

TOPIC SUMMARY FOR JOHN DOE

DEPOSITION DATE: JANUARY 00, 0000

Plaintiff Name

Vs.

Healthcare Providers

Defendant

1) BACKGROUND

- **Family:** Mr. Joe was born and brought up in Houston. He was single, having three children, 3 years, 5 years and 18 years. He was living with his children but got separated recently. His children were in Dallas, and he was adjusting to see them since he came back to Kingwood, Houston. He is currently residing at 201 Sorters road, Kingwood, Texas, 77339, for five to six months. He was living at 3705 Windomere Drive in Bedford, Texas and in Shadow Creek apartment at 5529 Pearland, Texas earlier. He moved to Pearland earlier for his job and he lived there for a couple of years. His parents, two brothers and a sister were currently living in Houston. His children were living in 3705 Windomere Bedford.
- **Criminal:** Mr. Joe was not testified in the court before. He was a witness in a criminal trial regarding shooting in the past. Mr. Joe got one warning to get his license valid. He did not get his license because he needed a lot of money to do that. His traffic tickets were for traffic violations. He had lot of tickets for driving without his license. His license was not permanently suspended. He had few speeding tickets and red light tickets. He watched the video of the dashcam from the truck and listened the officer's audio recording. Mr. Joe received warrants for the tickets. However, he had not paid either of the tickets or appeared in court for those tickets.
- **Education:** Mr. Joe did grow up and went to school in Houston. He went to high school to MacArthur and grade school to Hambrick.

2) EMPLOYMENT

- **Past:** Mr. Joe was not able to return to work during the COVID time, because his work was in people's houses. He used to do in- home installations of showers, mirrors and windows. He started with a big company, Fashion Glass & Mirror. He initially started as an installer and moved to Sales representative. In his 20's, he worked for retail at AutoZone. He also worked for Family Dollar, hamburger and McDonald's in the past. His profession was glass business, such as making showers, mirrors and windows. He worked at Ajax for a year in September 2017. He was earning \$59,000.00 with bonuses at Fashion Glass in 2022. He was paid 17 dollars per hour at Ajax. He lost his wages due to the accident. He had W-2s to file a tax return. He was supposed to file a 1099 in his own company. He went through a lot of ups and downs in his own company, SK. He quit from Ajax. He also worked for Fashion Glass & Mirror in 2012, as a representative and he resigned in 2015. He went back there in October 2021 as a territory representative, with a salary of \$52,000.00 a year plus bonuses- auto allowance (around \$59,000.00). This was after receiving treatment with doctors in Bedford in August 2021. He got terminated from Fashion Glass & Mirror in 2022. He did not have a valid driver's license when he got the job at Fashion Glass and Mirror.

- **Present:** Mr. Joe was running his own glasswork company, involving residential glasswork such as mirrors to showers, windows and shower enclosures for about ten years. He was a sole proprietor for his company SK Shower Doors, and he was running it for about five years. S indicated Steve and K indicated Kasey. Mr. Joe have done a small job since he was in Houston.

3) ACCIDENT DESCRIPTION

- **Location:** The collision occurred on a mile marker, which was on a highway. There were no other vehicle or person at the scene of collision, except him and Lino. The accident occurred at I-45, right by the Buc-ee's, North Dallas, while he was returning after dropping his son in Houston, and was on his way back to his family. He was driving his father-in-law's car. He had not changed the name.
- **Time:** As per police report, the accident occurred at 1604 hours in the afternoon on July 26, 2020.
- **Weather:** Heavy rain.
- **Road Condition:** Wet
- **Vehicles Involved:** On July 26, 2020, Mr. Joe was the properly restrained driver of his Mushtang, had an accident with an 18-wheeler tractor – Trailor.
- **Familiar with area:** The collision occurred on a mile marker, which was on a highway. There were no other vehicle or person at the scene of collision.
- **Speed of vehicles:** Mr. Joe stated that he was not sure regarding the speed of his car, during the collision. The speed might be around 45 to 60 miles per hour.
- **Car positioning:** Mr. Joe was coming from the Buc-ee's from the feeder road to get onto the freeway. He saw the truck behind him, before entering the freeway on the merging lane.
- **Witnesses – Statements:** *Not available*
- **Investigation report:** As per police report, the accident occurred at 1604 hours in the afternoon on July 26, 2020, and the speed limit was 75 on the freeway. His license showed Pearland address, whereas he was living at Bedford. He received the tickets including failure to yield the right-of-way, not having a valid license and not having insurance. He had not appeared for any of those tickets yet. He was not sure if he was issued a ticket for not having insurance. He was wearing seat belt during the collision. He had not reported any bodily injuries after the collision. The airbags did not deploy. It was raining heavy at the time of collision. The windshield wipers in his car were working well at the time of collision. Mr. Joe was on the feeder road, entering the highway and the roads were wet. He had cellphone at the time of collision but was not using it. He made a call to Kasey to inform her that he was on the way back to home, at Buc-ee's, when he stopped. He started from his mother's house, Kingwood, The Woodlands. His mother is living at 59 Little York. Mr. Joe was driving from Dallas with his son. They had lunch at Chili's and he dropped Daniel at his mother's house, in 2704 Kowis Street, Cowen 77093. He left Dallas at 6 or 7 am. He had not taken alcohol the night before the collision. He called 911 when he got to the Arby's. He stopped at the Arby's as he was freaking out and wanted to relax. He made calls to 911, Kasey and his big brother

Isaac Martinez. Mr. Collins' client was talking in that 911 audio, who got an 18-wheeler and he pulled over on the side of the road and made the call after the collision. Whereas Mr. Joe did not call 911, because of heavy rain. He called 911 later, asked them if he should call insurance or 911. Bodycam of Trooper 1- Dashcam of police officer was played. Mr. Joe was coming from the Buc-ee's from the feeder road to get onto the freeway. He saw the truck behind him, before entering the freeway on the merging lane. The rain stopped after he got to the Arby's. The brake pads from the back and rear ones from his car were flew off, due to the impact of collision. The officer told Mr. Collins' client, to call his insurance companies, in that audio. In the video, Mr. Joe replied to the officer that he did not see that 18-wheeler. Video was played again. The truck was on the freeway and he had established his lane of traffic. The truck driver had the right of way at a point to be on that freeway, where Mr. Joe was not yet on the freeway. Mr. Joe's car blinker was on, and he was not established in that lane. At one point, Mr. Joe was speeding up his car. The dashcam from the tractor-trailer was analyzed. As per the DPS, Texas driver's handbook, the rules of the road required the person to yield the right of way to the vehicles already on the highway and speed up when entering freeway. Mr. Joe went slower than the posted speed limit on the freeway. He did not slow down and wait for the truck to pass before he entered the freeway, because he thought it was not safe.

4) INJURIES FROM ACCIDENT

- **Doctor:** Mr. Joe was receiving treatment from Dr. Jason Lee from Allied Orthopedics. He also had follow-ups with Dr. Cummings on August 2021 at Momentum Spine & Joint, Bedford, Dallas. He had seen Dr. Lee a couple of months earlier. He used to see Dr. Randy, who referred him to Dr. Lee. He had not seen any doctors or health care providers from August 2021 to November 2022. Dr. Cummings worked at Momentum. Mr. Joe had seen Dr. Lee more than three times, around November 2022. He also had seen another physician in the same facility of Dr. Lee's, for complaints of lower back pain. He was scheduled for two therapy appointments during the forthcoming week, at Pentagon Physical Therapy, as recommended by Dr. Lee. Mr. Joe's lawyers referred him to Dr. Lee. The doctors up in Dallas that he had seen were referred by his original lawyer. Mr. Joe had seen Dr. Lee during the earlier week. He had seen Dr. Lee three times in total after Christmas, and two more visits in January. He consulted physician initially on August 27, 2020, 37 days after the collision. He was seen by Cornell Cummings, M.D., at Momentum Spine & Joint for complaints of pain in neck, mid back and lower back.
- **Specific injuries:** Mr. Joe felt fine the first couple of days after the collision. He started having issues during that month. Mr. Joe's pain started getting worsened, and had constant pain since July 2020 due to the collision. He was seen by Cornell Cummings, M.D., at Momentum Spine & Joint for complaints of pain in neck, mid back and lower back. He stated that his anxiety and emotional factors caused the collision. He had a lot of anxiety, short tempered, aggressive and sleepless nights after the collision. When he was at Momentum, his neck pain started going away. He did not have neck pain since he stopped treatment at Momentum in August 2021. However, he had persistent back pain, for which he received physical therapy at Pentagon Physical Therapy. He was not able to lift weights as he used to do before the collision. Mr. Joe stated that the accident had a lot of effect on his personal life and relationship. He used to get pain at night during sleeping. Mr. Joe stated that he injured his neck, right shoulder and back, which were the specific areas that he was requesting damages for.

- **Treatment:** Mr. Joe received treatment from Absolute Chiropractic & Rehab and North Dallas Momentum. He did not receive treatment for over a year and a half, as he did not have so much pain. He stated that he had pain but it was not bad enough to receive medical attention. Dr. Lee prescribed him Tylenol and muscle relaxants. Mr. Joe was taking over the counter medications like Advil before seeing Dr. Lee. He used to take over the counter medications once a week. He was planning to see Dr. Lee to undergo a procedure for his back. He was waiting to hear from the specialist from the doctor's office. Mr. Joe's physical therapist checked his joints, toes, reflex testing and pain level. He received physical therapy from Pentagon Physical Therapy, including stretching and 30- minute exercises. He received lumbar injection in December 2020, cervical epidural steroid injection in February 2021 and lumbar facet injection in July 2021. He used to take painkillers, Tylenol Codeine half or one per night for his neck and back pain, as prescribed. He finished taking muscle relaxants in December, and he stopped taking muscle relaxants as it did not relieve his pain.
 - **Billing:** Mr. Joe received treatment for about \$60,000.00. He had bills from MRI centers of Texas and Memorial Care Pharmacy. His insurance was from his employer, Fashion Glass and Ajax in Bedford.
 - **Prior Injuries and Claim:** Prior to the collision, he was working for Fashion Glass & Mirror, had a work injury, where he fell through an attic into the garage, to the floor, six to seven years earlier. As a result, he dislocated his shoulder and underwent surgery. He also had small accidents including fender bender, where another car ran a stop sign and T- boned the front of his car. He had Geico insurance company under his name during that time, approximately around 2000. As a result of the accident, he had to replace the tire on the side of the Mustang, the part that goes on top of the tire. He did not receive money from the insurance company for the repairs. He fixed it himself. He did not get insurance company for the other guy who ran the red light, as it was not worth the amount.
 - **Future claim:** *Not available*
- 5) **Use of cell phones and or social media around the time of the accident and in general:** He had a website for his company SK. He watched videos in YouTube in order to prepare for the current deposition. There was a complaint about his performance at Yelp after the collision, as he had to reschedule doctor's appointments. He had a lot of happy customers over a hundred reviews for HomeAdvisor. He used HomeAdvisor for about two years, which was a website for advertising that required payment for advertising. He also used Angie's list for a couple of months, which had to be paid every month. Mr. Joe stated that they have to pay money to be on their website. Once he stop using their service, they would take out the reviews.
- 6) **Personal Insurance and Letters of Protection:** His insurance was from his employer, Fashion Glass and Ajax in Bedford.