is that a home?

A. Yes.

MR. MARCUS: Excuse me, Counsel. / I did not hear clearly.

MS. NICHOLS: Is there a problem?

MR. MARCUS: Sorry, did the witness indicate 2014?

1 MR. JASON: No, '13.

2 MR. MARCUS: I understand. Thanks.

3 Q. BY MS. NICHOLS: I will just state // this very
4 plainly, ma'am. It is my understanding that you do not
5 have a loss of income claim; is that correct?

6 A. That is correct.

7 Q. Moving / to October 1st --

8 A. Okay.

9 Q. -- tell me what caused you to be in -- within the
10 area where you tripped.

11 A. I was invited to a performance that evening ///
12 that was on Pico. I parked my vehicle on Doheny to
13 attend the event on Pico.

14 MR. JASON: Excuse me. What street was that where
15 you parked / your vehicle?

16 THE WITNESS: Doheny.

17 Q. BY MS. NICHOLS: Please proceed.

18 A. When the event was over at around 8:30, I then
19 made a plan with my friend to go out /*1 for dinner. We
20 were going to travel in her vehicle.

21 Q. Where was she parked?

22 A. She was parked closer to the theater, on the
23 opposite side / of Pico.

24 Q. Okay.

25 A. She was parked on the Rancho Park side of the

1 roadway, but I am not 100 percent positive her vehicle
2 was / parked on Pico or on Doheny.

3 Q. What happened next?

4 A. We just got in her vehicle.

5 Q. And where did you go?

6 A. We were actually heading east / on Pico. And we
7 called another friend to see if she wanted to join us
8 that evening. Our other friend said she would be
9 happy // to join us for dinner if we would head west.

10 Q. Okay. And what subsequently happened?

11 MR. MARCUS: Objection. Calls for a narrative.

12 MR. JASON: I would join in that. /

13 Q. BY MS. NICHOLS: Where did you go after
14 contacting your friend?

15 A. At that moment, we decided to turn around. I
16 decided, since we were heading west, I should /// pick up
17 my vehicle.

18 Q. Because that would be more towards your home;
19 correct?

20 A. That is correct.

21 Q. Okay.

22 A. She then pulled into the driveway on Doheny /
23 near where my vehicle was. We were talking to my friend,
24 and they selected a restaurant where we were all going to
25 meet.

1 MR. JASON: Let me /*2 stop you right there. What
2 are the names of your two friends?

3 THE WITNESS: Maryanne and Jennifer.

4 MR. MARCUS: Thanks for clarifying, Counsel.

5 Q. BY MS. NICHOLS: Please continue.

6 A. They were choosing where / we were going to go,
7 and I believe it was a restaurant somewhere on Sepulveda.

8 Q. Okay. What did you do after that?

9 A. At the end / of the conversation, I decided I was
10 going in my vehicle. I then got out of her car and
11 walked to my vehicle.

12 Q. Now, the / driveway where your girlfriend was
13 parked, where the three of you were talking, is that the
14 driveway where the accident happened?

15 A. Yes. Correct.

16 Q. All right. // You did not travel a very far
17 distance; is that right?

18 A. No. My girlfriend was still in her vehicle when
19 I collapsed.

20 Q. The third girlfriend? /

21 A. My girlfriend who was driving.

22 MR. JASON: Who was that?

23 THE WITNESS: Maryanne.

24 MR. MARCUS: Again, thank you for clarifying,
25 Counsel.

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Q. BY MS. NICHOLS: All right. Go ahead.

A. And, quite honestly, I was /// lucky she did not run over me.

Q. Let me break this down. What type of vehicle was Maryanne driving?

A. She has a little Mini Cooper. /

Q. Does she then head into the driveway?

A. Yes.

Q. Were you occupying the passenger seat?

A. Yes.

Q. Was there a garage in front of the vehicle?

A. Yes. /*3

END OF WARMUP

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EXAM

Q. BY MS. NICHOLS: If you are facing the garage, is your vehicle positioned to the right or the left of your position?

A. To the left.

Q. Did you depart / from your girlfriend's vehicle and walk toward --

A. Yes, ma'am.

MR. MARCUS: Hold on. Please let her finish her question before you then answer.

MR. JASON: For the benefit of / the reporter, speak one at a time.

THE WITNESS: I apologize.

Q. BY MS. NICHOLS: Did you intend to walk in front of her vehicle or behind her vehicle to get / to your vehicle?

A. I intended to walk behind her car.

Q. And when you exited from her car, were you turning your body to the right // to go behind her vehicle? Do you remember?

A. Yes.

Q. Tell me what happens as you turn your body to go right.

A. I position my body / to go right. I look and establish eye contact. I walk a little bit. I establish

1 eye contact with my vehicle. And then I fall. ///

2 Q. Okay.

3 A. I find myself in the street, literally.

4 Q. Are you still in the driveway?

5 A. I am no longer in the apron of the driveway. I /
6 am now in the roadway right by the topmost of the curb.

7 Q. Are you behind your girlfriend's vehicle or
8 adjacent to the side of it? /*1

9 A. Okay. Well, my legs are more behind her
10 vehicle, and my upper body is more in the middle of the
11 roadway -- not in the middle / but closer to the
12 sidewalk.

13 Q. Specifically, is your right side facing the
14 driveway?

15 A. Right side? Well, I will describe it to you this
16 way: I / took the tumble with my right hand. I was
17 leaning heavily on my right side.

18 Q. Okay. Sorry to interrupt. Go ahead.

19 A. And when I say / "the whole fall," I mean the
20 whole entire fall. I did not rip my clothing.

21 Q. Let us talk about this a little bit.

22 Approximately how // many steps would you say you
23 took prior to your initial trip?

24 MR. MARCUS: Counsel, that assumes facts.

25 MR. JASON: I agree with that and join in that

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objection. /

Q. BY MS. NICHOLS: Okay. Allow me to lay a foundation.

Did you trip?

A. Yes.

Q. About how many steps had you taken towards the apron of the driveway prior *///* to tripping?

A. That would be a guess entirely. I really do not know.

MR. MARCUS: Ms. Donaldson, please do not guess. You may estimate, but do not / guess.

THE WITNESS: I understand.

Q. BY MS. NICHOLS: Is it fair to say that, when you got out of your girlfriend's vehicle, you were about halfway up the driveway?

A. Yes. */*2*

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START TYPING

Q. BY MS. NICHOLS: At the upper portion of the driveway?

A. We were within their driveway. That is how I remember it.

Q. At the moment you stumbled, were you / more at the bottom portion of the driveway?

A. Absolutely.

Q. Okay. Do you remember which foot was caught?

A. No, I do not. I am sorry.

Q. You / do not remember which foot made contact with something that caused you to trip?

MR. MARCUS: Objection. Asked and answered.

MS. NICHOLS: This is just to clarify.

MR. JASON: You can / go ahead and respond.

Q. BY MS. NICHOLS: Do you remember the question?

A. No.

Q. Let me try a different question.

What is the last thing you remember seeing before // you tripped?

A. My last memory is making eye contact with my car. I do not recall much after that except recovering from the fall and / calling my girlfriend's name in total fear and shock.

Q. Okay. Ms. Donaldson, let me ask you this: Did

1 you have anything in your hands when /// you were
2 walking?

3 A. I was wearing a crossbody purse, a little one.
4 And I had my phone, which I do definitely recall was
5 already in / my satchel because, when I got into her
6 vehicle, my phone was dead.

7 MS. MARCUS: Please explain what a "crossbody purse"
8 is.

9 THE WITNESS: It is a tiny purse /*1 with a long
10 shoulder strap that crosses over the front and back of
11 your body.

12 MR. MARCUS: Thank you.

13 MR. JASON: Thank you, Counsel.

14 Q. BY MS. NICHOLS: Please continue. You were
15 explaining / about your phone.

16 A. I recall specifically, when we got into her car,
17 I plugged my telephone into her charger. When I took my
18 phone out / of her charger, it was not entirely charged;
19 so it was of absolutely no use.

20 Q. Is that when you put it in your purse?

21 A. Exactly. / That is why it did not shatter when I
22 stumbled.

23 Q. Okay. You are saying there was nothing in your
24 hands?

25 A. Correct. Actually, my hand absorbed // the

1 impact.

2 Q. Okay. When you tripped, if you remember, did
3 your body propel forward?

4 A. Correct.

5 Q. Did you do anything with your hands as you were /
6 falling?

7 A. I remember how I fell in hindsight. I did not
8 hit with my left hand. I specifically took it completely
9 with my right.

10 Q. Okay. /// So apparently --

11 A. But this is really --

12 MR. JASON: For the sake of the reporter, please
13 speak one at a time. Start your response again.

14 THE WITNESS: This is really / just after the fact.
15 I am now remembering it.

16 Q. BY MS. NICHOLS: To the best of your
17 recollection, do you believe that you threw your right
18 hand out /*2 as you were falling?

19 A. Correct, ma'am.

20 Q. Okay. And your right hand ended up bearing the
21 weight of your impact; is that correct?

22 A. Correct.

23 Q. When the / fall was completed, if you will, was
24 your entire body laid out on the ground, or was there a
25 portion of your torso that was / seated?

1 A. Nothing was seated.

2 Q. Okay. Did you fall onto your back?

3 A. No. I would say that I fell from my arm onto my
4 shoulder.

5 Q. Okay. / But your entire body was --

6 A. Correct.

7 Q. -- lying on the ground?

8 MR. JASON: Ma'am, please wait for counsel to finish
9 her question before you start to reply.

10 THE WITNESS: All // right. I apologize.

11 Q. BY MS. NICHOLS: Your entire body was on the
12 ground; is that correct?

13 A. That is correct. My upper body was more in the
14 street than / my lower body.

15 Q. Okay.

16 A. Because I remember lifting myself to get away
17 from the street.

18 Q. Is it fair to say that you called to your ///
19 girlfriend so she would not put her vehicle in reverse?

20 A. Correct. And to get help.

21 Q. And did she put her vehicle into reverse that you
22 / saw?

23 A. No.

24 Q. You did not observe any --

25 A. No.

1 Q. -- white lights --

2 MR. JASON: Ms. Donaldson, this is very difficult to
3 do, but you are really going to have /*3 to pause and
4 wait even though you know where the question is going.

5 MR. MARCUS: Otherwise, the record will be messy. I
6 know it is difficult, but / try your best to allow her to
7 conclude before you respond.

8 THE WITNESS: All right.

9 Q. BY MS. NICHOLS: You did not see any indication
10 your friend had put her vehicle / in reverse; correct?

11 A. Yes, that is correct.

12 Q. And you called to her primarily because you did
13 not want her to put her vehicle in reverse / and run over
14 you but also because you needed help; is that right?

15 A. Yes.

16 Q. Okay. What is your girlfriend's full name?

17 A. Maryanne Katz.

18 Q. Okay. Where // was the second girlfriend
19 located?

20 A. I do not know where she was.

21 Q. What is her full name?

22 A. Jennifer Wells. Jennifer was at the event with /
23 us, and she was probably driving home.

24 Q. Okay. Continue. Then what transpired?

25 A. We stopped Jennifer on her route home so that she

1 could join us /// for dinner.

2 Q. Okay. When you were going to get your car, your
3 second girlfriend was already somewhere down Pico, west
4 of you guys?

5 A. I would / assume so.

6 Q. She was not there at the scene?

7 A. Absolutely not.

8 Q. All right. What happens after you call to
9 Maryanne?

10 A. She got out of her /*4 vehicle. Luckily, she
11 heard me. She exited out of her car. She asked me how I
12 was. Then there was another woman walking a dog / that
13 asked if I needed any assistance.

14 Q. Okay.

15 A. I was in shock. She mentioned she was going to
16 call Jennifer to tell her that we / were not going to be
17 meeting her.

18 MR. JASON: "She" being Maryanne?

19 THE WITNESS: Right. Yes.

20 MS. NICHOLS: I will pass the witness temporarily
21 while I check my file for an / exhibit.

22 EXAMINATION

23 Q. BY MR. JASON: Good morning, ma'am.

24 A. Good morning, sir.

25 Q. What did Maryanne do after she phoned Jennifer?

1 A. She called her husband, who was a doctor.
2 After // that, I believe she telephoned my husband.

3 Q. Okay. When you hit the ground, did you instantly
4 call Maryanne's name?

5 A. Yes.

6 Q. And about how long were / you on the ground
7 before she came out to you?

8 A. Approximately 15 seconds.

9 Q. Did she assist you up to your feet?

10 A. I never went up /// on my feet. I remained on my
11 side.

12 Q. Did you arrive at a seated position?

13 A. I tried to. I believe I actually only rested
14 my / head and held onto my hand.

15 Q. Okay. You rested your head on the ground?

16 A. Correct. To the best of my recollection, yes.

17 Q. Okay.

18 A. I was /*5 hoping that I would be fine.

19 Q. But you definitely remember laying down, holding
20 your right hand?

21 A. Yes.

22 MR. MARCUS: Excuse me, Counsel. Could you confirm
23 who was / called to the scene of the accident?

24 MR. JASON: Sure.

25 Q. You testified that Maryanne called her husband

1 and that then she called your husband; is that correct? /

2 A. Yes.

3 Q. What happens after that?

4 A. Her husband arrives first.

5 Q. How long after she made the call did he arrive,
6 if you remember?

7 A. Ten minutes.

8 Q. Okay. /

9 A. So then my husband arrived about 10 minutes after
10 her husband came.

11 Q. What happens once your husband and Dr. Katz
12 arrive?

13 A. I was afraid to // look at my hand. I was
14 protective about it.

15 Q. Were you seated yet?

16 A. I do not recollect.

17 Q. Okay. Were you still on the boulevard?

18 A. I / was not moving.

19 Q. In other words, you did not go into your
20 girlfriend's vehicle?

21 A. No. I was not moving. The only time I moved
22 is /// after my husband arrived and we decided I should
23 go to the hospital.

24 Q. All right. When Dr. Katz arrived, did he look at
25 your hand? /

1 A. Correct. I believe he was the only person I let
2 examine my hand.

3 MR. MARCUS: What type of doctor is he?

4 THE WITNESS: He is a neurologist.

5 MR. MARCUS: Thank you. /*6

6 Q. BY MR. JASON: Okay. And what is his first name?

7 A. Robert.

8 Q. Did he tell you anything about your injury?

9 A. He did not.

10 Q. When your husband arrived, that was / about 10
11 minutes after Maryanne called him; correct?

12 A. That is right.

13 Q. He examined your hand and said, "We need to go to
14 the hospital"?

15 A. I / did not allow my husband to examine my hand.
16 Even I did not want to look at my hand. I simply decided
17 to go to / the hospital as quickly as possible.

18 Q. All right. Why did you not want to examine your
19 hand?

20 A. I was afraid. I was frightened.

21 Q. In the // seconds after your incident, what would
22 you estimate your level of pain was in your hand on a
23 scale of one to ten?

24 A. Definitely a / ten.

25 Q. And then by the time your husband arrived, would

1 you estimate it remained at a ten?

2 A. Absolutely.

3 Q. How did you get to the hospital? ///

4 A. My husband drove me.

5 Q. You left your vehicle on Doheny?

6 A. Yes.

7 Q. Did the woman who was walking her dog come and
8 offer any assistance to / you other than asking if you
9 were all right?

10 A. No.

11 Q. Tell me about the lighting conditions of the
12 driveway where you tripped and fell.

13 A. Basically, /*7 I would say that it was a normally
14 lit street, not fantastic but not poorly lit.

15 Q. Okay. When you were able to see your vehicle, /
16 was it clearly visible to you, or did it seem like it was
17 completely dark?

18 MR. MARCUS: Objection. Asked and answered.

19 MS. NICHOLS: I don't believe it was, Counsel. /

20 MR. JASON: This is a slightly different question.

21 MR. MARCUS: My objection is for the record.

22 Q. BY MR. JASON: Please answer the question.

23 A. I do not recall seeing fog or anything like /
24 that. I would say I saw my vehicle perfectly.

25 Q. Do you recall what the weather conditions were

1 that evening?

2 A. I remember that it was a // cool evening because
3 I was wearing a sweater and I was wearing boots, but I do
4 not remember it being extremely cold.

5 Q. And you fell / at around 8:45 in the evening?

6 A. Yes.

7 Q. Was it about 9:00 o'clock by the time your
8 husband arrived at the location?

9 A. Correct. I /// am guessing.

10 MR. MARCUS: Please do not guess, Ms. Donaldson.

11 MS. NICHOLS: If you do not know, simply say you do
12 not know.

13 THE WITNESS: I apologize. Would you kindly repeat /
14 the question for me, please.

15 Q. BY MR. JASON: All right. Was it about 9:00
16 o'clock by the time your husband arrived at the scene?

17 A. Approximately, yes.

18 Q. All right. /*8

19 A. I mean no, no. Because I said her husband
20 arrived in 10 minutes. I think my husband arrived there
21 around 9:15.

22 Q. Okay.

23 A. I believe / that would be a more accurate
24 measurement of time. I am not 100 percent certain.

25 Q. That is okay.

1 How did you get off the / ground?

2 A. I believe somebody assisted me because I was not
3 able to push up.

4 Q. Do you remember who that was?

5 A. No, sir.

6 Q. All right. But / you distinctly remember that
7 you did not push yourself off the ground?

8 A. No.

9 Q. All right. What happened next?

10 MR. MARCUS: Objection. Calls for a narrative.

11 MS. NICHOLS: He is // just attempting to move this
12 along, Counsel.

13 MR. MARCUS: I understand. I am objecting for the
14 record.

15 Q. BY MR. JASON: About how long did it take you to
16 get to / the hospital?

17 A. It took us approximately 10 minutes.

18 Q. All right. What hospital did you go to?

19 A. We went to Cedars-Sinai.

20 Q. Why did you choose /// that hospital?

21 A. Well, we went there because Dr. Katz knew the
22 people at the emergency room and thought we could get in
23 quicker.

24 Q. All right. / At some point prior to meeting with
25 a physician at Cedars-Sinai, did you ever examine your

1 hand?

2 A. No.

3 Q. But you were holding your hand /*9 still?

4 A. Always.

5 Q. You mentioned that you fell mainly onto your hand
6 but also made contact with your right shoulder. Were you
7 suffering any pain in / your shoulder?

8 A. I recall feeling bruising and a sore shoulder
9 after the event.

10 Q. Right after?

11 A. The next day.

12 Q. What doctor tended to you at the / hospital that
13 evening, if you remember?

14 A. It was a hand physician who was on call.

15 Q. And what happened while you were there?

16 MR. MARCUS: Objection. That is / vague and
17 ambiguous.

18 MS. NICHOLS: Well, please rephrase your question,
19 Counsel.

20 Q. BY MR. JASON: What did they do for you at the
21 hospital?

22 A. Well, I recall them taking X-rays. //

23 Q. Did they do anything else for you?

24 A. I recall I got some pain medicine because the
25 doctor had to realign my fingers, which was very /

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painful.

Q. Did the doctor tell you why he was realigning your fingers?

A. They were not going in the right direction.

Q. Did you observe that they *///* were not going in the right direction?

A. No. I never looked closely at my hand.

Q. Okay.

A. When he realigned it, I turned the other way. /

MS. NICHOLS: Counsel, excuse me, but whenever you get to an appropriate point, could we take a break?

MR. JASON: We can go ahead and take a break now.

/*10 END OF EXAM

*****EACH EXAM VARIES. THE ACTUAL TEST GIVEN MAY BE SLIGHTLY DIFFERENT*****