

NO. 369871

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

JAMES WALKER, et ux,

Appellant,

v.

WASHINGTON STATE DEPT. OF TRANSPORTATION, et al,

Respondents/Cross-Appellants.

APPENDIX

ROBERT W. FERGUSON
Attorney General

CARL P. WARRING,
WSBA No. 27164
Assistant Attorney General
Attorney for Defendants State of
Washington, Department of Social
and Health Services, et al.
1116 West Riverside Ave
Spokane, WA 99201
(509) 456-3123

WALKER v. DOT

Court of Appeals, Division III, No. 369871

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STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

JAMES WALKER and)
BARBARA WALKER, husband)
and wife and the marital)
community composed)
thereof,)
)
)
Plaintiffs,)
)
)
v.)
)
THE WASHINGTON STATE)
DEPARTMENT OF)
TRANSPORTATION, DIVISION)
OF HIGHWAYS, a State)
agency, STEVENS COUNTY)
DEPARTMENT OF PUBLIC)
WORKS,)
)
)
Defendants.)
_____)

No. 16-2-00708-7

DEPOSITION OF JAMES J. WALKER

Taken at the instance of the Defendant
November 15, 2016
9:59 a.m.
103 E. Indiana Avenue
Suite A
Spokane, Washington

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
1312 N. Monroe Street
Spokane, Washington 99201

1 Q. Did -- when Uli sent you the -- sorry. I want
2 to make sure I have it right.

3 Did Uli send you digital copies of the
4 photographs he took via email?

5 A. I believe he did.

6 Q. Okay. And do you still have a copy of that
7 email that he sent them with?

8 A. I'm not sure if I have that email. I captured
9 his pictures, but I'm not sure that I have that email.

10 Q. Is that something you can check and see?

11 A. Yes.

12 Q. All right. Do you remember the collision
13 itself?

14 A. No.

15 Q. What is your last independent memory before
16 the collision, or the impact, occurs?

17 A. My independent memory would have been leaving
18 Wellpinit and getting back up to highway speed. And I
19 don't recall anything after that.

20 Q. Do you have an independent memory, independent
21 recollection, of the stop you had after Fruitland?

22 A. Yeah --

23 Q. Okay.

24 A. -- yes.

25 Q. And, then, do you have an independent memory

1 or recollection of approaching the intersection where
2 the collision occurred?

3 A. No.

4 (Deposition Exhibit 1 was marked for
5 identification.)

6 Q. (By Mr. Warring) Can you take a look at what's
7 been marked as Exhibit 1.

8 A. (Witness complies) Claim number.

9 Q. Okay. Do you recognize that document? Have
10 you seen this before?

11 A. No.

12 Q. Do you recall being interviewed by a Dawn
13 Smith back in August of 2013?

14 A. I don't remember the name. I do remember a
15 telephone interview.

16 Q. As we sit here today, do you know if when you
17 talked with whoever it was who interviewed you -- if at
18 that time you had an independent memory of the approach
19 to the intersection and the collision?

20 A. I don't know. I was very highly medicated at
21 that time. I don't remember what I said. I remember
22 an interview, but I can't remember any questions from
23 that interview.

24 Q. So one of the things I have to figure out as
25 part of what we're doing today is if you ever had an

1 independent memory of approaching the intersection
2 where the collision occurred and it just faded, or if
3 you've never had an independent memory of approaching
4 the intersection where the collision occurred.

5 A. Okay.

6 Q. Can you help me with that?

7 A. I can only tell you what I remember now. And
8 I do not have a memory of approaching the intersection.

9 Q. And you don't ever recall having a memory of
10 approaching the intersection?

11 A. No.

12 Q. What's your first independent memory after the
13 collision?

14 A. My first independent memory was I was face up
15 and looking at people around me. Sunny day. Looking
16 at people around me. And I'm saying, What happened?

17 Q. All right. Take it from there and tell me
18 what happens.

19 What events transpire after you open your
20 eyes, and you're asking what happened?

21 A. Okay. Well, I remember a woman stroking my
22 forehead and --

23 MR. SWINDLER: Want to take a break,
24 Jim?

25 THE WITNESS: No.

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STATE OF WASHINGTON

SPOKANE COUNTY SUPERIOR COURT

JAMES WALKER and BARBARA)
WALKER, husband and wife)
and the marital community)
composed thereof,)

Plaintiffs,)

vs.)

No. 16-2-00708-7

THE WASHINGTON STATE)
DEPARTMENT OF TRANSPORTATION,)
DIVISION OF HIGHWAYS, a State)
agency, STEVENS COUNTY,)
DEPARTMENT OF PUBLIC WORKS,)

Defendants.)

DEPOSITION OF ULRICH SCHILDT

Taken at the instance of the Defendants

Tuesday, December 20, 2016

10:46 a.m. - 12:25 p.m.

1250 Pacific Avenue, Suite 105

Tacoma, Washington

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
1312 N. Monroe Street
Spokane, Washington 99201
(509) 456-0586 - (800) 358-2345

1 obviously.

2 One of the things -- again, after Jim was taken
3 away, I was kind of looking at the intersection and
4 just wanted to see, you know, what could have
5 happened kind of thing and, you know, what could
6 have caused the accident, if you will.

7 Q Did you actually see the collision occur?

8 A Yes.

9 Q And where were you positioned when the collision
10 occurred?

11 A I was riding behind Jim, and so it happened right in
12 front of me.

13 Q How far away from Jim would you say you were when
14 the collision actually occurred?

15 A I would say probably about 50 to 75 feet, maybe
16 100 feet. I don't recall exactly.

17 Q Do you recall in terms the roadway whether it was
18 before the intersection, in the intersection, after
19 the intersection, where the collision between Jim's
20 motorcycle and the other vehicle occurred?

21 A Right in the intersection.

22 Q If I understand your earlier testimony right, you
23 were between 50 and 100 feet away from that point of
24 collision?

25 A Approximately, yeah. When you're riding, I mean,

11

1 you just keep a safe distance and, you know, so --

2 Q Okay. Was your motorcycle moving at the time of the

3 collision?

4 A Yes.

5 Q So you hadn't come to a stop either?

6 A No.

7 Q So the collision happens. What do you do? Like

8 what's your first reaction?

9 A Shock. Obviously it was a very traumatic

10 occurrence, obviously. The impact was very

11 forceful. Jim was flying through the air right

12 after the impact.

13 Q I didn't ask my question very well.

14 So I understand your motorcycle was moving. At

15 the time the collisions occurs, you're about 50 to

16 100 feet away.

17 Do you come to a stop? Do you have to lay your

18 bike down? How do you stop moving?

19 A Oh, I had enough room to stop, yeah. No, there was

20 no --

21 Q Where did your vehicle actually come to a stop at?

22 Could you bring it to a controlled stop before

23 the intersection?

24 A Yes.

25 Q So did your vehicle actually ever enter the

12

1 intersection itself?

2 A No.

3 Q Do you recall about how fast you were going at the
4 point that the collision occurred?

5 A Not really, no.

6 Q Do you know whether or not you were going the speed
7 limit that was posted on the road?

8 A Yeah. I mean, we followed the speed limits. We
9 didn't -- we didn't go faster than that so -- and I
10 don't know what the speed limit was. I would
11 imagine about 50 miles per hour so --

12 Q Okay. I don't want to put words in your mouth
13 because I need to know what it is you actually
14 recall.

15 A Uh-huh.

16 Q Am I supposed to understand that you were going
17 about 50 miles an hour at the point the collision
18 occurred?

19 A It would have been less at that point because the
20 intersection -- going up to the intersection, if I
21 recall, the road we were on was on a slight incline.
22 And so you could see there was something coming up,
23 so we would have slowed down, you know, prior to
24 that. At that point we were not going 50 miles per
25 hour.

13

1 Q Is there any way to estimate -- sorry.

2 Is there any way to give me a reasonable
3 estimate of how much you had slowed down before you
4 came to the intersection?

5 A I don't recall specifics.

6 Q One of the reasons I ask these types of questions
7 is, I just need to understand what your testimony
8 might be at the time of trial.

9 A Uh-huh.

10 Q So if we're sitting there in front of a jury, and I
11 ask you what's your best estimate of how fast Jim
12 was going when he entered the intersection, what
13 would your answer be?

14 MR. SWINDLER: Object to form.

15 A Again, it's difficult recalling exactly how fast
16 and, you know, details like that because obviously
17 it's been a while. And you have to realize, if the
18 accident wouldn't have happened, I wouldn't even be
19 able to recall anything of that area of time.

20 So before the accident, things just kind of
21 occur. You just don't even think about it. And I
22 was following Jim, so I really didn't pay attention
23 of street signs or where we were going.

24 Jim had a map, and I just kind of followed him.
25 Does that make sense?

14

1 BY MR. WARRING:

2 Q I understand the answer.

3 And so is what you're telling me you don't have
4 a memory from which you would be able to estimate
5 how fast Jim was going at the point he entered the
6 intersection?

7 A That's correct. I mean, I know he would have slowed
8 down. But you know, at what speed he was going,
9 again, I can't recall.

10 Q Was Jim conscious at all after the accident while he
11 was still at the scene?

12 A Yes.

13 Q And did you speak with him?

14 A Yes.

15 Q What did he tell you?

16 A He didn't know at all what happened. He had no
17 recollection at all. As a matter of fact, he said
18 that, what happened?

19 Obviously, he was in a lot of pain because he
20 was injured.

21 Q Was he -- I'm sorry. I didn't mean to interrupt.

22 A Again, he was injured badly. That's why he was
23 airlifted out. And so he was in a lot of pain, but
24 also in kind of shock.

25 Q Did he describe for you anything that he remembered

15

1 immediately preceding entering the intersection?

2 A No. I mean, we didn't talk about that at the
3 accident at all.

4 Q Has he at any point since the time of the collision
5 described for you any memories he has about the
6 events leading up to entering the intersection?

7 A Not that I recall.

8 Q So if I asked you, did Jim ever tell you what he saw
9 before he entered the intersection, your answer
10 would be --

11 A I don't know. I mean, again, I don't recall if he
12 ever said anything that he remembered.

13 Q Has he ever -- setting aside whether or not he's
14 ever told you any details, has he ever described for
15 you whether or not he does or doesn't have a memory
16 of the events leading up to the collision?

17 A As far as I know, he does not recall when the
18 collision occurred.

19 Q Has he ever described for you what memories -- what
20 his last memories are prior to the collision?

21 A The last time that we -- just before the collision
22 we stopped at a -- underneath a tree because it was
23 a hot day, so it was a shady spot. And he looked at
24 the map to see where we needed to go basically, and
25 he remembered that.

16

1 Q Have you heard him describe having any memories
2 after that point in time through the time of the
3 collision?

4 A I don't recall. And the time involved from where we
5 stopped prior to the collision would have been maybe
6 like five minutes or something like that at the
7 most.

8 Q I'm going to apologize in advance because I'm going
9 to jump around a little bit.

10 What I would like you to do is describe for me
11 essentially from start to finish the trip that you
12 guys were taking. And I'll ask you questions to
13 kind of help a facilitate that.

14 But when did this trip originate?

15 A It originated in Seattle really, but I met Jim at a
16 gas station on Highway 20.

17 So I was actually starting my journey from
18 Burlington just north of Mount Vernon, and Jim
19 started from home -- his home.

20 Q How is it that you know Jim?

21 A We used to belong to a motorcycle club before. We
22 both rode dirt bikes. And so we were in a club
23 that -- what's called the Cascade Family Motorcycle
24 Club.

25 Jim had a son that was riding motorcycles, and

17

1 which would have been going counterclockwise, if you
2 will, to go back to the gas station around
3 Fruitland.

4 Q And when the two of you were actually riding, you
5 don't have any way of communicating with one
6 another?

7 A No, no.

8 Q How do you know to -- if you're riding behind where
9 Jim is at, how would he know if you needed to pull
10 over? What would you do to signal him?

11 A I just speed up a little bit so I can be beside him.
12 But usually that's not an issue. You raise your arm
13 or something like that or --

14 Q Okay. And is that how he signaled you to pull over
15 under the shady tree, if you remember?

16 A I don't remember, but he probably would have turned
17 his indicators on and pulled over.

18 And I mentioned before, when you follow
19 somebody, you really don't pay really attention.
20 You pay attention to the person in front of you that
21 you're following. And if they pull over, you pull
22 over, and they slow down, you slow down. And you
23 take your clues from them basically.

24 Q Okay. So as you're approaching the intersection at
25 231, do you recall what the positioning of your two

34

1 vehicles were in your lane of travel?

2 Sounds like you've told us Jim was in the lead.

3 A Correct.

4 Q Were you staggered, side by side?

5 A I was behind. You always stagger yourself a little
6 bit because that gives you another margin of safety.
7 You don't follow exactly the same line as the person
8 in front of you.

9 You're either -- the person in front of you is
10 either on the right and you're closer to the center
11 line or vice versa.

12 Q Do you remember which you were, closer to the center
13 or closer to the --

14 A I don't recall.

15 Q Okay. And within his lane of travel, would you be
16 able to tell us if Jim was left part, center part,
17 right part?

18 A I don't recall. Sorry.

19 Q As best you can, as Jim is approaching the
20 intersection, describe for me what it is you
21 remember seeing.

22 A The only thing that I vividly recall is the impact.

23 Q Do you recall yourself when it was you first become
24 aware that you're approaching an intersection?

25 A Like what happened just prior to the accident is

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1 kind of -- if you would have asked me what happened
2 at the intersection before that one, I couldn't tell
3 you either. It's just -- you know, it's just --
4 it's just a part of the travel. You can't remember
5 every hundred feet that you travel, where you were
6 and so on and so on.

7 So to say the only thing that I can say for
8 sure is like when the impact happened because
9 obviously that is something that is imprinted in my
10 mind.

11 Q I appreciate the answer. It's actually very
12 helpful. Part of what we have to do as lawyers is
13 sort out what witnesses actually remember, something
14 they can tell us, and then quite frankly what they
15 don't remember is just as important to understand
16 sometimes.

17 So if I was going to ask you if -- as you were
18 approaching the intersection, if you remember
19 looking left or right, do you have a memory of doing
20 either of those things?

21 A I was behind, so at that point -- and if you look at
22 the photos, there was no -- nothing to see left or
23 right. This was prior to the intersection.

24 Q All right. Let's do this.

25 In terms of approaching -- sorry.

1 From the five minutes prior to the intersection
2 where you're stopped through the time of the
3 collision, I want you to tell me everything you can
4 remember. So pick it up from when you leave to the
5 actual collision itself.

6 MR. SWINDLER: I'll object to form. It
7 asks for a narrative. To the extent you can
8 remember and can give a narrative, you may answer
9 the question. You can answer the question. I'm
10 just objecting.

11 BY MR. WARRING:

12 Q And if part of the answer is, I don't remember this
13 part, all I can tell you I remember is this part,
14 that's fine. That's what I need to hear.

15 A Yeah, understood. I don't remember any of that in
16 detail.

17 As I mentioned before, if you were to ask me
18 any other section of highway that we had ridden that
19 day, I would not be able to remember anything
20 either. It just -- you know, we had already
21 covered -- I don't know how many miles, but we had
22 been riding for -- just riding time, probably an
23 hour and a half, I would say, maybe two hours. I
24 don't remember any of that.

25 Q So tell me what it is you do recall.

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Is it the point of impact forward?

A Correct.

Q Tell me what you see.

A I heard a little bit of a brake from the car like a little bit of a tire squeal very, very brief, and then (slapping hands), it was just the impact.

And I see Jim flying through the air. And obviously I was shocked because it happened right in front of me.

I parked the bike, ran over to where Jim was lying. And my initial thought was that he was dead because, again, the impact was absolutely severe.

And he was laying facedown in a ditch. The ditch was obviously sloping down, but it wasn't a very steep ditch; it was kind of a slight incline. He was headfirst. He wasn't moving.

And I think I shouted to the people in the car "Dial 911," because I was shaking and -- but, of course, they were in shock, too, because, you know, they were just in an accident.

And I think I did -- well, Jim started to breathe. And I didn't move him. I just left him there as he was lying facedown. And I think I dialed 911 then and -- but the operator mentioned that somebody had already placed the call, and

1 And I was parking right at that V there,
2 because it kind of forms a V.

3 Q Did you actually travel through the intersection to
4 park?

5 A Yes.

6 Q I thought earlier you told me you had stopped before
7 the intersection so that when -- the point of
8 collision happened that you brought your bike to a
9 stop?

10 A Oh, yeah, yeah, absolutely. But then I went ahead
11 and I parked right at that V there.

12 Q Okay. So I understand the sequence of events, Jim
13 is ahead of you, you're behind him as you approach
14 the intersection. The collision occurs. You're
15 able to stop your motorcycle before entering the
16 intersection, but then you travel through the
17 intersection to park on the other side closer to
18 where Jim is at?

19 A Correct, yeah.

20 Q Do you remember what the distance was the first time
21 you stopped your motorcycle before the intersection,
22 and what the distance between the intersection and
23 your bike was?

24 A Can you repeat that again?

25 Q Sure. I'm picturing in my head the intersection

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1 where the collision occurred. You've already told
2 us that you were able to stop your bike before
3 entering the intersection. I'm wondering how far
4 before the intersection you were able to bring your
5 bike to a stop.

6 A I don't recall.

7 Q Can you describe for me your stop in terms of, was
8 it a controlled stop, an uncontrolled stop, did you
9 leave skidmarks, anything along those lines?

10 A No, it was a controlled stop.

11 Q Do you recall it being a particularly hard stop?

12 A No.

13 Q Did you talk with the -- let me ask this.
14 Do you remember how many people were in the car
15 that was involved in the collision with Mr. Walker's
16 motorcycle?

17 A Two.

18 Q Okay. And do you remember their gender?

19 A There was a lady and a man.

20 Q And can you describe them for me?

21 A I would say they were kind of in their forties.
22 That's really all I can recall.

23 Q Do you remember having any conversations with them
24 other than what you already described about telling
25 them to call 911?

41

1 the accident site. They heard the collision, but I
2 don't think anybody had seen it. I'm pretty sure
3 nobody saw it because I was the only one right there
4 basically.

5 Q All right.

6 A So between the two people in the car and myself
7 would have been the only people that really saw
8 anything because, again, I don't think Jim
9 remembered anything, and he doesn't know what
10 happened.

11 Q Okay. You mentioned earlier a state trooper who was
12 at the scene, but you don't recall his name. Is
13 that correct?

14 A Correct, yeah.

15 Q What information do you remember exchanging with the
16 trooper?

17 A He looked at the accident site. This was after the
18 helicopter had left.

19 And there was also an ambulance that was there
20 and the fire truck. They basically had all left.
21 And he was looking at the accident scene and, you
22 know, trying to see if he could determine if the car
23 applied their brakes and so on. And he kind of
24 showed me some of that stuff. He said, okay, this
25 is where the brakes were applied, and you could see

43

1 Q You sound pretty confident that it was a state
2 patrol.

3 A Oh, absolutely, yes, yes.

4 Q Do you remember any other law enforcement officers
5 being out there that day?

6 A No.

7 Q No county, no city?

8 A No.

9 Q And was there anything else the officer shared with
10 you, any other information about the scene of the
11 collision or this intersection that you remember?

12 A No, I don't remember.

13 Q Could you give us your best estimate of how long the
14 skidmarks were that you looked at with the officer?

15 A They would have been very short. And it wasn't like
16 a really pronounced skidmark, you know, where you
17 can see that it's -- the tires were biting into the
18 pavement, if you will. These were -- you could see
19 it, but you had to look really closely.

20 And I think if you look at the photos that I
21 submitted, I think you can kind of see that on
22 those.

23 Q Do you recall looking for any skidmark associated
24 with Mr. Walker's vehicle?

25 A No, I didn't.

45

1 Q No, you didn't look?

2 A I didn't look.

3 Q Okay. Do you recall seeing any other skidmarks in
4 the intersection other than the ones that were
5 associated with the car?

6 A No, I didn't. I didn't look.

7 Q When you were following Mr. Walker, at the point he
8 entered in the intersection right before the
9 collision, do you recall seeing him brake or see
10 brake lights come on off of his bike?

11 A I don't recall.

12 Q Do you recall at the intersection there being a stop
13 bar painted before you entered the intersection?
14 Do you know what a stop bar is?

15 A Yeah, yeah, I know. I don't think there's one there
16 or there was one there at the time. I don't recall
17 but -- when I looked at the photos again, I don't
18 think there's one there.

19 Q When was the first time that you became aware that
20 there was a stop sign at the intersection of
21 Wellpinit and 231 from the direction you were
22 approaching?

23 A After the collision.

24 Q And were you ever aware that there was a vehicle
25 coming down on 231 prior to the point of impact?

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1 A No. Where I was, you would not be able to see that.

2 Again, if you look at photos, the
3 Ford-Wellpinit Road, as it enters the intersection
4 is on an incline.

5 And if I recall, there's a tree -- a fairly
6 large tree on the right side. And the highway --
7 the main highway, 231, is in a bit of a curve.

8 So when I go up the incline entering towards
9 the intersection, you really can't see any left and
10 right. Or even if you're like 100 feet back from
11 the intersection, you can't really see anything.

12 And also, the day when I -- again, this was
13 after the accident -- when I looked around, there
14 was pretty high vegetation in the ditch right here
15 as well (indicating) just north of the intersection.

16 And so even if you are, like I say, 100 feet
17 from the intersection, the direction where we were
18 coming, you can't see anything.

19 And I recall there were some signs, too -- on
20 this corner of the intersection, that would have
21 been the northwest section of the intersection,
22 there was some signs of -- I can't remember what the
23 signs are for, but right at that point as well.

24 Q Have you seen the photographs that the trooper took
25 on the day of the accident?

47

1 A No, I haven't.

2 Q I'm just going to show you a picture. And I don't
3 have the Bates number on it. If anyone else wants
4 to take a peek, they're welcome to look.

5 MR. SWINDLER: Is that what you guys
6 produced?

7 MR. WARRING: It's the trooper's picture?

8 MR. SWINDLER: Yeah. If you want to give
9 me a second, I may be able to see what exhibit
10 number it was.

11 MR. WARRING: Sure. I can find that. Let
12 me look, too.

13 MR. SWINDLER: Okay.

14 MR. WARRING: I went to the file it was in.

15 (Pause)

16 BY MR. WARRING:

17 Q I'm just going to flip through some of these
18 pictures with you. For our record, the Bates number
19 at the bottom of the photo is 02060001 is where they
20 start, and it looks like there's about 31 of the
21 pictures.

22 What I'm hoping you can do is tell me if these
23 look like -- well, first of all, let me go to a
24 specific picture. Do you recognize the vehicle
25 that's in the picture on Bates No. 02060004?

48

1 A Yes.

2 Q And what's that vehicle?

3 A That's the vehicle that collided with Mr. Walker.

4 Q Okay. And right next to that vehicle it looks like

5 there's a stop sign.

6 Do you see that?

7 A Yes.

8 Q Is that the stop sign you've been referencing?

9 A Yes.

10 Q And can you see this white marking on the road right

11 there?

12 A Yes.

13 Q Okay. And do you recognize that now to be a stop

14 bar?

15 A Yes.

16 Q Do you know if where that vehicle is located in this

17 picture is where it originally came to stop, or do

18 you know if it was moved after the collision?

19 A You know, I don't recall.

20 Q And if I was going to ask you, do you think this

21 picture is -- fairly and accurately depicts what the

22 intersection looked like from the angle at which

23 it's taken, what would you say?

24 A Is the photo accurate to what was there at the time?

25 Yes.

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1 Q And then the photo that ends in 0008, is that that
2 stop sign that we've been talking about?

3 A Yes.

4 Q And then again, the vehicle that was involved in the
5 collision is there next to that stop sign?

6 A Correct.

7 Q Now, it looks like 0009 is just a picture a little
8 bit farther back from that, but that's still the
9 stop sign and the car in the intersection in that
10 picture. Is that right?

11 A Correct.

12 Q And can you agree that that's a fair and accurate
13 depiction of what you would have seen at least from
14 this vantage point on the day of the accident?

15 A Yes.

16 Q There's another picture here that's 0018.

17 Do you recognize what's in that picture?

18 A I think in the back here (indicating) is where the
19 bike landed. And if I recall Jim would have been
20 right in this area or right here (indicating) where
21 he landed in the ditch so to the left of it.

22 Q So for purposes of what we're looking at, there's a
23 grassy area there up at the top of the photograph,
24 and that's where you were pointing to?

25 A Correct.

50

1 Q And then in the photograph itself, can you tell me,
2 are there any markings on the roadway?

3 And if there are, do you recognize them?

4 A There is tire marks in there. I don't know if they
5 would be the tire marks that would actually have
6 been produced by the car in the accident --

7 Q Okay.

8 A -- because there wouldn't -- I would have expected
9 them a little further back. It's kind of difficult
10 to see on this picture because it's kind of just in
11 an area that's kind of condensed without seeing the
12 surrounding area to kind of see where that relates
13 to the west of the intersection.

14 Q Fair enough. All right.

15 Do you remember seeing -- as Mr. Walker entered
16 the intersection and you're behind him, do you
17 remember seeing him take any action that you would
18 describe as some kind of evasive maneuver?

19 A No.

20 Q I mean, anything to indicate that he recognizes that
21 there's a car approaching him from the right?

22 A The car from the left. No.

23 Q When was the next time you saw Mr. Walker following
24 the collision?

25 A That was probably about two weeks after when he was

51

1 moved into a care facility in Bellevue.

2 Q And did you talk with him at that time about the
3 collision?

4 A Yes.

5 Q And if I remember your earlier testimony right, he
6 didn't have a memory of the events leading up to the
7 collision at that point?

8 A That's correct.

9 Q So you see him two weeks after the incident at a
10 care facility over on the west side of the state?

11 A Yes.

12 Q When's the next time you saw him again after that?

13 A I don't recall exactly, but he was still at that
14 same facility. It might have been maybe like a
15 month after that or something. I don't recall
16 exactly when, but it would have been sometime after
17 when he was still there.

18 Q And again at that point when you meet with him still
19 at that same care facility, he's still telling you
20 then that he doesn't have any memory of the events
21 leading up to the collision?

22 MR. SWINDLER: Object to form.

23 A The collision itself, yes.

24 BY MR. WARRING:

25 Q How about entering the intersection, is he telling

1 you the second time you see him after the collision
2 that he now has memories of entering the
3 intersection?

4 A I don't even know if we talked about that.

5 Q How many times have you returned to the area -- to
6 the intersection where the collision occurred?

7 A I haven't at all.

8 Q So you've never been back?

9 A No.

10 Q So after the collision occurred, Mr. Walker is
11 airlifted out, you meet with the officer, you take
12 some photos.

13 Where do you go from the scene?

14 A I went to Spokane to the hospital.

15 Q And did you see Mr. Walker at the hospital?

16 A He was in surgery. And I heard from somebody at the
17 hospital that they were able to contact his wife,
18 and his wife was on her way to Spokane already.

19 And I was trying to get a hotel room in
20 Spokane, but it was in the middle of the summertime,
21 it was very busy, and I wasn't able to find anything
22 right there.

23 So because his wife was coming, I decided to go
24 back to Republic, and so I made my way back there.

25 Q After Republic you head back?

1 A No. I don't know.

2 MR. McFARLAND: All right. I don't have
3 any other questions for you. Thank you, sir.

4 MR. SWINDLER: I may have a few questions.

5

6

EXAMINATION

7 BY MR. SWINDLER:

8 Q I just want to make sure I understand your
9 testimony.

10 Did you see any brake lights on Jim Walker's
11 motorcycle before the collision?

12 A I don't recall. I think he may have just put his
13 motorcycle down, but I don't recall actually seeing
14 brake lights on.

15 Q Could you determine if, in fact, he was slowing down
16 the motorcycle or not?

17 A Yeah. I mean, definitely -- he definitely would
18 have slowed down because, when you approach the
19 intersection, you see something is coming up, so he
20 was not going probably the 50 miles an hour that we
21 were going before, but I could not tell you how fast
22 he was going at that point.

23 If you look at the intersection again, you will
24 see there is a sign right ahead like a street sign,
25 I think. Again, it's kind of difficult to see on

60

1 these photos because they've been -- they're just in
2 black and white, but you can definitely see there's
3 something coming up here, so I'm sure he would
4 have -- he slowed down.

5 (Exhibit No. 2 marked for identification)

6 Q This is a photograph that we produced as Exhibit --
7 as part of Exhibit I to Mr. Walker's Second Answers
8 which depicts the road as you're going towards the
9 intersection.

10 Does this picture which is Exhibit 2 accurately
11 depict where the location was that you recall at the
12 time of the accident?

13 A I never went back this far from this angle, but I
14 recall the big tree being here (indicating).

15 Q And you're pointing on the right side of the
16 photograph?

17 A Correct, yes. I also see the signs that are on the
18 left side of this intersection, signs for -- to say
19 look something, I believe. They're just kind of
20 homemade plywood signs that somebody erected on the
21 left side of the intersection. I recall those being
22 there on the day of the accident.

23 Q And do you recall seeing any warning sign, a STOP
24 AHEAD sign or INTERSECTION AHEAD sign before the
25 intersection?

1 A I don't recall there being one.

2 MR. SWINDLER: I have nothing further.

3

4

EXAMINATION

5 BY MR. WARRING:

6 Q The photographs that you've provided, did you
7 provide them in like a film printed copy or a
8 digital medium?

9 A Digital.

10 Q And do you still have the original digital format --

11 A Yes.

12 Q -- in which you took them?

13 A Yes.

14 Q Okay. Let me ask this a little bit differently.

15 What kind of device did you use to take the
16 pictures?

17 A It's an Olympus camera. It's like a real camera,
18 not a phone.

19 Q And do you have a memory stick for the camera, or is
20 it an internal memory?

21 A It's a memory stick.

22 Q And do you have the original memory stick that you
23 used to take your pictures?

24 A Yes.

25 Q Okay. And so if we wanted to get exact

62

1 duplicates -- digital duplicates, we could copy that
2 memory stick and distribute it to everybody?

3 A Yeah. I mean, it's got a whole bunch of personal
4 photos on it obviously.

5 Q I wouldn't want those from you.

6 MR. SWINDLER: It all depends.

7 BY MR. WARRING:

8 Q But that is something that I would like to do is
9 make sure I can capture the original data.

10 Sometimes printed photos don't demonstrate
11 everything that's captured in the digital image.

12 A But the ones that I emailed Geoff of the original
13 files, not with the original files designation and
14 so on, and so I just copied them and sent it to him.

15 Q Like a copy and paste?

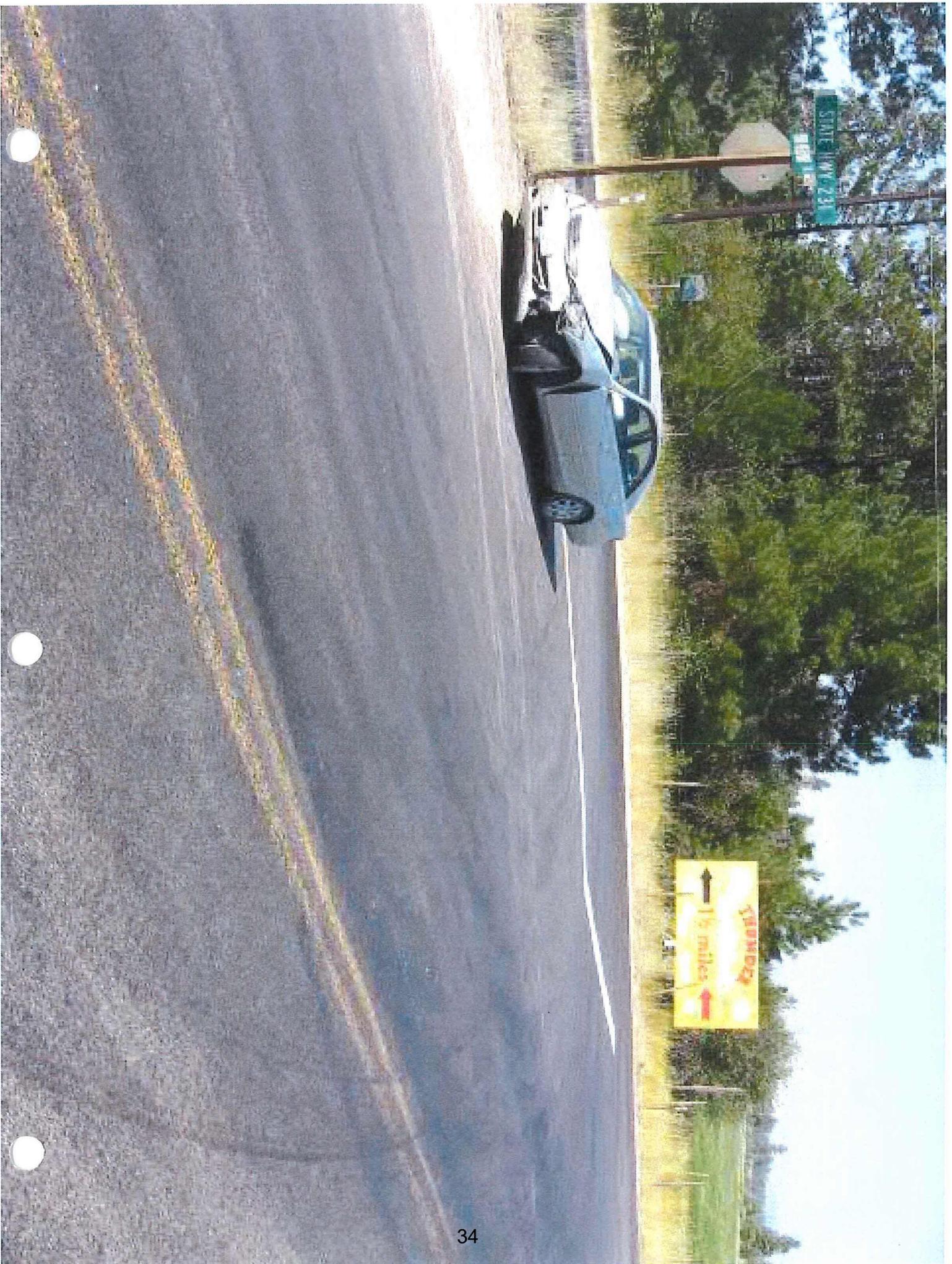
16 A Yes.

17 Q And then did you send it via email then?

18 A Yes. But they are the original designation exactly
19 how they were on the memory stick like a file number
20 and so on. I didn't rename them or anything or
21 whatever.

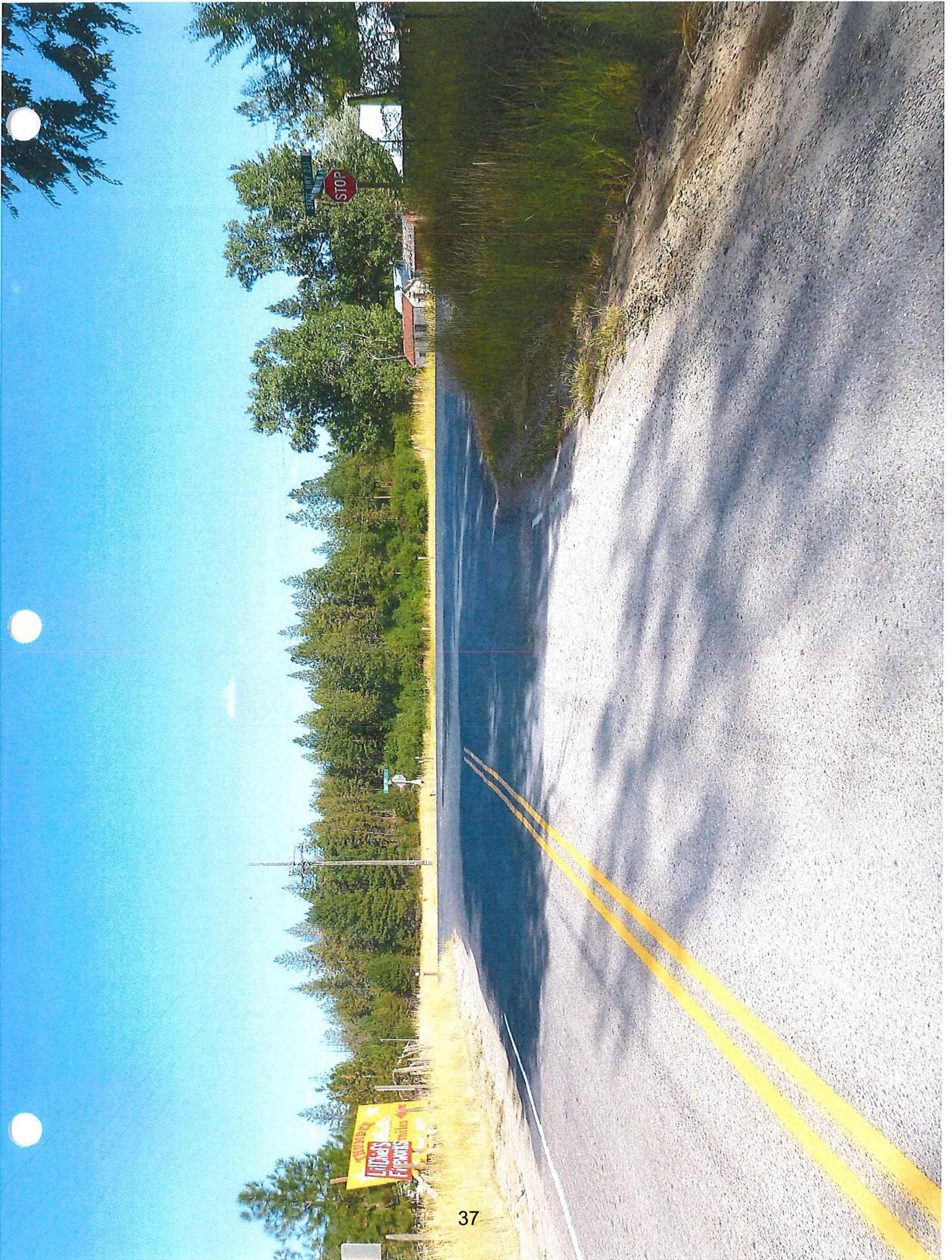
22 MR. SWINDLER: Carl, to interrupt, I'm now
23 taking right as we're speaking a DropBox link. I'll
24 send it to you, Mick and Adam right now.

25 MR. WARRING: That sounds great. I don't













1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF SPOKANE

3

4 JAMES WALKER and BARBARA WALKER,
5 husband and wife and the marital
6 community comprised thereof,

6 Plaintiffs,

7 vs.

No. 16-2-00708-7

8 THE WASHINGTON STATE DEPARTMENT OF
9 TRANSPORTATION, DIVISION OF HIGHWAYS,
10 a State agency, STEVENS COUNTY,
11 DEPARTMENT OF PUBLIC WORKS,

10

Defendants.

11

12

DEPOSITION OF JASON HART 30 (b) (6)

13

14 BE IT REMEMBERED that on the 31st day of
15 October 2017, at the hour of 9:05 a.m., the deposition
16 of JASON HART was taken at the request of the
17 Plaintiffs, before Caryn E. Winters, RPR, CCR, CSR,
18 Washington CCR No. 2496, Idaho CSR No. 237, at 818 West
19 Riverside Avenue, Suite 250, Spokane, Washington,
20 pursuant to the Washington Rules of Civil Procedure.

21

22

23

24

25

1 JASON HART,
2 was sworn under oath.

3 THE WITNESS: Yes, I do.

4 EXAMINATION

5 Q (By Mr. Swindler) Can you please state your full
6 name.

7 A Jason Christopher Hart.

8 Q Mr. Hart, my name is Geoff Swindler. I am the
9 attorney for the Walkers in this matter.

10 Have you ever been deposed before?

11 A No.

12 Q Let me explain -- I'm sure your attorney has
13 explained to you, but let me explain some of the ground
14 rules.

15 Today it's my opportunity to ask you
16 questions about this matter. If you don't understand any
17 of my questions, please ask me to repeat a question so
18 that you can understand it. Okay?

19 A (Nods head). Okay.

20 Q And then that leads to the second point, which is
21 when you answer, answer audibly by saying "yes" or "no"
22 or give an explanation. Nods, moans, groans, shakes of
23 your head, one of us I hope will say "What was that
24 answer?" because the court reporter, Caryn here, can't
25 take down a nod. So if you could answer audibly, that

1 would be great. Okay?

2 A Okay.

3 Q Let me ask the full question before you begin
4 answering so we don't talk over each other. That would
5 be helpful.

6 If you'd like to take a break at any time for
7 any reason, let me know and we'll accommodate you.
8 There's one exception to the rule, which your attorney
9 and I can work out if that becomes an issue.

10 Do you understand that today's deposition is
11 under oath?

12 A Yes.

13 Q Okay. Give me some insight into your educational
14 background.

15 A I'm a graduate of Clarkston High School, Clarkston,
16 Washington, and I am a graduate of Lewis-Clark State
17 College in Lewiston, Idaho. I have an AA degree from
18 Lewis-Clark State College in drafting technology.

19 Q And where you currently employed?

20 A Stevens County Department of Public Works.

21 Q What's your job title?

22 A I'm the acting director of Public Works/assistant
23 county engineer.

24 Q How long have you been in that capacity?

25 A As the acting director, a year.

1 Q And what about assistant county engineer?

2 A 17 years.

3 Q Are you a P.E.?

4 A No.

5 Q And since you're assistant county engineer, I assume

6 there is -- you have a boss?

7 A There is -- I'm the acting director of Public Works,

8 and there is a county engineer on staff.

9 Q And who is that?

10 A That is Wayne Cornwall.

11 Q And is Wayne your direct boss?

12 A No.

13 Q Who is your direct boss?

14 A County commissioners.

15 Q What is your relationship then with the county

16 engineer?

17 A He works under me.

18 Q What do you do as a director of Public Works or the

19 acting director of Public Works?

20 A I am in charge of day-to-day activities with the

21 office, working with the county engineer, working with

22 road crew folks on day-to-day maintenance. We have,

23 obviously, a signing crew. We have a solid waste

24 division. We have an engineering group. So I'm acting

25 over that.

1 Q So you say a signage group. Do you mean by that a
2 road signage group?

3 A Yes.

4 Q And how many people work in that?

5 A There's two individuals that work on our signing
6 crew.

7 Q And you oversee them?

8 A Yes.

9 Q And what does that look like?

10 A The sign crew is the crew that will perform a variety
11 of tasks throughout the year in terms of sign
12 maintenance, chip seal programs. They place up
13 construction signing for that. They are also our
14 striping crew, so a few months out of the year they are
15 striping.

16 Q Does this crew also install new signs?

17 A Very rarely.

18 Q But does Stevens County have individuals who actually
19 -- whose job is to install new road signage?

20 A If there were new road signage to be installed, it
21 would be the sign crew.

22 Q Is there someone within the crew -- scratch that.

23 Does the sign crew determine when a road sign is
24 indicated?

25 A No.

1 Q Who does that?

2 A That would be the county engineer.

3 Q So the county engineer works with the road crew?

4 A Correct.

5 Q And, I'm sorry, the county engineer's name again is

6 what?

7 A Wayne Cornwall.

8 Q Do you know how long Wayne Cornwall has been there?

9 A Four months.

10 Q Who was the engineer before?

11 A Jim Whitbread.

12 Q And what happened to Jim?

13 A There were some employees that voiced some complaints

14 to the county commissioners in relation to kind of a

15 hostile work environment, inappropriate comments, and the

16 commissioners investigated, and they separated

17 employment.

18 Q And that was, like, six months ago or so?

19 A It would have been December 2016.

20 Q Have you ever gone out with any of the city engineers

21 to determine when road signage is indicated?

22 A No.

23 Q Have you ever gone out with your road crews while

24 they're doing their signage work?

25 A The sign crew?

1 Q Yeah?

2 A No.

3 Q Have you taken any classes or attended any seminars
4 related to road signs?

5 A No.

6 Q Have you taken any classes or taken any seminars in
7 any way related to sign maintenance?

8 A No.

9 Q As part of your job, do you deal with the MUTCD?

10 A Currently?

11 Q Currently?

12 A No.

13 Q Have you ever, in working for Stevens County in the
14 past 17 years, had to rely on or review the MUTCD?

15 A Yes.

16 Q And in what capacity?

17 A In assisting with the signage plans on new
18 construction jobs under direction of the county engineer.

19 Q And when was that?

20 A It's typically each year that we have a construction
21 job that we're doing the design work in-house.

22 Q So on a yearly basis?

23 A Yes.

24 Q How did you prepare for today's deposition?

25 A I reviewed the prior documents that were provided to

1 me. I believe I came to one deposition of Wagemann.

2 Q Yeah, you were at Wagemann's deposition a couple of
3 months ago, right?

4 A Right. I was there for part of the day for that.

5 And then --

6 Q You met with your counsel?

7 A With counsel, yes.

8 Q You said you reviewed documents. What documents did
9 you review?

10 A I looked at the prior interrogatory.

11 Q Interrogatory answers?

12 A Yes.

13 Q Of Stevens County?

14 A Yes.

15 Q Okay. Anything else?

16 A I did look at some depositions of some WSDOT
17 employees.

18 Q Do you remember which employees?

19 A I believe Sam Jennings was a name that comes to mind.
20 And then Richard Moorhead I think had a statement.

21 Q Anything else?

22 A No.

23 Q Did you take notes?

24 A No.

25 Q Other than talking with counsel, did you talk with

1 anyone at Stevens County about this?

2 A I talked to a road supervisor.

3 Q And who was that?

4 A That was Steve Dell.

5 Q And who is Steve Dell?

6 A He's our south area road supervisor.

7 Q When did you talk with Steve?

8 A A few months ago.

9 Q What are Steve's job duties?

10 A Steve is in charge of our road maintenance crew, so
11 he's the one that lines out the tasks for the various
12 road crew members. Whether it's grading or the plowing
13 of snow or hauling of winter sand or regravelling roads,
14 he lays out their work for the day.

15 Q Does he have any role in determining the installation
16 of signs? Road signs?

17 A No.

18 Q Does he have any role in installing road signs?

19 A No.

20 Q What do you recall about your conversation with
21 Steve?

22 A I asked him about -- I think I mentioned the accident
23 in a casual conversation. And we talked about the
24 intersection, and he mentioned that he hadn't been to it
25 in a while and might go look at it. He did, and then he

1 called me and said that there was two "Stop" signs there
2 now.

3 Q Do you remember anything else he said?

4 A No.

5 Q Have you been to the accident scene?

6 MR. ZENER: Do you mean ever or since the
7 accident?

8 MR. SWINDLER: Thank you.

9 Q (By Mr. Swindler) Have you been to the scene in
10 preparation for today?

11 A No.

12 Q Do you recall ever being at the accident scene?

13 A Prior to the accident?

14 Q At any time?

15 A Yes.

16 Q Do you remember why?

17 A We reconstructed Ford-Wellpinit Road back in 2001.
18 And then in my travels throughout the county I think I
19 went to some tribal meetings related to other stuff and
20 drove on the road through the intersection.

21 Q You said you had reviewed documents. What documents
22 did you review in preparation for today?

23 A As I shared earlier, the interrogatory, the first
24 one, and some of the depositions.

25 Q Oh, anything else? Any other documents?

1 A No.

2 Q Okay. So you've worked for Stevens County for 17
3 years?

4 A (Nods head).

5 Q Where did you work prior to that?

6 A Out of college I went to work for the Idaho
7 Transportation Department in their engineering. I was a
8 draftsman/surveyor for four years. After I left there I
9 went to the Asotin County Public Works, worked as a
10 designer for two years. When I left there I went to a
11 private engineering firm, Thomas, Dean & Hoskins. Worked
12 as a designer there for two years and then came to
13 Stevens County.

14 Q And you've been there for 17?

15 A (Nods head).

16 Q Okay. Thank you. Did you ever talk with Jim about
17 the accident?

18 A No.

19 Q You mentioned that you do work with the MUTCD when
20 you are working a new construction projects?

21 A Yes.

22 Q And what is your understanding of what the MUTCD is?

23 A It is the guiding document for the placement of signs
24 throughout the nation.

25 Q And Stevens County has adopted that?

1 the plowing and the snow removal duties:

2 And then we've agreed on the second page
3 under the third bullet there to plow in terms of winter
4 maintenance only the Peters Road. And then it appears
5 the Pascal Road is year-round maintenance, Lake View Road
6 is year-round maintenance, Kieffer-Loop Road year-round
7 maintenance, Castle Rock Creek Road, year-round, Jackson
8 Springs Road, winter maintenance only, and McCoy Lake
9 Road from its intersection with Peters Road, winter
10 maintenance only.

11 Q So with regard to the Ford-Wellpinit Road according
12 to this agreement, BIA will maintain that in winter?

13 A Yes.

14 Q But this document, as I read it, does not relate to
15 road signage of any kind?

16 A It does say on item C "Traffic Control Signing" under
17 "Definition of Duties."

18 Q Oh, it just says that basically in accordance with
19 the MUTCD?

20 A Correct.

21 Q Does it say whose duty it is to install those?

22 A Looking at this with identifying the BIA's duty is to
23 provide the winter maintenance only, and that would be
24 Stevens County's duty to maintain the signage.

25 Q So according to Exhibit 1, Stevens County's duty is

1 to maintain signage pursuant to the MUTCD?

2 A Correct.

3 MR. ZENER: Object to the form. Legal
4 conclusion. But you can answer.

5 A That would be correct.

6 Q (By Mr. Swindler) Are you aware of any other road
7 maintenance agreements with any other entity related to
8 the Ford-Wellpinit Road other than this one?

9 A No.

10 Q Is it your understanding that Stevens County has an
11 obligation to maintain road signage on the Ford-Wellpinit
12 Road?

13 A Yes.

14 (Exhibit Number 2 Marked)

15 Q (By Mr. Swindler) You've been handed what's been
16 marked as Exhibit 2. Do you see on the bottom -- you see
17 this on the bottom right, it's WSDOT Traffic Manual?

18 A (Nods head).

19 Q Does the WSDOT Traffic Manual apply to Stevens
20 County, as far as you know?

21 A No.

22 MR. ZENER: Sorry, would --

23 MR. JOHNSON: Is that a "No, I don't know" or
24 "No, it doesn't"?

25 MR. ZENER: Would you clarify what you mean

1 when you're asking him if it applies to Stevens County?

2 MR. SWINDLER: Sure.

3 Q (By Mr. Swindler) Do you know what the WSDOT Traffic
4 Manual is?

5 A Yes.

6 Q What is it?

7 A It is a manual that Washington State Department of
8 Transportation utilizes for traffic signs and such on
9 their state highways.

10 Q Does Stevens County utilize that?

11 A No.

12 Q So is the only document that Stevens County utilizes
13 for road signage is the MUTCD?

14 A Correct.

15 Q So Stevens County, as far as you know, does not rely
16 on the WSDOT Traffic Manual?

17 A No.

18 Q Okay. With regards to the installation of "Stop
19 Ahead" signs along the Ford-Wellpinit Road, would that be
20 governed by the MUTCD?

21 A Yes.

22 Q Do you know what the purpose of a "Stop Ahead" sign
23 is?

24 A Yes, I do.

25 Q What is it?

1 A It is to warn the traveling public that they're
2 coming up into an intersection where visibility of a
3 "Stop" sign would be limited.

4 Q And is there a certain schematic used to determine
5 when a "Stop Ahead" sign is indicated? In other words,
6 if the speed limit is X, how far back should the "Stop"
7 sign be visible before a "Stop Ahead" sign is indicated?

8 A I believe the MUTCD speaks to that in terms of the
9 speed of a road and distance from the intersection. 250
10 feet seems to stick in my head.

11 MR. SWINDLER: Mark this, Caryn.

12 (Exhibit Number 3 Marked)

13 Q (By Mr. Swindler) I'm handing you what's been marked
14 as Exhibit 3, which is a document produced by the state,
15 Bate stamp 01260145. Do you see Table 2C-4?

16 A Yes.

17 Q Have you seen that before, sir?

18 A Yes.

19 Q And what is it?

20 A Is a Guideline for Advanced Placement of Warning
21 Signs. So it is to be utilized in determining when an
22 advanced warning sign is needing to be placed.

23 Q Such as a "Stop Ahead" sign?

24 A Correct.

25 Q Okay. And so if you go to the far left of that, it

1 says "Posted or 85th Percentile Speed." at 50 miles an
2 hour, would a "Stop Ahead" sign be indicated if the
3 "Stop" sign's not visible at least 250 feet back?

4 A Yes.

5 Q And at 55 miles an hour a "Stop Ahead" sign would be
6 indicated if a "Stop" sign is not visible at 325 feet,
7 right?

8 A Yes.

9 Q Okay. And these are the guidelines that Stevens
10 County has used to determine when a "Stop Ahead" sign is
11 indicated, right?

12 A Yes.

13 Q Do you know for how many years Stevens County has
14 used these guidelines?

15 A A long time.

16 Q At least 10 years?

17 A At least.

18 Q Okay. And on Ford-Wellpinit Road, is the
19 determination of whether a "Stop Ahead" sign is indicated
20 something that's is --

21 MR. SWINDLER: Sorry, Caryn.

22 Q (By Mr. Swindler) Is it Stevens County's
23 responsibility to determine if a "Stop Ahead" sign is
24 indicated on Ford-Wellpinit Road?

25 MR. ZENER: Object to the form. You can

1 answer.

2 MR. SWINDLER: What's with the form?

3 MR. ZENER: Legal conclusion. You can

4 answer.

5 THE WITNESS: Okay.

6 A Yes, they would have --

7 On a county road the county engineer

8 determines whether a "Stop Ahead" sign is warranted or

9 not.

10 Q (By Mr. Swindler) Does the state have any right to
11 determine on a county road if a "Stop Ahead" sign is
12 indicated?

13 MR. WARRING: Now I've got to object to the
14 form.

15 MR. ZENER: Did you get the question?

16 A Could you repeat the question?

17 Q (By Mr. Swindler) In your experience, --

18 MR. SWINDLER: I'll change the question,
19 Carl.

20 MR. WARRING: Thanks.

21 Q (By Mr. Swindler) In your experience, has the state
22 ever told Stevens County when a "Stop Ahead" sign is
23 indicated on a county road?

24 A Yes.

25 Q Under what circumstances?

1 A No.

2 Q Does the MUTCD require the county to independently
3 determine when a "Stop Ahead" sign is indicated?

4 A Yes.

5 Q I'm looking at your 30(b)(6) deposition notice. I'm
6 going to talk about some signs.

7 I want to talk about Stevens County's role in
8 installing "Stop Ahead" signs. First of all, at Crescent
9 Road North. I'm going to hand --

10 MR. SWINDLER: Mark that, Caryn.

11 (Exhibit Number 4 Marked)

12 Q (By Mr. Swindler) I've handed you --

13 Do you have four pages there, sir?

14 A Yes.

15 Q The first page is the Google map of SR 231 and
16 Crescent Road, top left?

17 A Correct.

18 Q Okay. The next page shows State Highway sign, 231,
19 and Crescent Road and a "Stop" sign, right?

20 A Correct.

21 Q And then the next picture is a "Stop Ahead" sign
22 going down Crescent Road. Do you see that?

23 A Correct.

24 Q Do you know when the county installed that "Stop
25 Ahead" sign?

1 (Pause to Review Document)

2 A Oh, I'm sorry, it does not list it.

3 Q It's not listed, is it?

4 A No. So, no, we have no jurisdiction.

5 Q Do you know how many "Stop Ahead" signs Stevens
6 County has installed on its roads?

7 A No.

8 Q Do you have a way of estimating that?

9 A If I were to look at our road log and our Mobility
10 Program, where we have maintenance records which include
11 installation, that would be a way to estimate.

12 Q You don't have the number of "Stop Ahead" signs
13 listed in any form?

14 A Within the Mobility we do.

15 Q Regarding vegetation maintenance of the "Stop" sign,
16 is it the county's position that that is within the
17 purview of the state?

18 A At state highways, yes.

19 Q Under the MUTCD, who was responsible to maintain
20 vegetation along Ford-Wellpinit Road outside of the state
21 easement of the placement of the "Stop" sign?

22 A I don't believe the MUTCD refers to vegetation
23 maintenance.

24 Q What is -- who is it? Who was responsible for
25 maintaining vegetation along Ford-Wellpinit Road outside

1 of the "Stop" sign easement area?

2 A The state highway right-of-way?

3 Q Yes.

4 A Stevens County.

5 Q And is that -- that's not based on the MUTCD? That's

6 based on what then?

7 A It's based on kind of an unwritten policy that we

8 have.

9 Q Your road, your duty to maintain?

10 A Correct.

11 Q All right. Do you have any vegetation logs of the

12 Ford-Wellpinit Road?

13 A No.

14 Q Does the county maintain any vegetation logs?

15 A No.

16 Q Why not?

17 A It's kind of routine work that we do. We cover a lot

18 of roads in a day and mileage-wise.

19 Q Is there a policy that the county has to guide it in

20 determining when vegetation maintenance is needed?

21 A No.

22 Q How does the county determine if vegetation needs to

23 be trimmed or maintained?

24 A Vegetation in terms of grass along the shoulder, we

25 mow every year, spring, all of our paved roads.

1 Vegetation in the form of brush, our road supervisor
2 that's out on the roads, if he sees something, he
3 identifies it and lets our crew know they need to go out
4 and do some trimming.

5 Q So if brush along the road obscures a "Stop" sign in
6 Stevens County, Stevens County doesn't have a policy to
7 affirmatively look for that type of brush?

8 A Correct.

9 Q And they don't maintain any records of when they look
10 for brush or see brush that should be cut back?

11 A No.

12 Q Why did Stevens County not install a "Stop Ahead"
13 sign before the Wellpinit Road intersection?

14 MR. ZENER: As it approaches the
15 intersection?

16 MR. SWINDLER: Thank you.

17 Q (By Mr. Swindler) As it approaches the intersection?

18 A As discussed earlier, the county engineer at the time
19 of the design of the Ford-Wellpinit Road, when we
20 reconstructed it in 2001, determined that it was not
21 warranted.

22 Q Is it the county's position that the state of
23 Washington had the obligation to install a "Stop Ahead"
24 sign along Ford-Wellpinit Road prior to this
25 intersection?

1 MR. ZENER: Object to the form. You can

2 answer.

3 A No.

4 MR. SWINDLER: I need another break.

5 (Short Recess Taken)

6 MR. SWINDLER: We can go back on the record.

7 Q (By Mr. Swindler) Is it your understanding, sir,
8 that the duty to maintain vegetation around a "Stop" sign
9 is the state's?

10 MR. ZENER: Object to the form. You can
11 answer.

12 A At the intersection of a state highway, yes.

13 Q (By Mr. Swindler) And how far does that easement --
14 how big is the easement around the "Stop" sign?

15 A The right-of-way easement?

16 Q Yes?

17 A I believe they vary depending upon where you're at
18 along the highway.

19 Q But the duty to maintain the "Stop" sign easement,
20 how big of an area is that?

21 A I'm not aware of the state's policy.

22 Q Is it your understanding, though, that the vegetation
23 should be maintained such that a "Stop" sign is visible
24 for the requisite distance?

25 MR. ZENER: Object to the form. You can

1 Q But you're not aware of such a protocol or policy?

2 A No.

3 Q No such procedure?

4 A No.

5 Q It sounds like you became aware that the state moved
6 the "Stop" sign at the SR 231 Ford-Wellpinit Road
7 intersection in 2004 -- that you recently became aware of
8 that?

9 A Correct.

10 Q And you became aware of that when you read a
11 deposition in this matter?

12 A Correct.

13 Q What did you think when you saw that the state had
14 moved the "Stop" sign in 2004?

15 A My thought was they must have determined a better
16 location for it.

17 Q Did you look to see if the 2004 location was better
18 than the prior location?

19 A No.

20 Q Were you surprised to learn that the state didn't
21 inform Stevens County that it moved the location of the
22 "Stop" sign?

23 A No.

24 Q And Stevens County never determined how far back the
25 "Stop" sign was visible after it was moved in 2004?

1 A No.

2 Q You mentioned that Stevens County reconfigured the
3 road in 2001. I think you earlier said that it
4 reconfigured Ford-Wellpinit Road to the west. Where did
5 it reconfigure the road in 2001?

6 A I believe I said we reconstructed the road.

7 Q So from 231 north --

8 A Towards Wellpinit.

9 Q So would that be north?

10 A That would be west.

11 Q That would be west. So you didn't reconstruct 231?
12 You reconstructed the Ford-Wellpinit Road?

13 A Correct.

14 Q Did you affect the intersection of Ford-Wellpinit
15 Road and 231?

16 A No.

17 Q How far back from that intersection did the
18 construction begin, roughly speaking?

19 A 75 feet.

20 Q And what was the purpose of that?

21 MR. ZENER: Hold on. Sorry. Of what?

22 MR. SWINDLER: Of my question.

23 Q (By Mr. Swindler) What was the purpose of the
24 reconstruction?

25 A The purpose was to widen the road.

1 Q No other purpose?

2 A Strengthen the base.

3 Q You mean the road foundation?

4 A Correct.

5 Q Why did you start back 75 feet?

6 A We do not do work within the state right-of-way in
7 terms of reconstructing a road.

8 Q So the state right-of-way goes back 75 feet?

9 A No, I believe that's where the radius points ended.

10 Q What do you mean "the radius points"?

11 A The radius points of the approach. So you come along
12 a tangent section on the shoulder, and then there's a
13 radius point within the shoulder.

14 Q The state apparently had a safety program which led
15 it to install these new "Stop Ahead" signs on county
16 roads. Has Stevens County ever adopted a safety program
17 to reexamine its road signage?

18 A No.

19 Q Do they have any plans to do so?

20 A No.

21 Q Is Stevens County working with the state to ensure
22 that when the state changes road signs it at least
23 informs Stevens County?

24 A No.

25 Q Does Stevens County believe that the state should

1 have informed it when it moved the "Stop" sign in 2004?

2 A No.

3 Q Do you have road crews that look at the road signage
4 of all Stevens County roads in a given period of time?

5 A Yes.

6 Q How often are they supposed to look at each road?

7 A There's no set time. Just as they're traveling.

8 Q And is there any requirement that the road crews look
9 at each road in a given period of time?

10 A No.

11 Q So unless a road crew happens to be on a certain
12 road, that road may never be examined by a Stevens County
13 road crew for months, if not years?

14 A No.

15 Q How do you know they'll look at it more often than
16 that?

17 A We travel our roads all year round.

18 Q Do you have a log of what roads they travel?

19 A No.

20 Q Would there be a log showing how often a Stevens
21 County road crew drove on the Ford-Wellpinit Road?

22 A No.

23 Q Would there be any way to determine how often anyone
24 from either engineering or the road division at Stevens
25 County drove on the Ford-Wellpinit Road?

1 A No.

2 Q Is a certain road crew assigned the Ford-Wellpinit

3 Road?

4 A Yes.

5 Q Which crew is that?

6 A That would be our Hunters shop.

7 Q And do you know who the people are who work that?

8 A Yes.

9 Q What are their names?

10 A Archie Clark is the lead.

11 Q And who are the others?

12 A There would be a Sam Dashiell.

13 Q Anyone else?

14 A Lee Clopton.

15 Q Lee what?

16 A Clopton, C-L-O-P-T-O-N. John Suckow, S-U-C-K-O-W. I

17 can't think of any others.

18 Q And that Hunters road crew that you just mentioned,

19 their job would be to maintain and inspect roads,

20 including the Ford-Wellpinit Road?

21 A Yes.

22 Q And when you say "inspect," what do you expect them

23 to do?

24 A I believe you used the term "inspect." But when

25 they're just driving down the road, if they see anything

1 that draws their attention during their normal routine
2 maintenance.

3 Q They're supposed to do what?

4 A Look for potholes, look for maybe a sign that's been
5 vandalized, which they would let the sign crew know.
6 Trees that maybe have fallen across the road. Maybe
7 there's a damaged guardrail that needs to be addressed.
8 Maybe they notice a sign that's been vandalized.

9 Q Are they also supposed to look to see if a sign is
10 indicated somewhere?

11 A No.

12 Q Who does that?

13 A The county engineer.

14 Q Does the county engineer drive the county roads
15 looking for where signs are indicated?

16 A Periodically when he's out driving, I imagine he
17 would.

18 Q But that's not part of his job duty?

19 A No.

20 Q So no one from Stevens County drives these roads to
21 ensure that all the signs are compliant and that there
22 are no other signs that are needed?

23 A It is the county engineer's duty to make sure that if
24 there are signs needed that they be installed. Does he
25 have a set schedule where he goes out and looks at the

1 roads? No.

2 When reconstructing roads, that is a prime
3 opportunity to evaluate the road at that point and make
4 sure you have the proper signage.

5 Q Is Stevens County aware of any car accidents at this
6 intersection since 2008 other than this one?

7 A No.

8 Q Has Stevens County made any changes to road signage
9 along Ford-Wellpinit Road since this accident?

10 A I believe there's been routine maintenance signs that
11 have been vandalized or reflectivity's poor.

12 (Exhibit Number 8 Marked)

13 Q (By Mr. Swindler) Sir, Exhibit 8 is another document
14 your lawyer provided to me just before this deposition.
15 What is it?

16 A This is a list of all the roads within the county
17 road system that we are responsible for.

18 Q And responsible as of what date?

19 A Beginning of time.

20 Q I'm sorry?

21 A Beginning of time.

22 Q Beginning of time? Okay. So it's current through
23 today?

24 A Correct.

25 MR. JOHNSON: Let me just -- these are just

1 signs?

2 A Correct.

3 Q Did you ever talk with the state about why it
4 installed a second "Stop" sign?

5 A No.

6 Q Did he ever talk to the state about that?

7 A No.

8 Q Do you know if anyone from Stevens County ever talked
9 to the state about that?

10 A No.

11 Q And I assume that's a county work truck in the
12 picture?

13 A Yes.

14 Q I just want to make sure I'm on the same page. So
15 Stevens County is responsible for determining when a
16 "Stop Ahead" sign is indicated on its county roads?

17 A Yes.

18 Q And is also responsible to install and maintain them.

19 MR. ZENER: Object to the form. Go ahead.

20 A Yes.

21 MR. SWINDLER: I want to take a break. We
22 may be down to the next eight, nine hours or so.

23 (Short Recess Taken)

24 Q (By Mr. Swindler) When the state moved the "Stop"
25 sign in 2004, do you know was the "Stop" sign on county

1 A Yes.

2 Q I think I'm done.

3 MR. SWINDLER: Jeremy, I probably will want a
4 little more from him in light of some more records we
5 will be obtaining.

6 MR. ZENER: Okay.

7 MR. SWINDLER: Okay? We're done.

8 MR. WARRING: I've got some questions.

9 EXAMINATION

10 Q (By Mr. Warring) If there's vegetation on the county
11 right-of-way that obstructs the "Stop" sign that's on the
12 state's right-of-way, who has the responsibility for
13 maintaining that vegetation?

14 MR. ZENER: Can you read the question back,
15 please?

16 (Record Read Back as Requested)

17 A Without knowing the state's set limits of the
18 distance they maintain vegetation from the "Stop" sign
19 they installed, it would appear to be --

20 THE WITNESS: Could you repeat the question
21 one more time, please?

22 (Record Read Back as Requested)

23 A Vegetation on the county right-of-way is the county.

24 Q (By Mr. Warring) Did you ever work for DOT?

25 A No.

1 Q Ever work for a state Department of Transportation?

2 A Yes.

3 Q Is your only experience working within the
4 transportation industry the work that you've done for
5 Stevens County?

6 A Yes.

7 Q And did you talk with anyone at DOT as part of your
8 preparation for today's deposition?

9 A No.

10 Q If one of your work crews had been driving along
11 Ford-Wellpinit Road and recognized that vegetation
12 growing along the county right-of-way was obstructing the
13 "Stop" sign at the intersection of 231 and Ford-Wellpinit
14 Road, would you have expected them to take action
15 regarding that vegetation?

16 A Yes.

17 Q And what action would you have expected them to take
18 regarding the vegetation growing along the county
19 right-of-way?

20 A Depending on what the vegetation is, they would -- if
21 they had a chainsaw in their truck, they would -- they
22 would cut the shrub.

23 Q You wouldn't expect them to allow that vegetation on
24 the county right-of-way to continue to obstruct the
25 "Stop" sign at the intersection of 231 and Ford-Wellpinit

1 Road, correct?

2 A Correct.

3 Q Are you aware of any witness who has information to

4 suggest that when the "Stop" sign is moved in 2004 that

5 its new placement fails to comply with MUTCD standards?

6 A No.

7 Q Are you aware of any documents that suggest that when

8 the "Stop" sign is moved in 2004 that its new location

9 fails to comply with MUTCD standards?

10 A No.

11 Q How long was --

12 Jim Whitbread was the county engineer?

13 A Yes.

14 Q How long was he the county engineer?

15 A 18 years.

16 Q And how long did you work for him?

17 A 17.

18 Q And did you report directly to Jim?

19 A Yes.

20 Q And did you talk with Jim in preparation for today's

21 deposition?

22 A No.

23 Q And why not?

24 A He's no longer with the county.

25 Q Did you attempt to talk with him?

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN FOR THE COUNTY OF SPOKANE

JAMES WALKER and BARBARA)
WALKER, husband and wife)
and the marital community)
comprised thereof,)
)
Plaintiffs,)
)
vs.)
)
THE WASHINGTON STATE)
DEPARTMENT OF TRANSPORTATION)
DIVISION OF HIGHWAYS, a)
State agency, STEVENS)
COUNTY, DEPARTMENT OF PUBLIC)
WORKS,)
)
Defendants.)

Case No. 16-2-00708-7

DEPOSITION OF EDWARD STEVENS

Taken at the instance of the Defendant STEVENS COUNTY,
DEPARTMENT OF PUBLIC WORKS.

Tuesday, May 8, 2018
10:30 a.m.
724 Columbia Street NW
Suite 320
Olympia, WA 98501

BRIDGES REPORTING & LEGAL VIDEO
Certified Shorthand Reporters
1030 North Center Parkway
Kennewick, Washington 99336
(509) 735-2400 - (800) 358-2345

1 forensic capacity but in your individual capacity --
2 has all that experience been west of the Cascades?

3 A Yes, sir.

4 Q I want to see if I can get a little more
5 clarity about your opinions with regard to the original
6 placement in 2004 of the stop sign. Is it your
7 testimony today that that original placement complied
8 with MUTCD requirements in all respects?

9 A No.

10 Q And how many different respects did it not
11 comply?

12 A Basically in terms of doing the study to make
13 a determination is if there was any site visibility or
14 restrictive visibility from the stop sign to oncoming
15 traffic.

16 Q Are you saying that it is the lack of
17 evidence of a visibility study that failed to comply
18 with the MUTCD?

19 A Well, it's the MUTCD to begin with, and then
20 there's the WAC that modified to the extent on exactly
21 what that site visibility has to be.

22 Q Is it the lack of a study that you are
23 critical of?

24 A Yeah, absolutely.

25 Q Do you know if in 2004 when this was

1 originally placed if there was a lack of adequate site
2 distance?

3 A I guess I've been asked to answer that
4 question. I do not.

5 Q And the reason I'm asking the questions I am
6 is to crystalize what exactly you're critical of. I'm
7 not hearing you say that in 2004 when this sign was
8 placed, you know there to be a lack of adequate site
9 distance. What you're critical of is the lack of
10 evidence that a study was done. Is that a fair
11 statement of your opinion?

12 A To make that determination one way or the
13 other, that's correct.

14 Q You're not expressing any opinions with
15 regard to proximate cause?

16 A I am not.

17 Q You've reviewed Mr. Waggemann's deposition
18 testimony as part of your work in this case?

19 A I did.

20 Q And I saw from reviewing your files that you
21 made some notations with regard to Mr. Waggemann's
22 deposition testimony. Do you recall that?

23 A I highlighted the deposition, and then I had
24 my secretary type the highlights. Then I highlighted
25 the summary.

1 Q Is that manual a manual that you helped
2 author?

3 A Pardon?

4 Q Is that a manual that you would have helped
5 author?

6 A Sure.

7 Q You helped author that manual?

8 A Only to the extent that I worked in this kind
9 of stuff is all. But, no. No, I didn't author or did
10 I partake in any of this relative to this manual, no.

11 Q Would you take a look at page 7.

12 A Yes.

13 Q Do you see the reference there about a third
14 of the way down to the "WSDOT Eastern Region Area 1
15 Integrated Roadside Vegetation Management Plan"?

16 A Yes.

17 Q Do you know if that manual existed when you
18 last worked for WSDOT?

19 A I do not know. Well, this one didn't because
20 it's dated 2011. Whether some predecessor did, I'm not
21 sure.

22 Q Are you making any assumptions about what the
23 vegetation in the area of the stop sign would have
24 looked like on the date of the accident?

25 A Not with any expert opinion, no.

1 Q So if I ask you to describe for me what the
2 vegetation in the area of the stop sign looked like on
3 the date of the accident, that's not something that you
4 could do in the field of your professional expertise?

5 A I would agree.

6 Q Are you relying on any opinions from anyone
7 whose told you that it is within their degree of
8 professional expertise to determine or describe what
9 the vegetation would have looked like on the date of
10 the accident?

11 A Well, Mr. Skelton measured it. Whether or
12 not he has the expertise or the memory to be able to
13 answer the question that you just asked me, I don't
14 know the answer to that. But he was there hands-on on
15 scene doing measurements and doing visual observations.

16 Q When did he do that?

17 A September 26, 2014.

18 Q And the date of the accident was July 26,
19 2013?

20 A Correct.

21 Q So has any other expert or individual in this
22 case provided you some type of description of what they
23 believe the vegetation would have looked like back on
24 July 26, 2013?

25 A No, sir.

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**STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT**

JAMES WALKER and BARBARA
WALKER, husband and wife and the
marital community composed thereof,

Plaintiffs,

v.

THE WASHINGTON STATE
DEPARTMENT OF
TRANSPORTATION, DIVISION OF
HIGHWAYS, a State agency,
STEVENS COUNTY, DEPARTMENT
OF PUBLIC WORKS, a

Defendants.

NO. 16-2-00708-7

**INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
JAMES WALKER WITH ANSWERS**

TO: JAMES WALKER, Plaintiff

TO: GEOFFREY SWINDLER, ADAM SYMINGTON, and DUSTIN DEISSNER Plaintiff's
Attorneys

Pursuant to Rules 33 and 34 of Rules of Pleadings, Practice and Procedure of the State
of Washington, Defendant submits the following Interrogatories and Requests for Production to
be answered separately and fully under oath within thirty (30) days from the date of service of
said Interrogatories and Requests upon you. In answering these Interrogatories and Requests
you are required to furnish such information as is available to you, not merely the information

1 **INTERROGATORY NO. 15:** Identify any written or recorded material known to you, relating
2 to the event(s) that form(s) the basis of your Complaint, not previously identified herein, by
3 stating:

- 4 a) Name of the document;
5 b) Author(s) of the document;
6 c) Date the document was created;
7 d) Subject matter of the document; and
8 e) Who currently possesses copies of the document.

9 **ANSWER:** Other than statements from Jim Walker, none.

10
11 **REQUEST FOR PRODUCTION C:** Produce a copy of all written or recorded material
12 identified by the proceeding interrogatory and answer.

13 **RESPONSE:** Objection. These statements are protected by the work product and attorney client
14 privileges.

15
16 **INTERROGATORY NO. 16:** Please identify all the constitutional provisions, statutes, rules,
17 regulations or common law theories upon which you will rely to support your contention that
18 the State of Washington or its agents are liable for the damages you claim.

19 **ANSWER:** Objection. This interrogatory requests a legal conclusion. Without waiving said
20 objection, the State of Washington has a duty to maintain the roads, which includes but is not
21 limited to the duty to properly placing stop signs, properly placing stop ahead warning signs,
22 and maintain vegetation along the roads. See the Manual on Uniform Traffic Control Devices
23 and *Wuthrich v. King County*.

1 **INTERROGATORY NO. 17:** Identify each expert witness whom you intend to rely on for
2 testimony at the time of trial by stating for each expert witness the:

3 a) Expert's name;

4 b) Address;

5 c) Subject matter on which they will testify;

6 d) Background, experience and training in the subject matter on which they will testify;

7 and

8 e) Substance of the facts and opinions to which each expert is expected to testify and a
9 summary of the grounds for each opinion.

10 **ANSWER:** At this point, we expect to rely on the following experts. At this point, we are
11 considering the following experts. We will disclose their opinions in accordance with the case
12 schedule order.

13 1) Ed Stevens

14 Edward Stevens & Associates, Engineers, Inc.

15 626 Columbia St. NW, Suite 2-A

16 Olympia, WA 98501

17 Mr. Stevens will testify on the road design errors. Once we have his detailed opinions,
18 we will provide them.

19 2) Steve Harbinson

20 21609 Echo Lake Road

21 Snohomish, WA 98296

22 Mr. Harbinson is a motorcycle accident reconstructionist. He may testify to matters
23 relating to Mr. Walker's riding.

24 3) Joellen Gill, M.A.

25 10501 S. Lambs Lane

26 Mica, WA 99023

Ms. Gill is a human factors expert and may testify to those matters.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

JAMES WALKER and BARBARA WALKER,
husband and wife and the marital
community comprised thereof,

Plaintiffs,

vs. No. 16-2-00708-7

THE WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION, DIVISION OF HIGHWAYS,
a State agency, STEVENS COUNTY,
DEPARTMENT OF PUBLIC WORKS,

Defendants.

DEPOSITION OF GLENN WAGEMANN

BE IT REMEMBERED that on the 12th day of
December 2016, at the hour of 9:36 a.m., the deposition
of GLENN WAGEMANN was taken at the request of the
Plaintiffs, before Caryn E. Winters, RPR, CCR, CSR,
Washington CCR No. 2496, Idaho CSR No. 237, at 103 East
Indiana Avenue, Spokane, Washington, pursuant to the
Washington Rules of Civil Procedure.

1 identified as the program --

2 Get the correct name. Program development or
3 event history files with reference to a particular road
4 or intersection?

5 A So typically when we use the words "program
6 development" it's as the program or the project is being
7 developed to the point of being funded to do work on it.

8 So this project that placed the sign in its
9 location as of 2004 was programmed prior to 2004 for
10 construction in the 2004 time frame.

11 Q And so let me back up.

12 The particular intersection we're talking
13 about, the first time -- and correct me if I'm wrong. I
14 don't want to misstate what you said. But am I to
15 understand then that the initial placement of a stop sign
16 at Ford-Wellpinit where it intersects with SR 231 was in
17 2004?

18 A No, that's not correct.

19 Q Okay.

20 A The initial placement was not in 2004.

21 Q When was the initial placement?

22 A I don't know when the initial placement was.

23 Q Probably before 2004, right? Or not? Or do you
24 know?

25 A It would have been before 2004, because the stop sign

1 was replaced in 2004. So there was a sign there, and it
2 was replaced.

3 Q Okay.

4 A So when the initial sign was placed, I do not know.

5 Q There would be program development files based upon
6 these retention requirements and archiving of those that
7 would indicate when it was originally placed?

8 A But it's beyond our archival time frame of five
9 years.

10 Q Well, it says that the files will be maintained for
11 five years, followed by archival. Not five years and
12 then that's the end of it. Unless I'm reading that
13 incorrectly?

14 A It's a five-year retention.

15 Q Followed by archival?

16 A That's not my understanding of it.

17 Q Okay. What is your --

18 A It means they're archived for five years.

19 Q And after five years they're unarchived, I take it,
20 destroyed, done away with in some fashion? Is that your
21 understanding?

22 A That would be my understanding.

23 Q So let me back up. You said several times that in
24 2004 the stop sign was replaced. You used the word
25 replaced, correct?

1 replacement relocation actually done?

2 A In the summer of 2004.

3 Q Okay. Would there be documents or records that would
4 indicate when the work was actually done? When the
5 maintenance crew or the installation crew, whatever crew
6 they're called, was out there doing the work?

7 A This would have been done by a contractor.

8 Q Does the -- what records does the state have to
9 indicate from the contractor as to when the work was
10 actually performed?

11 A We typically have inspectors' diaries.

12 Q Have you reviewed those inspectors' diaries to see
13 when that placement actually took place?

14 A I have not. Those are only archived for the time
15 period shown.

16 Q What's that time period?

17 A Five years.

18 Q Five years? So they would have been destroyed circa
19 2009, 2010?

20 A Yeah, whenever that time frame ended.

21 Q Where was the sign --

22 Some time in the summer of 2004 the stop sign
23 was replaced and relocated, correct?

24 A Correct.

25 Q And when this incident happened in July of 2013, was

1 the stop sign that had been relocated and replaced the
2 one that was in existence in July of 2013?

3 A Would you ask that again?

4 Q We know that it was moved and a new sign put in some
5 time in summer of 2004, correct?

6 A Correct.

7 Q Was that the one that was in existence in July of
8 2013 when this accident happened?

9 A That's the location of the stop sign.

10 Q Okay. Had the actual sign on the post been replaced
11 at any time between '04 and 2013?

12 A Not to my knowledge.

13 Q So where was the -- I'm going to call it the old post
14 and sign located in reference to the one that existed in
15 July of 2013?

16 A I can't give you an exact location because I wasn't
17 there to see its original location prior to 2004.

18 Q Okay. Well, what document --

19 Would there be documents that would indicate
20 where it was placed?

21 A We don't have documents that show distances and
22 locations. We have a document that shows there was a
23 stop sign.

24 Q Okay. In preparation for this deposition, did you
25 attempt to review any documents that might reveal design

