

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CIVIL TERM : PART 34

-----X
MOYA S. REID,

Plaintiff,

- against -

EDWARD N. TALARICO AND MARCI R.
TALARICO,

Defendants.

-----X

Index No. 9497/15
(Excerpt)

360 Adams Street
Brooklyn, New York
February 2, 2018

B E F O R E : HONORABLE LARA J. GENOVESI,
Justice (and a jury)

A P P E A R A N C E S:

SUBIN ASSOCIATES, LLP
Attorneys for the Plaintiff
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By: DENNIS A. BREITNER, ESQ.

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Attorneys for the Defendants
1065 Stewart Avenue, Suite 210
Bethpage, New York 11714
By: FRANCIS J. SCAHILL, ESQ.

ALSO PRESENT:
Moya S. Reid

Sylandia Brock
Senior Court Reporter

1 THE COURT OFFICER: All rise, please, jury
2 entering.

3 THE COURT: Good morning, everybody.

4 A JUROR: Good morning.

5 THE COURT: Welcome back. You can have a seat.

6 We are all here on time today. There was some
7 confusion regarding room numbers. I tried to avoid that
8 yesterday. I am so sorry.

9 A JUROR: That's okay.

10 THE COURT: This is Officer Mackey, our regular
11 officer. Although we are not in our regular courtroom or
12 robing room, he will be the point person for you from now
13 on.

14 Counsel.

15 MR. BREITNER: Thank you, Your Honor.

16 THE COURT: Proceed.

17 MR. BREITNER: Plaintiff calls Moya Reid to the
18 stand.

19 THE COURT CLERK: Please raise your right hand.
20 Do you swear or affirm the testimony you are about to give
21 before this Court will be the truth, whole truth, nothing
22 but the truth?

23 THE WITNESS: Yes.

24 THE COURT CLERK: In a loud, clear voice,
25 please state your name, address for the record.

1 THE WITNESS: My name is Moya Reid. My address
2 is 661 East 58th Street, Brooklyn, New York 11234.

3 **M O Y A R E I D, called as a witness, upon being duly**
4 **sworn by the Court Clerk, was examined and testified as**
5 **follows:**

6 THE COURT CLERK: Thank you, you may be seated.

7 THE COURT: Good morning, Ms. Reid, have a
8 seat. Be kind enough to please keep your voice up. I
9 know this is a difficult, hard process, but keep your
10 voice up so everyone can hear you.

11 Counsel, you may proceed.

12 DIRECT EXAMINATION BY MR. BREITNER:

13 Q Thank you, Your Honor. Good morning, everyone.

14 Ms. Reid, you are the plaintiff in this case, the one
15 bringing the lawsuit?

16 A Yes, sir.

17 Q Can you tell us, the address that you gave in
18 Brooklyn, how long have you lived there?

19 A As of right now?

20 Q As of right now, yes.

21 A About four years.

22 Q What type of living arrangement or quarters are they?

23 A I have a front entrance and back entrance.

24 THE COURT: You will have to speak a little bit
25 louder, pretend you are speaking to the people in the back

1 row.

2 A I have a front entrance and back entrance, and I live
3 on the first floor of a private home.

4 Q What year were you born?

5 A 1990.

6 Q That would make you about 24 at the time of this
7 accident?

8 A Yes, sir.

9 Q Can you tell the Court and jury, does anyone live
10 with you?

11 A No.

12 Q Where are your parents?

13 A My mom lives in Florida, and my dad lives in Jamaica.

14 Q Jamaica over here or Jamaica --

15 A The island.

16 Q Your educational background, what is the highest
17 level of education you have attained?

18 A I have acquired a Bachelor's degree in business
19 management from The City College of New York.

20 Q When did you graduate?

21 A December of 2013.

22 Q At the time of the accident, which was August 19 of
23 2014, were you employed?

24 A Yes, sir.

25 Q By whom were you employed?

1 A Sprint.

2 Q Sprint, the --

3 A The phone company.

4 Q The phone company, the place where you worked, was
5 that in Westbury out in Long Island?

6 A Yes, sir.

7 Q Now, we learned that you were driving an Acura ILX at
8 the time of this accident; is that correct?

9 A Yes.

10 Q What year was that vehicle?

11 A 2015.

12 Q Had it just come out?

13 A Yes.

14 Q What was the cost of that vehicle?

15 A About \$30,000.

16 Q Am I correct that you leased the vehicle as opposed
17 to purchasing it outright?

18 A Yes, sir.

19 Q Were you familiar with the way the car worked, the
20 directional signals, the mirrors at the time of the accident?

21 A Yes, sir.

22 Q You had driven the car before, correct?

23 A Yes.

24 Q You had made the trip from your home to Sprint in
25 Westbury on various occasions prior to the date of the

1 accident?

2 A Yes, sir.

3 Q Am I correct you knew the route?

4 A Yes.

5 Q Beginning on the Belt Parkway, what would your route
6 be in order to get to work?

7 A I will enter the Belt Parkway at exit 13 which is
8 Rockaway Parkway. The Belt Parkway would merge into the
9 Southern State. Then I would exit the Southern State at exit
10 22N to enter the Meadowbrook Parkway. Then I would exit at, I
11 believe exit M5.

12 Q Now, we learned that approximately 10:51 A.M. there
13 was an accident, okay?

14 A Yes.

15 Q You were driving your Acura at the time?

16 A Yes, sir.

17 Q I am just going to show you some photographs.

18 THE COURT: They were all marked.

19 THE COURT OFFICER: You want the tripod?

20 MR. BREITNER: Yes, tripod will be good. We
21 will be looking first at Exhibit F.

22 A little closer, I want everyone to see it.

23 Q Are you able to see that?

24 A Yes.

25 MR. BREITNER: Is everyone able to see that?

1 A JUROR: No.

2 MR. BREITNER: Too low?

3 A JUROR: Yes.

4 MR. BREITNER: We need to raise it up. If you
5 can't, I will just hold it.

6 THE COURT OFFICER: Try this.

7 MR. BREITNER: Is that better?

8 A JUROR: Uh-huh.

9 Q So do you recognize the roads in this photograph?

10 A Yes, sir.

11 Q What roads are they?

12 A This is the Southern State Parkway.

13 Q Would that be in this lane here?

14 A Yes, those two lanes, to the left.

15 Q And the lane here, you know what lane that is?

16 A Yes.

17 Q What is that?

18 A That is the entrance to the Southern State from the
19 Meadowbrook.

20 Q Were you here yesterday when Ms. Talarico indicated
21 that she was exiting the Meadowbrook Parkway to get to the
22 Southern State on this road?

23 A Yes, sir.

24 Q In terms of your location as you approached 22N,
25 which is your exit, were you in the right lane of the Southern

1 State Parkway?

2 A Yes, sir.

3 Q When did you go into the right lane of the Southern
4 State Parkway?

5 A Exit 21, Freeport.

6 Q About how much distance is there between exit 21 and
7 22, your best estimate if you can?

8 A I would say probably about a mile.

9 Q What did you do when you entered the right lane at
10 exit 21 on the Southern State Parkway?

11 A I drove until I got closer to exit 22N, and I put on
12 my indicator. I looked over my shoulder. I looked to the
13 right to merge into the exit lane, I am sorry, the entrance to
14 the Meadowbrook.

15 Q You used the word indicator, is that the directional
16 or blinker or something like that?

17 A Yes.

18 Q Was it your intention to exit at exit 22N?

19 A Yes, sir.

20 Q Was that the entrance or the exit that would put you
21 on the Meadowbrook Parkway and take you to work?

22 A Yes.

23 Q Now, on that date of August 19 of 2014, what were
24 your hours at work?

25 A I was working 12:00 P.M. to close.

1 Q What position did you hold there?

2 A I was a key holder.

3 Q What is a key holder?

4 A A supervisor so I opened and I closed the store.

5 Q This happened, the accident happened at approximately
6 10:50 A.M.

7 Were you going directly to Sprint or had you plans to
8 do something else?

9 A No, I was going to get food to eat, and my plan was
10 to arrive to work early because I would do my makeup for my
11 shift.

12 Q Were you in any rush as you were exiting the Southern
13 State Parkway getting on the Meadowbrook?

14 A Not at all.

15 Q Was the Meadowbrook Parkway very bumpy?

16 A No.

17 Q You were able to maintain a speed of 30 to 40 miles
18 an hour while you were driving?

19 A Yes, sir.

20 Q As you approached the exit, 22N, did you change your
21 speed?

22 A Yes.

23 Q What did you do?

24 A I pressed on my brakes to slow down in order for me
25 to merge.

1 Q Just before you merged, you indicated that you had
2 looked at your rearview mirror. Was that on the right?

3 A Yes, that was to my right, and I looked over my right
4 shoulder.

5 Q What, if anything, did you see?

6 A I didn't see anything. It was clear.

7 Q Based on it being clear, what did you do?

8 A I attempted to move over into the exit lane to head
9 on to the Meadowbrook Parkway.

10 Q What happened as you were exiting the Southern State
11 to get onto the Meadowbrook Parkway?

12 A I got hit.

13 Q By hit, what do you mean?

14 A Another vehicle slammed into my car. I don't know
15 where it came from. I had no idea what was going on. My only
16 thought process in that moment was to gain control of my car
17 and to stop it as soon as possible.

18 Q Now, in what direction did your car go after it was
19 hit?

20 A So the back end of my car was moved to the left, and
21 the front of my car was moved towards the right.

22 Q Did a portion of your car block the exit to the
23 Meadowbrook Parkway?

24 A Yes.

25 Q Now, with respect to the vehicle that hit you, can

1 you describe it?

2 A Yes.

3 Q Tell us.

4 A It was a large Infiniti, I believe QX56 or Q56,
5 something to that sort. It was relatively higher than my car,
6 than me. It was a big vehicle. Yes, it was a very large
7 vehicle.

8 Q You couldn't miss a vehicle like that?

9 A No.

10 Q Did you eventually come to a stop?

11 A Yes, sir.

12 Q Did the vehicle behind you, the one that hit you also
13 come to a stop?

14 A Yes.

15 Q Were you ahead of that vehicle?

16 A Yes, I was.

17 Q At some point, did the driver of that vehicle and you
18 get out of your cars and have a conversation?

19 A Yes.

20 Q Can you tell us about that conversation?

21 A Well, I had been crying hysterically. I was
22 trembling. I eventually got out of my car, and we were walking
23 towards each other. I did not apologize to Ms. Marci.

24 Q Why not?

25 A I didn't know what happened. I didn't do anything.

1 Q She hit you, you didn't hit her, right?

2 MR. SCAHILL: Objection.

3 THE COURT: Sustained.

4 A Yes.

5 THE COURT: Strike that from the record.

6 Q Was she helpful to you?

7 A I had never been in an accident before so I had no
8 idea what to do, what the protocol was, and I just looked to
9 her for help.

10 Q It is okay. You need a moment, a tissue or
11 something?

12 A I looked to Ms. Marci for help. Like I said before,
13 I had never been in an accident before. I didn't know what to
14 do. I am in New York by myself, and she calmed me down, and
15 she said that she would call the police and I asked her what I
16 should do. She asked me if I had car insurance. I told her
17 yes. She said I need to get in contact with them. So I said
18 okay. She said we should probably exchange licenses. I went
19 back to my car. I got my license. I gave it to her. She took
20 a picture of it, and she gave me hers, I took a picture of it
21 and that was the only pictures that I took at the scene.

22 I didn't know to, I didn't know that I should have
23 taken pictures of my car or of her vehicle. I didn't know what
24 to do. I was so inexperienced.

25 Q Were the pictures, the photographs that we have seen

1 so far in this case, were any of them photographs that you
2 took?

3 A No.

4 Q Did a relative of the other driver come on the scene?

5 A Yes.

6 Q Who was that?

7 A Her husband.

8 Q Is she the one that took the photographs at the scene
9 to your knowledge?

10 A I don't remember.

11 Q Did you talk to him at any time?

12 A Well, I didn't see how he got to the scene or where
13 he came from. At the point when I did see him, I had already
14 gotten back into my car. I looked up and someone was just
15 approaching my vehicle. He seemed approachable. He came to my
16 car and he asked if I was okay. Yea, I think that was the only
17 time anyone at the scene asked me if I was okay.

18 Q Did you move your car from the location where the
19 accident occurred?

20 A Yes, I did because Ms. Marci told me to, but if I
21 knew better, I would not have moved.

22 Q Were you blocking part of the exit ramp?

23 A Yes, sir.

24 Q Where did you move your vehicle?

25 A I backed up, I had to back up, and I pulled over to

1 the shoulder, to the right-hand side after the exit.

2 Q Had Ms. Marci backed up her vehicle and pulled it
3 ahead on the shoulder as well?

4 A Yes.

5 Q Was her vehicle in front of your vehicle?

6 A At that point, yes. She had to back up before me to
7 pull over and then I backed up and then pulled over after her,
8 so, yes, her car was in front of mine.

9 Q Now, I want to show you a photograph that has been
10 marked Plaintiff's Exhibit 3 for identification.

11 MR. SCAHILL: It is in evidence?

12 MR. BREITNER: In evidence, yes.

13 THE WITNESS: Thank you.

14 Q Do you recognize that photograph?

15 A Yes, sir.

16 Q What is that photograph, what does that photograph
17 depict?

18 A Where the accident happened.

19 Q Did you place an X at the approximate place of the
20 accident?

21 A Yes.

22 Q There seems to be a white line on the right side of
23 the page that is horizontal, do you see that?

24 A Yes.

25 Q What does that depict?

1 A That's an arrow for merging onto the Southern State.

2 Q Does that arrow run from the merger lane, the one
3 that Ms. Marci was on --

4 A Yes.

5 Q -- and the one that you were --

6 A Yes.

7 Q And does that arrow point the traffic that is on that
8 merger lane off to the left?

9 A Yes.

10 Q To merge into the Southern State?

11 A The Southern State.

12 Q Okay.

13 Now, I want to show you a photograph that has been
14 marked into evidence. I think it is Defendant's Exhibit Q.

15 THE COURT OFFICER: It is Q.

16 Q I ask you to take a look at that.

17 Looking at the bottom photograph on that page, can
18 you identify that vehicle?

19 A Yes.

20 Q Whose vehicle is that?

21 A That is my car.

22 Q Okay.

23 Now, did you observe your vehicle after the accident?

24 A Yes.

25 Q Had there been any damage to your vehicle prior to

1 this accident?

2 A No.

3 Q What damage did you observe that was done to your
4 vehicle at the time of this accident?

5 A That the rear right panel is damaged on the passenger
6 side.

7 Q Anything else?

8 A Yes, there was damage to my bumper.

9 Q The rear bumper?

10 A Yes.

11 Q Anything else?

12 A No.

13 Q Was your car drivable after the accident?

14 A Yes.

15 Q Was your car eventually taken to a body shop and
16 repaired?

17 A Yes.

18 Q How long did it take to repair your vehicle?

19 A About a week and a half or two weeks.

20 Q Do you know the cost of the repairs?

21 A It was about \$7,000.

22 Q And your car costs 30,000 and the repairs were 7,000;
23 is that correct?

24 A Yes.

25 Q I am just going to show you another photograph that

1 has been marked into evidence, Defendant's Exhibit E. This one
2 is from the other direction. Just so it's clear, if I can find
3 my pen, would this be the merge lane?

4 A Yes.

5 Q This would be the lane to the right that you were
6 coming off of?

7 A Yes.

8 Q And then you were merging into this exit, and that is
9 where the accident occurred?

10 A Yes, sir.

11 Q All right, the merge lane, is it the lane that comes
12 off the Meadowbrook that feeds into the Southern State?

13 A Yes.

14 Q Is that merge lane also the lane that someone wanting
15 to exit the Southern State would take in order to get on the
16 Meadowbrook?

17 A Yes.

18 Q So it serves a dual function?

19 A Right.

20 Q Cars getting on and cars getting off?

21 A Coming off.

22 THE COURT: We are just going to ask that you
23 please wait until he finishes his question, don't start
24 anticipating.

25 Q Did you notice the damage to Ms. Marci's vehicle?

1 A Yes.

2 Q Where was that damage?

3 A It was the front left side of her bumper.

4 Q Did you miss your lane, did you miss your exit,
5 excuse me?

6 A No.

7 Q Were you going to miss your exit?

8 A No.

9 Q Did you have sufficient time to make a smooth exit
10 onto the exit ramp?

11 MR. SCAHILL: Objection.

12 A Yes.

13 THE COURT: I will allow it.

14 Q Did you ever see Ms. Marci's vehicle to your right
15 before the accident?

16 A No, I never seen her car.

17 Q Ms. Marci testified yesterday that you were to her
18 left and that she was a little bit ahead of you as you
19 approached the exit, is that correct?

20 A I've never seen her car. I don't know.

21 Q Did the defendant blow her horn at any time?

22 A No.

23 Q Did you ever hear the screech of brakes?

24 A No.

25 Q Ms. Reid, did you cause this accident?

1 A No, sir.

2 MR. SCAHILL: Objection.

3 THE COURT: Sustained.

4 When there is an objection made, you have to
5 wait until the Court rules before you can answer it, okay?

6 THE WITNESS: Okay.

7 Q Did you hit Ms. Marci's car?

8 A No, sir.

9 Q Did Ms. Marci's car hit you?

10 A Yes, sir.

11 MR. BREITNER: Nothing further, thank you.

12 THE COURT: Cross-examination.

13 MR. SCAHILL: Thank you, Your Honor.

14 CROSS-EXAMINATION BY MR. SCAHILL:

15 Q Good morning, Ms. Reid.

16 A Good morning.

17 Q That vehicle that you were driving on the date of the
18 accident, August 19 of 2014, that was a 2015 model, correct?

19 A Yes, sir.

20 Q That car was brand new, correct?

21 A Yes, sir.

22 Q You had it a few weeks before the accident?

23 A Yes, sir.

24 Q At the time you said you were traveling from your
25 home in Brooklyn to your job in Westbury, is that accurate?

1 A Yes, sir.

2 Q And you took that same route for two years before
3 this accident?

4 A Yes, sir.

5 Q You had a different car before you bought the 2015
6 Acura, correct?

7 A Yes, sir.

8 Q So is it fair to say that you were very familiar with
9 the location of the accident?

10 A Yes, sir.

11 Q So, as you are heading east on the Southern State,
12 right before the exit to 22 north, and there are three travel
13 lanes on the Southern State that allow you to go eastbound,
14 correct?

15 A Yes, sir.

16 Q And the accident, you mentioned occurred at about
17 10:50 in the morning, that was a Tuesday morning, is that
18 accurate?

19 A That is.

20 Q The weather conditions at the time of the accident,
21 were they clear and dry?

22 A Yes, sir.

23 Q Would you say traffic conditions were medium?

24 A Yes, sir.

25 Q As you were approaching the area where the accident

1 happened, you knew you were going to get on the Meadowbrook
2 Parkway at that location, exit 22 north from the Southern
3 State, correct?

4 A Yes, sir.

5 Q And you also knew in order to do that, you had to
6 enter the exit lane, that fourth lane to the right of those
7 three lanes that I spoke about earlier that can go through on
8 that Southern State Parkway eastbound, correct?

9 A Yes, sir.

10 Q And you knew that in order to do that, you had to
11 change lanes safely to avoid a collision with another car that
12 would be in that exit lane, correct?

13 A Yes, sir.

14 Q You knew that you weren't allowed to move over into
15 that lane unless it was safe to do so, that fair to say?

16 A That is fair to say.

17 Q Let's talk about your approaching the area where the
18 accident happened. In the half mile before this accident
19 happened, you said you were in the right lane on the Southern
20 State, correct?

21 A Yes.

22 Q And you were in that right lane from exit 21 -- you
23 mentioned that is 21, Freeport, the exit right before the
24 Meadowbrook Parkway, correct?

25 A Correct.

1 Q From exit 21 up until the time you got to 22 north,
2 you stayed in the right lane, is that fair to say?

3 A Yes, sir.

4 Q Can you tell the jury what your speed was as you were
5 proceeding from exit 21 to 22 and in the right lane?

6 A It was about 50 miles.

7 Q Could it have been 55 miles per hour?

8 A No.

9 Q You are sure it is not 55?

10 A No.

11 Q It is definitely 50?

12 A No, it is about 50 so it could be a little less than
13 50.

14 Q Okay.

15 Do you remember testifying before about this case, do
16 you remember testifying on an Examination Before Trial?

17 A Yes.

18 Q I have a copy for the Court, Your Honor.

19 That happened on April 20, 2016?

20 A Yes.

21 Q You remember being asked questions about how, what
22 was your speed from exit 21 up until the time, that you got to
23 exit 22 north?

24 A Yes.

25 Q I am going to read for you the questions and answers,

1 and I am going to ask you if that was accurate, page 45 line
2 three.

3 "Question --

4 MR. BREITNER: Hold on just a second, this is
5 the first volume?

6 MR. SCAHILL: Yes.

7 MR. BREITNER: Just a second.
8 Forty-three?

9 THE COURT: Forty-five.

10 MR. SCAHILL: Forty-five.

11 Q "And from exit 21 where you moved to the right lane
12 up until where the accident happened, what was your highest
13 rate of speed?

14 "Answer: Fifty, 55."

15 Is that answer accurate?

16 A Yes.

17 Q So, is it in fact true that your speed in the right
18 lane between exit 21 and exit 22 north was 50, 55?

19 A I could have told the gentleman that at that time.
20 He was very aggressive --

21 Q Let me ask you, I am going to ask you about your
22 answers.

23 A Okay.

24 Q You were at this deposition with an attorney,
25 correct?

1 A Yes, I was.

2 Q Not Mr. Breitner but another attorney from his office
3 was there with you?

4 A Yes.

5 Q Just like you did today, before you testified, you
6 swore under oath to tell the truth, the whole truth, nothing
7 but the truth, correct?

8 A Yes, sir.

9 Q And you also had an opportunity to review this
10 transcript for corrections after the deposition was completed,
11 is that also true?

12 A Yes, sir.

13 Q So, was it the truth when you answered this question
14 on April 20, 2016 that your speed between exit 21 and 22 north
15 was 50 to 55 miles per hour, was that a true answer?

16 A Yes, sir.

17 Q So from exit 21 up until the time of the accident,
18 your car was following another vehicle in front of you,
19 correct?

20 A Yes.

21 Q And from exit 21 up until the time of the accident,
22 what was the distance between your car and the car right in
23 front of you in that same right lane?

24 A I'd say about a car and a half, two cars.

25 Q And did that distance while you are traveling between

1 exit 21 and 22, did that remain the same up until exit 22
2 north?

3 A Yes, sir.

4 Q And did your speed remain the same between exit 21
5 and 22 north?

6 A No, I slowed down.

7 Q Okay, I am going to ask you if you remember being
8 questioned about that and giving these answers.

9 A Yes, sir.

10 Q Page 47 and this is starting on line three:

11 "And from exit 21 where on the Southern State you
12 changed to the right lane up until where the accident happened,
13 did you stay one and a half car lengths behind the car in front
14 of you?

15 "Answer: Yes."

16 On page 47 line 19:

17 "Do you remember whether you increased your speed or
18 decreased your speed at sometime after you changed to the right
19 lane and before the accident happened?

20 "Answer: I decreased my speed.

21 "Question: And where did you begin to decrease your
22 speed?"

23 Page 48 line two:

24 "How close were you to where the accident happened?

25 "Answer: I decreased my speed as I was making my way

1 to exit.

2 "Answer: Exit the Southern State.

3 "Question: At exit 22?

4 "Answer: Two north."

5 Were those answers correct?

6 A Yes.

7 Q Is that accurate?

8 A Yes, sir.

9 Q Did you also stay in that lane for the entire time,
10 that right lane for the entire time between exit 21 and 22
11 north?

12 A Yes.

13 Q You talked about decreasing your speed. When you are
14 a tenth of a mile away, were you decreasing your speed as you
15 were approaching the exit?

16 A Yes.

17 Q Was your foot on the brake at that time, or were you
18 hovering the brake?

19 A No, I was hovering over the brake.

20 Q When you reached the underpass, and I will show you
21 what has been marked as Defendant's Exhibit B, thank you. This
22 underpass is the Meadowbrook Parkway, correct?

23 A Yes.

24 Q When you reached that underpass, what was your speed,
25 what was your rate of speed?

1 A It was about 30 miles, 25 miles.

2 Q When you reached that underpass, and this was marked
3 as Defendant Exhibit C, when you reached that underpass, you
4 are in this right lane, correct? You are traveling in that
5 right lane when you reached that underpass, correct?

6 A Yes, sir.

7 Q You had the opportunity to move over into the exit
8 lane earlier than that underpass, but you went past that,
9 correct, still in the right lane?

10 A Yes, sir, because I was --

11 Q I didn't ask you because, Ma'am, your lawyer can ask
12 you any questions he wants --

13 MR. BREITNER: Objection, Your Honor, it is
14 argumentative.

15 THE COURT: Counsel, counsel.

16 Please just answer the questions that are asked
17 please.

18 Q So as you pass that overpass there, as you went
19 underneath that, your vehicle was in the right lane traveling
20 at about 30 miles per hour, correct?

21 A Yes, sir.

22 Q I am going to show you what is marked as Defendant's
23 Exhibit D, thank you.

24 MR. BREITNER: Can I see it before you?

25 (Indicating)

1 MR. BREITNER: Okay, thanks.

2 Q This is on the other side the overpass, correct?

3 This is on the eastbound side of the overpass, you have already
4 gone through. At this point, your vehicle is still in the
5 right lane, correct?

6 A I was merging.

7 Q Let's talk about when you are merging. This accident
8 happened when you were moving over from the right lane to the
9 exit lane after the overpass, correct?

10 A Yes.

11 Q When you were moving over, the accident happened when
12 your car was in between those lanes, part of your car was in
13 the right lane and part of your car was in the exit lane, that
14 is when the accident happened, correct?

15 A I am not sure. I just know where my car was after
16 the accident happened.

17 Q Well, I am going to ask you about your testimony
18 previously on that issue. This is on page 55 of your prior
19 testimony.

20 Starting at line 20:

21 "Did the accident happen in the right lane or the
22 exit lane or somewhere in between?

23 "Answer: It was in between. I didn't even make it
24 all the way over."

25 So is it fair to say -- first of all, was that answer

1 correct that you gave under oath back in 2016?

2 A It could be. I am not sure.

3 Q Do you want me to read it again?

4 A No, I just remember getting hit where I got hit.

5 Q So, let me ask you this, when you were asked, did the
6 accident happen in the right lane or the exit lane or someplace
7 in between, and you answered, "It was in between. I didn't
8 even make it all the way over," was that a true answer to that
9 question?

10 A It could have been.

11 Q When you say it could have been, you read through
12 this transcript several times, correct?

13 A Several times, no, sir.

14 Q Did you read it through?

15 A I read some of it.

16 Q When you finished giving your testimony, your lawyer
17 sent you the transcript and said if there is any inaccuracies
18 please correct them and correct them under oath, those were the
19 instructions that you received, correct?

20 A No, sir.

21 Q Were you given the transcript and told you could make
22 corrections?

23 A I was mailed the transcript, and I was not told that
24 I could make corrections.

25 Q Did you understand this question when it was given to

1 you back in 2016?

2 A I was very nervous. The guy was very mean to me --

3 Q You said that before, Ma'am, but I am asking you,
4 this question, I asked you did you understand that and the
5 question was, "Did the accident happen in the right lane, exit
6 lane or someplace in between?

7 You answered, "It was in between. I didn't even make
8 it all the way over."

9 Was that answer accurate?

10 A I thought I answered the question correctly because
11 that is what I took it as at the moment.

12 Q Thank you.

13 So, is it fair to say that the accident happened as
14 you were moving from this right lane over into this exit lane?

15 A Yes.

16 Q And is it also fair to say then, less than half of
17 your car was into that exit lane at the time the accident
18 happened?

19 A Yes, I got hit while I was merging.

20 Q But my question was is it fair to say then less than
21 half of your car was into that exit lane at the time of that
22 impact?

23 A Yes.

24 Q Now, before moving into that exit lane, you talked
25 about what you did. You looked for traffic in the exit lane,

1 correct?

2 A Yes, I was waiting for a safe time to move over.
3 That is why I took, I merged into the lane after the overpass.

4 Q Okay, so when you talked about moving over, you said
5 you looked in your side view mirror, correct?

6 A Yes, sir.

7 Q You looked over your shoulder, correct?

8 A Yes, sir.

9 Q You also said that when you did that, you checked
10 your mirror and you looked over your shoulder. You had a view
11 of this exit lane, correct?

12 A Yes, sir.

13 Q And you said -- by the way, how much time elapsed
14 between you doing that, looking over your shoulder and looking
15 at the mirror, between that and the accident happening?

16 A A short period of time.

17 Q A second, two seconds, five seconds, ten seconds?

18 A I am not sure, sir. I don't know how many seconds it
19 was, but it wasn't long.

20 Q So when you looked over in your right passenger
21 mirror, and you looked over your shoulder, you said that there
22 were no vehicles in that exit lane, correct?

23 A Yes, I was free to go.

24 Q And you also said that the defendant's car,
25 Ms. Talarico's car was a big car, right?

1 A Yes.

2 Q I think your lawyer asked you, you couldn't miss it,
3 right?

4 A Nope.

5 Q But is it also true that her car was right next to
6 you in that exit lane, and you missed it, is that fair to say?

7 A No, sir.

8 Q You pulled over from the right lane into the exit
9 lane, and Ms. Talarico's vehicle was right there because you
10 had a collision, is that fair to say?

11 A No.

12 Q So when you moved over into that right lane, the
13 collision occurred because Ms. Talarico's vehicle was in that
14 exit lane, correct?

15 A I don't know where her vehicle was. I just know that
16 I got hit.

17 Q But that is my point, Ms. Reid, you said you didn't
18 see her car, but her car was there --

19 MR. BREITNER: Objection.

20 Q -- because a collision happened, is that a fair?

21 THE COURT: I need to hear the question,
22 Counsel.

23 Q Is that a fair statement?

24 A No, sir.

25 THE WITNESS: Oh, I am sorry.

1 Q Were all four of your tires over this broken white
2 line that separated the right lane from the exit lane?

3 A I don't want to assume, but I was merging.

4 Q You were asked about that back in 2016. I am just
5 going to read this answer to you and the question to see if it
6 refreshes your recollection on page 56.

7 THE COURT: What line?

8 MR. SCAHILL: Starting on line nine.

9 Q "Question: So, was your vehicle still in the right
10 lane when the accident happened?

11 "Answer: Okay, you asked me if my rear tires were in
12 the exit lane?

13 "Question: No, I didn't ask you that. I asked you
14 whether your right side tires were in the exit lane when the
15 accident happened.

16 "Answer: No.

17 "Question: Were you still in the right lane?

18 "Answer, Question: All four tires of your vehicle
19 were in the right lane when the accident happened?

20 "Answer: All four tires were not. I was making my
21 way over. I was merging from the right lane to the exit lane."

22 A I believe that's just what I just said, sir.

23 Q So is it fair to say that half of your car was in the
24 right lane and half of your car was in the exit lane when the
25 collision occurred?

1 A It could be more or less, yes.

2 Q Did you ever quantify that, would it be fair to say
3 that 15 percent of your car was in the exit lane?

4 A Yes.

5 Q Is that fair to say?

6 A Yes.

7 Q And would it also be fair to say that the collision
8 occurred -- excuse me.

9 This is Defendant's Exhibit E. This is looking back
10 the other way, westbound in the eastbound lanes, correct?

11 A Yes.

12 Q Is it also fair to say that that collision occurred
13 between your car and the defendant's car right at the exit, is
14 that fair to say?

15 A About there.

16 Q You marked it back in 2016, you marked it on the
17 photo, correct?

18 A Yes.

19 Q And the collision occurred right at the exit, right
20 at the point where you were getting off the highway, correct?

21 A Yes, sir, about there.

22 MR. SCAHILL: With the Court's permission,
23 could you mark on Defendant's Exhibit E the point where
24 the contact took place, comparing it to where you marked
25 it previously?

1 MR. BREITNER: Your Honor, it has been marked
2 previously.

3 THE COURT: On which exhibit?

4 THE WITNESS: This one.

5 THE COURT: Counsel, would you like that
6 published?

7 MR. SCAHILL: Yes, Your Honor, thank you. That
8 would be fine to do.

9 THE COURT: You can publish that to the jury.
10 John, they are just publishing that to the jury.

11 THE COURT OFFICER: Okay.
12 (Published to the jury.)

13 THE COURT: This blow up is a blow up of the
14 same picture?

15 MR. SCAHILL: Yes, Your Honor.

16 THE COURT: Thank you.

17 MR. BREITNER: It's a different picture.

18 THE WITNESS: Yes, it's a different picture.

19 MR. SCAHILL: It is the same angle, I believe.

20 THE COURT: Thank you.

21 MR. BREITNER: It is what it is.

22 THE COURT: Thank you for clarification.

23 Q Thank you, Ms. Reid.

24 A Uh-huh.

25 Q Now, this lane where the collision occurred, you

1 spoke earlier when your lawyer was questioning you about a
2 merge. That lane where the collision occurs where
3 Ms. Talarico's car was, that continued straight on the Southern
4 State after exit 22 north, correct?

5 A I am not sure. I just know that it is the entrance
6 to the --

7 Q I am showing you the lane --

8 A -- Southern State.

9 THE COURT: Please don't --

10 MR. SCAHILL: Sorry.

11 Q I am showing you the lane where you say the accident
12 took place. That lane clearly continues further past the exit,
13 correct?

14 A Yes.

15 Q And cars can continue going straight past the exit in
16 the same lane Ms. Talarico was in after exit 22 north, correct?

17 A Yes.

18 Q Do you see this car that is in the photograph, in the
19 center?

20 A Yes.

21 Q Was that where your car was when you changed lanes
22 from the right lane into the exit lane?

23 A If that is where my car was exactly?

24 Q In that area.

25 A Well, I was merging from that lane.

1 Q That is what I am asking you.

2 A That is where my car was.

3 Q That is what I am asking you, where this car was in
4 the center of the photograph, that is the lane that you were
5 in, and you changed lanes into the exit lane right here,
6 correct?

7 A No. I don't know.

8 Q Were you in the right lane on the Southern State
9 Parkway before you changed lanes?

10 A Yes.

11 Q Is this the right lane of the Southern State Parkway
12 where this car is?

13 A Yes.

14 Q And when you started to change lanes, was it about
15 where this car is?

16 A No, I don't think so.

17 Q Was it further back?

18 A Yes, it could be.

19 Q You said it could be. How many car lengths behind
20 this vehicle were you when you started to make that change?

21 A I am not sure, sir.

22 Q What about the car that was in front of you? You
23 said that you were following the car about a car and a half.
24 Was that car still a car and a half in front of you when you
25 started to change lanes?

1 A No, that car was gone.

2 Q Did you stop in this exit lane after the collision?

3 A I just tried to gain control of my vehicle, and I
4 floored the brakes. My car was about to spin. I was just
5 trying to get it to stop.

6 Q Right.

7 My question was when you came to a stop, were you in
8 this exit lane?

9 A No. My car was tilted.

10 Q Tilted towards the exit?

11 A Yes.

12 Q Was part of your car in the exit lane and part of it
13 was in the right lane?

14 A Yes, after the collision, Ms. Marci's car pushed my
15 vehicle, so it turned, yes.

16 Q So was the front part of your car after you stopped
17 in the exit lane and the rear part of your car in the right
18 lane?

19 A No.

20 Q Do you remember being asked about that at your
21 deposition? I am going to read from page 68, starting on 65,
22 sorry. Let me see. Sixty-eight line three.

23 "Question: So was any part of your car in the exit
24 lane when it came to a stop?

25 "Answer: Yes.

1 "Question: What part of your car was in the exit
2 lane?

3 "Answer: The front part of my car."

4 Is that accurate?

5 A Yes, sir.

6 Q So if the front part of your car was in the exit
7 lane, the back of your car was in the right lane, is that fair
8 to say?

9 A It wasn't in the right lane of the Southern State.
10 It was in the lane that was merging onto the Southern State.

11 Q Was your car vertical to the exit when you came to a
12 stop?

13 MR. BREITNER: Objection to form.

14 A No.

15 THE COURT: I will allow it. Ma'am, to the
16 extent you understand the question, you can answer it.

17 A I just want to be sure. Sir --

18 THE COURT: No, the answer is I don't
19 understand or if you understand, you may answer.

20 Counsel, rephrase the question.

21 MR. SCAHILL: Sure, no problem, Judge.

22 Q So let's talk about the position of the cars after
23 the accident. You said you were on an angle here facing
24 towards the exit, correct?

25 A Yes, a bit closer up.

1 Q But your car was on an angle, facing towards the
2 exit, right?

3 A Yes.

4 Q And Ms. Talarico car, the defendant's car was facing
5 straight, down this lane, is that fair to say?

6 A No.

7 Q Was her car vertical to yours, meaning the front of
8 her car was pointing eastbound?

9 A It was pointing eastbound diagonally.

10 Q Was her car straight in that lane, in that exit lane?

11 A Her car was diagonal.

12 Q I am going to ask you about what you testified to
13 previously.

14 So a page 73, "Question --

15 THE COURT: What line?

16 MR. SCAHILL: Sorry, Your Honor, line seven.

17 Q -- the front of her car was pointing eastbound?

18 "Answer: Right.

19 "Question: In the direction of the eastbound lanes,
20 is that true, is that what you meant?

21 "Answer: Yes, her car was straight.

22 "Question: And your car was on an angle?

23 "Answer: Right."

24 Do you remember being asked those questions and
25 giving those answers?

1 A No.

2 Q Were those --

3 MR. SCAHILL: Counsel, you stipulate I read
4 that correctly?

5 MR. BREITNER: Yes, I do.

6 Q Were those answers true when you gave them back in
7 2016?

8 A To some extent because --

9 Q Let me ask you about that. You said to some extent.
10 You knew you had to give the truth, the whole truth, nothing
11 but the truth because you swore to tell the truth at this
12 deposition?

13 A Yes, sir, but again I was in --

14 Q Let me ask the question.

15 THE COURT: Ma'am, let him finish his question.

16 THE WITNESS: Okay.

17 Q You didn't qualify that answer when you gave it, her
18 car was straight. You said, yes, her car was straight. Now
19 you wish to qualify that answer, and that is a yes or no
20 question?

21 A Yes, I do.

22 MR. SCAHILL: Your lawyer can ask you any
23 questions he wants.

24 MR. BREITNER: Objection.

25 THE COURT: Sustained.

1 Q Now, Ms. Talarico came out of the car, and she
2 comforted you, you talked about? She said calm down, let's
3 move up the car?

4 A She said calm down, but it wasn't comforting.

5 Q Okay, I thought that is what you said earlier on
6 direct testimony, that she was kind to you?

7 A I believe -- I believe I said that she took the lead.
8 She wasn't kind.

9 THE COURT: Ma'am, are you speaking?

10 MR. SCAHILL: I didn't hear it.

11 THE COURT: Please read it back.

12 **(The testimony as requested was read by the**
13 **reporter.)**

14 MR. SCAHILL: Okay.

15 Q Now, I asked you to take a look at what has been
16 marked as Defendant's Exhibit P in evidence. That is a photo
17 of Ms. Talarico's car after the accident. Is the damage to her
18 vehicle shown in that photograph?

19 A I can't tell, sir.

20 Q Is the right front of her vehicle damaged in that
21 photograph?

22 A Yes, but her bumper was falling off.

23 Q I just asked you if the right front of her vehicle
24 was damaged?

25 A Yes.

1 Q These photographs that are marked into evidence as
2 Exhibit I and Exhibit H, these were taken at the scene,
3 correct, can you see that?

4 A Yes, sir.

5 Q That is you at the scene, right?

6 A Yes, sir.

7 Q And that is you outside of your car, and this is
8 Ms. Talarico's car right in front of you -- sorry, Your Honor?

9 THE COURT: No, it is fine.

10 Q I will show you another photograph. This is
11 Defendant's Exhibit I. This is also you standing outside your
12 car at the scene, correct?

13 A Yes, sir.

14 Q And the top is cut off, but that is definitely you
15 standing there?

16 A That's me.

17 Q I am sorry.

18 THE COURT: She said that's me.

19 Q This is --

20 THE COURT: Everybody has to hear this.

21 Q This is another photograph, this is Defendant's K.
22 This is a blow up of a picture of the front of Ms. Talarico's
23 car. Is this the damage to Ms. Talarico's car after this
24 accident?

25 A Yes.

1 Q And you already showed us or you verified that the
2 exhibit that you have, and that is Exhibit Q in front of you,
3 that shows the point of impact to your vehicle and the damage
4 to your car which was above the wheel well on the right side,
5 and there is a dent in your vehicle, correct?

6 A Yes, sir.

7 Q So the point of impact based on the photographs that
8 are in evidence, it is the right front corner of the
9 defendant's car and the right passenger side of your car just
10 above the rear wheel; is that right, is that fair to say?

11 A Yes, sir.

12 Q Now, you talked about pictures at the scene. You
13 regretted that you didn't take pictures; is that correct?

14 A Yes, sir.

15 Q Did you take any pictures of your car?

16 A Yes, sir.

17 Q I am sorry?

18 A Yes, I did.

19 Q At the scene?

20 A No, sir.

21 Q The pictures -- withdrawn.

22 I am going to ask you again about your deposition
23 testimony, on page 78 at line six. You were asked, "Question:
24 Did you take any pictures at the scene of the accident on your
25 cell phone?"

1 "Answer: I took pictures of my vehicle, not hers."

2 Was that answer true when you gave it back in 2016?

3 A It wasn't at the scene. I didn't --

4 Q I didn't ask you that. I asked you did you give a
5 truthful answer when you said, when you were asked did you take
6 any pictures at the scene of the accident on your cell phone?

7 "Answer: I took pictures of my vehicle, not hers."

8 Was that answer truthful when you gave it under oath
9 in 2016?

10 A That is what I said.

11 Q That wasn't my question. My question was was that a
12 truthful answer?

13 A Yes.

14 Q So where are the pictures that you took of your
15 vehicle at the scene?

16 A So --

17 Q I will withdraw that question.

18 Did you provide those pictures to your attorney,
19 pictures that you took at the scene, that is a yes or no?

20 A No.

21 Q You did not give them to your lawyer?

22 A I don't remember.

23 Q Did you ever produce them in the course of this
24 lawsuit that you started back in 2015?

25 A I don't remember, sir.

1 Q You recall that you were asked for any pictures of
2 your vehicle, any pictures of the scene, correct?

3 A Yes.

4 Q Now, you have acknowledged that you took pictures of
5 the vehicle, and you have not provided them, that is also a yes
6 or no?

7 A Please repeat it.

8 Q You acknowledge to us, you told the jury and you told
9 me just now that you did, in fact, take pictures?

10 A Yes.

11 Q You told Mr. Breitner earlier today that you didn't,
12 but now you are telling us that the truth is that you did, in
13 fact, take pictures?

14 A At the scene, no.

15 Q You just told me this was a truthful answer. You
16 were asked did you take pictures, did you take any pictures at
17 the scene of the accident on your cell phone?

18 "Answer: I took pictures of my vehicle, not hers."
19 You told me that was a truthful answer. You also told us that
20 you didn't provide those photographs, is that fair to say?

21 A Yes.

22 MR. SCAHILL: Nothing further, Your Honor.

23 THE COURT: Thank you.

24 Does anyone need a cough drop?

25 A JUROR: I am good.

1 THE COURT: Any redirect, Counsel?

2 MR. BREITNER: Yes, Your Honor.

3 REDIRECT EXAMINATION BY MR. BREITNER:

4 Q I just want to clear up something. I believe you
5 testified earlier that the accident caused damage to your rear
6 bumper; is that correct?

7 A Yes.

8 Q In addition to the damage to the quarter panel on the
9 passenger side; is that correct?

10 A Yes.

11 Q Does the photograph that was produced and marked into
12 evidence demonstrate damage to your car?

13 A Yes.

14 Q The photographs that were taken by you, what was
15 taken at the scene of the accident?

16 A The only photo that I took was a photo of the rear
17 back panel to send to my boyfriend at the time. That is the
18 only photos that I took.

19 Q And the photo -- withdrawn.

20 Does the photo in front of you that has been marked
21 into evidence showing your car depict the damage to your rear,
22 left quarter panel?

23 A Some of it, not all of it.

24 Q The only person you sent this to was a male friend of
25 yours?

1 A Yes.

2 Q Other than what is in that photo, what other damage
3 do you claim was caused?

4 A Whatever was by the bumper, that's it.

5 Q Okay.

6 Now, there was a question -- may I just take a look
7 over here?

8 THE COURT: Yes.

9 Q This has been marked Defendant's Exhibit B. This is
10 a shot before you reached the Meadowbrook overpass, correct?

11 A Yes.

12 Q And as of this picture, you would be in the lane to
13 the left of the merge lane?

14 A Yes.

15 Q Now, you had or counsel had asked you in terms of why
16 didn't you merge over earlier than the point where you did
17 merge, and you were about to give an answer. What answer did
18 you want to give?

19 A That I was waiting until it was clear because people
20 were exiting from the Meadowbrook.

21 Q They were exiting from the Meadowbrook on this?

22 A Yes.

23 Q That is the same merge point that the defendant came
24 through?

25 A I don't know.

1 Q So there were vehicles coming off the Meadowbrook,
2 going onto this merge lane, and were they merging to the left
3 at any point, or they were going through, past exit 22?

4 A No, they were --

5 Q Or both?

6 A They were merging to the left; hence, why I had to
7 wait until I could merge to the right.

8 Q So vehicles coming off this lane, off of the
9 Meadowbrook were merging to the left?

10 A Yes, sir.

11 Q And that is why you waited for a safe spot to come in
12 and exit; is that correct?

13 A Yes, sir.

14 Q Now, there was testimony by the defendant that she
15 was driving on the merge lane, and you were on her left side a
16 little bit in front of her. Did that ever happen?

17 A I don't know. I didn't see her.

18 Q There was questioning a little while ago that she was
19 on your right side, immediately to your right before you
20 merged, do you remember that question Mr. Scahill asked you?

21 A Yes.

22 Q In terms of what you did to see that it was clear to
23 merge, what did you do?

24 A I looked over my shoulder to the right. I checked my
25 mirror, and it was clear. I had the right away.

1 Q Okay, and you had testified previously that you had
2 your directional signal on?

3 A Yes.

4 Q Now, if Ms. Talarico was immediately on your right in
5 the merge lane, and you were immediately to her left on that
6 first lane of the Southern State, was your window clear enough
7 that if she was there, you would see her?

8 A Yes, sir.

9 Q Was she there when you looked?

10 A No, I didn't see her vehicle until after I got hit.

11 Q When you were hit, at what force were you hit?

12 A It was a huge, a huge force. My car was about to
13 spin out of control. I was just trying to get control of the
14 car to get it to stop, but it was very hard.

15 Q Now, you had mentioned that there were cars driving
16 through the merge lane from the Meadowbrook Parkway and merging
17 left?

18 A Yes.

19 Q The reason you waited to merge at the point you did
20 was because you wanted it to be clear?

21 A Yes.

22 THE COURT: I am sorry, can you please answer,
23 Ma'am?

24 THE WITNESS: Yes.

25 THE COURT: Thank you.

1 Q Were you able to see cars as they came off the
2 Meadowbrook in this merge lane?

3 A Yes.

4 Q Were you able to view them both visually by looking
5 over your shoulder as well as seeing them through your mirror?

6 A Yes.

7 Q And at any time prior to the accident, either by
8 visualizing or looking over your shoulder or looking to either
9 side, looking through your right hand mirror, did you ever see
10 Mrs. Talarico's vehicle next to you?

11 A No.

12 Q In terms of visualizing her car after the accident,
13 you made a comment about her bumper. What was it about her
14 bumper that happened as a result of the accident?

15 A It was hanging off.

16 Q That was the front bumper?

17 A The front right side of her bumper was hanging off.

18 MR. BREITNER: Thank you, nothing further.

19 THE COURT: Thank you.

20 Anything further?

21 MR. SCAHILL: Yes, Your Honor, thank you.

22 RECROSS-EXAMINATION BY MR. SCAHILL:

23 Q Just a few follow-up questions, Ms. Reid. I will
24 take you back to what you just told us. It's okay, I can leave
25 it.

1 THE COURT OFFICER: I got --

2 MR. SCAHILL: Okay.

3 Q What you just told us, this is Exhibit C. This is
4 the approach before the overpass. So as you are driving in the
5 right lane, you did see cars exiting in that exit lane from the
6 Meadowbrook in the exit lane; is that correct?

7 A Yes.

8 Q And that's the reason that you didn't pull over
9 before the overpass, you had to keep driving in the right lane
10 because there were cars in that exit lane, you couldn't pull
11 over before the overpass, correct?

12 A Correct.

13 Q And that's why when you got to the overpass, this is
14 Defendant's B, when you got to the overpass, you had to stay in
15 the right lane because there were cars in the exit lane,
16 correct?

17 A Correct.

18 Q That's why, this is Defendant's D, and that's why you
19 didn't start your lane change until you got almost to the exit
20 because you saw that there were cars in that exit lane before
21 the overpass, and you waited until you got after the overpass,
22 correct?

23 A All the way up there, no, sir.

24 Q Well, this is after the overpass, correct?

25 A After the overpass is longer than that.

1 Q Okay, so let's take a look at the photograph looking
2 backwards in the opposite direction.

3 A Yep.

4 Q This is Defendant's Exhibit E. So you waited until
5 you passed that overpass before you started your change from
6 the right lane over into the exit lane, correct?

7 A Yes.

8 Q And the reason you did that is because there were
9 cars in the exit lane that you were able to observe as you
10 approached that area, correct?

11 A Yes.

12 Q And you said that you looked in both your right
13 mirror, your passenger side mirror and you looked over your
14 shoulder before you began your lane change, but you never saw
15 Ms. Talarico?

16 A Yes.

17 Q You were able to see the other cars that were in the
18 exit lane as you were driving by, but you didn't see the
19 Talarico Infiniti, correct, is that correct?

20 A Please repeat that.

21 Q You were able to see the other cars in the exit lane
22 as you approached that area, but you were not able to see
23 Ms. Talarico's car, is that fair?

24 A Yes.

25 Q All right, that photo that you sent to your

1 boyfriend, was it more than one photograph?

2 A I am not sure.

3 Q Did you take several photos at the scene?

4 A It wasn't at the scene.

5 Q Did you take several photos of your car?

6 A No.

7 Q You only took one?

8 A I am not sure how many I took. I didn't take a lot.

9 Q Okay, let me ask you about those photos. During the
10 course of this lawsuit, you were asked several times to produce
11 any and all photographs of your vehicle, but you never produced
12 them, correct?

13 A That were taken at the scene?

14 Q You just told me you took photographs of your car, I
15 am talking about those photographs. During the course of this
16 lawsuit, you were asked multiple times to produce any and all
17 photographs of your car, but you never exchanged or gave us
18 those photographs, is that fair to say? That is a yes or a no.

19 THE COURT: Ma'am, can you please just answer
20 the question?

21 THE WITNESS: I am trying to.

22 A I don't know. I don't remember. I don't remember if
23 I --

24 Q Did you ever produce those photographs that you took?

25 A I don't remember if I sent them to anyone.

1 Q You said you sent them to your boyfriend. Did you
2 ever exchange them with your lawyer, did you ever give them to
3 Ms. Talarico or to our office who is representing Ms. Talarico?

4 A No.

5 Q So you never produced those photographs despite being
6 asked multiple times during the course of this litigation, is
7 that a fair statement?

8 A I wasn't asked multiple times.

9 Q Were you asked more than once?

10 A I am not sure.

11 Q You acknowledge that you were asked to produce those
12 photographs, but you never did that?

13 MR. BREITNER: Objection, Your Honor.

14 THE COURT: I will allow it.

15 A In the deposition, I did say that.

16 Q But you never gave them to us, correct?

17 A Correct.

18 MR. SCAHILL: Nothing further, Your Honor.

19 MR. BREITNER: Your Honor, if I may?

20 THE COURT: Yes.

21 FURTHER REDIRECT EXAMINATION BY MR. BREITNER:

22 Q What happened to those photographs?

23 A I don't remember if it is photographs or if it is a
24 photo. I just know that when I got to work, I took a picture
25 of where I got hit, and I sent it to him.

1 Q That is your boyfriend?

2 A He is my boyfriend now. He wasn't my boyfriend at
3 the time. That is why I didn't talk on the phone with him. I
4 just texted him and told him.

5 Q Did you take any photographs of the roads or the exit
6 or anything like that?

7 A No.

8 Q Did you take any pictures of Mrs. Talarico's vehicle?

9 A Nope.

10 Q Did you take any photographs of anyone's license or
11 registration?

12 A License, yes. Registration, no.

13 Q The photograph of the license, was that taken at the
14 scene?

15 A Yes.

16 Q And the photograph of the license was whose license?

17 A Ms. Marci's.

18 Q That was the photograph you took at the scene?

19 A Yes.

20 Q The other photograph you are referring to is a
21 photograph that shows the rear quarter panel of your car after
22 the accident?

23 A Yes.

24 Q But taken away, after the accident, after the scene,
25 your vehicle was away from the scene, and it was taken at some

1 other location?

2 A Yes.

3 Q To show your boyfriend?

4 A Yes.

5 MR. BREITNER: Okay, thank you.

6 MR. SCAHILL: Nothing further.

7 THE COURT: Thank you, Ma'am, please step down.

8 (Witness excused.)

9 THE COURT: Ladies and gentlemen, we will take
10 a brief recess where you can stretch, get a drink of
11 water, whatever you need.

12 (The jury exited the courtroom and the following
13 occurred:)

14 THE COURT: That's it, both of you, you both
15 rests?

16 MR. BREITNER: Yes.

17 MR. SCAHILL: Yes, Judge.

18 MR. BREITNER: We rest.

19 THE COURT: My law clerk will be coming in with
20 your request to charge.

21 REPORTER'S CERTIFICATION

22 I hereby certify that the foregoing is a true and accurate
23 transcript of the proceedings.

24

25 **Sylandia Brock**
Senior Court Reporter.
SAB

Sylandia Brock
Senior Court Reporter
New York State Supreme Court
360 Adams Street - Room 644A
Brooklyn, New York 11201
347-401-9341

February 2, 2018

TO: PICCIANO & SCAHILL

Attention: Francis Scahill, Esq.

TITLE OF ACTION: Moya Reid v. Talarico
IND. CASE NO: 9497/15
BEFORE: HON. LARA GENOVESI

PART 34

DATE OF PROCEEDING: February 2, 2108

PAGES: 96 (estimated)
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