

RECEIVED**Dec 28 2022**

SC Court of Appeals

RECEIVED**Nov 28 2022**

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Walton J McLeod IV, Circuit Court

Judge

Lower Court Case No. 2020-CP-32-01461
Appellate Case No. 2022-000263

William Klotz,

Appellant,

v.

General Joe VanLier,

Respondent,

RECORD ON APPEAL

JAMES B. LYBRAND, JR.
Attorneys for Defendant, General Joe
Vanlier
Columbia, South Carolina
McDONALD, McKENZIE, RUBIN,s
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: lybrand@mmrml.com

s/ WILLIAM L. KLOTZ, PRO SE
157 Ashpoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Email

INDEX

1_Complaint Filed	1
2_Answer of Defendant	8
6a_Hearing Scheduled on Motion to Withdraw	10
13_Pre-trial Brief from Defendant	11
15_Verdict	15
16_Plaintiff Objection to Pretrial Evidence Review	16
17_Plaintiff Supplemental Interrogatories	22
Binder2_ Follow on Emails re Exhibits	26
Binder2a insert_2022-02-10 Pre-trial Brief from Plaintiff Binder2b	57
insert_Initial Brief of Appellant	59
Binder2c insert_Initial Brief of Respondent	75
Binder2d insert_Appellant Reply Brief to Respondent Brief	93
Binder3 Appellant Exhibits B to T	111
Binder4 Appellant Exhibits AD to AL	154
Binder5 Court Admitted Exhibits	182
Binder6 Transcript with Verdict Review	203
Request3_First Interrogatories responses with attachments	444
Request3a_First Interrogatories Verification signed notarized	631
Request4_Hawk Group MOTION TO WITHDRAW AS COUNSEL	632
Request5_Consent Order on Motion to Withdraw	636
Request6_Vacated Consent Order on Motion to Withdraw]	639
Request7_Order Relieving	642
Request8_Order Striking Case Under 40(j)	645
Request9_Order to Restore Under 40(j)	648
Request10_Proof of ADR	655

Request11_Motion for Continuance	657
Request12_Scheduling Order Form 4 November 4, 2021	659
Request14_Respondent Request Letter	662
STATEMENT OF QUALIFICATIONS FOR APPELLANT AS TRIAL WITNESS	663

CERTIFICATE

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

November 25, 2022

s/ WILLIAM L. KLOTZ, PRO SE
157 Ashepoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Email: wklotz@icloud.com

1

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

WILLIAM L. KLOTZ

Plaintiff,

vs.

GENERAL JOE VANLIER

Defendant,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Submitted By: Marion Chace Hawk
 Address: 338 Telfair Street Augusta Ga. 30901

SC Bar #: 102046
 Telephone #: 706-722-3500
 Fax #: 866-295-0234
 Other: 706-619-8000
 E-mail: chawk@vichawklaw.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)**If Action is Judgment/Settlement do not complete*

- ☒ **JURY TRIAL** demanded in complaint. ☐ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-CP-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☒ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☒ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990) |

Special/Complex /Other

- ☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)

- ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510)

☐ Confession of Judgment (770)

- ☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799)

☐ Employment Security Comm (991)☐ Other (999)

Submitting Party /s/ Marion Chace Hawk
Signature:

Date: 2/13/18

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post-Conviction relief matters;

- e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please
Note:**

**You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

ELECTRONICALLY FILED - 2018 Feb 13 12:18 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

STATE OF SOUTH CAROLINA**COUNTY OF
LEXINGTON****WILLIAM L. KLOTZ****Plaintiff,****vs.****GENERAL JOE VANLIER****Defendants,****IN THE COURT OF COMMON PLEAS****SUMMONS****TO THE DEFENDANT ABOVE-NAMED:**

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the Plaintiff's attorney, Marion Chace Hawk, at his office at 338 Telfair street Augusta, Georgia 30901, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for judgment by default in the amount of \$500,000.00 dollars.

By: /s/ Marion Chace Hawk
Plaintiff/Attorney for Plaintiff

Address: The Hawk Law Group
338 Telfair Street, Augusta, Ga. 30901
chawk@vichawklaw.com

Aiken, South Carolina
February 13, 2018

ELECTRONICALLY FILED - 2018 Feb 13 12:18 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

STATE OF SOUTH CAROLINA

COUNTY OF
LEXINGTON

WILLIAM L. KLOTZ

Plaintiff,

vs.

GENERAL JOE VANLIER

Defendant,

IN THE COURT OF COMMON PLEAS

COMPLAINT

COMES NOW, the Plaintiff, **William L. Klotz**, in the above-styled action and shows the following:

1

That the Defendant, **General Joe Vanlier**, may be served with process at 491 Plantation Blvd., Lawrenceville, Gwinnett County, Georgia 30046.

2

Jurisdiction is proper in this Court as a substantial portion of the acts giving rise to the action occurred in Lexington County.

3

The Defendant, **General Joe Vanlier**, is a non-resident of the State of South Carolina, but at the time hereinafter mentioned was driving a vehicle upon the highways of the State of South Carolina. That the parties, subject matter and all things and matters herein alleged, are within the

ELECTRONICALLY FILED - 2018 Feb 13 12:18 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

6

jurisdiction of this Court based upon the provisions of the Code of Laws of South Carolina §36-2-803(A)(3), as amended, commonly known as the long arm statute.

4

That on February 22, 2015, the Defendant, **General Joe Vanlier**, was traveling West on I-20 near Pond Branch Road, near Gilbert, SC, and the rear axle broke thereby causing a collision with the Plaintiff. Defendant was negligent in causing a collision with the Plaintiff's vehicle.

5

As a proximate result of the Defendant's negligence, the Plaintiff was caused to suffer the following:

- a) Medical expenses, the amount of which will be determined at the time of trial;
- b) Mileage expenses, the amount of which will be determined at the time of trial;
- c) Lost Wages, the amount of which will be determined at the time of trial;
- d) Property damage in the amount of \$13,500.00 to his 2002 Toyota Prius to include diminished use of his vehicle;
- e) Compensation for loss of quality of life, the exact nature and extent of which cannot be determined until time of trial.

6

WHEREFORE, the Plaintiff prays that he be awarded the following:

- 1) Fair and reasonable special damages, the amount of which will be determined at the time of trial;

ELECTRONICALLY FILED - 2018 Feb 13 12:18 PM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

- 2) The damages to the 2002 Toyota Prius, towing, and loss of use of the vehicle in the amount of \$13,500.00;
- 3) Future medical expenses, the amount of which cannot be determined until the time of trial;
- 4) Future general damages, which cannot be determined until the time of trial;
- 5) Compensation for loss of quality of life, the exact nature and extent of which cannot be determined until time of trial; and
- 6) All costs of court and reasonable attorney's fees.

PLAINTIFF FURTHER DEMANDS A JURY TRIAL.

Dated this 13th day of February 2018.

/s/ MARION CHACE HAWK
SC State Bar No. 102046
Attorney for Plaintiff

HAWK LAW GROUP
338 Telfair Street
Augusta, GA 30901
(706) 722-3500
chawk@hawklawgroup.com

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

William Klotz

Plaintiff(s),

v.

General Joe Vanlier

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2018-CP-32-00527

(Jury Trial Demanded)

**ANSWER OF DEFENDANT TO
PLAINTIFF'S COMPLAINT**

Defendant answers Plaintiff's Complaint as follows:

FIRST DEFENSE

1. That he denies each and every allegation of the Complaint not hereinafter specifically admitted, qualified or explained.

2. That he admits so much of paragraph one (1) of the Complaint which lists Defendant's residence. Defendant denies the remainder of said paragraph and in that regard would allege that the remainder of paragraph one (1) states a legal conclusion to which no response is required.

3. That paragraph two (2) of the Complaint states a legal conclusion to which no response is required.

4. That he admits so much of paragraph three (3) of the Complaint as alleges that Defendant is a non-resident of South Carolina and was driving a vehicle in South Carolina at the time of the subject accident. The remainder of said paragraph alleges a legal conclusion rather than factual allegations and therefore no response is required.

5. Answering paragraph four (4) of the Complaint, Defendant would admit so much therein as alleges that he was involved in an automobile accident with plaintiff on February 22, 2015 at or near the location alleged therein which resulted from a sudden and unexpected vehicle issue, namely a rear axle which broke. The remainder of paragraph four (4) is expressly denied.

SECOND DEFENSE

6. That paragraphs five (5) and six (6) of the Complaint are denied.

7. That Defendant would allege that this court lacks personal jurisdiction over the Defendant in accordance with Rule 12 (b)(2) and 12 (b)(5) SCRPC and applicable statutes. Since this court lacks personal jurisdiction over the Defendant, the case should be dismissed with costs.

THIRD DEFENSE

8. That Plaintiff's claims against Defendant are barred by the applicable Statute of Limitation and Rule 3 (a) SCRPC.

FOURTH DEFENSE

9. That Defendant would allege that the motor vehicle accident described in Plaintiff's Complaint was due to and caused by a sudden and unexpected mechanical failure with his vehicle, namely a broken axle, which created an emergency situation through no fault of Defendant. That Defendant pleads sudden mechanical failure, sudden emergency and unavoidable accident as a complete bar to this action.

WHEREFORE, having fully answered Defendant prays that the Complaint be dismissed with costs.

McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: lybrand@mmrml.com

BY: /s/ James B. Lybrand, Jr. (3453)
JAMES B. LYBRAND, JR.
Attorneys for Defendant, General Joe
Vanlier

Columbia, South Carolina
March 15, 2018

NOTICE OF MOTION SCHEDULING¹⁸**STATE OF
SOUTH CAROLINA****August 22, 2018**

**Motion "MWITHD - Motion/Withdraw" for Case: 2018CP3200527 -
William L Klotz VS General Joe Vanlier has been added to the
following Motions Roster:**

131 - CP Motions Week of September 10th 2018

This hearing of this motion has been scheduled for 9/11/2018 at 9:30 AM.

The Common Pleas motion roster for the week of September 10th, 2018 has been published to the web. All requests for continuances must be e-filed by Wednesday September 5th, 2018 @ 5pm.

If this motion is resolved before the scheduled date and time, please notify the following:
Jenny Parker at jparker@lex-co.com.

If you should have any questions, please feel free to contact our office.

Mail Notice To:
William L Klotz 338 Telfair Street Augusta, GA 30901

Court Info:
Common Pleas Lexington County Judicial Center 205 East Main Street Lexington, SC 29072-9072

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(803)785-8212

Respectfully,

Lisa M. Comer
Clerk of Court

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

William Klotz

Plaintiff(s),

v.

General Joe Vanlier

Defendant(s).

IN THE COURT OF COMMON PLEAS

DOCKET NO.: 2020-CP-32-01461

**PRE-TRIAL BRIEF
OF DEFENDANT****1 FACTS:**

This lawsuit arises out of a two-vehicle collision which occurred on February 22, 2015 along Interstate 20 in Lexington County, South Carolina. Plaintiff was driving a 2002 Toyota Prius westbound on Interstate 20 in the far-right lane. Defendant was driving a 2008 Dodge pickup also westbound and was in the process of passing the plaintiff on the left when the right rear axle on defendant's vehicle broke causing defendant to lose control and strike the driver's side of the plaintiff's vehicle which then went off the roadway into the emergency lane and collided with a guard rail. Defendant traveled a short distance down the interstate whereupon he pulled over and stopped. The defendant maintains that he went back to the scene of the accident and spoke with a highway patrolman called to investigate.

On the morning after the accident plaintiff experienced a stiff neck along with low back and pain in both shoulders. He went to the local emergency room at the Aiken Hospital on February 23 where he was examined and x-rays were taken. Plaintiff then went to see Carolina Chiropractic in Aiken for six (6) or seven (7) visits after which he noticed some improvement. During this time plaintiff also was seen by Aiken Physician Services. The medical charges plaintiff incurred on February 23, the day after the accident, total \$8,161.00.

In December 2015, plaintiff went to see his primary care physician with what he thought was bronchitis due to regular and extensive coughing spells. Eventually he went to the emergency room in Aiken where he maintains he was diagnosed with congestive heart failure. Plaintiff had an EKG which showed an abnormal heart rhythm after which plaintiff was then referred to heart physicians in Charlotte. He alleges he was diagnosed with "atrial" flutter. Plaintiff then went to an emergency room at a Charlotte Hospital where he was admitted and seen by several different heart physicians. Some time in 2016 plaintiff says he had a heart catheterization performed that showed a 92% blockage in the artery. A stint was then inserted. He has continued to be followed by his heart physicians.

Plaintiff alleges he has "stress cardiomyopathy" and contends this heart condition was caused by the motor vehicle accident with defendant.

Plaintiff seeks damages for both his vehicle and for bodily injury. Plaintiff contends that his 2002 Prius is a classic/collectable vehicle and that he has never been offered enough money to repair the vehicle which he still possess in its damaged condition. The treatment for his initial physical injuries lasted from April until early November 2015 and the total treatment incurred during that period of time is approximately \$9,271.00. The treatment for his heart problems total \$95,024.31 and of that sum, \$81,200.61 relates to treatment by his heart physicians in Charlotte. The total medicals he has submitted are \$104,295.31.

2 LEGAL ISSUES:

Liability is in dispute. Plaintiff did nothing wrong to cause or contribute to the accident but defendant asserts he experienced a sudden mechanical failure with the right rear axle breaking. Defendant contests liability on the basis of sudden emergency and sudden mechanical failure of his vehicle.

3 EXHIBITS / EVIDENTIARY ISSUES / SETTLEMENT NEGOTIATIONS:

Plaintiff has submitted voluminous potential exhibits including the following: investigating officer's accident report; vehicle and scene photographs; an exhibit titled "South Carolina Traffic Collision Report Form (TR-310); a Supplement Truck and Bus Report Form Instruction Manual; Internet documents and articles related to plaintiff's claim for property damages, documents regarding "Axle Shafts Design, Carfax Reports; copies of correspondence to/from plaintiff to defendant's insurance company; miscellaneous emails and insurance documents, plaintiff's medical bills and hospital and doctor's reports; internet articles regarding diagnosis and treatment of heart conditions and other miscellaneous documents. Aside from the vehicle photographs and scene photographs, defendant will challenge the admissibility of almost all of plaintiff's proposed exhibits. The only witnesses to be called by defendant would be the defendant himself, General Vanlier, P.O. Box 1653, Lawrenceville, GA 30046 and the investigating officer, Trooper A.L. Antley of the South Carolina Highway Patrol.

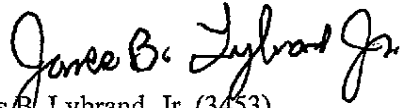
Plaintiff has taken no lay or expert witness depositions and upon information and belief, plaintiff will be the only witness he will call at trial. In addition to objections to plaintiff's exhibits based upon hearsay, authentication, foundation, defendant would request the court's guidance to instruct and caution the plaintiff how to present his testimony and evidence in accordance with the Rules of Civil Procedure and Rules of Evidence. Upon information and belief, plaintiff himself is not qualified to give expert testimony about the accident and axle failure nor opinions about the causation of his heart condition. There would also be an objection that plaintiff not mention anything about liability insurance or settlement negotiations. Defense counsel has taken the deposition of the plaintiff and portions thereof may be used at trial in

accordance with the South Carolina Rules of Civil Procedure relating to use of depositions at trial.

This case was formally mediated before attorney Walt Todd in 2021 but the mediation proved unsuccessful. Plaintiff's settlement demand was something over \$200,000.00 and defendant was prepared to offer a settlement in the \$16,000.00 to \$18,000.00 range.

Respectfully submitted,

McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156 | F: 803. 929-3530
Email: lybrand@mmrml.com



BY: /s/ James B. Lybrand, Jr. (3453)
JAMES B. LYBRAND, JR.
Attorneys for Defendant

Columbia, South Carolina

February 10, 2022

15

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON

CASE NO.: 2020-CP-32-01461

William Klotz

Plaintiff,

vs.

General Joe VanLier,

Defendant.

VERDICT FORM

A) Do you, the Jury, find that the Defendant was negligent?

☐ Yes (if yes, please proceed to question B)☒ No (if no, please stop your deliberations)

B) Do you, the Jury, find that the Defendant proximately caused the Plaintiffs' injuries?

☐ Yes (if yes, please proceed to question C)☐ No (if no, please stop your deliberations)

C) We, the Jury, unanimously award actual damages to Plaintiff William Klotz in the amount of:

\$ _____.

STOP HERE. Please have the foreperson sign and date below.This 16 day of February, 2022
Jury Foreperson

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

WILLIAM L. KLOTZ,)

Plaintiff,)

GENERAL JOE VANLIER,)

Defendant)

CIVIL CASE NUMBER 2020-CP-32-01461
IN THE COURT OF COMMON PLEAS

**MOTION TO OBJECT TO AND DISALLOW
PRETRIAL CONSIDERATION OF
ADMISSIBILITY OF EVIDENCE**

I, **WILLIAM KLOTZ**, hereby move that pretrial consideration of admissibility of evidence be disallowed as contrary to fairness and Justice for the following reasons:

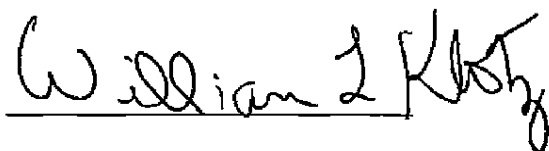
1. James Lybrand has agreed to and notified me by email that evidence admissibility would be ruled on during the course of the trial as is standard practice (See Attachment Exhibit A)
2. Mr. Lybrand has been provided by Plaintiff his Exhibits with intention to have them ruled on by the case Judge during trial. Until they are submitted to the Court they are not properly Exhibits. The Exhibits constitute logical sequences in Accident Analysis and removal of one or more Exhibits in a sequence will negate the logic of the sequence. Exhibits must therefore be evaluated in the context of the trial. The Judge may then disallow or allow Exhibits, or pass them on to the Jury for disallowing or allowing.
3. The purpose of the Exhibits cannot be determined Pretrial but require the context of the trial. Knowledge of the purpose is essential to determine Justice and the admissibility of the Exhibits as evidence.
4. Evaluating Exhibits in a Pretrial setting unfairly negates the role of the Jury and denies Plaintiff his due right to appeal on the record.

2021 JUL 22 PM 2:21
LISA M. COTNER
CLERK OF COURT
LEXINGTON SC

FILED

5. Proper notice as to date and time and copies of pretrial motions have not been provided to Plaintiff, only a vague reference (See Attachment Exhibit B).
6. Plaintiff has carefully reviewed all exhibits with regard to SC Courts Rules of Evidence and has found no discrepancies. Plaintiff understands that differences of opinion on admissibility are generally resolved on the side of Justice.
7. Plaintiff has been employed in Accident Analysis for over 15 years and has been a Registered Licensed Professional Engineer since 1983 with training and qualification by State Examination and Continuing Education in the areas of Mechanical Engineering, Structural Engineering, Properties of Steel, Metals and Metal Alloys, and Dynamics of Machines and is well qualified to submit evidence in these areas.
8. A draft Order to disallow Pretrial evaluation of Exhibit admissibility is attached. If this is not acceptable to the Court, Plaintiff includes in this motion that Evidence and Exhibits shall be evaluated under the Court's Rule 16 in a virtual hearing with documents as described in that Rule to be delivered by email, and that a Trial Continuance be granted until such hearing be completed. An alternate draft Order to this effect is also attached.

So moved by



July 15, 2021

William L Klotz, Acting Pro Se

William L Klotz

157 Ashepoo Dr, Aiken, SC (704) 249-8665 29803 wlklotz@icloud.com

Copy to: James B. Lybrand, Jr. per Certification of Email Delivery as Currently Allowed Under Court Order for Appellate Case No. 2020-000447 as Currently Amended

JAMES B. LYBRAND, JR.
Attorneys for Defendant, General Joe Vanlier
Columbia, South Carolina
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: jybrand@mrmrml.com

EXHIBIT A

19

RE: Exhibits to be presented at trial for Klotz v. VanLier

July 8, 2021 at 2:38 PM

From James Lybrand

To William Klotz

Cc Bernadette Gebhardt

Mr. Klotz,

The admissibility of exhibits at trial will need to be ruled upon by the trial judge as the trial proceeds. The admissibility would be governed by the rules of evidence and procedure in SC.

.....
James B. Lybrand Jr.
McDonald, McKenzie, Rubin,
Miller and Lybrand, LLP
PO Box 58
Columbia, SC 29202
Direct Dial: 803-223-6156

From: William Klotz <wklotz@icloud.com>**Sent:** Thursday, July 8, 2021 9:54 AM**To:** James Lybrand <lybrand@mrmml.com>**Subject:** Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are my exhibits as a ZIP file to date. Your admin can click the link to download and unzip. If there are any problems let me know. If you hear how to virtually attend the July 16 case reviews before I do, please let me know. Thanks.

Download from iCloud

EXHIBITS.zip

44.8 MB

EXHIBIT B

20

RE: Trial information requested for 2020CP3201461

July 16, 2021 at 7:26 AM

From James Lybrand

To William Klotz, "Keesley, William P. Law Clerk (Benjamin Nicholson)"

Cc "Huggins, Mona Denise", "McCaslin, Debra Law Clerk (Wesley Harkness)"

The pre-trial motions will be made orally before the trial judge and will relate to evidence admissibility.

.....
James B. Lybrand, Jr.

McDonald, McKenzie, Rubin, Miller & Lybrand, LLP**1704 Main Street****P.O. Box 58****Columbia, S.C. 29202**

Fax (803) 929-3530

Direct Dial (803) 223-6156

From: William Klotz <wklotz@icloud.com>**Sent:** Friday, July 16, 2021 10:25 AM**To:** Keesley, William P. Law Clerk (Benjamin Nicholson) <wkeesley@sccourts.org>**Cc:** James Lybrand <lybrand@mrmrml.com>; Huggins, Mona Denise <MHuggins@lex-co.com>; McCaslin, Debra Law Clerk (Wesley Harkness) <dmccaslin@sccourts.org>**Subject:** Re: Trial information requested for 2020CP3201461

Benjamin, I do not need to be there Monday for jury selection, is this necessary? If Mr Lybrand has pre-trial motions, when and how can I respond to these? Can you give me a date for the start of the trial for our case, as I am employed Mon to Thu and wish to make arrangements. Thank you.

Sent from my iPhone

On Jul 12, 2021, at 11:50 AM, Keesley, William P. Law Clerk (Benjamin Nicholson) <wkeesley@sccourts.org> wrote:

Mr. Klotz,

Thank you for your email. Judge Keesley will be holding the Roster Meeting on Friday morning, July 16th, at 10:00 AM. It will be conducted virtually and remotely, using the Judge's WebEx Virtual Courtroom. I am listing below the instructions for accessing the link.

Instructions for Accessing Judge Keesley's WebEx Virtual Courtroom:

To access the WebEx Virtual Courtroom, go to <https://www.sccourts.org/calendar/>. Find the appropriate date and click on Circuit. There will be a link under Judge Keesley's name that will take you

21

to a screen where you will need to enter your first and last name, and your email address. After completing these fields, click Join Now to launch the WebEx Virtual Courtroom. A window will appear, and you will need to click the green button at the bottom-middle of your screen to enter the Virtual Courtroom. At the appropriate time, you will be moved from an Attendee to a Panelist, which will allow you to participate with full audio and video capabilities. In the event of technical difficulties, or if you should have any questions, please do not hesitate to call or email me.

Just so you know, although Judge Keesley will be holding the Roster Meeting pursuant to his position as Chief Administrative Judge, the actual trial Judge for the week of July 19th will be Judge McCaslin. I should also tell you that there are numerous other cases ahead of your case on the Jury Trial Roster (click here to view the Jury Trial Roster). We have a date certain case, which means that case will be the first to be called to trial next week. It is of course possible that your case could be called to trial next week, but mere appearance on the Jury Trial Roster does not guarantee that it will be called. One purpose of the Roster Meeting is to determine which cases will actually be tried. If it is decided at the Roster Meeting that your case will go to trial next week, all inquiries regarding trial should be directed to the trial Judge and her staff. Please be sure to include opposing counsel, Mr. Lybrand, on further communications with the Court.

Thank you,
Ben

Benjamin E. Nicholson

Law Clerk to the Honorable William P. Keesley
Circuit Court Judge, Eleventh Judicial Circuit
wkeesleylc@sccourts.org
Lexington: (803)-785-8481
Edgefield: (803)-637-4095
127 Courthouse Square, Edgefield, SC 29824

From: William Klotz <wklotz@icloud.com>

Sent: Friday, July 9, 2021 11:44 AM

To: Keesley, William P. Law Clerk (Benjamin Nicholson) <wkeesleylc@sccourts.org>

Subject: Trial information requested for 2020CP3201461

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Mr Nicholson: I am scheduled to be heard Pro Se by Judge Keesley the week of July 19. Can you please send me the information to participate virtually in the Judge's cases review July 16, which is phone numbers and internet meeting links? I am at High Risk but have been vaccinated.

Also, am I required to send my trial exhibits in advance to the Clerk of Court to attach to the Pleading or otherwise? Thank you for a prompt reply to: wklotz@icloud.com

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

|                                |   |                                           |
|--------------------------------|---|-------------------------------------------|
| <b>STATE OF SOUTH CAROLINA</b> | ) | <b>CIVIL CASE NUMBER 2018-CP-32-00527</b> |
|                                | ) | <b>IN THE COURT OF COMMON PLEAS</b>       |
| <b>COUNTY OF</b>               | ) |                                           |
| <b>LEXINGTON</b>               | ) |                                           |
| <b>WILLIAM L. KLOTZ</b>        | ) |                                           |
| <b>Plaintiff,</b>              | ) |                                           |
| <b>vs.</b>                     | ) |                                           |
| <b>GENERAL JOE VANLIER</b>     | ) |                                           |
| <b>Defendant,</b>              | ) |                                           |

**SUPPLEMENTAL INTERROGATORIES TO DEFENDANT**

COMES NOW, the Plaintiff and submits the following Supplemental Interrogatories to the Defendant, **General Joe Vanlier**:

1

Please state each and every fact and circumstance in your Second Defense which supports your claim that the Defendant would allege that this court lacks personal jurisdiction over the Defendant in accordance with Rule 12(b)(2) SCRCF and applicable statutes; since this court lacks personal jurisdiction over the Defendant, the case should be dismissed with costs, giving the name, address and telephone number of any and all witnesses who can verify the same.

2

Please state each and every fact and circumstance in your Third Defense which supports your claim that Plaintiffs' claims against Defendant are barred by the applicable Statute of

23

Limitations and Rule 3(a) SCRPC, giving the name, address and telephone number of any and all witnesses who can verify the same.

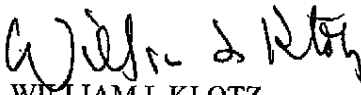
3

Please provide a copy of any visual condition inspection and/or repair reports for Defendant's and Plaintiff's vehicles relating to conditions and repair before or after the accident of Feb. 22, 2015 considered by State Farm Insurance in claim evaluations.

4

Please state the reason for wheel loss from Defendant's pickup truck approximately ½ mile from the location of Plaintiff's disabled Prius.

Dated this 8<sup>th</sup> day of January 2019

  
WILLIAM L KLOTZ  
Plaintiff Pro Se

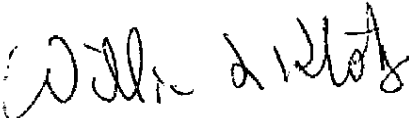
ELECTRONICALLY FILED - 2019 Feb 05 10:46 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the within Supplemental Interrogatories upon the following parties in this case by placing same in the United States Mail, postage prepaid, addressed as follows:

James B. Lybrand, Jr.  
McDonald, McKenzie, Rubin,  
Miller & Lybrand, LLP  
P.O. Box 58  
Columbia, SC 29202

Dated this 8<sup>h</sup> day of January 2019.

  
William L Klotz  
Plaintiff Pro Se

January 23, 2019

William L Klotz  
157 Ashpoo Dr  
Aiken, SC 29803

Email WLK\_chemengr@hotmail.com

Lisa M. Comer  
Clerk of Court  
205 East Main Street  
Suite 128  
Lexington, SC 29072

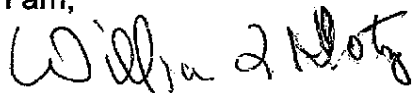
Office: (803) 785-8212  
Fax: (803) 785-2215

Subject: File Copy of Supplemental Interrogatories for Case File CIVIL CASE  
NUMBER 2018-CP-32-00527

Dear Ms Comer:

Please file the enclosed Supplemental Interrogatories and Certification in the  
file for the captioned case. Also, please notify me if any fee is required for this  
filing.

I am,



William L Klotz,  
Plaintiff, Pro Se

ELECTRONICALLY FILED - 2019 Feb 05 10:46 AM - LEXINGTON - COMMON PLEAS - CASE#2018CP3200527

26

From: William Klotz wklotz@icloud.com

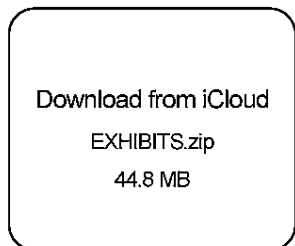
Subject: Exhibits to be presented at trial for Klotz v. VanLier

Date: July 8, 2021 at 9:53:54 AM

To: James Lybrand lybrand@mmrml.com

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are my exhibits as a ZIP file to date. Your admin can click the link to download and unzip. If there are any problems let me know. If you hear how to virtually attend the July 16 case reviews before I do, please let me know. Thanks.



From: James Lybrand lybrand@mmrml.com<sup>27</sup>

Subject: RE: Exhibits to be presented at trial for Klotz v. VanLier

Date: July 8, 2021 at 5:38:09 PM

To: William Klotz wklotz@icloud.com

Cc: Bernadette Gebhardt Bernadette@mmrml.com

28

Mr. Klotz,

The admissibility of exhibits at trial will need to be ruled upon by the trial judge as the proceeds. The admissibility would be governed by the rules of evidence and procedure.

.....  
James B. Lybrand Jr.  
McDonald, McKenzie, Rubin,  
Miller and Lybrand, LLP  
PO Box 58  
Columbia, SC 29202  
Direct Dial: 803-223-6156

**From:** William Klotz <wklotz@icloud.com>  
**Sent:** Thursday, July 8, 2021 9:54 AM  
**To:** James Lybrand <lybrand@mrmrml.com>  
**Subject:** Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are a ZIP file to date. Your admin can click the link to download. If there are any problems let me know. If you hear how to virtually attend the July 16 case reviews please let me know. Thanks.

[Download from iCloud](#)

EXHIBITS.zip

44.8 MB

From: James Lybrand lybrand@mmrml.com<sup>29</sup>

Subject: FW: Exhibits to be presented at trial for Klotz v. VanLier

Date: September 22, 2021 at 10:36:52 AM

To: McLeod, Walton Law Clerk (Ariyana Gore) wjmcleodlc@sccourts.org

Cc: William Klotz wklotz@icloud.com, Huggins, Mona Denise MHuggins@lex-co.com

30

Judge McLeod,

Mr. Klotz has a pending motion regarding the exhibits he wishes to introduce at trial exhibits were sent to me in the email below but I don't see where they were filed w court. I'm not sure if this link is still good as they were stored in ICloud. If not I'm re that Mr. Klotz re-send the exhibits so the court might have the opportunity to review before commencement of pre-trial matters trial next week.

Regards,

Jim Lybrand

.....  
James B. Lybrand, Jr.

**McDonald, McKenzie, Rubin, Miller & Lybrand, LLP**

**1704 Main Street**

**P.O. Box 58**

**Columbia, S.C. 29202**

Fax (803) 929-3530

Direct Dial (803) 223-6156

**From:** William Klotz <wklotz@icloud.com>

**Sent:** Thursday, July 8, 2021 9:54 AM

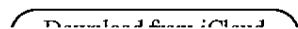
**To:** James Lybrand <lybrand@mrmml.com>

**Subject:** Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

there are any problems let me know. If you hear how to virtually attend the July 16 case reviews before I do, know. Thanks.

Dear Mr. Lybrand: Attached using Apple Mail Drop are my ZIP file to date. Your admin can click the link to download

Download from iCloud

From: McLeod, Walton Law Clerk (Ariyana Gore<sup>31</sup>) [wjmcleodlc@sccourts.org](mailto:wjmcleodlc@sccourts.org)  
Subject: RE: Exhibits to be presented at trial for Klotz v. VanLier  
Date: September 22, 2021 at 11:24:12 AM  
To: James Lybrand [lybrand@mrmrml.com](mailto:lybrand@mrmrml.com)  
Cc: William Klotz [wklotz@icloud.com](mailto:wklotz@icloud.com)

32

Good morning,

Thank you for reaching out. I am unable to access the exhibits via the iCloud link. If you could please resend, appreciate the opportunity to review before trial.

Additionally, please send us any proposed voir dire, requested jury charges, a synopsis of any pre-trial matter take up, a proposed witness list and any other materials you would like Judge McLeod to review beforehand.

Thank you and please let me know if you have any questions or if I can be of any assistance.

Best,

**Ariyana Gore**

Judicial Law Clerk

The Honorable Walton J. McLeod, IV

Eleventh Judicial Circuit

(803) 785-8239

[wjmcleodlc@sccourts.org](mailto:wjmcleodlc@sccourts.org)

**From:** James Lybrand <lybrand@mrmrml.com>

**Sent:** Wednesday, September 22, 2021 10:37 AM

**To:** McLeod, Walton Law Clerk (Ariyana Gore) <wjmcleodlc@sccourts.org>

**Cc:** William Klotz <wklotz@icloud.com>; Huggins, Mona Denise <MHuggins@lex-co.com>

**Subject:** FW: Exhibits to be presented at trial for Klotz v. VanLier

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution when clicking any links or opening attachments. \*\*\*

Judge McLeod,

Mr. Klotz has a pending motion regarding the exhibits he wishes to introduce at trial. The exhibits were sent to me in the email below but I don't see where they were filed with court. I'm not sure if this link is still good as they were stored in iCloud. If not I'm re-

33

Jim Lybrand

.....  
James B. Lybrand, Jr.

**McDonald, McKenzie, Rubin, Miller & Lybrand, LLP**

**1704 Main Street**

**P.O. Box 58**

**Columbia, S.C. 29202**

Fax (803) 929-3530

Direct Dial (803) 223-6156

**From:** William Klotz <[wklotz@icloud.com](mailto:wklotz@icloud.com)>

**Sent:** Thursday, July 8, 2021 9:54 AM

**To:** James Lybrand <[lybrand@mrmrml.com](mailto:lybrand@mrmrml.com)>

**Subject:** Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are my  
ZIP file to date. Your admin can click the link to download

there are any problems let me know. If you hear how to virtually attend the July 16 case reviews before I do,  
know. Thanks.

[Download from iCloud](#)

EXHIBITS.zip

44.8 MB

~~~ CONFIDENTIALITY NOTICE ~~~ This <sup>34</sup>message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

35

From: William Klotz wklotz@icloud.com

Subject: Fwd: Exhibits to be presented at trial for Klotz v. VanLier

Date: November 15, 2022 at 12:52:26 AM

To: William Klotz wklotz@icloud.com

Bcc: William Klotz wklotz@icloud.com

Sent from my iPhone

Begin forwarded message:

From: "McLeod, Walton Law Clerk (Ariyana Gore)" <wjmcleodlc@sccourts.org>

Date: September 22, 2021 at 11:24:12 AM EDT

To: James Lybrand <lybrand@mmrml.com>

Cc: William Klotz <wklotz@icloud.com>

Subject: RE: Exhibits to be presented at trial for Klotz v. VanLier

Good morning,

Thank you for reaching out. I am unable to access the exhibits via the iCloud link. If you could please resend I appreciate the opportunity to review before trial.

Additionally, please send us any proposed voir dire, requested jury charges, a synopsis of any pre-trial matters to take up, a proposed witness list and any other materials you would like Judge McLeod to review before trial.

Thank you and please let me know if you have any questions or if I can be of any assistance.

Best,

Ariyana Gore

Judicial Law Clerk

The Honorable Walton J. McLeod, IV

Eleventh Judicial Circuit

(803) 785-8239

wjmcleodlc@sccourts.org

From: James Lybrand <lybrand@mrmml.com>

Sent: Wednesday, September 22, 2021 10:37 AM

To: McLeod, Walton Law Clerk (Ariyana Gore) <wjmcleodlc@sccourts.org>

Cc: William Klotz <wklotz@icloud.com>; Huggins, Mona Denise <MHuggins@lex-co.com>

Subject: FW: Exhibits to be presented at trial for Klotz v. VanLier

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Judge McLeod,

Mr. Klotz has a pending motion regarding the exhibits he wishes to introduce at trial. The exhibits were sent to me in the email below but I don't see where they were filed in court. I'm not sure if this link is still good as they were stored in iCloud. If not I'm requesting that Mr. Klotz re-send the exhibits so the court might have the opportunity to review them.

37

Jim Lybrand

.....
James B. Lybrand, Jr.

McDonald, McKenzie, Rubin, Miller & Lybrand, LLP

1704 Main Street

P.O. Box 58

Columbia, S.C. 29202

Fax (803) 929-3530

Direct Dial (803) 223-6156

From: William Klotz <wklotz@icloud.com>

Sent: Thursday, July 8, 2021 9:54 AM

To: James Lybrand <lybrand@mmrml.com>

Subject: Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are
as a ZIP file to date. Your admin can click the link to dow

unzip. If there are any problems let me know. If you hear how to virtually attend the July 16 case reviews
please let me know. Thanks.

[Download from iCloud](#)

EXHIBITS.zip

44.8 MB

~~~ CONFIDENTIALITY NOTICE ~~~ This<sup>38</sup> message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

39

From: William Klotz [wklotz@icloud.com](mailto:wklotz@icloud.com)

Subject: Fwd: Exhibits to be presented at trial for Klotz v. VanLier

Date: November 15, 2022 at 1:06:34 AM

To: William Klotz [wklotz@icloud.com](mailto:wklotz@icloud.com)

Bcc: William Klotz [wklotz@icloud.com](mailto:wklotz@icloud.com)

Sent from my iPhone

Begin forwarded message:

**From:** William Klotz <[wklotz@icloud.com](mailto:wklotz@icloud.com)>

**Date:** November 15, 2022 at 12:52:29 AM EST

**To:** William Klotz <[wklotz@icloud.com](mailto:wklotz@icloud.com)>

**Subject: Fwd: Exhibits to be presented at trial for Klotz v. VanLier**

Sent from my iPhone

Begin forwarded message:

**From:** "McLeod, Walton Law Clerk (Ariyana Gore)" <[wjmcleodlc@sccourts.org](mailto:wjmcleodlc@sccourts.org)>

**Date:** September 22, 2021 at 11:24:12 AM EDT

**To:** James Lybrand <[lybrand@mrmrml.com](mailto:lybrand@mrmrml.com)>

**Cc:** William Klotz <[wklotz@icloud.com](mailto:wklotz@icloud.com)>

**Subject: RE: Exhibits to be presented at trial for Klotz v. VanLier**

Good morning,

Thank you for reaching out. I am unable to access the exhibits via the iCloud link. If you could please res would appreciate the opportunity to review before trial.

Additionally, please send us any proposed voir dire, requested jury charges, a synopsis of any pre-trial n wish to take up, a proposed witness list and any other materials you would like Judge McLeod to review beforehand.

Thank you and please let me know if you have any questions or if I can be of any assistance.

Best,

**Ariyana Gore**

Judicial Law Clerk

The Honorable Walton J. McLeod, IV

Eleventh Judicial Circuit

(803) 785-8239

[wjmcleodlc@sccourts.org](mailto:wjmcleodlc@sccourts.org)

**From:** James Lybrand <lybrand@mrmml.com>

**Sent:** Wednesday, September 22, 2021 10:37 AM

**To:** McLeod, Walton Law Clerk (Ariyana Gore) <wjmcleodlc@sccourts.org>

**Cc:** William Klotz <wklotz@icloud.com>; Huggins, Mona Denise <MHuggins@lex-co.com>

**Subject:** FW: Exhibits to be presented at trial for Klotz v. VanLier

**\*\*\* EXTERNAL EMAIL:** This email originated from outside the organization. Please exer caution before clicking any links or opening attachments. \*\*\*

Judge McLeod,

Mr. Klotz has a pending motion regarding the exhibits he wishes to introduce at The exhibits were sent to me in the email below but I don't see where they were with the court. I'm not sure if this link is still good as they were stored in iCloud.

Jim Lybrand

.....  
James B. Lybrand, Jr.

**McDonald, McKenzie, Rubin, Miller & Lybrand, LLP**

**1704 Main Street**

**P.O. Box 58**

**Columbia, S.C. 29202**

Fax (803) 929-3530

Direct Dial (803) 223-6156

**From:** William Klotz <[wklotz@icloud.com](mailto:wklotz@icloud.com)>

**Sent:** Thursday, July 8, 2021 9:54 AM

**To:** James Lybrand <[lybrand@mml.com](mailto:lybrand@mml.com)>

**Subject:** Exhibits to be presented at trial for Klotz v. VanLier

Attachment available until August 7, 2021.

Dear Mr. Lybrand: Attached using Apple Mail Drop are exhibits as a ZIP file to date. Your admin can click the

download and unzip. If there are any problems let me know. If you hear how to virtually attend the July reviews before I do, please let me know. Thanks.

[Download from iCloud](#)

EXHIBITS.zip

44.8 MB

~~~ CONFIDENTIALITY NOTICE ~~~ This<sup>42</sup> message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

From: James Lybrand lybrand@mmrml.com⁴³

Subject: RE: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by
Electronic Means

Date: October 16, 2021 at 10:18:18 AM

To: William Klotz wklotz@icloud.com

These will be provided at the hearing.

.....
James B. Lybrand, Jr.

McDonald, McKenzie, Rubin, Miller & Lybrand, LLP

1704 Main Street

P.O. Box 58

Columbia, S.C. 29202

Fax (803) 929-3530

Direct Dial (803) 223-6156

From: William Klotz <wklotz@icloud.com>

Sent: Saturday, October 16, 2021 10:07 AM

To: James Lybrand <lybrand@mrmml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Dear Mr Lybrand: For our in limine hearings and subsequent trial I request under the current Rules of Discovery a list of the legal bases for all my current exhibits to which you will offer objections. Thank you.

Sent from my iPhone

| On Oct 15, 2021, at 11:09 AM, William Klotz <wklotz@icloud.com> wrote:

| Dear Mr Lybrand: Can you please inform me of the date and time of this proposed pre-trial hearing? Thank you.

| Sent from my iPhone

| On Sep 27, 2021, at 8:36 AM, Huggins, Mona Denise <MHuggins@lex-co.com> wrote:

| Yes, he still needs to file the motion for continuance.

45

From: James Lybrand <lybrand@mmrml.com>

Sent: Sunday, September 26, 2021 9:16 AM

To: Huggins, Mona Denise <MHuggins@lex-co.com>; William Klotz <wklotz@icloud.com>

Subject: RE: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mona,

As I recall Judge Keesley instructed Mr. Klotz to file a written motion for continuance with a filing fee. Since the case was continued on Friday at the request of Mr. Klotz, I assume he still needs to comply with Judge Keesley and file the written motion. Correct?

Thanks.

Jim Lybrand

.....
James B. Lybrand Jr.

McDonald, McKenzie, Rubin,

Miller and Lybrand, LLP

PO Box 58

Columbia, SC 29202

Direct Dial: 803-223-6156

From: Huggins, Mona Denise <MHuggins@lex-co.com>

Sent: Sunday, September 26, 2021 9:08 AM

To: William Klotz <wklotz@icloud.com>

Cc: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mr Klotz:

Get [Outlook for iOS](#)

From: William Klotz <wklotz@icloud.com>

Sent: Saturday, September 25, 2021 3:33:49 PM

To: Huggins, Mona Denise <mhuggins@lex-co.com>

Cc: James Lybrand <lybrand@mmrml.com>

Subject: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Attachment available until October 25, 2021.

Dear Ms. Huggins: Counsel for Defense James

has requested that I submit my current exhibits

inclusion in the Docket, so I have attached them for you to do so. I will be at Lexington Court Monday 9/27 there will be no need for me to file a motion for continuance since I cannot avoid potential COVID-19 e Court for trial. The attachment is available in Apple Mail Drop for 30 days and is a zip file. You should be able to double click to download and then unzip. All the Exhibit files are PDFs. I will have available hard copies on Monday, 9/27. Thank you.

[Download from iCloud](#)

2020-CP-32...r Exhibits.zip

51.1 MB

47

From: William Klotz wklotz@icloud.com

Subject: Fwd: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Date: February 15, 2022 at 9:02:35 AM

To: Mona Huggins mhuggins@lex-co.com, James Lybrand lybrand@mmrml.com, wjmcleodlc@sccourts.org

Bcc: William Klotz wklotz@icloud.com

Sent from my iPhone

Begin forwarded message:

From: William Klotz <wklotz@icloud.com>

Date: October 16, 2021 at 10:06:47 AM EDT

To: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Dear Mr Lybrand: For our in limine hearings and subsequent trial I request under the current Rules of Discovery a summary list of the legal bases for all my current exhibits to which you will offer objections. Thank you.

Sent from my iPhone

On Oct 15, 2021, at 11:09 AM, William Klotz <wklotz@icloud.com> wrote:

Dear Mr Lybrsnd: Can you please inform me of the date and time of this proposed pre-trial hearing? Thank you.

Sent from my iPhone

On Sep 27, 2021, at 8:36 AM, Huggins, Mona Denise <MHuggins@lex-co.com> wrote:

Yes, he still needs to file the motion for continuance.

Mona Huggins
Deputy Clerk
Court of Common Pleas
803 785-8398

From: James Lybrand <lybrand@mrmml.com>
Sent: Sunday, September 26, 2021 9:16 AM
To: Huggins, Mona Denise <MHuggins@lex-co.com>; William Klotz <wklotz@icloud.com>
Subject: RE: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mona,

As I recall Judge Keesley instructed Mr. Klotz to file a written motion for continuance with a filing fee. Since the case was continued on Friday at the request of Mr. Klotz, I assume he still needs to comply with Judge Keesley and file the written motion. Correct?

Thanks.

Jim Lybrand

.....
James B. Lybrand Jr.
McDonald, McKenzie, Rubin,
Miller and Lybrand, LLP
PO Box 58
Columbia, SC 29202
Direct Dial: 803-223-6156

Cc: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mr Klotz:

This case was continued by Judge Keesley. Your case was the only case going to trial and when it was continued, court was cancelled.

Get [Outlook for iOS](#)

From: William Klotz <wklotz@icloud.com>

Sent: Saturday, September 25, 2021 3:33:49 PM

To: Huggins, Mona Denise <mhuggins@lex-co.com>

Cc: James Lybrand <lybrand@mmrml.com>

Subject: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Attachment available until October 25, 2021.

Dear Ms. Huggins: Counsel for Defense Jam

Lybrand has requested that I submit my curr

exhibits to you for inclusion in the Docket, so I have attached them for you to do so. I will be at Lexing Court Monday 9/27 so there will be no need for me to file a motion for continuance since I cannot a potential COVID-19 exposure at Court for trial. The attachment is available in Apple Mail Drop for 30 and is a zip file. You should be able to double click to download and then unzip. All the Exhibit files a I will have available hard copies for Judge McLeod Monday, 9/27. Thank you.

[Download from iCloud](#)

2020-CP-32...r Exhibits.zip

51.1 MB

50

From: William Klotz wklotz@icloud.com

Subject: Fwd: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Date: February 15, 2022 at 10:21:02 AM

To: Mona Huggins mhuggins@lex-co.com, James Lybrand lybrand@mmrml.com, wjmcleodlc@sccourts.org

Sent from my iPhone

Begin forwarded message:

From: William Klotz <wklotz@icloud.com>

Date: October 16, 2021 at 10:06:47 AM EDT

To: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Dear Mr Lybrand: For our in limine hearings and subsequent trial I request under the current Rules of Discovery a summary list of the legal bases for all my current exhibits to which you will offer objections. Thank you.

Sent from my iPhone

On Oct 15, 2021, at 11:09 AM, William Klotz <wklotz@icloud.com> wrote:

Dear Mr Lybrand: Can you please inform me of the date and time of this proposed pre-trial hearing? Thank you.

Sent from my iPhone

On Sep 27, 2021, at 8:36 AM, Huggins, Mona Denise <MHuggins@lex-co.com> wrote:

Yes, he still needs to file the motion for continuance.

Mona Huggins
Deputy Clerk
Court of Common Pleas
803 785-8398

From: James Lybrand <lybrand@mrmml.com>
Sent: Sunday, September 26, 2021 9:16 AM
To: Huggins, Mona Denise <MHuggins@lex-co.com>; William Klotz <wklotz@icloud.com>
Subject: RE: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mona,

As I recall Judge Keesley instructed Mr. Klotz to file a written motion for continuance with a filing fee. Since the case was continued on Friday at the request of Mr. Klotz, I assume he still needs to comply with Judge Keesley and file the written motion. Correct?

Thanks.

Jim Lybrand

.....
James B. Lybrand Jr.
McDonald, McKenzie, Rubin,
Miller and Lybrand, LLP
PO Box 58
Columbia, SC 29202
Direct Dial: 803-223-6156

Cc: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mr Klotz:

This case was continued by Judge Keesley. Your case was the only case going to trial and when it was continued, court was cancelled.

Get [Outlook for iOS](#)

From: William Klotz <wklotz@icloud.com>

Sent: Saturday, September 25, 2021 3:33:49 PM

To: Huggins, Mona Denise <mhuggins@lex-co.com>

Cc: James Lybrand <lybrand@mmrml.com>

Subject: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Attachment available until October 25, 2021.

Dear Ms. Huggins: Counsel for Defense Jam

Lybrand has requested that I submit my curr

exhibits to you for inclusion in the Docket, so I have attached them for you to do so. I will be at Lexing Court Monday 9/27 so there will be no need for me to file a motion for continuance since I cannot a potential COVID-19 exposure at Court for trial. The attachment is available in Apple Mail Drop for 30 and is a zip file. You should be able to double click to download and then unzip. All the Exhibit files a I will have available hard copies for Judge McLeod Monday, 9/27. Thank you.

[Download from iCloud](#)

2020-CP-32...r Exhibits.zip

51.1 MB

53

From: William Klotz wklotz@icloud.com

Subject: Fwd: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier Discovery Request by Electronic Means

Date: November 15, 2022 at 12:55:21 AM

To: William Klotz wklotz@icloud.com

Bcc: William Klotz wklotz@icloud.com

Sent from my iPhone

Begin forwarded message:

From: William Klotz <wklotz@icloud.com>

Date: February 15, 2022 at 10:21:02 AM EST

To: Mona Huggins <mhuggins@lex-co.com>, James Lybrand
<lybrand@mmrml.com>, wjmcleodlc@sccourts.org

**Subject: Fwd: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier
Discovery Request by Electronic Means**

Sent from my iPhone

Begin forwarded message:

From: William Klotz <wklotz@icloud.com>

Date: October 16, 2021 at 10:06:47 AM EDT

To: James Lybrand <lybrand@mmrml.com>

**Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier
Discovery Request by Electronic Means**

Dear Mr Lybrand: For our in limine hearings and subsequent trial I request under the current Rules of Discovery a summary list of the legal bases for all my current exhibits to which you will offer objections. Thank you.

Sent from my iPhone

54

On Oct 15, 2021, at 11:09 AM, William Klotz <wklotz@icloud.com> wrote:

Dear Mr Lybrsnd: Can you please inform me of the date and time of this proposed pre-trial hearing? Thank you.

Sent from my iPhone

On Sep 27, 2021, at 8:36 AM, Huggins, Mona Denise <MHuggins@lex-co.com> wrote:

Yes, he still needs to file the motion for continuance.

Mona Huggins
Deputy Clerk
Court of Common Pleas
803 785-8398

From: James Lybrand <lybrand@mrmml.com>
Sent: Sunday, September 26, 2021 9:16 AM
To: Huggins, Mona Denise <MHuggins@lex-co.com>; William Klotz <wklotz@icloud.com>
Subject: RE: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mona,

As I recall Judge Keesley instructed Mr. Klotz to file a written motion for continuance with a filing fee. Since the case was continued on Friday at the request of Mr. Klotz, I assume he still needs to comply with Judge Keesley at the written motion. Correct?

Thanks.

Jim Lybrand

.....
James B. Lybrand Jr.
McDonald, McKenzie, Rubin,
Miller and Lybrand, LLP
PO Box 58
Columbia, SC 29202
Direct Dial: 803-223-6156

Cc: James Lybrand <lybrand@mmrml.com>

Subject: Re: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Mr Klotz:

This case was continued by Judge Keesley. Your case was the only case going to trial and when it was continued, court was cancelled.

Get [Outlook for iOS](#)

From: William Klotz <wklotz@icloud.com>

Sent: Saturday, September 25, 2021 3:33:49 PM

To: Huggins, Mona Denise <mhuggins@lex-co.com>

Cc: James Lybrand <lybrand@mmrml.com>

Subject: [External] Exhibits for 2020-CP-32-0146 Klotz v Vanlier

Attachment available until October 25, 2021.

Dear Ms. Huggins: Counsel for Defense Ja

Lybrand has requested that I submit my ci

exhibits to you for inclusion in the Docket, so I have attached them for you to do so. I will be at Lex Court Monday 9/27 so there will be no need for me to file a motion for continuance since I cannot have potential COVID-19 exposure at Court for trial. The attachment is available in Apple Mail Drop for 7 days and is a zip file. You should be able to double click to download and then unzip. All the Exhibits are PDFs. I will have available hard copies for Judge McLeod Monday, 9/27. Thank you.

[Download from iCloud](#)

2020-CP-32...r Exhibits.zip

51.1 MB

STATE OF SOUTH CAROLINA)
tidtif

CIVIL CASE NUMBER 2020-CP-32-01416

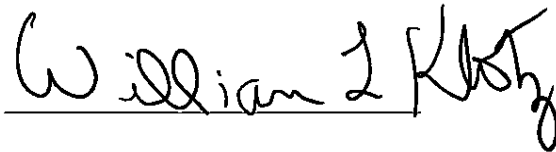
WILLIAM L. KLOTZ,

Plaintiff,

GENERAL JOE VANLIER,

Defendant

PLAINTIFF'S PRE-TRIAL LEGAL BRIEF



February 10, 2022

William L Klotz, Acting Pro Se

William L Klotz'

157 Ashpoo Dr, Aiken, SC (704) 249-8665 29803 wklotz@icloud.com

CC:

JAMES B. LYBRAND, JR.
Attorneys for Defendant, General Joe Vanlier
Columbia, South Carolina
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: lybrand@mrmrml.com

INTRODUCTION

Plaintiff's claims are for property damages to our collector car, a 2002 Classic Prius, and also for relief for pain and injury to back and pain, disability and disability and major injury to Plaintiff's heart as a critical organ subsequent to Defendant's actuated rear end collision to said 2002 Prius. Plaintiff will present evidence as to the valuation and collectability of the 2002 Classic Prius, and P

FAULT OF DEFENDANT

Defendant collided with our 2002 Prius without warning or braking to avoid collision, on February 22, 2015, on I-20 near Aiken SC while driving in the fast lane eastbound, while Plaintiff was driving at legal speed in the slow lane of I-20, eastbound. Per evidence, Defendant then drove off at a high rate of speed, continuing eastward down I-20 for an estimated quarter mile, until stopped by separation of his wheel from its axle. Further, Defendant failed to immediately stop and render aid to Plaintiff as legally required, and at no time spoke to Plaintiff or inquired of his condition. Plaintiff's vehicle, a 2008 Dodge Ram pickup truck with multiple previous owners, had a known manufacturing defect that results in the locking of a front wheel, resulting in possible veering out of the lane.

NATURE OF INJURIES

Plaintiff sustained significant back injuries, being susceptible to these because of back injuries some 30 years previously. The doctrine of the Thin Skull applies here. In addition, Plaintiff sustained a heart damaging arrhythmia, having no previous indication of heart irregularity or damage. This arrhythmia was in the nature of Atrial Flutter, when the heart atrium beats at 250 to 350 beats per minute, and is symptomless initially, but later induced rapidly advancing heart failure in Plaintiff, resulting in six months absence from work. The survival rate 5 years after detection of heart failure is 52.4%. The Atrial Flutter could have three known possible causes: 1) Plaintiff striking the back of his head on his seat at the moment of the collision, 2) whiplash from rotation of the Prius by 180 degrees as he crossed the fast lane into the median strip with minimal control of the Prius as his rear wheel was locked by the collision, or 3) stress cardiomyopathy from sudden fear of loss of life or limb from trees in the median or oncoming traffic in the fast lane. Plaintiff's chief cardiologist, specializing in arrhythmias, has provided a signed affidavit stating that the proximate cause of his heart condition is the collision.

EVIDENCE CONSIDERATIONS

Plaintiff's evidence consists predominantly of photographs suitable for viewing, educational materials for juror clarification, public records of long standing, photograph analysis, and has been redacted for mention of insurance. Plaintiff has submitted a motion and request that Defense counsel's request for pre-trial dismissal of evidence be denied, for the good and sufficient reasons contained in that motion currently in the docket, and that this would be a pre-emption of the Jury's obligation, constituting summary judgment.

59

**FORM 13
BRIEF OF APPELLANT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

2020CP3201461 Walton J. McLeod,

IV,

Appellate Case No. 2022-

000263

James B. Lybrand, Junior,
Esquire
Attorney for the Defendant,
General Joe VanLier

Respondent,

v.

William Lee Klotz, Pro se
Plaintiff,

Appellant.

INITIAL BRIEF OF APPELLANT

s/ William Lee Klotz
157 Ashpoo Dr
Aiken, South Carolina 29803
(704) 249-8665
AttorneyPro Se for Appellant

RECEIVED
Aug 18 2022
SC Court of Appeals

ELECTRONICALLY FILED - 2022 Sep 01 12:21 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

TABLE OF CONTENTS

| | |
|------------------------------------|----|
| Arguments..... | i |
| Table of Authorities | ii |
| Statement of Issues on Appeal..... | 1 |
| Statement of the Case..... | 1 |
| Standard of Review..... | 1 |
| Facts | 1 |

Arguments

1. STANDARD OF REVIEW: REVIEWABLE DE NOVO.

AT THE BEGINNING OF TRIAL PROCEEDINGS . RESPONDENT COUNSEL WALKED UP TO THE HONORABLE JUDGE MCLEOD WHO WAS IN FRONT OF THE BENCH AND APPELLANT HEARD COUNSEL SAY "THIS CASE IS ABOUT A LOT OF MONEY." APPELLANT COULD NOT HEAR FURTHER DISCUSSION AS IT WAS CONDUCTED IN A LOW VOICE. APPELLANT READS IN THE TRANSCRIPT THAT MEDICAL BILLS IN THE CASE WERE ABOUT \$120,000, AND TOTAL VALUE WITH THE "OLD FASIONED" FACTOR OF 3 WOULD BE \$360,000. THIS EX PARTE COMMUNICATION SET THE TONE AND TENOR OF THE TRIAL AND PROVIDED A PROCEDURAL, SUBSTANTIVE, AND TACTICAL ADVANTAGE TO DEFENSE COUNSEL. AT A PREVIOUS VIRTUAL PRE-TRIAL MEETING WITH JUDGE WILLIAM P. KEESLEY AND RESPONDENT COUNSEL, THE COUNSEL INFORMED JUDGE KEESLEY HE WOULD APPEAR PRE-TRIAL IN LIMINE REGARDING ADMISSABILITY OF MY EXHIBITS. IT APPEARED TO ME THIS WAS INTENDED TO BE DONE EX PARTE, SO I IMMEDIATELY OPPOSED BY FILING A MOTION FOR RULE 16 REVIEW. IN SUBSEQUENT EMAILS WITH RESPONDENT COUNSEL HE REPEATEDLY INDICATED A HEARING WOULD BE HELD, BUT IT WAS NOT. APPARENTLY THE STRATEGY ALL ALONG WAS TO APPEAR PRE-TRIAL THE DAY OF THE TRIAL TO PREVENT USE OF MY EXHIBITS. I SUSPECT STATE FARM INSURANCE WAS PERTURBED BECAUSE RESPONDENT COUNSEL HAD PROVIDED DISCOVERY TO ME, AND DEMANDED THIS STRATEGY BE USED, OTHERWISE I WOULD HAVE A STRONG CASE. HOWEVER, A WIN WITHOUT HONOR IS NO WIN AT ALL. THIS INCLUDES DECEPTION. I DON'T BELIEVE IT ORIGINATED WITH THE

COUNSEL, BECAUSE HE WAS HELPFUL IN THE PAST.

2. STANDARD OF REVIEW: REVIEWABLE DE NOVO

AT THE START OF THIS TRIAL CASE, ALL CLAIMS AND ALL THEIR PARTS ARE ALLEDGED, AS NO PROOFS HAVE BEEN ESTABLISHED AND APPELLANT MADE NO SUCH STIPULATION. IN FACT, RESPONDENT COUNSEL'S ANSWER TO COMPLAIN CONFIRMS THAT "AXLE BREAK" IS ALLEGED. NEVERTHELESS, COUNSEL PROCEEDS TO CONSIDER IT ESTABLISHED FACT AT TRIAL.

3. STANDARD OF REVIEW: REVIEWABLE FOR CLEAR ERROR

PRE-TRIAL BRIEF SHOULD HAVE BEEN VOLUNTARY. APPELLANT PROVIDED A DETAILED BRIEF, THEREBY REVEALING LEGAL STRATEGY AND TECHNICAL DETAILS TO RESPONDENT'S COUNSEL THAT COULD HAVE BEEN USED TO INFLUENCE RESPONDENT'S AND WITNESS TESTIMONY. RESPONDENT'S PRE-TRIAL BRIEF IS DEVOID OF ANY TECHNICAL EVIDENCE AND CONTAINS INACCURACIES. FOR EXAMPLE, IT STATES APPELLANT'S VEHICLE (NOT RESPONDENT'S) STRUCK A BARRICADE. ON THE STAND TROUPER ANTLEY CONFIRMED THIS WAS A TYPO IN THE POLICE REPORT. RESPONDENT COUNSEL'S BRIEF STATES THAT RESPONDENT PROCEEDED FROM THE LOSS OF WHEEL LOCATION UP TO WHERE OFFICER ANTLEY WAS, RESPONDENT'S TESTIMONY APPARENTLY WAS MODIFIED TO SAY THE TROOPER CONVERSATION TOOK PLACE AT THE WHEEL LOSS LOCATION. IN FACT, RESPONDENT'S TESTIMONY APPEARS TO HAVE BEEN DESIGNED TO CONTRADICT APPELLANT'S BRIEF. THE ACCIDENT REPORT DRAWING SHOWS RESPONDENT'S TRUCK FRONT STRIKING APPELLANT'S PRIUS' REAR. RESPONDENT STATES HIS TRUCK MOVED SIDEWAYS AND ITS REAR DENTED THE PRIUS, AN ABSURD STATEMENT. TWICE IN TESTIMONY RESPONDENT SPREAD HIS HANDS APART IN AN AWKWARD HISTRIONIC GESTURE OF AMAZEMENT AND SAID HE LOOKED AND ASKED HIMSELF "WHERE IS MY TIRE". THIS SUGGESTS COACHING. APPELLANT TESTIFIED AT TRIAL AND IN DEPOSITION THE TIRE WAS THERE IN THE MEDIAN STRIP, AND RESPONDENT WOULD HAVE SEEN IT EXITING THE DRIVER SIDE DOOR. RESPONDENT COUNSEL'S INTRODUCTION OF OUTSIDE AND INSIDE LANES AS TERMS SEEMED INTENDED TO CONFUSE THE JURY BUT IN FACT CONFUSED RESPONDENT. SEVERAL TIMES COUNSEL IMPORTUNED RESPONDENT TO SAY "INSIDE LANE" WHEN RESPONDENT ACTUALLY TESTIFIED MEDIAN LANE OR FAST LANE. RESPONDENT IN TESTIMONY SHOWED CLEAR EVIDENCE OF COACHING AND SELF-

CONTRADICTION. PRE-TRIAL BRIEFS WERE REQUIRED WHICH WOULD HAVE GIVEN RESPONDENT'S COUNSEL AND INSURANCE COMPANY KNOWLEDGE BEFORE HAND OF APPELLANT'S LEGAL STRATEGY AND ARGUMENT, ALLOWING COACHING. AN INVESTIGATION MUST BE MADE OF RESPONDENT IN THESE REGARDS.

4. STANDARD OF REVIEW: REVIEWABLE DE NOVO

THE EMINENT JURIST ROSCOE POUND, DEAN OF HARVARD LAW FOR 23 YEARS, HAS SAID "LAW MUST BE STABLE, YET IT CANNOT STAND STILL". LITIGANTS ARE REQUIRED TO TAKE AN OATH INCLUDING TO TELL THE WHOLE TRUTH BUT ARE PREVENTED BY ANACHRONISTIC LAW TO EVEN MENTION INSURANCE COMPANY CONDUCT IN A PERSONAL INJURY TRIAL. THIS ALLOWS INSURANCE COMPANIES TO INFLUENCE THE TRIAL AND ALTERNATE DISPUTE RESOLUTION BY STEALTH WITHOUT ACCOUNTABILITY TO THE DETRIMENT OF JUSTICE, AND DEFENSE COUNSELS TO UNDULY INVOKE JURY PREJUDICIAL SYMPATHY FOR DEFENDANTS DURING THE COURSE OF TRIAL, AND MUST BE CHANGED. THESE EFFECTS WERE OBSERVED BY APPELLANT..... 2

5. STANDARD OF REVIEW: REVIEWABLE FOR ABUSE OF DISCRETION

THE JURY WAS CHARGED THAT FAULT MUST BE SHOWN BY A PREPONDERANCE OF THE EVIDENCE, BUT THE TRIAL COURT LIMITED EVIDENCE TO THAT ACCEPTTABLE TO THE RESPONDENT COUNSEL, WHEN IN FACT THERE WAS NO GOOD OR PROPER BASIS FOR EXCLUSION OF THE MAJORITY OF APPELLANT'S EVIDENCE WITH NO CITATION OF RULES OF EVIDENCE PROVIDED BY RESPONDENT'S COUNSEL, ESSENTIALLY HANDWAVING. IN FACT, RESPONDENT OBJECTED TO EVIDENCE PROVIDED TO APPELLANT THROUGH DISCOVERY. THE COURT EXCLUDED A STATEMENT OF AFFIDAVID QUALITY WHICH WOULD HAVE BEEN AVAILABLE IN THE ONLINE MESSAGE FILES OF SANGER HEART AND VASCULAR INSTITUTE. ON THEIR LETTER HEAD AND SIGNED BY APPELLANT'S CHIEF CARDIOLOGIST, KNOWLEGEABLE ABOUT ALL OF APPELLANT'S CARDIAC CARE. APPELLANT'S EXHIBITS AND ANTICIPATED TESTIMONY THEREON MET THE STANDARD OF RULE 701.

6. STANDARD OF REVIEW: REVIEWABLE FOR CLEAR ERROR

AS A RESULT OF LACK OF WITNESS QUALIFICATION INCORRECT

AND SELF-CONFLICTING TESTIMONY WAS GIVEN AND THE JURY WAS THEREBY MISLED. REVIEW OF ACCIDENT PROGRESSION MUST NOW BE INVESTIGATED BY THE SC MAIT. TROOP 9 MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM AND IS HEREBY REQUESTED. APPELLANT INFORMED RESPONDENT COUNSEL HE COULD NOT EMPLOY AN ACCIDENT RECONSTRUCTOR WITHOUT AN ATTORNEY, AND SUGGESTED COST SHARING FOR SUCH AS PART OF THE ADA, AS WE HAD COST SHARED FOR THE MEDIATOR. HOWEVER COUNSEL REFUSED. ALTHOUGH OBJECTING TO THE COURT THAT A PROFESSIONAL RECONSTRUCTOR WAS REQUIRED FOR THIS CASE, AND IMPUGNING THE QUALIFICATIONS OF APPELLANT AS A LICENSED PROFESSIONAL ENGINEER BY EXAMINATION, PRACTICE, AND CONTINUED EDUCATION, COUNSEL PRESENTED AS WITNESS FOR ENGINEERING ANALYSIS TO GIVE OPINION ON CAUSE AND PROGRESSION OF THE ACCIDENT, A STATE TROOPER NOT LICENSED AS AN ENGINEER WITH STATED EXPERIENCE "WORKING WITH CARS WHILE IN HIGH SCHOOL AND COLLEGE". PICKUP TRUCKS, THE SUBJECT OF THIS CASE, ARE QUITE DISTINCT FROM CARS, AND ACCIDENT PROGRESSION REQUIRES ENGINEERING JUDGEMENT, WHICH CAN ONLY BE GIVEN BY A LICENSED PROFESSIONAL ENGINEER OR EMPLOYEE OF A COMPANY EMPLOYING LICENSED ENGINEERS. THE LAW WAS NOT INTERPRETED EVEN HANDEDLY.

7. STANDARD OF REVIEW: REVIEWABLE DE NOVO

APPELLANT'S FORMER ATTORNEY, MR. MARION CHACE HAWK OF GEORGIA FIRM LOCATION, INFORMED HIM THAT UNDERLYING THE ABSOLUTION OF FAULT FOR SUDDEN MECHANICAL FAILURE IS THAT THIS IS AN "ACT OF GOD." ANY UNDERLYING PRESUMPTION THAT A MECHANICAL FAILURE MAY BE UNFORESEEABLE AND EQUIVALENT TO AN "ACT OF GOD" HAS NO BASIS IN ANY SCIENTIFIC, THEOLOGIC, OR PHILOSOPHIC KNOWLEDGE AS TO WHEN OR WHY THE DEITY WOULD ACT IN SUCH CIRCUMSTANCES, SO PRESUMPTION OF "NO FAULT" IS NOT POSSIBLE. AS AN EXAMPLE, CLIMATE CHANGE RESULTING FROM MANKIND'S ACTIONS ELIMINATES WEATHER CATASTROPHES AS A GOLD STANDARD FOR ACTS OF GOD.

8. STANDARD OF REVIEW: REVIEWABLE FOR ABUSE OF DISCRETION

IN FACT, THIS SILENCING OBSTRUCTED THE IMPLEMENTATION OF APPELLANT'S RIGHT TO ACT PRO SE, AS PROVIDED BY THE UNITED STATES CONSTITUTION. A STATEMENT OF QUALIFICATIONS OF

APPELLANT WILL BE PROVIDED AS DESIGNATED MATTER TO ELABORATE ON THIS.

9. STANDARD OF REVIEW: REVIEWABLE FOR ABUSE OF DISCRETION

RESPONDENT'S REQUESTED DAY CERTAIN WITH ONLY TWO DAYS FOR TRIAL AND A LATER OVERLY SIMPLIFIED VERDICT FORM ALLOWED JURORS TO REALIZE THEY COULD COMPLETE DELIBERATIONS IN ONLY ABOUT ONE HOUR BY SELECTING "SUDDEN MECHANICAL FAILURE" AND GO HOME TO A VALENTINE'S DINNER, CHOCOLATES AND CHAMPAGNE,

10. STANDARD OF REVIEWABLE FOR ABUSE OF DISCRETION

RESPONDENT'S COUNSEL BY THESE ACTIONS HAS MADE INFLAMMATORY DISCLOSURES TO A LIKELY CONSERVATIVE JURY RESENTFUL OF ELITISTS, ELECTRIC VEHICLES, AND CHARACTERIZING APPELLANT AS RACIST. IN FACT, APPELLANT HAD REQUESTED A DIVERSIFIED JURY IN HIS VOIR DIRE. THERE ARE 12 TESLA SUPERCHARGERS IN LEXINGTON NEAR THE COURT HOUSE. AND THE APPEALS BOARD SHOULD CONSIDER THESE TO AVOID EV BIAS THEMSELVES. IN AS MUCH AS APPELLANT'S STATUS AS PRO SE DEPENDS ON CONSTITUTIONAL GUARANTEES, AND 30% OF AMERICANS ARE CONSERVATIVELY IN FAVOR OF A NEW CONSTITUTION, THESE QUESTIONS ARE RELEVANT TO IDENTIFYING HOSTILE JURORS.

11. STANDARD OF REVIEW: REVIEWABLE FOR ABUSE OF DISCRETION

WHILE RULE 16 IS DISCRETIONARY, ITS DISREGARD IN THIS CASE HAS BEEN ABUSIVE IN THAT IT HAS ALLOWED RESPONDENT TO SUPPRESS APPELLANT'S EXHIBITS IN A CRUDE AND OVERBEARING MANNER, ABETTED BY THE COURT'S DISRUPTION OF THE ORDER OF PRESENTATION REQUESTED IN HIS MOTION, AND THE ABSENCE OF ANY CITATION OF RULES OF EVIDENCE BY RESPONDENT'S COUNSEL, WHO ONLY OBJECTED TO "DOWNLOADED FROM THE INTERNET." APPELLANT'S EXHIBITS INCLUDED, IN ADDITION TO THOSE ADMITTED, DOCUMENTS PROVIDED BY COUNSEL IN RESPONSE TO DISCOVERY, DOCTORS' REPORTS (MEDICAL PUBLICATIONS FROM REFEREED JOURNALS AND DOCTORS' NOTES WHICH HAD BEEN PROVIDED TO COUNSEL AND THE LOWER COURT DOCKET ON TWO OCCASIONS AT COUNSEL'S REQUEST FOR HEARING, RESPECTED TRADE JOURNAL DOCUMENTATION OF DEFECTS IN THE 2008 DODGE RAM DRIVEN BY RESPONDENT THAT

WOULD HAVE CAUSED THE ACCIDENT, AND DOCUMENTATION REFLECTING LACK OF MAINTENANCE AND MULTIPLE OWNERS OF RESPONDENT'S TRUCK AS NEGLIGENCE, LACK OF DUE DILIGENCE IN OPERATING THE TRUCK, AND DOCUMENTION OF SPECIFICATIONS OF THIS PARTICULAR DODGE RAM TRUCK INDICATING MULTIPLE BRAKES INCLUDING EMERGENCY BRAKES THAT COULD HAVE AVOIDED THE COLLISION OR MITIGATED IT, AND ALLOWED RESPONDENT TO CONTROL AND STOP HIS VEHICLE BEFORE PROCEEDING A SUBSTANTIAL DISTANCE DOWN HWY 20. MEDICAL JOURNALS SUMMARIZE PAPER CONTENTS IN ABSTRACTS AND CONCLUSIONS NOT REQUIRING AN EXPERT WITNESS FOR PRESENTATION, AND DRS' NOTES ARE NOW DESIGNED TO BE UNDERSTOOD BY LAY PATIENTS AND ARE AVAILABLE ONLINE THROUGH PATIENT PORTALS. MY CHIEF CARDIOLOGIST'S STATEMENT REGARDING THE ACCIDENT AS THE CAUSE OF MY ATRIAL FLUTTER WAS AVAILABLE TO BE VIEWED ONLINE IN MY COMPUTER AT SANGER INSTITUTE, AND I HAD BROUGHT A LARGE ONE FOOT MODEL OF A HEART WITH COMPONENTS REMOVABLE AND DESCRIBED BY KEY TO EDUCATE THE JURY. COUNSEL AND STATE FARM INSURANCE WERE UNCOOPERATIVE WITH REGARD TO DISCOVERY, WHICH WAS ONLY PROVIDED WHEN APPELLANT INFORMED COUNSEL HE COULD NOT PROCEED WITH ADA UNLESS DISCOVERY WAS AVAILABLE. COUNSEL INITIALLY ASKED APPELLANT TO COMMUNICATE DIRECTLY REGARDING PROPERTY DAMAGES, BUT ON EACH TELEPHONE CALL MADE WITH STATE FARM A DIFFERENT AGENT WAS ASSIGNED WHO WAS IGNORANT OF CLAIM DETAILS. COMPLETE MEDICAL INFORMATION AND BILLS WERE PROVIDED TO COUNSEL AND BECAME PUBLIC DOMAIN ONCE ENTERED IN COUNSEL'S AND COURT FILES, SUBJECT TO FREEDOM OF INFORMATION REQUEST, SUPOENA, ETC. THE COURT ERRONEOUSLY STATED THIS WAS PROTECTED INFORMATION.

12. STANDARD OF REVIEW: REVIEWABLE DE NOVO

TROOPER ANTLEY LEFT THE SCENE SOON AFTER ARRIVING BECAUSE HE WAS CALLED TO ANOTHER ACCIDENT ON U.S. 20. THIS COULD BE VERIFIED BY THE TROOPER'S CALL LOG FOR FEBRUARY 22, 2015. DEFENSE COUNSEL'S PRE-TRIAL BRIEF STATES THAT RESPONDENT TRAVELED UP THE HIGHWAY TO MEET WITH THE TROUPER. THIS WOULD HAVE HAD TO BE WITH THE TOW TRUCK, BECAUSE THE COLLISION TRUCK WAS NOT DRIVEABLE. APPELLANT OBSERVED AND PHOTOGRAPHED THIS MEETING IN AN ADMITTED PHOTOGRAPH WITH A TIME OF 5:07 PM FROM THE JPG PROPERTIES DETAIL. THE ACCIDENT REPORT WAS REVIEWED ON

2/23/20015 BY RD MARTIN, BUT HE WAS NOT CALLED AS A WITNESS. TROOPER ANTLEY TESTIFIED HE SELECTED "73 TIRES/WHEEL" AS VEHICLE DEFECT BECAUSE NO OTHER CHOICE WAS AVAILABLE, HOWEVER "72 POWER PLANT" AND "88 OTHER" WERE POSSIBLE CHOICES. THIS INFLUENCED THE JURY AS IT WAS BROUGHT UP IN RESPONDENT COUNSEL'S SUMMATION. LIKEWISE IT SHOULD BE CONSIDERED THE CHOICE OF RD MARTIN, REVIEWER.

13. STANDARD OF REVIEW: REVIEWABLE DE NOVO

APPELLANT OBJECTED AT TRIAL BY STATING THAT THIS REQUIRED BY STATING THAT THIS WAS ONLY APPLICABLE IF A THIRD PARTY OR CAUSE WAS INVOLVED. THE COURT WAS GOING TO PROVIDE RESEARCH. APPELLANT DOESN'T KNOW IF THIS WAS DONE, BUT IT WASN'T PROVIDED. IT WAS CHARGED TO THE JURY AND IS LIKELY CAUSE FOR RETRIAL, AS RESPONDENT BY HIS TESTIMONY WAS ONLY REACTING TO MOVING CLOSER TO MY CAR, HARDLY AN EMERGENCY. BOTH WITNESSES MADE THE UNLIKELY AND SUSPECT STATEMENT THAT THE TRUCK PROCEEDED WILDLY DOWN THE ROAD WITH NO CONTROL, AGAIN NOT A CAUSATIVE FACTOR FOR THE PRECEDING COLLISION. RESPONDENT COULD HAVE SIMPLY TAKEN HIS FOOT OFF THE GAS, APPLIED THE EMERGENCY HANDBRAKE, STEERED FORCEFULLY, AS STEERING AXLES WERE NOT BROKEN, PUT ON EMERGENCY FLASHERS, OR SOUNDED HIS HORN.

14. STANDARD OF REVIEW: REVIEWABLE FOR CLEAR ERROR

APPELLANT HAD BEEN IN ATRIAL FIBRILLATION AND ATRIAL FLUTTER SINCE DECEMBER 2021 AND AN APPOINTMENT FOR CARDIOVERSION TO CORRECT THIS UNTIL FRIDAY AFTER THE TRIAL ON THE DAY CERTAIN. THIS CONDITION AFFECTED APPELLANT'S VOICE INTENSITY AND GENERAL COMPORT. THE TRIAL COURT CHARGED THE JURY TO WATCH FOR ABNORMAL DIFFERENCES IN TESTIMONY. THIS CHARGE AND GENERAL CONDITION WOULD HAVE AFFECTED APPELLANT'S PERCEPTION BY THE JURY.

TABLE OF AUTHORITIES*

CASES

COLONIAL INS. CO. OF CAL., 342 S.C. 152, 155, 536 S.E.2D 376, 378 (CT. APP. 2000) (STATING THE LAW OF THE STATE IN WHICH THE INSURANCE POLICY IS ISSUED CONTROLS THE COURT'S INTERPRETATION OF THAT POLICY);[1] STATE CAPITAL INS. CO. V. NATIONWIDE MUT. INS. CO., 350 S.E.2D 66, 69 (1986) (EMPHASIS ADDED) ("[T]HE TEST FOR DETERMINING WHETHER AN AUTOMOBILE LIABILITY POLICY PROVIDES COVERAGE FOR AN ACCIDENT IS **NOT** WHETHER THE AUTOMOBILE WAS A PROXIMATE CAUSE OF THE ACCIDENT. INSTEAD, THE TEST IS WHETHER THERE IS A **CAUSAL CONNECTION** BETWEEN THE USE OF THE AUTOMOBILE AND THE ACCIDENT."). 2

BATSON V KENTUCKY, 476 U.S. 79 (1986)..... 2

EDMONSON V LEEVILLE CONCRETE, 500 U.S. 614 (1991) 2

STATUTES

CODE OF LAWS OF SOUTH CAROLINA §36-2-803(A)(3), AS AMENDED, COMMONLY KNOWN AS THE LONG ARM STATUTE. 2

RULE 3.5: IMPARTIALITY AND DECORUM OF THE TRIBUNAL 2

Civil Procedure S.C. Code Rule 40(J) 2

Civil Procedure Rule 16 2

Civil Procedure Rule 701 2

Rule 208(B)(4), SCACR. 2

Rule 267(e), SCACR 2

21 N.C. Admin. Code 56.0701 RULES OF PROFESSIONAL CONDUCT 2

| | |
|---|---|
| General Statutes of North Carolina Ch 89C. Engineering and Land Surveying | 2 |
|---|---|

OTHER AUTHORITIES

| | |
|---|---|
| Roscoe Pound, U.S. Legal Scholar, 1870-1964, Interpretations of Legal History Lecture 1 (1923)
..... | 2 |
| From: https://www.lawinsider.com/dictionary/good-engineering-judgement | 2 |
| Good engineering judgement means judgements made consistent with generally accepted scientific
and engineering principles and available relevant information; | 2 |
| From: Electrical Codes, Standards, Recommended Practices and Regulations, 2010
https://doi.org/10.1016/B978-0-8155-2045-0.10001-1 | 2 |
| Engineering judgment is the scientific process by which a design, installation,
operation/maintenance or safety problem is systematically evaluated..... | 2 |

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN ALLOWING AN EX PARTE COMMUNICATION OF THE PRESIDING JUDGE WITH DEFENSE COUNSEL ON FEBRUARY 14, 2022
2. DID THE TRIAL COURT ERR IN ALLOWING COUNSEL FOR RESPONDENT TO PRESENT ACCIDENT CAUSATION BY BROKEN AXLE WHEN IT WAS NOT STIPULATED IN APPELLANT'S CLAIM.
3. DID THE TRIAL COURT ERR IN FAILING TO NOTIFY WITNESSES OF SC LAW REGARDING PRETRIAL COACHING AND ACCESSING PRETRIAL BRIEFS.
4. OATH VIOLATION AND UNCONSTITUTIONALITY OF DOCTRINE OF FORBIDDING MENTION OF INSURANCE AGENCIES AND COVERAGE AT TRIAL.
5. DID THE COURT ERR IN SILENCING THE APPELLANT'S RIGHT TO SPEAK ON TECHNICAL AND MEDICAL MATTERS IN WHICH HE HAS SCIENTIFIC AND ENGINEERING EDUCATIONAL TRAINING TO A VERIFIABLE EXTENT AND COMPLIANT WITH RULE 701
6. DID THE TRIAL COURT ERR BY ALLOWING A WITNESS TO TESTIFY AS TO ACCIDENT PROGRESSION AND CAUSALITY ON AN EXPERT BASIS WITHOUT EVIDENCE OR DEMONSTRATION OF QUALIFICATIONS OR TRAINING SIMPLY BY VIRTUE OF BEING A SC STATE TROOPER.
7. DID THE TRIAL COURT ERR IN DETERMINING THAT SOUTH CAROLINA LAW DETERMINED THE FAULT AND LIABILITY OF RESPONDENT AND HIS INSURANCE COMPANY STATE FARM INSURANCE IN THIS CASE, RATHER THE LAW OF THE STATE OF GEORGIA, WHERE RESPONDENT WAS INSURED, WOULD HAVE OBTAINED (SEE CASE 1).
8. DID THE TRIAL COURT ERR BY SETTING ASIDE APPELLANT'S OBJECTIONS IN HIS RULE 16 MOTION.
9. DID THE TRIAL COURT ERR BY PROVIDING INSUFFICIENT TIME FOR EXHIBIT PRESENTATION AND RUSHING THE TRIAL.
10. DID THE TRIAL COURT ERR IN FAILING TO PRESENT APPELLANT'S VOIR DIRE QUESTIONS AS TO DOES ANYONE BELIEVE THE 2020 ELECTION WAS STOLEN, OR IN WHITE SUPREMACY, WHILE ALLOWING A BATSON CHALLENGE TO APPELLANT WITH JURY PANELISTS STILL IN THE COURT ROOM, AS SHOWN BY TRANSCRIPT, AND FURTHER ALLOWING RESPONDENT'S COUNSEL TO IRRELEVANTLY INQUIRE AS TO APPELLANT'S FINANCIAL MEANS BY ASKING HOW MUCH DID YOU PAY FOR YOUR TESLA (\$110,000) AND HOW MANY CARS DO YOU OWN?
11. DID THE TRIAL COURT ERR IN FAILING TO REVIEW APPELLANT'S MOTION FOR A RULE 16 HEARING.
12. DID THE TRIAL COURT ERR IN ALLOWING TROOPER ANTLEY'S TESTIMONY THAT RELIED ON THE INADMISSABLE FORMS FR-10/TR310

AND DIAGRAM

13. DID THE COURT ERR REGARDING CHARGING OF NO FAULT FOR SUDDEN EMERGENCY OR SUDDEN MECHANICAL FAILURE WITH EVIDENCE NOT ALLOWED TO THE CONTRARY AND WHEN NO THIRD PARTY OR EXTERNAL CAUSE WAS INVOLVED
14. DID ASSIGNMENT OF A DAY CERTAIN FOR TRIAL WORK AN INEXORABLE HARDSHIP IN APPELLANT PRESENTING HIS CASE.

**ARGUMENTS ARE PRESENTED BY
CORRESPONDING NUMBER IN
SECTION 1.**

STATEMENT OF THE CASE

On February 13, 2018, Marion Chase Hawk, former attorney for Appellant, brought this action for accident damages against General Joe VanLier and entered under Docket No. 20 1 8CP3200527, After a one year delay this Case was timely reentered with the new current docket number.

On February 15, 2022, the case was tried by a jury which found no fault for General Joe VanLier with no further findings. On February 28, 2022, William Klotz served the Notice of Appeal on General Joe VanLier.

STANDARD OF REVIEW

A SEPARATE SCTION OF STANDARD OF REVIEW HEADS EACH ARGUMENT.

FACTS

THE SALIENT FACTS CAN BE FOUND IN THE ARGUMENTS OF SECTION 1 , HIGHLIGHTED TRANSCRIPT SECTIONS AND THE EXHIBITS OF THE RECORD ON APPEAL AND THE EXHIBITS SUBMITTED TO THE LOWER COURT, BY RULE 208(B)(4), SCACR.

CONCLUSION

Conclusion TRIAL VERDICT SHOULD BE VACATED AND PROVISION FOR A NEW TRIAL MADE AS THE ONLY REMEDY POSSIBLE FOR THE DEFECTS IN PROCESS AND RULINGS FOR THE SUBJECT TRIAL 2

ELECTRONICALLY FILED - 2022 Sep 01 12:21 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

71

Respectfully submitted,

August 15, 2022

William Lee Klotz
157 Ashepoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Pro Se for Appellant

13

72

RECEIVED**Aug 18 2022****SC Court of Appeals**

ELECTRONICALLY FILED - 2022 Sep 01 12:21 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

FORM 14
DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

2020CP3201461 Walton J.

McLeod, IV,

Appellate Case No. 2022-

000263

James B. Lybrand, Junior,
Esquire
Attorney for the Defendant,
General Joe VanLier

Respondent,

v.

William Lee Klotz, Pro se
Plaintiff,

Appellant.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Verdict of February 15, 2022
2. Defendant's Pretrial Brief
3. Plaintiff's Pretrial Brief
4. Plaintiff's Exhibit's Submitted to Lower Court Docket
5. Plaintiff's Motion for Rule 16
6. Emails Relevant to Rule 16 Hearing
7. Exhibits Admitted to Trial

8. Complaint;
9. Answer;
10. Transcript of Proceedings for February 14, 2022 highlights for pp. 9, 16, 19, 21, 22, 23, 25, 28, 33, 36, 40, 41, 45, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 68, 69, 70, 75, 77, 79, 82, 84, 92, 93, 104, 124, 129, 130, 131, 133, 147, 148, 150, 151, 153, 154, 155, 157, 158, 159, 163, 164
11. Transcript of Proceedings for February 15, 2022 highlights for pp. 1, 2, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 25, 26, 2u, 29, 30, 31, 32, 33, 35, 36, 31, 44, 45, 47, 48, 49, 51, 52, 53, 55, 57, 60, 61, 62, 64, 70
12. Statement of Plaintiff's Qualifications as Technical Witness

I certify that this designation contains no
matter which is irrelevant to this appeal.
January 20, 2001

s/ William Lee Klotz
157 Ashepoo Dr
Aiken, South Carolina 29803
(704) 249-8665
AttorneyPro Se for Appellant

**FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Walton J McLeod, Circuit Court

Judge

Case No. 2020-CP-32-01461

General Joe VanLier

Respondent,

v.

William L. Klotz

Appellant.

PROOF OF SERVICE

I certify that I have provided to all parties by Electronic Mail, on August 18, 2022, an Initial Brief of Appeal and Designation of Matter, including:

JAMES B. LYBRAND, JR.

Attorneys for Defendant, General Joe Vanlier

Columbia, South Carolina

McDONALD, McKENZIE, RUBIN,

MILLER AND LYBRAND, LLP

P. O. Box 58

1704 Main Street – 2nd Floor (29201)

Columbia, SC 29202

P: 803. 223.6156

F: 803. 929-3530

Email: lybrand@mmrml.com

August 8, 2022

s/ WILLIAM L. KLOTZ, PRO SE
157 Ashpoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Email: wklotz@icloud.com

RECEIVED
Aug 18 2022
SC Court of Appeals

ELECTRONICALLY FILED - 2022 Sep 01 12:21 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

75

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, IV, Circuit Court Judge

RECEIVED

OCT 19 2022

SC Court of Appeals

Appellate Case No.: 2022-000263

William Klotz

Appellant

v.

General Joe Vanlier

Respondent

INITIAL BRIEF OF RESPONDENT

JAMES B. LYBRAND, JR.
S.C. BAR #3453
McDonald, McKenzie Rubin,
Miller AND Lybrand, L.L.P.
Post Office Box 58
1704 Main Street – 2nd Floor
Columbia, SC 29202
P: 803-223-6156
Email: lybrand@mmrml.com
Attorney for Respondent

TABLE OF CONTENTS

| | |
|---|----|
| TABLE OF CONTENTS | ii |
| TABLE OF AUTHORITIES | iv |
| STATEMENT OF ISSUES ON APPEAL | 1 |
| STATEMENT OF THE CASE | 2 |
| STATEMENT OF THE FACTS | 3 |
| STANDARD OF REVIEW | 4 |
| ARGUMENTS | 4 |
| 1. There is nothing in the record evidencing any <i>ex parte</i> communications between defense counsel and trial judge at the beginning of the trial. | |
| 2. The trial court did not err in allowing testimony regarding a broken axle on Respondents vehicle | |
| 3. The trial court did not err in excluding references to liability insurance applying the law of South Carolina rather than Georgia on the issue of the insurance. | |
| 4. The trial court did not err in refusing to allow Appellant himself to testify and give opinions as to technical matters, accident reconstruction, sudden mechanical failure and medical causation issues since Appellant was not qualified as an expert witness. | |
| 5. The trial court did not err in allowing the testimony and opinions of the South Carolina State Trooper nor did it err in allowing the trooper to rely upon information in his accident report pursuant to S.C. Code Ann. 56-5-1290. | |
| 6. The trial court did not err in applying South Carolina law to all issues at trial. | |
| 7. The trial court did not err in ruling upon Appellant's Rule 16 Motion and his proposed exhibits nor did the trial court fail to provide Appellant sufficient time for evidence and exhibit presentation as the case had been set for a day certain trial. | |
| 8. The trial court did not err in its rulings on Appellant's Voir Dire questions regarding to potential jurors' feelings about the outcome of the 2020 Presidential Election. | |

9. The trial court did not err in failing to review Appellant's motion for a Rule 16 hearing as such hearing was held prior to commencement of the trial.
10. The trial court did not err in charging the jury on the defenses of sudden emergency and sudden mechanical failure as these issues were questions of fact for the jury.
11. The assignment of a day certain trial worked no hardship in Appellants presenting his case since the case was under a scheduling Order filed November 4, 2021, which set the case for a day certain trial the week of February 14, 2022.

CONCLUSION.....11

CERTIFICATE OF COUNSEL 12

TABLE OF AUTHORITIES

CASES

| | |
|---|----|
| <u>Arthur v. Section Dental Clinic;</u> | 4 |
| <u>Clark v. Cantrell</u> , 339 S.C. 369, 389, 529 S.E. 2d 528,
539 (2000) | 4 |
| <u>Grier v. Cornelius</u> , 247 S.C. 521, 148 S.E. 2d 338 (1966). | 10 |
| <u>McVeigh v. Whittington</u> , 248 S.C. 447, 151 S.E. 2d 92 (1966)..... | 10 |
| <u>Simpson v. Moore</u> , 367, S.C. 587, 595, 627 S.E. 2d 701, 705-706 (2006) | 4 |
| <u>Yoho v. Thompson</u> , 345 S.C. 361, S.E. 2d 584 (2001). | 6 |

STATUTES

| | |
|--|---------|
| S.C. Code Ann. 56-5-1290..... | 1,8 |
| South Carolina Rules of Civil Procedure (SCRCP) | |
| Rule 16 401(j) | 1,5,8,9 |
| South Carolina Rules of Evidence (SCRE) | |
| Rule 702..... | 6 |
| South Carolina Appellate Court Rules (SCACR) 2 | |

STATEMENT OF ISSUES ON APPEAL

1. There is nothing in the record showing any *ex parte* communications between defense counsel and the trial judge at the beginning of the trial.
2. The trial court did not err in allowing testimony regarding a broken axle on Respondent's vehicle.
3. The trial court did not err in excluding references to of liability insurance nor applying the law of South Carolina rather than Georgia on the issue of insurance.
4. The trial court did not err in refusing to allow Appellant himself to state opinions as to technical matters, accident reconstruction, sudden mechanical failure and medical causation issues since Appellant was not qualified as an expert witness.
5. The trial court did not err in allowing the testimony and opinions of the South Carolina State Trooper nor did it err in allowing the trooper to rely upon information in his accident report pursuant to S.C. Code Ann. 56-5-1290.
6. The trial court did not err in applying South Carolina law to all issues at trial.
7. The trial court did not err in ruling upon Appellant's Rule 16 Motion and his proposed exhibits nor did the trial court fail to provide Appellant sufficient time for evidence and exhibit presentation as the case had been set for a day certain trial.
8. The trial court did not err in its rulings on Appellant's Voir Dire questions regarding potential jurors' feelings about the outcome of the 2020 Presidential Election, "white supremacy" or the value of Appellant's Tesla automobile.
9. The trial court did not err in failing to review Appellant's motion for a Rule 16 hearing as such hearing was held prior to commencement of the trial.
10. The trial court did not err in charging the jury on the defenses of sudden emergency and sudden mechanical failure as these issues were questions of fact for the jury.

11. The assignment of a day certain trial worked no hardship in Appellants presenting his case since the case was under a scheduling Order filed November 4, 2021 which set the case for a day certain trial the week of February 14, 2022.¹

STATEMENT OF CASE

On February 22, 2015 Appellant was involved in an automobile collision with the Respondent on Interstate 20 in South Carolina. On February 13, 2018 Appellant filed this negligence action against Respondent seeking damages for both property damages and personal injuries. On March 15, 2018 a timely Answer was filed by Respondent. In his Answer Respondent denied that he was negligent or reckless in causing or contributing to the collision in question. Additionally, Respondent raised the defense of sudden and unexpected mechanical failure, sudden emergency and unavoidable accident to Appellant's claims.

On May 14, 2018 Counsel for Appellant served Answers to Respondent's Interrogatories.

On July 19, 2018 Appellant's counsel, Marion Chace Hawk, filed a Motion to Withdraw as counsel. On July 31, 2018 the lower court issued its Order allowing counsel for Appellant to withdraw. Said Order stayed all proceedings in this action and ordered Appellant to retain other counsel within thirty (30) days or inform the lower court of his intention to proceed *pro se*. On August 21, 2018 the lower vacated its earlier Order relieving counsel for Appellant until a hearing on a motion by Appellant could be held. On October 10, 2018 a hearing was held by the lower court on the motion made by Appellant's attorney to be relieved as counsel. On October 12, 2018 the lower court again granted attorney Hawk's motion to be relieved as counsel and again ordered Appellant to retain other counsel within thirty (30) days or inform the court of Appellant's intention

¹ Respondent has re-stated what he believes to be the Issues on Appeal. Appellant's Issues on Appeal are somewhat inartfully worded and sometimes repetitive and confusing. Respondent believes that Appellant has not complied with Rule 208 (208) (b)(1)(B) SCACR in that Appellant's Issues on Appeal are not concise and direct as to each issue. Respondent's Issues on Appeal attempt to address, refine and consolidate the issues raised by Appellant.

to proceed *pro se*. Appellant did not retain new legal counsel and continued with his case against Respondent *pro se*.

On April 3, 2019 the lower court issued an Order striking Appellant's case under Rule 40(j) SCRCP. On April 3, 2020, one year later, the court issued an Order restoring the case to the active docket.

On February 26, 2021 the case was mediated in accordance with the court rules. The case later appeared on one or more jury trial rosters in 2021. On October 1, 2021, Appellant filed a motion for continuance requesting that the case not be called for trial until Appellant could receive a COVID vaccine booster shot available at that time. Appellant's motion for continuance was granted. On November 4, 2021 the lower court issued an Order setting this case for a day certain trial the week of February 14, 2022.

On February 14, 2022 a jury trial was commenced before Judge Walton J. McLeod, IV in the Lexington County Court of Common Pleas. On February 15, 2022, the jury returned a verdict in favor of Respondent finding that Respondent was not negligent with regard to the automobile accident with Appellant. Appellant made no post-trial motions. On March 16, 2022 Appellant filed his Notice of Intent to Appeal.

STATEMENT OF THE FACTS

This matter arises from a two (2) vehicle collision which occurred on February 22, 2015, along Interstate 20 in South Carolina. Both Appellant and Respondent were proceeding westbound on Interstate 20. Appellant was in the far-right lane closest to the guardrail. Both vehicles were traveling approximately the speed limit. As Respondent began to pass Appellant in the adjoining inside lane, Respondent lost control of his vehicle and collided with Appellant. Respondent's vehicle traveled further down Interstate 20 where it came to rest.

A South Carolina State Trooper was called to the scene to investigate the collision. It was determined that Respondent had lost control of his vehicle when the rear axle on his pick-up truck

suddenly broke or sheered off limiting Respondent's ability to control, steer or otherwise safely operate his vehicle. The investigating officer felt that Respondent had experienced a "catastrophic" mechanical failure of his vehicle which caused Respondent to side swipe Appellant. After the collision Respondent's vehicle was towed from the scene.

From this collision, Appellant brought this action against Respondent seeking compensation for both personal injury and property damages. The Respondent denied that he was negligent in any material way and contended that the collision was caused by a sudden and unexpected mechanical failure of his vehicle of which he had no prior actual or constructive knowledge.

STANDARD OF REVIEW

The standards for judicial review in this matter include "abuse of discretion," "any evidence" standard. Under an "abuse of discretion" standard, a trial court can only be overturned if its ruling is "... based upon an error of law or, when grounded on factual conclusions is without evidentiary support." Arthur v. Section Dental Clinic; Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E. 2d 528, 539 (2000). Under the "any evidence" standard, the trial judge's findings should be upheld "... if there is any evidence of probative value to support them." Simpson v. Moore, 367, S.C. 587, 595, 627 S.E. 2d 701, 705-706 (2006).

ARGUMENTS

1. **There is nothing in the record evidencing any *ex parte* communications between defense counsel and trial judge at the beginning of the trial.**

STANDARD OF REVIEW: DENOVO

Appellant contends that counsel for Respondent had an *ex parte* conversation with the trial judge at the beginning of the trial. However, there is nothing in the Transcript of Record corroborating Appellant's argument and counsel for Respondent has no recollection of any such conversation. Appellant somehow speculates that this alleged communication provided some type

of “tactical advantage” to Respondent but he does not cogently elaborate how this affected his case.

Appellant next argues that a hearing on Appellant’s Motion for a pre-trial hearing pursuant to Rule 16 SCRPC was never held. Appellant’s Designation of Matter in the Record includes “emails relevant to Rule 16 Hearing.” However, no such emails were offered into the record at trial prior to the pre-trial conference conducted by Judge McLeod before commencement of the jury trial on February 14, 2022. Appellant raises this issue now for the first time. The holding of a Pre-trial hearing is discretionary. Rule 16 SCRPC. Respondent later herein discusses Rule 16 issues in his Argument number seven (7). Typically pre-trial hearings relating to evidentiary matters and the conduct of a trial are conducted by the trial judge. In a court order dated November 4, 2021, the court set this matter for a day certain trial for the week of February 14, 2022. Had the court exercised its discretion to schedule a pre-trial conference between November 4, 2021 and February 14, 2022, Respondent would have certainly complied. However, no such conference was scheduled by the court. Appellant speculates that Respondent and Respondent’s insurance company somehow employed delay tactics with regard to any pre-trial hearing requested by Appellant. Again, Respondent had no control over nor did he oppose the scheduling of a pre-trial conference had one been set by the court.

2. The trial court did not err in allowing testimony regarding a broken axle on Respondents vehicle

STANDARD OF REVIEW: ANY EVIDENCE

In Appellant’s Complaint filed February 13, 2018 he alleges in paragraph four (4) that “... *Respondent’s rear axle broke thereby causing a collision* ...” with Appellant’s vehicle. Thus, the issue relating to the broken axle was a fact pled by Appellant in his Complaint. This fact was supported at trial by the testimony of Trooper Antley and Respondent. Transcript of Proceedings, P. 155, LL 1-7; P. 156, LL 12-20; P. 178, LL 3-12. The trial judge discussed this very issue with

Appellant during the trial. Transcript of Proceedings, P. 165, LL 11-13; P. 66, LL 23 to P. 67, LL 1-11. Consequently, no error of law was made by the trial judge in admitting the evidence of the broken axle on Respondent's vehicle.

3. **The trial court did not err in excluding references to liability insurance applying the law of South Carolina rather than Georgia on the issue of the insurance.**

STANDARD OF REVIEW: ANY EVIDENCE

Rule 411 of the SCRE provides that whether a person was or was not insured by liability insurance is inadmissible on the issue of whether a party acted negligently or wrongfully. Furthermore, there is a long-standing rule in South Carolina that the existence of liability insurance may not be introduced in a trial except for very limited purposes. See, Yoho v. Thompson, 345 S.C. 361, S.E. 2d 584 (2001). The accident in question occurred in South Carolina and not in Georgia. Therefore, the law of South Carolina would apply on issues related to the mention or admissibility of liability insurance. The trial court did not err in forbidding the mention of liability insurance at trial as Appellant was not seeking to inject insurance into the case for any of the recognized exceptions. Appellant's argument seems to imply that there was some type of "conspiracy" to prejudice his case by Respondent's liability carrier and Respondent's counsel. There is nothing in the record to suggest this.

4. **The trial court did not err in refusing to allow Appellant himself to testify and give opinions as to technical matters, accident reconstruction, sudden mechanical failure and medical causation issues since Appellant was not qualified as an expert witness.**

STANDARD OF REVIEW: ANY EVIDENCE

In Appellant's Answers to Respondent's Interrogatories, specifically Interrogatory number six (6), Appellant was asked to list any and all expert witnesses who Appellant proposes to use at the trial on the case. Nowhere in his response to Interrogatory (6) did Appellant identify himself as an expert witness. Moreover, under Rule 702, SCRE, a witness who wishes to render

expert opinions must be qualified as an expert by his or her "... knowledge, skill, experience, training, or education..." The record is clear that Appellant was not so qualified. Transcript of Proceedings, P. 63, LL 12-22; P. 71, LL 13-14; P. 72, LL 7-25 to P. 73, LL 1-3, 16-25. Appellant was not an automotive mechanic, accident reconstructionist, metal failure expert or medical doctor. Appellant listed medical expert witnesses in his Answers to Interrogatories but for whatever reason, Appellant elected not to depose any of these experts nor have them testify live at trial. The court correctly ruled that Appellant himself did not have the education, knowledge and experience to testify regarding technical matters related to both accident reconstruction and his own alleged injuries and medical problems. Appellant was especially unqualified to render expert opinions as to the causation of his medical issues allegedly related to the collision. Transcript of Proceedings, P. 20, LL15-25; P. 21, LL1-25; P. 22, LL 1-25; P. 23, LL 1-14; P.51, LL 22-25, P.53, LL8-13; P. 54, LL22-25; P. 55, LL 1 to P. 57, LL 17-25; P. 58, LL 1-10, P. 59, LL 1-24.

5. The trial court did not err in allowing the testimony and opinions of the South Carolina State Trooper nor did it err in allowing the trooper to rely upon information in his accident report pursuant to S.C. Code Ann. 56-5-1290.

STANDARD OF REVIEW: ANY EVIDENCE

Respondent would point out that it was Appellant who listed the South Carolina State Trooper, A.L. Antley, as an expert witness whom Appellant may offer at trial. See Appellant's Responses to Respondent's Interrogatories, paragraph six (6). According to Appellant's cross-examination of Trooper Antley, it was Appellant himself who elicited from Trooper Antley the requisite bases for qualifying the trooper as an expert witness on automobile repair and mechanics. Transcript of Proceedings, P. 155, LL 2-21; P. 160, LL 8-19. The trooper testified as to his longstanding experience in auto mechanics and how and why he could tell that the rear axle of Respondent's vehicle had broken thereby creating a "catastrophic situation". Appellant made by no objection to the trooper providing such testimony as he answered questions posed by Appellant nor did Appellant move to strike such testimony.

S. C. Code Ann. 56-5-1290 does not allow the admission of a South Carolina accident report as evidence of negligence at any trial. However, this section provides that an investigating officer may refer to these reports "... *when testifying in order to refresh their recollection of events.*" Trooper Antley's accident report was not offered as a trial exhibit. However, the statute allows him to review his accident report to refresh his memory while testifying at trial. Transcript of Proceedings, P. 149, LL 24-25 to P. 150, LL 1-3; P. 151, LL 16-25 to P. 152, LL 1-13; P. 164, LL 22-25 to P. 165, LL 1-18.

6. The trial court did not err in applying South Carolina law to all issues at trial.

STANDARD OF REVIEW: DE NOVO

This automobile collision occurred on Interstate 20 in South Carolina. Plaintiff is a resident of South Carolina, and his Complaint alleges that the Court of Common Pleas of South Carolina has jurisdiction over this matter since a substantial portion of the acts giving rise to the action (i.e. the accident) occurred in South Carolina. Consequently, there is no legal basis for Appellant to claim that the law of South Carolina was not applicable to this action.

7. The trial court did not err in ruling upon Appellant's Rule 16 Motion and his proposed exhibits nor did the trial court fail to provide Appellant sufficient time for evidence and exhibit presentation as the case had been set for a day certain trial.

STANDARD OF REVIEW: ABUSE OF DISCRETION

Appellant filed a Rule 16 Motion requesting a pre-trial hearing. Respondent never opposed a pre-trial hearing. Under Rule 16 SCRCP such a hearing is discretionary by the Court. Respondent was ready, willing and able to attend and participate in any pre-trial hearing scheduled by the court and address any issues which the court deemed appropriate. Appellant attempted to engage Respondent in discussing issues and trial matters outside the context of a formal pre-trial hearing. Respondent declined and advised Appellant that he would address any pre-trial issues or matters which the court, in its discretion, may raise at a hearing. The court never scheduled a pre-

trial hearing until the morning of February 14, 2022 since that is the first date the trial judge presided. Transcript of Proceedings, P. 84, LL 16-25 to P. 85, L 1. Judge McLeod requested pre-trial briefs from the parties on February 10, 2022 and both Appellant and Respondent submitted such briefs to Judge McLeod that same day.

Appellant contends that the court failed to provide him with sufficient time for evidence and exhibit presentation prior to commencing the trial. This position lacks merit. In an Order filed November 4, 2021, the court advised the parties that the case was being set for a day certain trial the week of February 14, 2022. See, Order of the Court filed November 4, 2021. Appellant had ample time and opportunity to prepare his case between November 4, 2021 and February 14, 2022. Therefore, it cannot be cogently argued that the court failed to provide sufficient time for Appellant to prepare his case for trial.

8. The trial court did not err in its rulings on Appellant's Voir Dire questions regarding to potential jurors' feelings about the outcome of the 2020 Presidential Election.

STANDARD OF REVIEW: ABUSE OF DISCRETION

Appellant requested that the court question potential jurors about their political beliefs, the "*outcome of the 2020 Election*" and some matters related to "*white supremacy*." Transcript of Proceedings P. 19, LL 2-19. The judge correctly declined to ask the jury these questions as the political beliefs and social attitudes related to such issues are personally intrusive and unnecessary in order to determine a potential juror is asking these questions could be viewed as inflammatory and the trial judge correctly declined to question the jury on these issues.

9. The trial court did not err in failing to review Appellant's motion for a Rule 16 hearing as such hearing was held prior to commencement of the trial.

STANDARD OF REVIEW: ABUSE OF DISCRETION

As discussed in Argument seven (7) above, the scheduling of a pre-trial hearing or conference is discretionary under Rule 16 SCRPC. Moreover, the trial judge did hold a pre-trial

hearing on the morning of February 14, 2022, and reviewed the issues related to the trial, including certain evidentiary matters. Transcript of Proceedings, P. 84, LL 16-25 to P. 85, LL 1. This was sufficient and Appellant was in no way prejudiced with regard to his Rule 16 Motion.

10. The trial court did not err in charging the jury on the defenses of sudden emergency and sudden mechanical failure as these issues were questions of fact for the jury.

STANDARD OF REVIEW: ANY EVIDENCE

Appellant's Complaint alleged that there was a mechanical failure on Respondent's vehicle when an axle broke causing the Respondent to lose control of his vehicle thereby causing the collision. There was testimony by Respondent concerning the mechanical condition of his vehicle leading up to the day of the accident, including the fact that Respondent had never experienced any such mechanical failure nor had any awareness that a potential mechanical failure might occur. Transcript of Proceedings, P. 173, LL 12-25 to P. 174, LL 1-11. This was corroborated by the investigating officer who characterized the condition as a "*catastrophic*" failure due to the breaking of an axle on Respondent's vehicle. Transcript of Proceedings, P. 151, LL 16-23; P. 165, LL 7-18. Given this testimony there was an ample factual basis for the court charging these issues which were pled as defenses in Respondent's Answer. See, Grier v. Cornelius, 247 S.C. 521, 148 S.E. 2d 338 (1966); McVeigh v. Whittington, 248 S.C. 447, 151 S.E. 2d 92 (1966).

11. The assignment of a day certain trial worked no hardship in Appellants presenting his case since the case was under a scheduling Order filed November 4, 2021 which set the case for a day certain trial the week of February 14, 2022.

STANDARD OF REVIEW: ABUSE OF DISCRETION

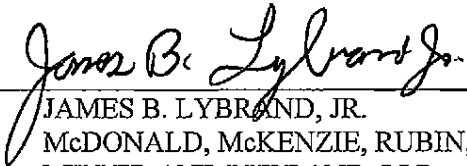
As previously discussed in paragraph seven (7) above, the court issued an Order on November 4, 2021 setting this case for a day certain trial on February 14, 2022. Appellant has shown no evidence that the setting of this case for trial in February of 2022 created any hardship whatsoever in his trial preparation. Appellant's objection to the trial date was first raised by him

in this appeal. No motion for continuance was made by Appellant subsequent to the Court's November 2021 Order setting this case for trial the week of February 14, 2022.

CONCLUSION

For the reasons stated herein and under the applicable statutory and case law, it is respectfully submitted that verdict of the jury should be affirmed as there is nothing in the Record demonstrating any reversible error at trial.

Respectfully submitted,


JAMES B. LYBRAND, JR.
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP

P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: lybrand@mmrml.com
Attorneys for Respondent

October 19, 2022

90

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, IV, Circuit Court Judge

RECEIVED

OCT 19 2022

SC Court of Appeals

Appellate Case No.: 2022-000263

William Klotz

Appellant

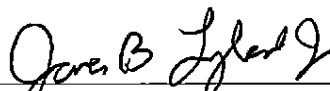
v.

General Joe Vanlier

Respondent

CERTIFICATE OF COUNSEL

The undersigned certifies that this Brief of Respondent complies with Rule 211 (b),
SCACR.



JAMES B. LYBRAND, JR.
McDONALD, McKENZIE, RUBIN,
MILLER AND LYBRAND, LLP
P. O. Box 58
1704 Main Street – 2nd Floor (29201)
Columbia, SC 29202
P: 803. 223.6156
F: 803. 929-3530
Email: lybrand@mmrml.com

Attorneys for Respondent

October 19, 2022
Columbia, South Carolina

91

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM LEXINGTON COUNTY
Walton J. McLeod, IV, Circuit Court Judge

Appellate Case No.: 2022-000263

RECEIVED
OCT 19 2022
SC Court of Appeals

William Klotz

Appellant

v.

General Joe Vanlier

Respondent

CERTIFICAT OF SERVICE

I, the undersigned of the law offices of McDonald, McKenzie, Rubin, Miller and Lybrand, L.L.P. attorneys for the Respondent, do hereby certify that I served upon Appellant the Respondent's Initial Reply Brief and the Respondent's DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL, by causing same to be mailed on October 19, 2022, by United States Mail, proper postage prepaid, to the following address:

Mr. William L. Klotz, pro se
157 Ashepoo Drive
Aiken, SC 29803


JAMES B. LYBRAND, JR.
S.C. BAR #3453
McDonald, McKenzie Rubin,
Miller AND Lybrand, L.L.P.
Post Office Box 58
1704 Main Street – 2nd Floor
Columbia, SC 29202
P: 803-223-6156
Email: lybrand@mmrml.com
Attorney for Respondent

Columbia, South Carolina
October 19, 2022

92
McDonald, McKenzie, Rubin, Miller and Lybrand, L.L.P.
Attorneys at Law
2nd Floor, 1704 Main Street
P.O. Box 58 - 29202
Columbia, South Carolina 29201
www.mmrml.com

James B. Lybrand, Jr.
*Certified Mediator

Direct Dial: 803.223-6156
Facsimile: 803.929.3530
Email: Lybrand@mmrml.com

October 19, 2022

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
OCT 19 2022
SC Court of Appeals

Re: William Lee Klotz v. General Joe Valier
In the Court of Appeals – Case No.: 2022-000263

Dear Ms. Kitchings:

Enclosed herewith is the RESPONDENT'S INITIAL BRIEF, RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD OF APPEAL, and our CERTIFICATE OF SERVICE of those items on Appellant.

By copy of this letter to Appellant, I am requesting that he ensure that all Matters identified by Respondent in his Designation are included in the Record on Appeal. If he has questions, I request that he contact your office.

With kind regards,

Very truly yours,


James B. Lybrand, Jr.

JBLjr/bg
Enclosures
cc: William Lee Klotz

93

FORM 13
REPLY BRIEF OF APPELLANT TO
RESPONDENT'S BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

2020CP3201461 Walton J. McLeod,

IV,

Appellate Case No. 2022-000263

General Joe VanLier

Respondent,

v.

William Klotz

Appellant.

REPLY BRIEF OF APPELLANT TO
RESPONDENT'S BRIEF

s/ William Klotz
157 Ashpoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Attorney Pro Se for Appellant

RECEIVED
Oct 31 2022
SC Court of Appeals

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

TABLE OF CONTENTS

| | |
|--|---|
| Table of Authorities | 2 |
| Reply to Respondent’s Arguments and Statements of Issues on Appeal | 3 |
| Reply to Respondent’s Statement of Facts | 7 |
| Conclusion | 7 |

TABLE OF
AUTHORITIES

CASES

Daniel Hamrick, Petitioner, v. State of South Carolina, Respondent. Appellate Case
No. 2015-002164

ON WRIT OF CERTIORARI

Appeal from Charleston County Deadra L. Jefferson, Trial Court Judge Larry B.
Hyman Jr., Post-Conviction Relief Judge

Opinion No. 27886 Heard January 10, 2019 – Filed May 15, 2019

REVERSED

In Part I (3) the Appeals Court finds the Trial Court Erred in admitting the testimony of State Troupers Officer Harris and awards a new trial. In Part IIA a detailed analysis of Troupers Officer Harris' testimony is provided, and it is noted an ostensible Professional Engineer, Woodrow Poplin, with training in the fields of mechanical and civil engineering, was allowed by the Court to testify for Defendant Hamrick.

OTHER AUTHORITY

SOUTH CAROLINA STATE CONSTITUTION OF 1895 § 21. Charge to jury.

Reply to Respondent's Arguments and Statements of Issues on Appeal

Respondent's Designation of Matter does not have Certification by Signature as "I certify that this designation contains no matter which is irrelevant to this appeal.

Dated

Therefore Appellant is not able to so designate.

THE SALIENT REFUTATION OF RESPONDENT ARGUMENTS CAN BE FOUND IN THE ARGUMENTS OF APPELLANT'S INITIAL BRIEF, SECTION 1 , HIGHLIGHTED TRANSCRIPT SECTIONS AND THE EXHIBITS OF THE RECORD ON APPEAL AND THE EXHIBITS SUBMITTED TO THE LOWER COURT, BY RULE 208(B)(4), SCACR. REFUTATIONS IN PARTICULARITY FOLLOW BELOW:

1. Respondent's counsel's particular in Limne maneuver on separate occasions to suppress Appellant's evidence off the record and Ex Parte would likely be verifiable by the Honorable Judge Walton J McLeod and the Honorable Judge William P. Keesley. Emails were sent to Appellant promising at trial hearing on evidence, one of which was included in Appellant's Rule 16 motion and so is on record. Because emails are sequential on reply, they all should effectively be on record.
2. Trooper Antley at trial stated that a "stub axle" broke (not found in transcript). A stub axle is for a front axle, while only the rear wheel had damages. Trooper Antley also stated that "anything was possible." Above cited Hamrick v. State of SC verifies Trooper Antley had no credibility to testify of mechanical cause and effect. Respondent's truck was not out of control, as shown by Plaintiff Exhibit O on lower court file (attached) that said truck had 4 power disc brakes and would have also had emergency brakes, a separate braking system from the disc brakes. There was no evidence presented of a locked steering wheel on the truck and no photographic evidence of a collision with a guard rail by the truck. The truck was passing my Toyota while it was at the speed limit, so the truck was speeding. Counsel's deliberate use of the confusing term "inside land" is not appropriate, as US 20 is a straightaway with no inside and outside lanes. Respondent was in the fast lane, and the collision could not have possibly occurred as he described. A second filed plaintiff's Exhibit P (attached) states a wheel bearing problem for the 2008

Dodge Ram Pickup to be Trooper Antley at trial stated that a “stub axle” broke. A stub axle is for a front axle, while only the rear wheel had damages. Trooper Antley also stated that “anything could have happened.” Above cited Hamrick v. State of SC verifies Trooper Antley had no credibility to testify of mechanical cause and effect. Respondent’s truck was not out of control, as shown by Plaintiff Exhibit O on lower court file (attached) that said truck had 4 power disc brakes and would have also had emergency brakes, a separate braking system from the disc brakes. There was no evidence presented of a locked steering wheel on the truck and no photographic evidence of a collision with a guard rail by the truck. The truck was passing my Toyota while it was at the speed limit, so the truck was speeding. Counsel’s deliberate use of the confusing term “inside land” is not appropriate, as US 20 is a straightaway with no inside and outside lanes. Respondent was in the fast lane, and the collision could not have possibly occurred as he described. A second filed plaintiff’s Exhibit P (attached) states a wheel bearing problem for the 2008 Dodge Ram Pickup to be:

WHEEL BEARINGS

The 2002-2008 Dodge Ram trucks are notorious for wearing through front wheel bearings. Wheelbearing replacement in the 2002 Dodge Ram seems to be the most prevalent starting around 75,000miles. Some owners reporting that they’ve replaced one or both sides multiple times with under 100,000miles on the truck.

You can usually hear a wheel bearing going as it will make a higher pitched squeaking/squealing noise as you’re driving around. If you notice this type of noise, have it checked immediately. If you wait too long, the bearing could lock up, causing that wheel to freeze and the truck to dart/roll in that direction. This could be extremely dangerous, especially at highway speeds. SHOP 2002-2008 DODGE RAM PARTS

3. The owner and registrant of the Toyota Prius is resident in North Carolina, and the Prius was en route from North Carolina on US Hwy 20 when the accident occurred, implying Federal jurisdiction. The Case was originally filed in North Carolina and Appellant contacted Hawk Law Group to refile the Case, expecting it to be filed in Georgia. Hawk Law Group assigned the Case to their only South Carolina attorney who filed the Case in South Carolina without consulting with Appellant.
4. Respondent in this argument thoroughly misrepresents the qualifications and intended testimony of Appellant. As a Professional Engineer No. 009532

registered in North Carolina, Appellant is required to be trained and examined in mechanical, civil, and strength of materials engineering, to include ferrous and other alloys. In addition training and education is required in kinetics, dynamics, and mechanical structures, all routinely used for Accident Reconstruction. Appellant has been required to maintain training qualifications annually through Continuing Education Units. Appellant will include a detailed statement of qualifications as stated in the Designated Matter. The likely progression of the collision was that Respondent's front right wheel bearing locked up, rolling his truck to the right into Appellant's rear panel as described in plaintiff's exhibit P. Respondent attempted to leave, taking off Appellant's side mirror. Respondent then floored the gas pedal overdriving the right rear wheel until the brake exploded as a metal on metal explosion some distance (about 0.8 mi) down the road, detaching the wheel. Appellant is an expert on energetics of explosions.

Appellant provided a statement from his chief cardiologist plaintiff filed exhibit AF (attached) that the accident was the proximate cause of my life changing heart injuries. This exhibit AF was verifiable on file at Sanger Heart and Vascular Institute via Internet Access. Appellant did not intend to provide expert opinion, only to provide explanations of technical terms in Doctor's notes and refereed technical papers. The Court declared that a cardiologist would be expert. Appellant brought a large plastic heart model to trial to explain heart anatomical terms to the jury.

5. See Hamrick vs State of South Carolina re a State Trooper as Expert Witness. The Court did not acknowledge Trooper Antley as an Expert Witness, which would be required. The testimony of Trooper Antley is not even approaching Expert, as he frequently answered Appellant's questions by "I don't know", "I don't remember", and "anything is possible". Appellant questioned the Trooper closely to show his ineptitude. Counsel in his summation to jury said this questioning was to get the Trooper to say something in particular. Appellant then objected, saying Counsel could not know what I was thinking. This was my Objection and further details would have been provided had it not been immediately overruled.
6. The owner and registrant of the Toyota Prius is resident in North Carolina, and the Prius was en route from North Carolina on US Hwy 20 when the accident occurred, implying Federal jurisdiction. The Case was originally filed in North Carolina and Appellant contacted Hawk Law Group to refile the

Case, expecting it to be filed in Georgia. Hawk Law Group assigned the Case to their only South Carolina attorney who filed the Case in South Carolina without consulting with Appellant.

7. While Rule 16 review is discretionary, Appellant was entitled to review and disposition of his motion for Rule 16 motion. This motion received no consideration whatsoever, denying Appellant due process, which was abuse of process. Respondent refused to review evidence during the time period he alleges was available to Appellant.
8. Appellant's excluded Voir Dire was not political but was intended to support and defend the US Constitution and protect my rights at trial therein and in the Declaration of Independence, the "immortal declaration". Appellant's father swore an oath to support and defend in WWII, Appellant swore a similar enlistment oath in 1970, and there was no time limit.
9. Respondent does not correctly represent what occurred with Appellant's exhibit. There was no review before the Court. The Court requested Appellant and Counsel look over physical documents and provide the ones we agreed upon to the Court Reporter for renumbering. Counsel informed the Court that there were "many" of my exhibits he disagreed with, and Appellant never had an opportunity to present those before the Court and in fact the sequence of presentation of the renumbered exhibits was destroyed. Appellant informed the Court that his medical exhibits would be tabled until the Court performed appropriate research. No research was forthcoming and so the medical exhibits could not be reviewed. This evidentiary discussion can be found in pages 84 to 89 of the transcript.
10. Respondent faced no sudden emergency other than what was precipitated by his crashing into Appellant's vehicle from the rear. This should not have been charged to the jury as a sudden emergency that would have caused Respondent's vehicle to crash into Appellant's vehicle. The Court was going to research this, but no research was forthcoming. The jury charge of sudden mechanical failure was largely based on the technical judgement of Trouper Antley, which was unqualified.
11. The medical condition of Appellant in retrospect did work an inexorable hardship that could not be anticipated presenting his Case, justifying a new trial.

»

REPLY TO RESPONDENT'S
STATEMENT OF THE FACTS

APPELLANT OBJECTS TO ANY FACTS PRESENTED IN RESPONDENTS BRIEF, IN AS MUCH AS THE SC STATE CONSTITUTION OF 1895 (CITED ABOVE) PROHIBITS THE DETERMINATION OF FACT BY THE COURT, REQUIRING ONLY THAT THE JURY DETERMINE SUCH. THE ONLY FACT DETERMINED BY THE JURY WAS OF SUDDEN MECHANICAL FAILURE, AND THAT WAS BASED ON UNQUALIFIED STATE TROOPER TESTIMONY.

CONCLUSION

Conclusion TRIAL VERDICT SHOULD BE VACATED AND PROVISION FOR A NEW TRIAL MADE AS THE ONLY REMEDY POSSIBLE FOR THE DEFECTS IN PROCESS AND RULINGS FOR THE SUBJECT TRIAL. THE CASE SHOULD BE DESIGNATED A COMPLEX CASE FOR THE NEW TRIAL AND A SINGLE JUDGE APPOINTED. ON KNOWLEDGE AND BELIEF APPELLANT REQUESTS IMPEACHMENT OF RESPONDENT, AND DISQUALIFICATION OF STATE TROOPER ANTLEY. A REQUEST TO HEAR ORAL ARGUMENTS IS HEARBY ENTERED 2

Respectfully submitted,

October 29, 2022

William Klotz
157 Ashpoo Dr
Aiken, South Carolina
29803 (704) 249-8665
Pro Se for Appellant

7043584451

12:39:48 p.m.

11-05-2018

1/1

101

**Atrium Health**

WILLIAM KLOTZ
115 CHESNEY GLEN DRIVE
MATTHEWS NC 28105

October 31, 2018

10/31/18
Dr. Dominique Falewee,

For Mr. Klotz's car accident occurring on 2/22/15, to a reasonable degree of medical certainty, the accident most probably caused the progression to heart failure via atrial flutter and cardiomyopathy.

Sincerely,
Dominique Falewee, M.D., FACC

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

Name: KLOTZ, WILLIAM L

1 of 1

DOB: 9/8/1947

Dr. Dominique A Falewee

Dr. Falewee graduated from the Universite Catholique De Lille, Faculte De Medecine De Lille Universite Lille 2 Droit Et Sante, Universite Catholique De Lille in 1976. He works in Charlotte, NC and 2 other locations and specializes in Cardiovascular Disease and Internal Medicine. Dr. Falewee is affiliated with Carolinas Medical Center and Carolinas Medical Center Mercy.

Conditions Treated

Acute Myocardial Infarction (AMI)
Paroxysmal Supraventricular Tachycardia (PSVT)
Angina Pectoris
Mitral Valvular Disease
Cardiac Arrhythmia
Conduction Disorders
Atrial Fibrillation and Atrial Flutter

Procedures Performed

Cardiac Rehabilitation
Cardiac Stress Test
Cardiovascular Transcatheter Procedures
Cardioversion

Specialties

Cardiovascular Disease
Specialty Expertise
Dr. Dominique A Falewee has the following 20 expertise
Hypotension
Heart Failure
High Cholesterol
Stress Testing
Heart Block
Cardiovascular Disease
Arrhythmia
Heart Attack
Stroke
Endocarditis
Heart Diseases
Atherosclerosis
Unstable Angina
Echocardiography
Acute Coronary Syndrome (ACS)
Blood Clot

Hypertension
Coronary Artery Disease (CAD)
Chest Pain (Angina)
High Cholesterol (Hypercholesterolemia)

Internal Medicine

An internist is a physician who focuses on the diagnosis and treatment of conditions that affect the adult population—both acute and chronic. These doctors are often who adults see as their primary physicians because they treat a broad range of illnesses that do not require surgical or specialist interventions. They also work to help a patient maintain optimal health in order to prevent the onset of disease. In addition to treating the common cold and flu, internists also treat chronic diseases like diabetes and heart disease.

Education And Training

University of Nice, 1981
Saint Joseph Mercy Hospital, Internal Medicine, 1996
Providence Hospital and Medical Center

Medical School

Universite Catholique De Lille
Graduated 1976

Faculte De Medecine De Lille Universite Lille 2 Droit Et Sante
Graduated 1981

45 Years Experience

104



mitchell

Vehicle Valuation Report

Summary

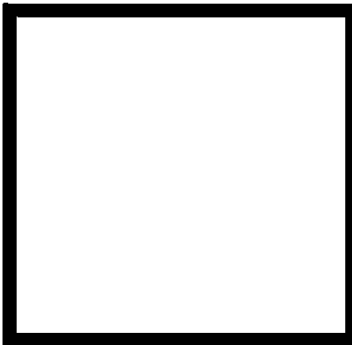
Claim Information

| | | | |
|-------------------|-----------------------------|------------------------|---------------------|
| Claim Number: | 11-5V90-47801 | Version #: | 1 |
| Policy Number: | | Coverage Type of Loss: | COLLISION |
| Owner: | GENERAL VANLIER | Loss Date: | 02/22/2015 |
| Address: | PO BOX 1653 | Reported Date: | 02/22/2015 |
| | LAWRENCEVILLE, GA 300461653 | Valuation Report Date: | 02/26/2015 11:29:26 |
| Owner Home Phone: | (404) 992-1486 | Valuation Report ID: | 7715786 |

Vehicle Information

| | | | |
|---------------|---|-----------------|--------------|
| Loss Vehicle: | 2008 Dodge Ram 1500 ST 2 Door
Regular Cab 6 Foot Bed 3.7L 6 Cyl Gas
A RWD | Location: | GA 300461653 |
| VIN: | 1D7HA16KX8J195065 | Exterior Color: | Flame Red |
| Mileage: | 67,761 miles | License Plate: | |

Valuation Summary



105

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

Loss Vehicle Detail

Loss vehicle: 2008 Dodge Ram 1500 ST 2 Door Regular Cab 6 Foot Bed 3.7L 6 Cyl Gas A RWD

Standard Equipment**Exterior**

| | |
|-----------------------------|---|
| Cargo lamp | Dark gray grille |
| Front air dam | Gray front bumper |
| Gray upper front fascia | Manual 6" x 9" black mirrors |
| Rear bumper w/gray step pad | Removable tailgate |
| Tinted windows | Variable speed intermittent windshield wipers |

Interior

| | |
|---|------------------------------------|
| 12V pwr outlet | Air conditioning |
| AM/FM stereo w/CD player-inc: (4) speakers | Auxiliary audio input jack |
| Black instrument panel bezel | Black vinyl floor covering |
| Cigar lighter | Day/night rearview mirror |
| Fixed long mast antenna | HD vinyl 40/20/40 split bench seat |
| Instrument cluster-inc: 120 MPH primary speedometer, tachometer | Mini floor console |
| Passenger assist handle | Pwr accessory delay |
| Rear cab storage | Sentry Key theft deterrent system |
| Tilt steering column | Tire pressure monitor |

Mechanical

| | |
|---|---|
| 136-amp alternator | 17" x 7" argent painted steel wheels |
| 3.21 axle ratio | 6.3' cargo box |
| 600-amp maintenance-free battery | 6025# GVWR |
| 9.25" rear axle ring gear diameter | Electronically controlled throttle |
| Front stabilizer bar | Full-size spare tire w/steel wheel & winch-type carrier |
| HD front & rear shock absorbers | P245/70R17 all-season BSW tires |
| Pwr 4-wheel disc brakes | Pwr rack & pinion steering |
| Rear wheel anti-lock brakes | Rear wheel drive |
| Trailer tow wiring-inc: 4-pin connector | |

Safety

| | |
|---|----------------|
| Driver/front passenger multistage airbags | Dual note horn |
| Shoulder belt height adjusters | |

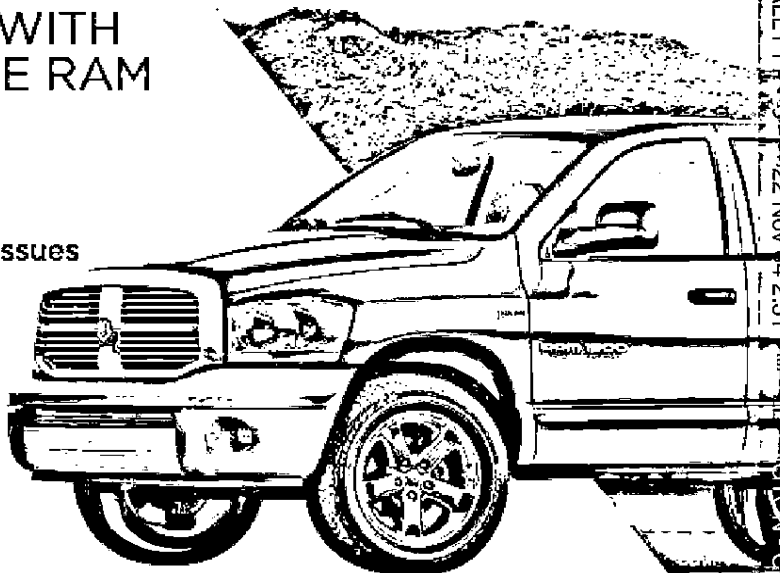
3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

106

COMMON ISSUES WITH 2002-2008 DODGE RAM PICKUP TRUCKS

- ▶ Exhaust Manifold Bolts
- ▶ Engine and Transmission Issues
- ▶ Cracked Dashboard
- ▶ Faulty Window Seals
- ▶ Lighting Issues
- ▶ Body Structure Issues
- ▶ Wheel Bearings



RAYBUCK
AUTO BODY PARTS

ELECTRONICALLY TRANSMITTED REPORT - NOV 14 2:31 PM - COMMON IT LEAS - CASE#2020CP3201461

COMMON ISSUES WITH 2002-2008 DODGE RAM PICKUP TRUCKS

While many of the same problems persist across generations, some issues affect 2002-2008 Dodge Rams more than others. 2002 Dodge Ram 1500 transmission problems are particularly frequent. It's important to note that problems with this generation of Dodge Ram are often more difficult to get fixed because the vehicles are at least 10 years old and reaching the end of their warranties, if not outside the warranty period. The common problems range from quick fixes to significant part replacements that may not be worth the time and money if your Ram is toward the older end of the generation.

1. EXHAUST MANIFOLD BOLTS

A bad or failing manifold leads to decreased engine performance, and broken manifold bolts are common in Dodge Ram 1500s of all ages. The most common symptom of broken or degraded bolts is a ticking sound on cold starts, frequently heard from the passenger side of the truck. The source of the sound is a cold manifold with damaged bolts, which allows gases to seep around the bolts rather than through the exhaust system as designed.

3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

care about the environment) to the underside of the truck¹⁰⁷. And, as soon as you see that first paint bubble, fix it.

7. WHEEL BEARINGS

The 2002-2008 Dodge Ram trucks are notorious for wearing through front wheel bearings. Wheel bearing replacement in the 2002 Dodge Ram seems to be the most prevalent starting around 75,000 miles. Some owners reporting that they've replaced one or both sides multiple times with under 100,000 miles on the truck.

You can usually hear a wheel bearing going as it will make a higher pitched squeaking/squealing noise as you're driving around. If you notice this type of noise, have it checked immediately. If you wait too long, the bear could lock up, causing that wheel to freeze and the truck to dart/roll in that direction. This could be extremely dangerous, especially at highway speeds.

[SHOP 2002-2008 DODGE RAM PARTS »](#)

COMMON ISSUES WITH 1994-2002 DODGE RAM PICKUP TRUCKS

The older the truck, the more likely it is to experience many of the problems we've already covered. The 1st gen Dodge Rams from model years 1994-2002 won't surprise anyone when they experience engine or transmission issues, cracked dashes, or body structure issues. For example, many owners report the 1999 Dodge Ram 1500 stalls while driving.

Additionally, 2001 Dodge Ram 1500 transmission problems aren't all that different from those you'd find in later model years, for example. Here are three of the issues that are common to find in 1994-2002 Rams.

1. MOTOR SLUDGE

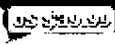
Rams from this generation, especially the 2002, have a particularly nasty problem with sludge buildup in the engine. This notorious issue can blow the engine or lead to other problems like drops in oil pressure or overheating due to the radiator bursting from backpressure.

Unfortunately, since this issue takes a while to build up, the end result of engine failure usually appears after the warranty is up. This happens even to owners who religiously change their oil, and there's not much you can do about it except replace the motor for a few thousand dollars. Depending on the condition of the rest of the truck this may not be a worthwhile investment.

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

108

For Personal Use Only

|  CARFAX Vehicle History Report
<small>An independent company established in 1986</small> | |  |
|---|---|---|
| Vehicle Information:
2008 DODGE RAM 1500 ST
VIN: 1D7HA16KX8J195065
PICKUP
3.7L V6 F OHV
GASOLINE
REAR WHEEL DRIVE
<u>Standard Equipment</u> <u>Safety Options</u> | | |
|  | Branded Title: Salvage | |
|  | 6 Previous owners | |
|  | At least 1 open recall | |
|  | 7 Service history records | |
|  | Types of owners: Commercial, Personal, Lease | |
|  | 118,896 Last reported odometer reading | |
|  | | |

This CARFAX Vehicle History Report is based only on information supplied to CARFAX and available as of 11/16/18 at 5:00:20 PM (CST). Other information about this vehicle, including problems, may not have been reported to CARFAX. Use this report as one important tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.

|  |  |  |  |
|---|---|--|---|
| Year purchased | 2008 | 2012 | 2013 |
| Type of owner | See Details | Personal | Personal |
| Estimated length of ownership | 3 yrs. 10 mo. | 1 yr. 5 mo. | 1 yr. 4 mo. |
| Owned in the following states/provinces | See Details | Georgia | Georgia |
| Estimated miles driven per year | --- | --- | --- |
| Last reported odometer reading | 31,366 | 47,513 | 118,896 |

|  |  |  |  |
|--|---|--|---|
| Salvage Junk Rebuilt Fire Flood Hail Lemon
 | No Problem | No Problem | Alert!
Problem Found |
| Not Actual Mileage Exceeds Mechanical Limits
 | No Problem | No Problem | No Problem |
| Alert! Severe problems were reported by a state Department of Motor Vehicles (DMV). This vehicle does not qualify for the CARFAX Buyback Guarantee. | | | |

|  |  |  |  |
|---|--|--|---|
| Total Loss
Total loss reported on 02/22/2015. |  No Issues Reported |  No Issues Reported |  Total Loss Reported |
| Structural Damage
No structural damage reported to CARFAX. |  No Issues Reported |  No Issues Reported |  No Issues Reported |

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

109

shop. They started out making stove parts and branched out to auto components, selling them to the Ford Motor Company among others.

It didn't take long for the Dodge brothers to try their hand at making automobiles themselves, with the first Dodge vehicle appearing in 1914. Both brothers died in 1920, but by then, Dodge was already one of the biggest players in the industry. Chrysler purchased Dodge in 1928. Dodge Ram history and the evolution of pickups from the company are fascinating topics, so we'll break them down by era.

1928 TO 1947 DODGE TRUCKS

Dodge has always offered light-duty truck models, but in the beginning, you'd be hard-pressed to tell the difference between passenger cars and trucks. Over a couple of decades, trucks began getting their own designs for chassis and body, as differentiation was needed in the growing market.

Light and medium-duty trucks were the first Dodges offered, with heavy-duty models appearing throughout the 1930s and 1940s. The Warren Truck Assembly plant opened in Michigan in 1938, and Dodge still makes trucks there today.

B SERIES (1948 TO 1953) DODGE TRUCKS

The B series was designed to replace the prewar Dodge truck in a manner that appealed to civilians. It came in several variations.

- **B1-B:** A 1/2 ton truck with 95 hp straight six flathead engine.
- **B1-C:** A 3/4 ton truck with 108 hp straight six flathead engine.
- **B1-T:** Variation with a semi-truck cab.
- **B1-V:** Van variation.

C SERIES (1954 TO 1960) DODGE TRUCKS

The C series was a complete redesign of the Dodge truck, with high-visibility wraparound windshields. The C series introduced a two-speed automatic transmission called the "PowerFlite." After WWII saw the military successfully use four-wheel drive, Dodge produced a citizen version called the "Power Wagon."

D SERIES (1961 TO 1980) DODGE TRUCKS

Dodge has always been ahead of the game in terms of putting amenities in its trucks. They came out with the "Adventurer" package in the 1960s, which offered luxuries like padded front seats, carpeting,

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

110

**FORM 7
PROOF OF SERVICE OF A REPLY TO
RESPONDENT'S BRIEF**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Walton J McLeod IV, Circuit Court

Judge

Case No. 2020-CP-32-01461
Appellate Case No. 2022-000263

William Klotz,

Appellant,

v.

General Joe VanLier,

Respondent,

PROOF OF SERVICE

I certify that I have provided by USPS Mail to the Attorney below, on October 29, 2022, A REPLY TO
RESPONDENT'S BRIEF JAMES B. LYBRAND, JR.

Attorneys for Defendant, General Joe Vanlier

Columbia, South Carolina

McDONALD, McKENZIE, RUBIN,s

MILLER AND LYBRAND, LLP

P. O. Box 58

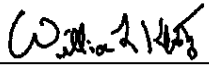
1704 Main Street – 2nd Floor (29201)

Columbia, SC 29202

P: 803. 223.6156

F: 803. 929-3530

Email: lybrand@mmrml.com


s/ WILLIAM L. KLOTZ, PRO SE
157 Ashpoo Dr
Aiken, South Carolina 29803
(704) 249-8665
Email: wklotz@icloud.com

RECEIVED
Oct 31 2022
SC Court of Appeals

ELECTRONICALLY FILED - 2022 Nov 04 2:31 PM - LEXINGTON - COMMON PLEAS - CASE#2020CP3201461

111

SC DMV PACKAGE COVER SHEET

Office Records

Accident Report

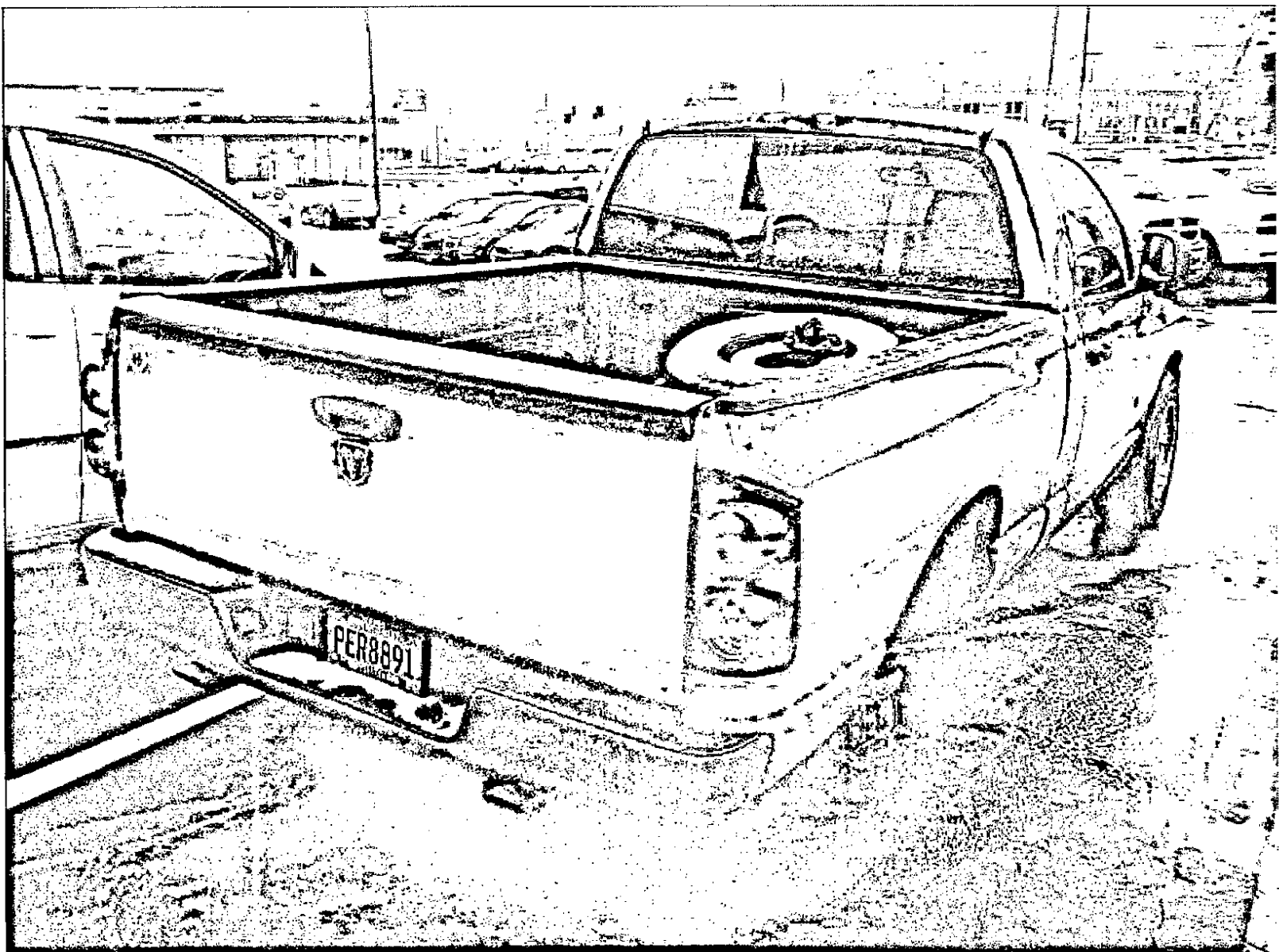
15515961



ORIGINAL

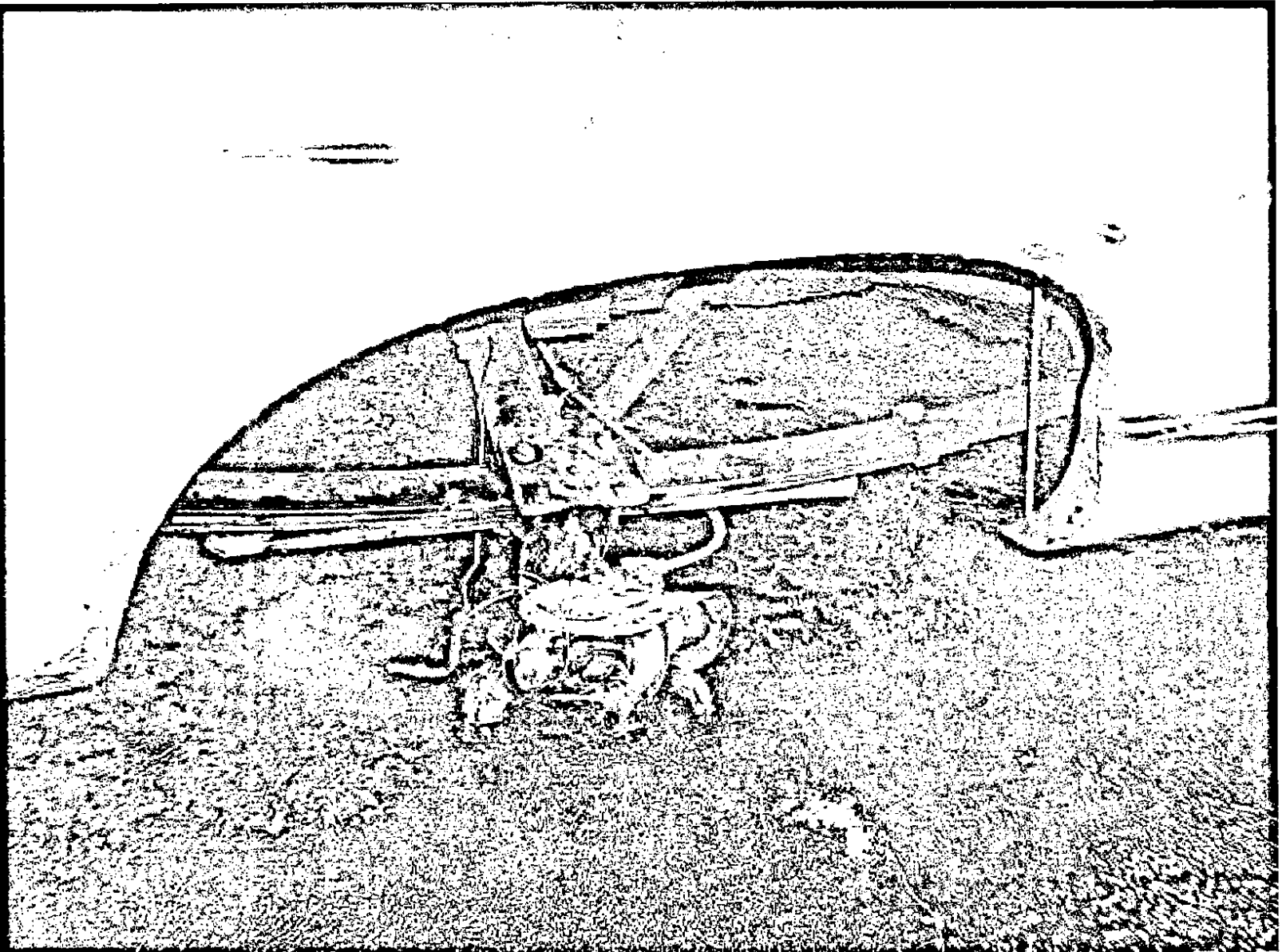
2015515961

| Unit | Date of Birth | Sex | Race | INI | Seat | R-Seat | F-Seat | Eject | LAI | Trans | Name | Street Address | City | State | Zip Code | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------------|-------------------------------------|------|-----------------------------------|------|----------------------------------|--------|--------------------------|-----|-------------------------------|------|--------------------------|---------------------|---|----------|------------------------------------|--|----------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|-------------------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|----------------|--|-----------------------|--|------------------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|---------------------------------------|--|--------------------------|--|-----------------------|--|----------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|-------------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|-----------------------------|--|--------------------------|--|-----------------------------------|--|-------------|--|---------|--|--------|--|----------|--|--|--|--------------|--|--------------------------|--|--------------|--|----|--|-------------------------------------|--|-----------------|--|-----------------------|--|----------------------------|--|---------------------------------|--|------------------------|--|---------------------|--|---|--|------------------------------------|--|-------------------------|--|--------------------------|--|-------------------------------|--|--------------------------------------|--|--------------------------|--|--------------------------|--|----------------------------------|--|--------------------------|--|--------------------------|--|----------------|--|-----------------------|--|------------------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|-----------------------|--|----------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------------------|--|-------------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|---------|--|---|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|--|--|--|--|--|--|--|--|---------------------------------|--|------------------------|--|---------------------|--|------------------------|--|-----------------------|--|-------------------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|----------------|--|-----------------------|--|------------------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|-----------------------|--|----------------|--|--------------------------|--|-------------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|--------------------------|--|---------|--|---|--|----|--|----|--|----|--|----|--|----|--|----|--|----|--|--|--|
| 01 | 09-08-1947 | M | W | 1 | 01 | 13 | 4 | 3 | 1 | 1 | 2 | KLOTZ WILLIAM LEE | 157 ASHEPOO DR | AKEN | SC | 298038590 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 02 | 01-02-1955 | M | B | 0 | 01 | 13 | 4 | 3 | 1 | 1 | 2 | VANLIER GENERAL JOE | 491 PLANTATION BLVD | LAWRENCE | GA | 300466203 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="2">Race</td> <td colspan="2">A - Asian/Pacific Islander</td> <td colspan="2">W - Caucasian</td> <td colspan="2">H - Hispanic</td> <td colspan="2">O - Other</td> <td colspan="2">U - Unknown</td> <td colspan="2">Injury Status</td> <td colspan="2">2 - Non-incapacitating</td> <td colspan="2">Seating Location</td> <td colspan="2">20 - Pedestrian</td> <td colspan="2">60 - Sleeper of Cab</td> <td colspan="2">Restraint Safety Device</td> </tr> <tr> <td colspan="2">B - African American</td> <td colspan="2">M - Hispanic</td> <td colspan="2">O - Other</td> <td colspan="2">U - Unknown</td> <td colspan="2">3 - Not Injured</td> <td colspan="2">3 - Incapacitating</td> <td colspan="2">01 02 03</td> <td colspan="2">30 - Trailing Unit</td> <td colspan="2">70 - Riding on Unit Exterior</td> <td colspan="2">03 - None Used</td> <td colspan="2">21 - Child</td> <td colspan="2">Safety Seat</td> </tr> <tr> <td colspan="2">1 - Alaskan Native or American Indian</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2">1 - Possible Injury</td> <td colspan="2">4 - Fatal</td> <td colspan="2">04 05 06</td> <td colspan="2">40 - Bus or Van (4th row or Higher)</td> <td colspan="2">80 - Lap</td> <td colspan="2">11 - Shoulder belt</td> <td colspan="2">12 - Lap Belt Only</td> <td colspan="2">88 - Other</td> </tr> <tr> <td colspan="2">Air Bag Deployment / Switch</td> <td colspan="2">Ejection</td> <td colspan="2">b) 2 or 3 Wheel Motorized Vehicle</td> <td colspan="2">Head Injury</td> <td colspan="2">1 - Yes</td> <td colspan="2">2 - No</td> <td colspan="2">07 08 09</td> <td colspan="2">50 - Other Endorsed Area (nontraining)</td> <td colspan="2">99 - Unknown</td> <td colspan="2">13 - Shoulder & Lap Belt</td> <td colspan="2">99 - Unknown</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">1 - Deployed Front 4 - Not Deployed</td> <td colspan="2">1 - Not Ejected</td> <td colspan="2">Location After Impact</td> <td colspan="2">3 - Freed (non-mechanical)</td> <td colspan="2">5 - Yes</td> <td colspan="2">2 - No</td> <td colspan="2">3 - Unknown</td> <td colspan="2">b) By: 1 - EMS 2 - Police 8 - Other 9 - Unknown</td> <td colspan="2">21 - Protective Pads 61 - Lighting</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">2 - Deployed Side 7 - Not Applicable</td> <td colspan="2">2 - Part Ejected</td> <td colspan="2">1 - Not Trapped</td> <td colspan="2">2 - Extincted (Mechanical Means)</td> <td colspan="2">9 - Unknown</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">3 - Deployed Both 9 - Deployment Unknown</td> <td colspan="2">3 - Tot Ejected</td> <td colspan="2">7 - Not App</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">1 - Switch On Position 3 - No Switch</td> <td colspan="2">2 - Switch Off Position 9 - Unknown</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> </table> | | | | | | | | | | | | | | | | Race | | A - Asian/Pacific Islander | | W - Caucasian | | H - Hispanic | | O - Other | | U - Unknown | | Injury Status | | 2 - Non-incapacitating | | Seating Location | | 20 - Pedestrian | | 60 - Sleeper of Cab | | Restraint Safety Device | | B - African American | | M - Hispanic | | O - Other | | U - Unknown | | 3 - Not Injured | | 3 - Incapacitating | | 01 02 03 | | 30 - Trailing Unit | | 70 - Riding on Unit Exterior | | 03 - None Used | | 21 - Child | | Safety Seat | | 1 - Alaskan Native or American Indian | | | | | | | | 1 - Possible Injury | | 4 - Fatal | | 04 05 06 | | 40 - Bus or Van (4th row or Higher) | | 80 - Lap | | 11 - Shoulder belt | | 12 - Lap Belt Only | | 88 - Other | | Air Bag Deployment / Switch | | Ejection | | b) 2 or 3 Wheel Motorized Vehicle | | Head Injury | | 1 - Yes | | 2 - No | | 07 08 09 | | 50 - Other Endorsed Area (nontraining) | | 99 - Unknown | | 13 - Shoulder & Lap Belt | | 99 - Unknown | | | | 1 - Deployed Front 4 - Not Deployed | | 1 - Not Ejected | | Location After Impact | | 3 - Freed (non-mechanical) | | 5 - Yes | | 2 - No | | 3 - Unknown | | b) By: 1 - EMS 2 - Police 8 - Other 9 - Unknown | | 21 - Protective Pads 61 - Lighting | | | | | | | | 2 - Deployed Side 7 - Not Applicable | | 2 - Part Ejected | | 1 - Not Trapped | | 2 - Extincted (Mechanical Means) | | 9 - Unknown | | | | | | | | | | | | | | | | 3 - Deployed Both 9 - Deployment Unknown | | 3 - Tot Ejected | | 7 - Not App | | | | | | | | | | | | | | | | | | | | 1 - Switch On Position 3 - No Switch | | 2 - Switch Off Position 9 - Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Race | | A - Asian/Pacific Islander | | W - Caucasian | | H - Hispanic | | O - Other | | U - Unknown | | Injury Status | | 2 - Non-incapacitating | | Seating Location | | 20 - Pedestrian | | 60 - Sleeper of Cab | | Restraint Safety Device | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B - African American | | M - Hispanic | | O - Other | | U - Unknown | | 3 - Not Injured | | 3 - Incapacitating | | 01 02 03 | | 30 - Trailing Unit | | 70 - Riding on Unit Exterior | | 03 - None Used | | 21 - Child | | Safety Seat | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 - Alaskan Native or American Indian | | | | | | | | 1 - Possible Injury | | 4 - Fatal | | 04 05 06 | | 40 - Bus or Van (4th row or Higher) | | 80 - Lap | | 11 - Shoulder belt | | 12 - Lap Belt Only | | 88 - Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Air Bag Deployment / Switch | | Ejection | | b) 2 or 3 Wheel Motorized Vehicle | | Head Injury | | 1 - Yes | | 2 - No | | 07 08 09 | | 50 - Other Endorsed Area (nontraining) | | 99 - Unknown | | 13 - Shoulder & Lap Belt | | 99 - Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 - Deployed Front 4 - Not Deployed | | 1 - Not Ejected | | Location After Impact | | 3 - Freed (non-mechanical) | | 5 - Yes | | 2 - No | | 3 - Unknown | | b) By: 1 - EMS 2 - Police 8 - Other 9 - Unknown | | 21 - Protective Pads 61 - Lighting | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 - Deployed Side 7 - Not Applicable | | 2 - Part Ejected | | 1 - Not Trapped | | 2 - Extincted (Mechanical Means) | | 9 - Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 - Deployed Both 9 - Deployment Unknown | | 3 - Tot Ejected | | 7 - Not App | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 - Switch On Position 3 - No Switch | | 2 - Switch Off Position 9 - Unknown | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr> <td colspan="2">1 - Cargoes/Equipment or Shift</td> <td colspan="2">04 - Equipment Failure</td> <td colspan="2">05 - Fire/Explosion</td> <td colspan="2">06 - Overturn/Rollover</td> <td colspan="2">07 - Pan of Road Left</td> <td colspan="2">08 - Run off Road Right</td> <td colspan="2">09 - Separation of Units</td> <td colspan="2">10 - Spill (New Wheel or Veh)</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> </tr> <tr> <td colspan="2">02 - Cross Median/Center</td> <td colspan="2">05 - Immersion</td> <td colspan="2">06 - Pan of Road Left</td> <td colspan="2">07 - Pan of Road Right</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> </tr> <tr> <td colspan="2">03 - Downhill Runaway</td> <td colspan="2">07 - Jackknife</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> <td colspan="2">17 - Other Non-collision</td> <td colspan="2">18 - Other Non-collision</td> </tr> <tr> <td colspan="2">22 - 09</td> <td colspan="2">1</td> <td colspan="2">22</td> <td colspan="2">04</td> <td colspan="2">22</td> <td colspan="2">10</td> <td colspan="2">51</td> <td colspan="2">22</td> <td colspan="2">22</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">01 - Cargoes/Equipment or Shift</td> <td colspan="2">04 - Equipment Failure</td> <td colspan="2">05 - Fire/Explosion</td> <td colspan="2">06 - Overturn/Rollover</td> <td colspan="2">07 - Pan of Road Left</td> <td colspan="2">08 - Run off Road Right</td> <td colspan="2">09 - Separation of Units</td> <td colspan="2">10 - Spill (New Wheel or Veh)</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> </tr> <tr> <td colspan="2">02 - Cross Median/Center</td> <td colspan="2">05 - Immersion</td> <td colspan="2">06 - Pan of Road Left</td> <td colspan="2">07 - Pan of Road Right</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> </tr> <tr> <td colspan="2">03 - Downhill Runaway</td> <td colspan="2">07 - Jackknife</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> <td colspan="2">17 - Other Non-collision</td> <td colspan="2">18 - Other Non-collision</td> </tr> <tr> <td colspan="2">22 - 09</td> <td colspan="2">1</td> <td colspan="2">22</td> <td colspan="2">04</td> <td colspan="2">22</td> <td colspan="2">10</td> <td colspan="2">51</td> <td colspan="2">22</td> <td colspan="2">22</td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> <td colspan="2"></td> </tr> <tr> <td colspan="2">01 - Cargoes/Equipment or Shift</td> <td colspan="2">04 - Equipment Failure</td> <td colspan="2">05 - Fire/Explosion</td> <td colspan="2">06 - Overturn/Rollover</td> <td colspan="2">07 - Pan of Road Left</td> <td colspan="2">08 - Run off Road Right</td> <td colspan="2">09 - Separation of Units</td> <td colspan="2">10 - Spill (New Wheel or Veh)</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> </tr> <tr> <td colspan="2">02 - Cross Median/Center</td> <td colspan="2">05 - Immersion</td> <td colspan="2">06 - Pan of Road Left</td> <td colspan="2">07 - Pan of Road Right</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> </tr> <tr> <td colspan="2">03 - Downhill Runaway</td> <td colspan="2">07 - Jackknife</td> <td colspan="2">08 - Separation of Units</td> <td colspan="2">09 - Spill (New Wheel or Veh)</td> <td colspan="2">10 - Other Non-collision</td> <td colspan="2">11 - Other Non-collision</td> <td colspan="2">12 - Other Non-collision</td> <td colspan="2">13 - Other Non-collision</td> <td colspan="2">14 - Other Non-collision</td> <td colspan="2">15 - Other Non-collision</td> <td colspan="2">16 - Other Non-collision</td> <td colspan="2">17 - Other Non-collision</td> <td colspan="2">18 - Other Non-collision</td> </tr> <tr> <td colspan="2">22 - 09</td> <td colspan="2">1</td> <td colspan="2">22</td> <td colspan="2">04</td> <td colspan="2">22</td> <td colspan="2">10</td> <td colspan="2">51</td> <td colspan="2">22</td> <td colspan="2">22</td> <td colspan="2"></td></tr></table> | | | | | | | | | | | | | | | | 1 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | | | | | | | | 01 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | | | | | | | | 01 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | |
| 1 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 01 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 01 - Cargoes/Equipment or Shift | | 04 - Equipment Failure | | 05 - Fire/Explosion | | 06 - Overturn/Rollover | | 07 - Pan of Road Left | | 08 - Run off Road Right | | 09 - Separation of Units | | 10 - Spill (New Wheel or Veh) | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 02 - Cross Median/Center | | 05 - Immersion | | 06 - Pan of Road Left | | 07 - Pan of Road Right | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 03 - Downhill Runaway | | 07 - Jackknife | | 08 - Separation of Units | | 09 - Spill (New Wheel or Veh) | | 10 - Other Non-collision | | 11 - Other Non-collision | | 12 - Other Non-collision | | 13 - Other Non-collision | | 14 - Other Non-collision | | 15 - Other Non-collision | | 16 - Other Non-collision | | 17 - Other Non-collision | | 18 - Other Non-collision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 - 09 | | 1 | | 22 | | 04 | | 22 | | 10 | | 51 | | 22 | | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

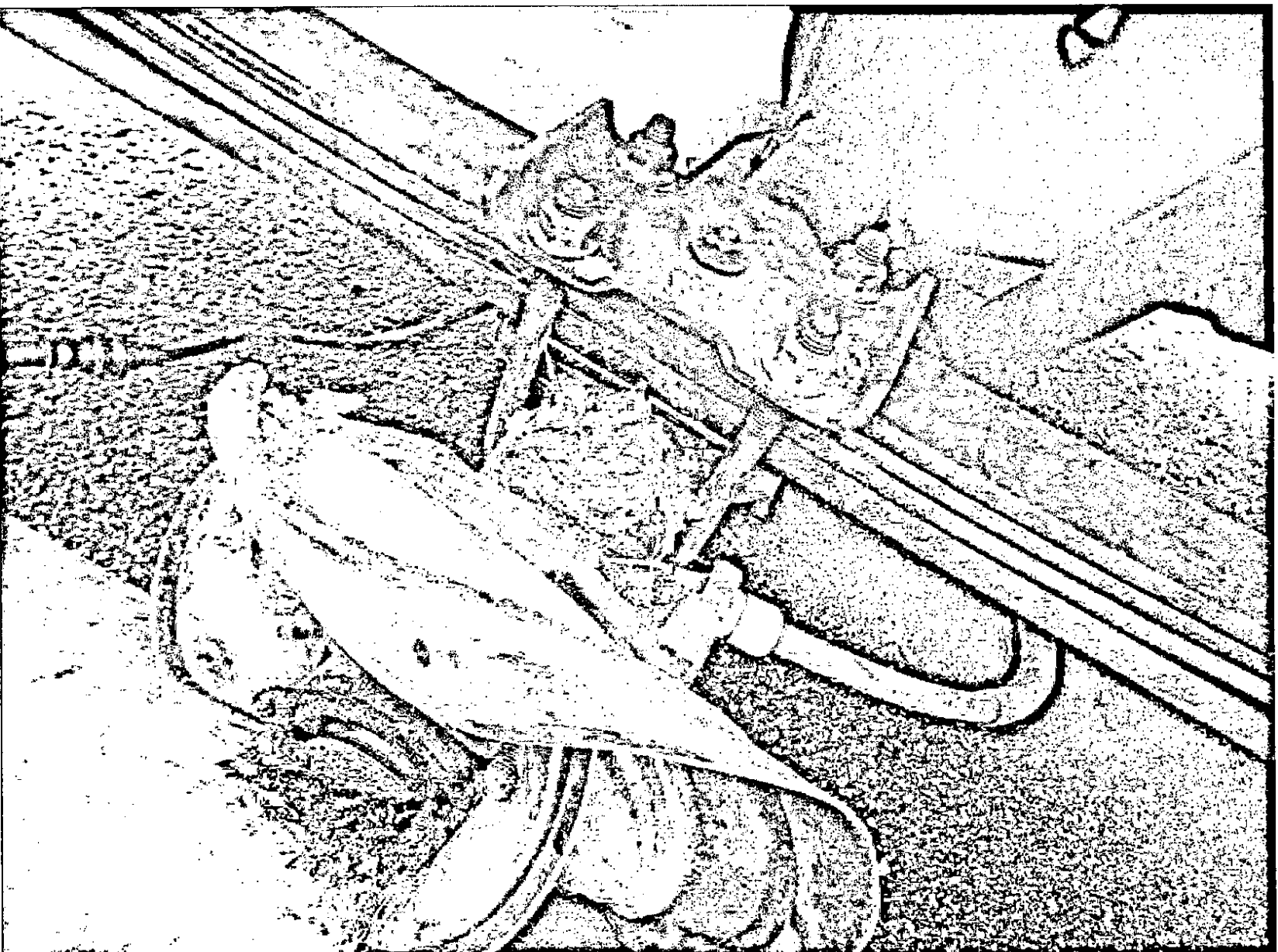


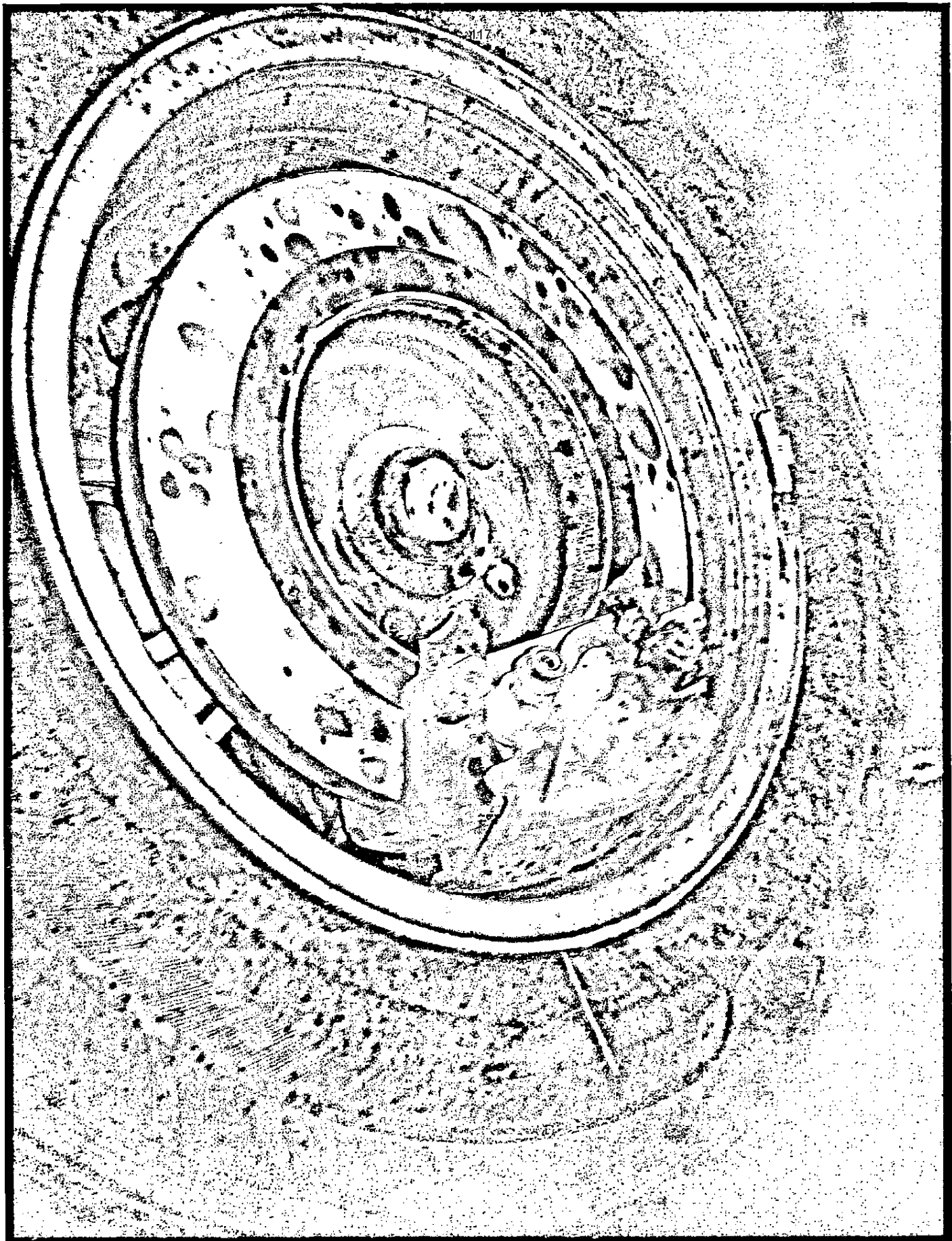
114

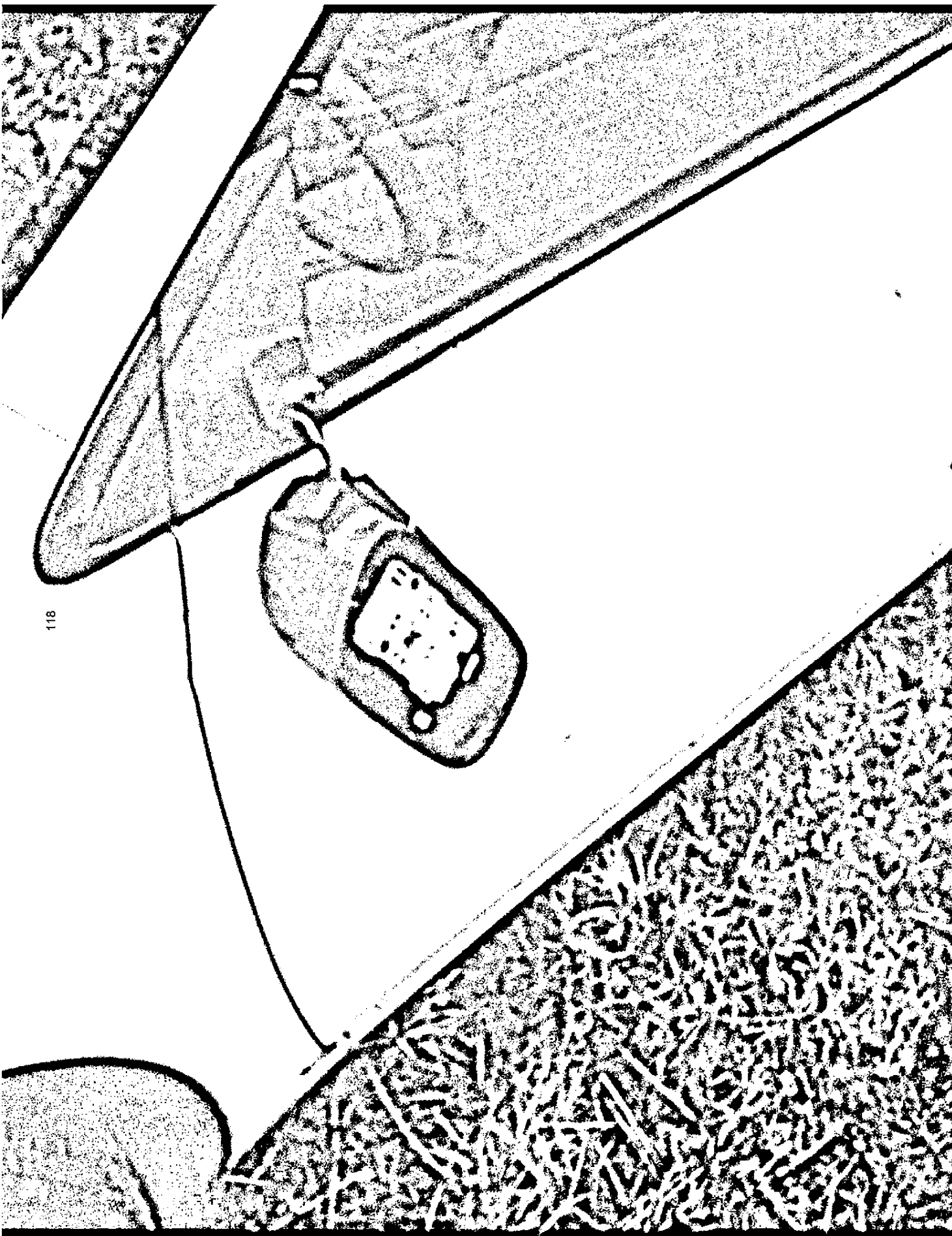
115



116







118



119









123

TOYOTA
PRIUS



125



mitchell Vehicle Valuation Report

Summary

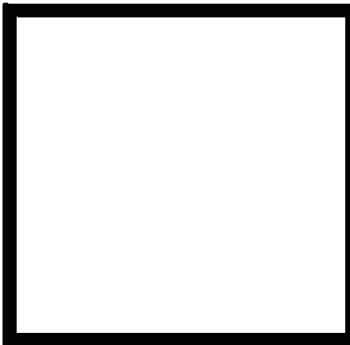
Claim Information

| | | | |
|-------------------|-----------------------------|------------------------|---------------------|
| Claim Number: | 11-5V90-47801 | Version #: | 1 |
| Policy Number: | | Coverage Type of Loss: | COLLISION |
| Owner: | GENERAL VANLIER | Loss Date: | 02/22/2015 |
| Address: | PO BOX 1653 | Reported Date: | 02/22/2015 |
| | LAWRENCEVILLE, GA 300461653 | Valuation Report Date: | 02/26/2015 11:29:26 |
| Owner Home Phone: | (404) 992-1486 | Valuation Report ID: | 7715786 |

Vehicle Information

| | | | |
|---------------|---|-----------------|--------------|
| Loss Vehicle: | 2008 Dodge Ram 1500 ST 2 Door
Regular Cab 6 Foot Bed 3.7L 6 Cyl Gas
A RWD | Location: | GA 300461653 |
| VIN: | 1D7HA16KX8J195065 | Exterior Color: | Flame Red |
| Mileage: | 67,761 miles | License Plate: | |

Valuation Summary



126

| |
|----------------------------|
| Loss Vehicle Detail |
|----------------------------|

Loss vehicle: 2008 Dodge Ram 1500 ST 2 Door Regular Cab 6 Foot Bed 3.7L 6 Cyl Gas A RWD

Standard Equipment

| Exterior | |
|---|---|
| Cargo lamp | Dark gray grille |
| Front air dam | Gray front bumper |
| Gray upper front fascia | Manual 6" x 9" black mirrors |
| Rear bumper w/gray step pad | Removable tailgate |
| Tinted windows | Variable speed intermittent windshield wipers |
| Interior | |
| 12V pwr outlet | Air conditioning |
| AM/FM stereo w/CD player-inc: (4) speakers | Auxiliary audio input jack |
| Black instrument panel bezel | Black vinyl floor covering |
| Cigar lighter | Day/night rearview mirror |
| Fixed long mast antenna | HD vinyl 40/20/40 split bench seat |
| Instrument cluster-inc: 120 MPH primary speedometer, tachometer | Mini floor console |
| Passenger assist handle | Pwr accessory delay |
| Rear cab storage | Sentry Key theft deterrent system |
| Tilt steering column | Tire pressure monitor |
| Mechanical | |
| 136-amp alternator | 17" x 7" argent painted steel wheels |
| 3.21 axle ratio | 6.3' cargo box |
| 600-amp maintenance-free battery | 6025# GVWR |
| 9.25" rear axle ring gear diameter | Electronically controlled throttle |
| Front stabilizer bar | Full-size spare tire w/steel wheel & winch-type carrier |
| HD front & rear shock absorbers | P245/70R17 all-season BSW tires |
| Pwr 4-wheel disc brakes | Pwr rack & pinion steering |
| Rear wheel anti-lock brakes | Rear wheel drive |
| Trailer tow wiring-inc: 4-pin connector | |
| Safety | |
| Driver/front passenger multistage airbags | Dual note horn |
| Shoulder belt height adjusters | |

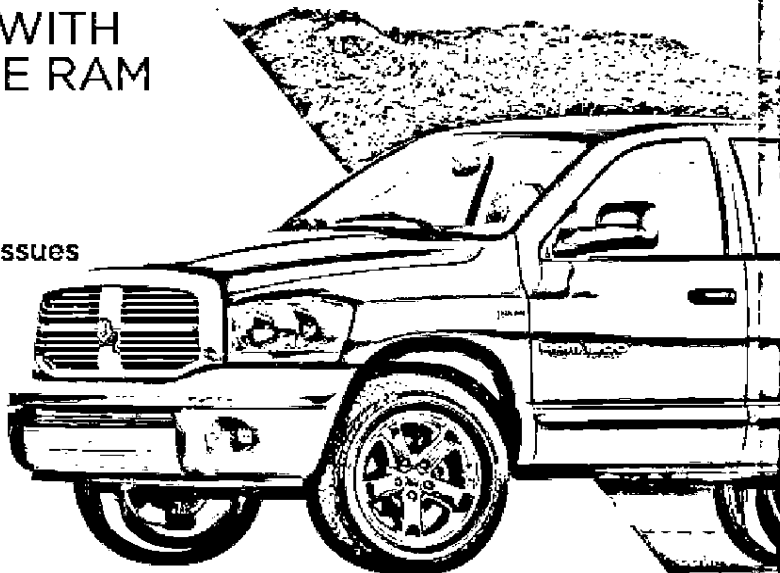
3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

127

COMMON ISSUES WITH 2002-2008 DODGE RAM PICKUP TRUCKS

- ▶ Exhaust Manifold Bolts
- ▶ Engine and Transmission Issues
- ▶ Cracked Dashboard
- ▶ Faulty Window Seals
- ▶ Lighting Issues
- ▶ Body Structure Issues
- ▶ Wheel Bearings



RAYBUCK
AUTO BODY PARTS

COMMON ISSUES WITH 2002-2008 DODGE RAM PICKUP TRUCKS

While many of the same problems persist across generations, some issues affect 2002-2008 Dodge Rams more than others. 2002 Dodge Ram 1500 transmission problems are particularly frequent. It's important to note that problems with this generation of Dodge Ram are often more difficult to get fixed because the vehicles are at least 10 years old and reaching the end of their warranties, if not outside the warranty period. The common problems range from quick fixes to significant part replacements that may not be worth the time and money if your Ram is toward the older end of the generation.

1. EXHAUST MANIFOLD BOLTS

A bad or failing manifold leads to decreased engine performance, and broken manifold bolts are common in Dodge Ram 1500s of all ages. The most common symptom of broken or degraded bolts is a ticking sound on cold starts, frequently heard from the passenger side of the truck. The source of the sound is a cold manifold with damaged bolts, which allows gases to seep around the bolts rather than through the exhaust system as designed.

3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

Luckily, this issue is relatively easy to fix or have repaired¹²⁸. However, some owners report having to get their manifold bolts replaced multiple times. There appears to be a real quality control issue for Dodge in these bolts, and owners have been stuck with the bill.

The cost of repair depends on how many new bolts are required and whether old bolts are difficult to remove. Sometimes the bolt head will degrade so much that it breaks off, leaving the rest of the bolt stuck and in need of expertise to remove. Some owners report having paid up to \$1,000 to repair this issue.

2. ENGINE AND TRANSMISSION ISSUES

There are a significant number of owners dealing with 2002 Dodge Ram transmission problems, and 2006 Dodge Ram 1500 transmission shifting problems are incredibly common as well. Anyone who has stalled out in an intersection or in the middle of traffic knows how dangerous it is to be stuck with no power steering and no brakes — and it's one of the worst problems with these trucks.

It's most common for the stalling to occur at slow speeds, such as when you're driving around a parking lot or making a turn at an intersection. Some cases are solved by replacing the EGR valve or throttle body or resetting the PCM. However, it's often quite challenging to pinpoint the root issue as there are around 50 different sensors on this vehicle.

Transmission issues — particularly 2005 Dodge Ram 1500 transmission problems — are equally common. Some 2004 Dodge Ram 1500s stall when braking and at idle, as well. The most common report is that on a cold start, the truck won't move when put in gear. The transmission may also slip or refuse to shift at all, which is one of the main 2006 Dodge Ram 1500 transmission shifting problems. Sometimes switching out the solenoids can fix the problem for around \$50 to \$100 plus labor if you have it done by a shop.

3. CRACKED DASHBOARD

A bizarre yet widespread issue is defective plastic dashboards that simply don't hold up to the test of time. The dash will start with a few cracks that widen over time, often with chunks of plastic breaking off completely. Dodge has never formally acknowledged this happening, and owners rarely ever get any assistance from the manufacturer.

Although this problem is present in models 1998 to 2006, the highest rate of reports is in the 2001-2003 model years. 1996 Dodge Ram 1500 dashboard replacement is common, too.

3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

129

4. FAULTY WINDOW SEALS

While window seals are something you'd expect to go out in trucks this old, Rams have always had issues with this part. Window seals may not be a critical component for your truck's functionality, but there are some definite issues once they fail. They tend to stick out, making for an eyesore, and they can make your A/C and heat work harder than they need to. The worst issues occur when the rain hits — your whole interior can get wet, and if it stays that way for a while, mold will form, eventually ruining the interior of your truck.

Luckily, window seals are an easy DIY fix with any number of adhesive kits. You can also purchase and install new window seals for under \$25 per window.

5. LIGHTING ISSUES

Lighting issues are common in Dodge Ram trucks and are one of the most frequently-cited 2002 Dodge Ram 1500 electrical problems specifically. Owners find that their headlights, taillights or turn signals suddenly stop working, causing irritation at best and a safety hazard at worst.

In some cases, the issue is caused by pinched wiring in the trailer hitch. These cases are easy to identify since the lights shut off immediately after attaching the trailer. Other times, the issue is yet another symptom of problems with the TIPM. Either way, the fix is usually low-cost if you're able to perform the work yourself.

6. BODY STRUCTURE ISSUES

As with the most Dodge trucks, Dodge Rams are known for rotting away well before their time. The more common body issues on Dodge Ram trucks include:

- Rotting of the outer wheelhouse and upper wheel arch area of the bed.
- Rotting of both driver and passenger side cab corners.
- Rotting of both driver and passenger side rocker panels, typically starting across the lower door weatherstrip seal.
- Rotting of the oil pan.

These rust problems start out as a bubble or two in the paint, and then quickly turn into widespread cancer. In addition to regular undercarriage cleanings, we highly recommend applying some protective coating (rubberized or wax-based undercoating, Fluid Film, use motor oil if you're old school and don't

3/21/2021

Common Issues with Dodge Ram 1500 Pickup Trucks

care about the environment) to the underside of the truck¹³⁰. And, as soon as you see that first paint bubble, fix it.

7. WHEEL BEARINGS

The 2002-2008 Dodge Ram trucks are notorious for wearing through front wheel bearings. Wheel bearing replacement in the 2002 Dodge Ram seems to be the most prevalent starting around 75,000 miles. Some owners reporting that they've replaced one or both sides multiple times with under 100,000 miles on the truck.

You can usually hear a wheel bearing going as it will make a higher pitched squeaking/squealing noise as you're driving around. If you notice this type of noise, have it checked immediately. If you wait too long, the bear could lock up, causing that wheel to freeze and the truck to dart/roll in that direction. This could be extremely dangerous, especially at highway speeds.

SHOP 2002-2008 DODGE RAM PARTS »

COMMON ISSUES WITH 1994-2002 DODGE RAM PICKUP TRUCKS

The older the truck, the more likely it is to experience many of the problems we've already covered. The 1st gen Dodge Rams from model years 1994-2002 won't surprise anyone when they experience engine or transmission issues, cracked dashes, or body structure issues. For example, many owners report the 1999 Dodge Ram 1500 stalls while driving.

Additionally, 2001 Dodge Ram 1500 transmission problems aren't all that different from those you'd find in later model years, for example. Here are three of the issues that are common to find in 1994-2002 Rams.

1. MOTOR SLUDGE

Rams from this generation, especially the 2002, have a particularly nasty problem with sludge buildup in the engine. This notorious issue can blow the engine or lead to other problems like drops in oil pressure or overheating due to the radiator bursting from backpressure.

Unfortunately, since this issue takes a while to build up, the end result of engine failure usually appears after the warranty is up. This happens even to owners who religiously change their oil, and there's not much you can do about it except replace the motor for a few thousand dollars. Depending on the condition of the rest of the truck this may not be a worthwhile investment.

3/21/2021

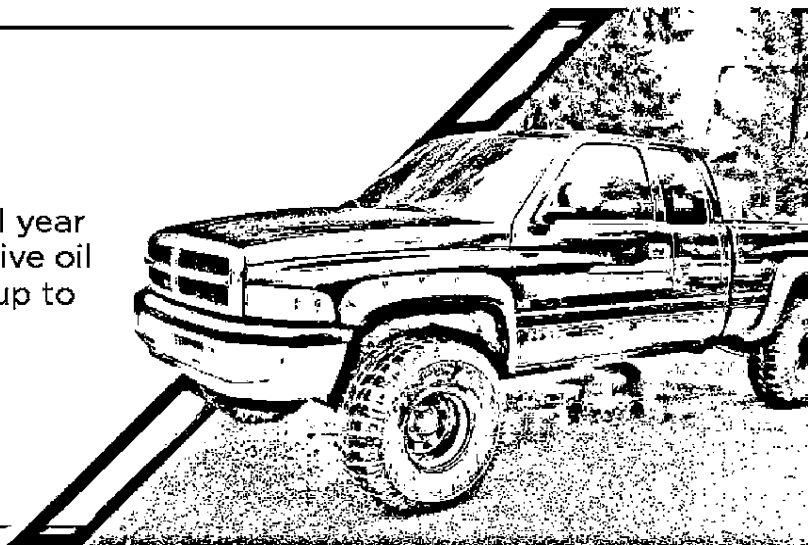
Common Issues with Dodge Ram 1500 Pickup Trucks

131

2. MANIFOLD GASKET LEAKS

Engine components get leaky in older trucks, and the Ram is no exception. Many owners in this model year bracket experience excessive oil consumption, sometimes up to a quart every 50 miles. The truck may burn oil rather than leaking. Gas mileage can be cut in half, and oil pressure may suddenly drop before coming back up again.

Many owners in this model year bracket experience excessive oil consumption, sometimes up to a quart **every 50 miles**.



Luckily, this is a relatively easy fix. Replacing the plenum gasket often does the trick at a cost of just a few dollars if you do it yourself.

3. CATALYTIC CONVERTER FAILURE

If everything goes right, you shouldn't have to replace a catalytic converter. However, the engine problems that many Dodge Rams tend to have can result in too much fuel entering the converter. It can form a coating on the catalyst and prevent the converter from working or cause it to overheat.

The truck might lose power, you might hear some rattling, and the check engine light may come on. The exhaust might have an unusual smell, too. If a misfiring engine has degraded your catalytic converter, you're likely looking at around \$1,000 or more for professional repair.

3/21/2021

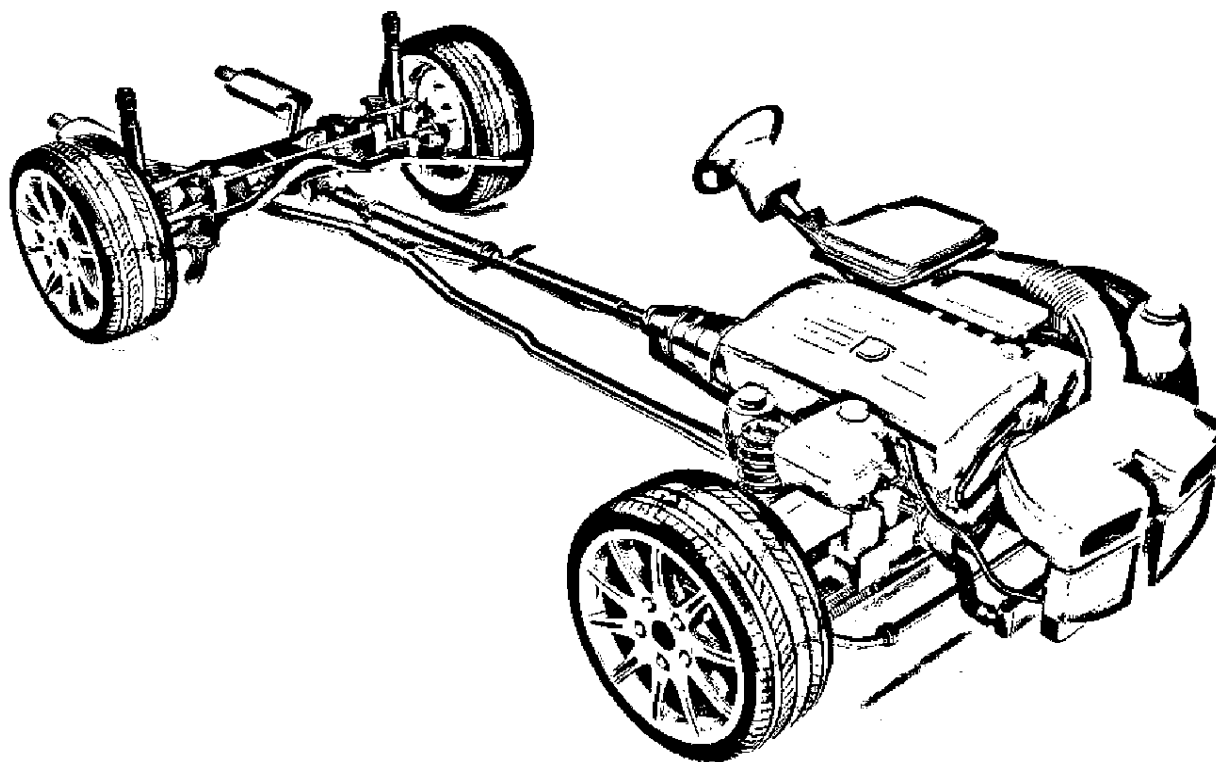
Types of Axles: Everything You Need to Know
132The logo for Car and Driver, featuring a stylized 'C' and 'D' with 'AND' in between.[SUBSCRIBE](#) [SIGN IN](#)

Our car experts choose every product we feature. We may earn money from the links on this page.

Types of Axles: Everything You Need to Know

An axle is a rod or shaft that rotates the wheels and supports the weight of your vehicle. Axles are essential components of any vehicle and come in three main types: front, rear, and stub.

BY HEARST AUTOS RESEARCH



HENRIK5000 | GETTY IMAGES

An axle is a rod or shaft that rotates the wheels and supports the weight of your vehicle. Axles are essential components of any vehicle and come in three main types: front, rear, and stub. Let's break down the types of axle and look at how to choose the right axle ratio for your vehicle.

3/21/2021

Types of Axles: Everything You Need to Know

133

What Is an Axle?

A key component of your vehicle, the axles are central shafts that connect to the wheels. They typically turn with the wheels, according to [Car From Japan](#). Since axles control the power that propels the wheels, every vehicle has to have axles in order to operate.

How Many Axles Does a Car Have?

The number of axles in a car depends on the type of vehicle, as [Car From Japan](#) states. In most cases, cars have two axles to rotate the wheels. Larger vehicles that carry more passengers and have more wheels may have more axles.

It's easy to identify the number of axles that your car or any other vehicle has. Just look at your car from the side, then count the pairs of tires. Most cars have four tires in total, or two sets of tires, with one in the front and one in the rear. Two sets of tires equal two axles.

Factors That Decide the Type of Axle in a Car

Several factors determine what type of axle a vehicle needs. For example, the technical requirements and the amount of force produced go a long way in deciding the axle type.

Some vehicles have pre-designed axles in standard formats. Others have customized axles that fit the needs and specifications of the car. Customized axles tend to work best for cars since they allow for more personalized control over the wheels. These axles can adjust the wheels' speed and torque to a finer degree.

Types of Axle

Axles come in three standard types, according to [Quadratic](#):

- **Rear Axle:** This axle is responsible for delivering power to the driving wheels. It comes in two halves, known as half shafts, which are connected by the differential. In most cases, rear axles are live, meaning they rotate with the vehicle's wheels.

3/21/2021

Types of Axles: Everything You Need to Know

134

- **Front Axle:** Located in the front of the vehicle, this axle is responsible for assisting with steering and processing shocks from the uneven surface of the road. They have four main parts, which are the beam, the swivel pin, the track rod, and the stub axle. Front axles must be as sturdy as possible, and that's why they're usually made from carbon steel or nickel steel.
- **Stub Axle:** Stub axles are attached to the vehicle's front wheels, with kingpins connecting these axles to the front axle.

Types of Rear Axle

Not all rear axles are the same, as the support and mounting methods determine the type. According to The Engineers Post, there are three types of rear axles:

- **Semi-Floating Axle:** This rear axle connects the wheel to the flange on the exterior of the axle shaft and holds it securely. One bearing supports the axle shaft, and the other goes inside the axle casing. Since it has two bearings, a semi-floating axle needs to be larger than the other options to produce the same torque. Semi-floating axles are used for cars, SUVs, and mid-size trucks, such as half-ton and light duty pickups.
- **Full-Floating Axle:** True to its name, this axle type effectively floats in place and maintains its position, thanks to two bearings. It's designed to transmit driving torque only. Full-floating axles tend to work best for larger vehicles, such as heavy-duty trucks. Some mid-size trucks that have larger towing capacities or those that use four-wheel drive extensively can also benefit from full-floating axles.
- **Three-Quarter Floating Axle:** It's more complex than the semi-floating axle and also more reliable. It helps maintain wheel alignment and handles side thrust and driving torque.

Types of Front Axle

According to Meineke, vehicles have two main types of front axle. These are:

- **Dead Front Axle:** These axles stay in place and don't rotate with the wheels. Most dead front axles and differentials have housings that prevent them from coming into contact with water or dirt.
- **Live Front Axle:** Unlike dead front axles, live front axles deliver driving power from the gearbox to the front wheels.

3/21/2021

Types of Axles: Everything You Need to Know
135

Types of Stub Axle

As The Engineers Post explains, there are four types of stub axle:

- **Elliot:** This type uses a kingpin, a yoke, and a cotter to connect to the front axle.
- **Reverse Elliot:** This type has the opposite arrangement of a standard Elliot stub axle.
- **Lamoine:** This stub axle type has an L-shaped spindle instead of a yoke-type hinge.
- **Reverse Lamoine:** It has the opposite layout of a standard Lamoine stub axle.

How to Know When Your Axle Is in Disrepair

Because axles are essential to your car's operation, it's important to keep them working properly. As Meineke states, if you see one of the following signs, you can tell that your axle is in disrepair:

- You hear a loud clunk when you put your car into gear.
- You feel vibrations when you operate your car.
- Your vehicle won't move forward or backward even though it's running.

How to Choose the Right Axle Ratio for Your Pickup Truck

In addition to unique torque, motor, and transmission specs, many trucks also have custom axle ratios. According to Edmunds, an axle ratio like 3.55:1 means that the drive shaft turns 3.55 times each time the wheel turns once.

In most cases, a standard axle ratio works well for most drivers who don't expect to haul large loads. However, if you're planning to tow heavy trailers or haul large loads, you may want the highest axle ratio possible.

3/21/2021

Types of Axles: Everything You Need to Know

136

Axle Issues to Consider

When choosing the right axle ratio for your vehicle, keep a few things in mind.

Remember:

- A vehicle's window sticker reveals the fuel economy data for the standard axle ratio. If the truck has a custom axle ratio option, the fuel economy is automatically lower.
- It's impossible to compare different automakers' optional axle ratios. The various tire sizes affect the system gear, which impacts the final figure.
- Many dealers refer to lower axle ratios as tall gears and higher axle ratios as short gears. The former usually have better gas mileage, while the latter can generally haul heavier loads.

Axles are just one of the features that are essential for keeping your car on the road.

Learn more about our favorite cutting-edge features in our [comparison tests](#) and [first drive reviews](#).

Information and research in this article verified by ASE-certified Master Technician [Duane Sayaloune](#) of [YourMechanic.com](#). For any feedback or correction requests please contact us at research@caranddriver.com.

Sources:

<https://carfromjapan.com/article/car-maintenance/how-many-axles-does-a-car-have-know-it-here/>

https://www.quadratec.com/jeep_knowledgebase/article-134.htm

<https://www.theengineerspost.com/types-of-axles/>

<https://www.meineke.com/blog/everything-you-need-to-know-about-your-cars-axles/>

<https://www.edmunds.com/car-buying/how-to-choose-the-right-axle-ratio-for-your-pickup-truck.html>

3/21/2021

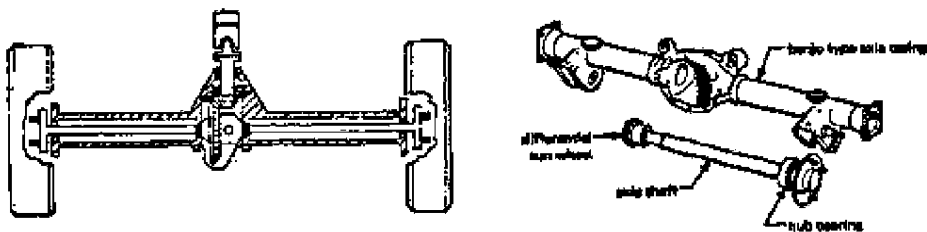
Axle shafts

137

Axle Shafts Design

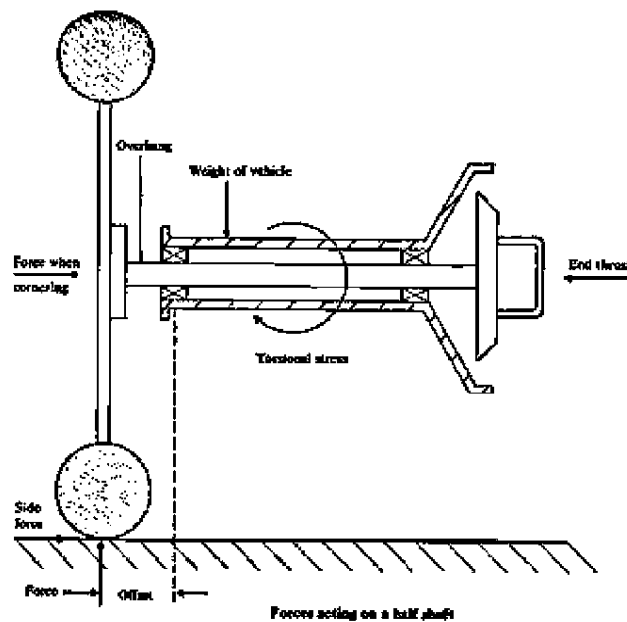
Rear axle construction

In cases where the rear suspension is non-independent, the type of axle used is either a *dead axle* or a *live axle*. The former only has to support the weight of the vehicle, where the latter has to fulfill this task and, in addition, contain a gear and shaft mechanism to drive the road wheels.



Axle shafts

The axle shaft (half shaft) transmits the drive from the differential sun wheel to the rear hub. The arrangement of a simple rear axle can be seen in the figure, the road wheel attached to the end of the half shaft, which in turn is supported by bearing located in the axle casing. The diagram illustrates the forces acting on the rear axle assembly under a under different operating conditions.



Operating conditions

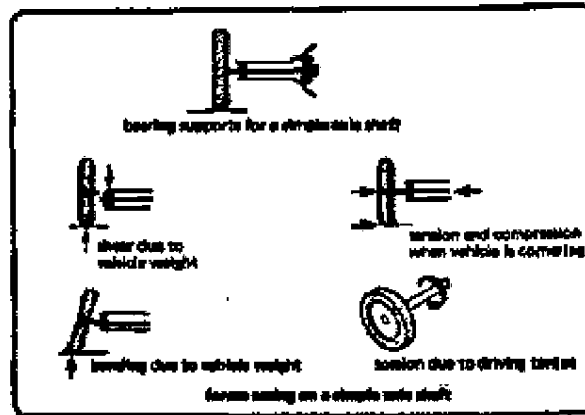
3/21/2021

Axle shafts

138

The total weight of the rear of the vehicle may exert a bending action on the half shaft. Furthermore, there is a tendency for the overhanging section of the shaft to be subject to a shearing force.

During cornering a side force acts upon the road wheel which imposes a bending load and an end thrust becomes a 'pull'. A side force also tends to bend the overhanging section of the half shaft. Finally, under driving conditions the half shaft has to transmit the driving torque which subjects the shaft to torsional stress.



Stresses

The various types may be compared by considering the stresses the shaft has to resist Fig. 1a shows a line sketch of a simple shaft which is subjected to:

- 1- torsional stress due to driving and braking torque.
- 2- Shear stress due to the weight of the vehicle (Fig. 1b).
- 3- Bending stress due to the weight of the vehicle (Fig. 1c).
- 4- Tensile and compressive stress due to cornering forces.

Types of axles

Axle shafts are divided into three main groups depending on the stresses to which the shaft is subjected:

- Semi-floating
- Three-quarter floating
- Fully floating.

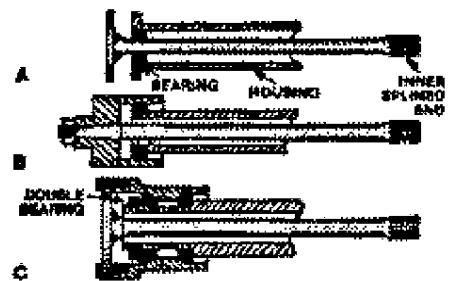


FIGURE Three types of rear drive axles: (A) semi-floating; (B) three-quarter floating; (C) fully floating axle assembly.

Semi-floating

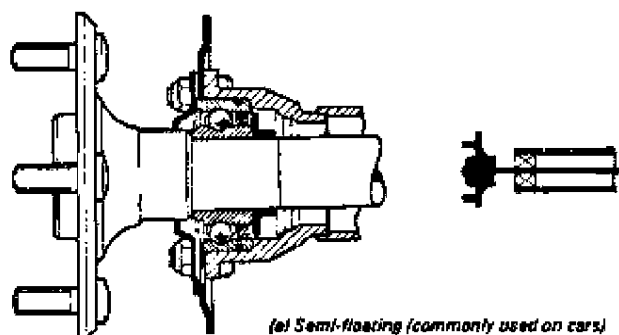
3/21/2021

Axle shafts

139

Fig. 2a shows a typical mounting of an axle shaft suitable for light cars. A single bearing at the hub end is fitted between the shaft and the casing, so the shaft will have to resist all the stresses previously mentioned. To reduce the risk of fracture at the hub end (this would allow the wheel to fall off), the shaft diameter is increased. Any increase must be gradual, since a sudden change in cross-sectional area would produce a stress-raiser and increase the risk of failure due to fatigue. (Fatigue may be defined as breakage due to continual alteration of the stress in the material).

Although the final-drive oil level is considerably lower than the axle shaft, the large amount of 'splash' would cause the lubricant to work along the shaft and enter the brake drum. Sealing arrangements normally consists of an oil retainer fitted at the hub end (the lip of the seal is positioned towards the final drive). *The half shaft in this assembly required to be able to withstand the torsion load involved in driving the road wheel, and bending loads in both the horizontal and vertical planes plus the percentage of car weight on the wheel.*



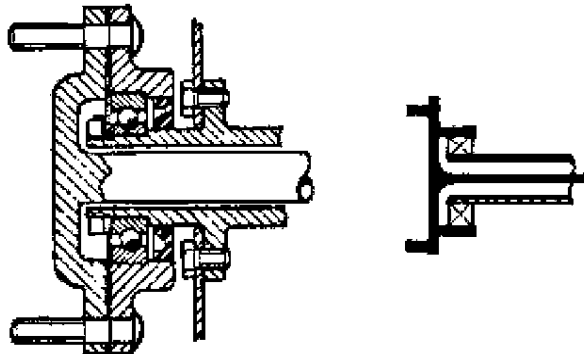
Three-quarter floating

Having defined the semi-and the fully floating shaft, any alternative between the two may be regarded as a three-quarter floating shaft. Fig. 2b shows a construction which has a single bearing mounted between the hub and the casing. The main shear stress on the shaft is relieved but all other stresses still have to be resisted. *The half shaft must withstand bending loads due to side thrust when cornering and, of course, at the same time transmit driving torque.*

3/21/2021

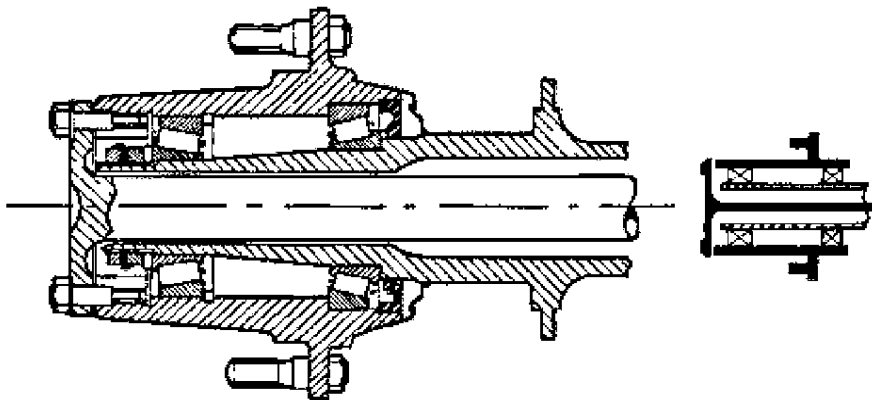
Axle shafts

140

(b) *Three-quarter floating (rarely used today)*

Fully floating

This is generally fitted on commercial vehicles where torque and axle loads are greater. The construction shown in Fig. 2c consists of an independently mounted hub which rotates on two bearings widely spaced on the axle casing. This arrangement relieves the shaft of all stresses except torsional, so the construction is very strong. Stud bolts connecting the shaft to the hub transmit the drive and when the nuts on these studs are removed, the shaft may be withdrawn without jacking up the vehicle. *The shaft is to transmit only the driving torque to the rear wheel.*

(a) *Fully floating (commonly used on heavy vehicles)*

Axle shaft material

A tough, hard material must be used to withstand the various stresses, resist spline wear and provide good resistance to fatigue. A medium carbon alloy steel containing such elements as nickel, chromium and molybdenum is the usual choice.

3/21/2021

Axle shafts

141

| Type of hub | Hub bearing arrangement | Stresses which act on shaft | Application |
|------------------------|---|--|---------------------|
| Semi-floating | Single bearing between shaft and casing | 1 Torsional
2 Bending
3 Shear
4 Tension and compression | Cars |
| Three-quarter floating | Single bearing between hub and casing | 1 Torsional
2 Slight bending | Cars |
| Fully floating | Two bearings widely spaced between hub and casing | 1 Torsional | Commercial vehicles |

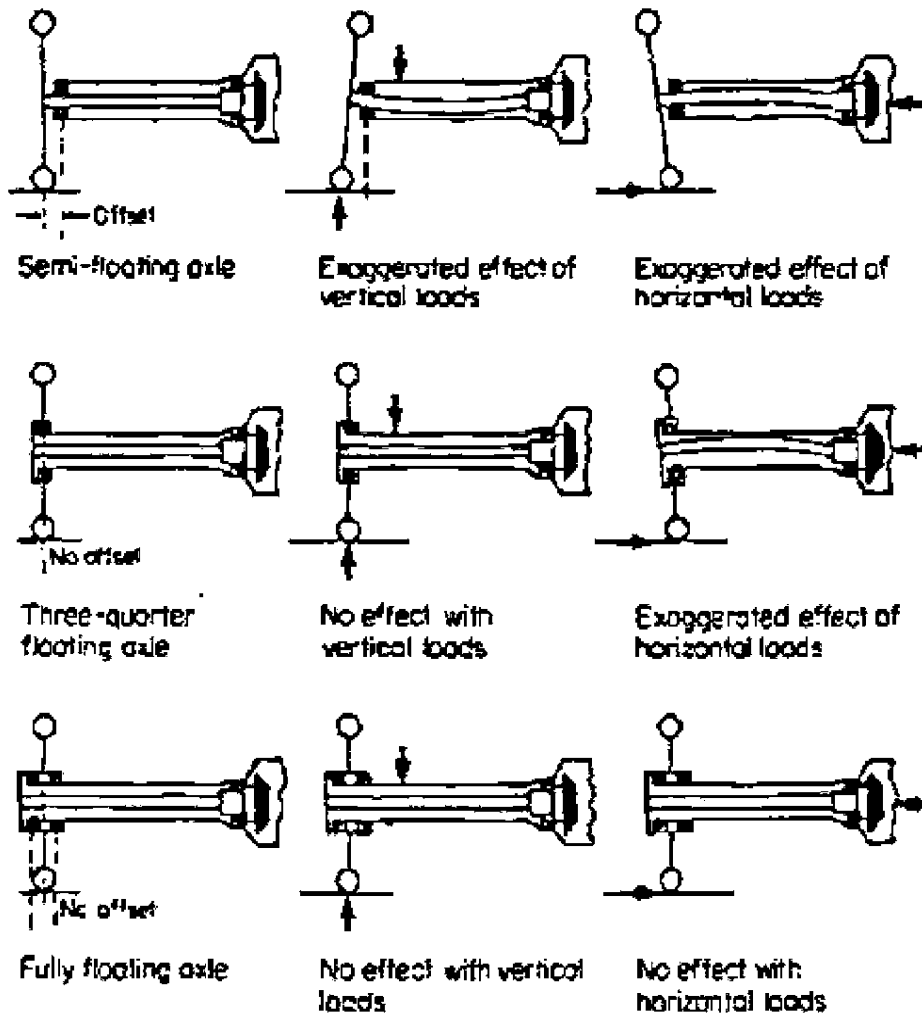


Figure Schematic arrangements of semi-, three-quarter and fully floating rear axles, also showing bending effects on axle shaft

Calculation of axle shafts

3/21/2021

Axle shafts

142

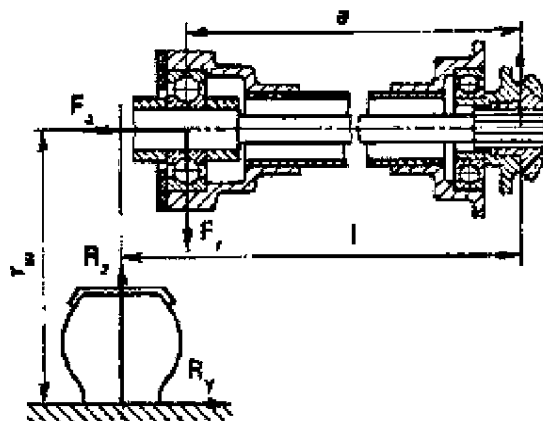


Fig. Schematic for calculating loads acting on the wheel-hub bearings of the driving axle with semi-floating axle shafts

the loads on wheel bearing are calculated using the following formulas:

Straight-line motion

$$F_r = R_z l / a; \quad F_a = 0$$

Curvilinear motion

$$F_{ro} = R_{zo} l / a + R_{yo} r_w / a; \quad F_{ao} = R_{yo}$$

$$F_{ri} = R_{zo} l / a - R_{yi} r_w / a; \quad F_{ai} = R_{yi}$$

Necessary service life of bearings (in millions of revolutions) is ascertained based on the specified life of the automobile with due consideration of overhaul periods.

Bearing Classifications

3/21/2021

Axle shafts

143

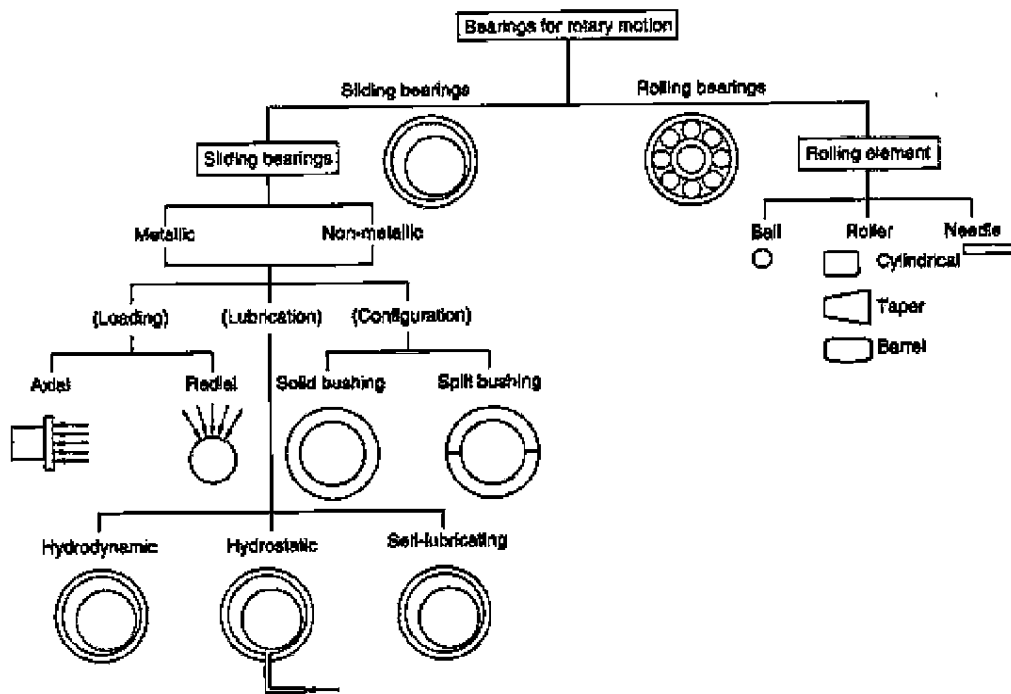


Figure Bearing classification.

Rolling Bearings versus Journal Bearings:

| Features | Ball Bearings | Journal Bearings |
|-----------------------|---|---|
| Starting torque | High (advantage) | Low |
| Quit operation | Noisy at high speed | Quit operation |
| Space Limitation | Preferable when the <u>axial</u> dimension are limited | Preferable when the <u>radial</u> dimension are limited |
| Electrical insulation | - | Oil film provides insulation |
| Failure warning | Becoming noisy when failure is imminent | Failure is sudden |
| Thrust load | Can carry combination of radial and thrust loads | - |
| Clearance | Much less the journal bearing, more accurate position (gears) | - |
| Lubrication problem | Not sensitive | Very sensitive |
| Overload | Can take high overloads for short time | - |

Bearing Selection:

The selection of an appropriate bearing for a given task, whoever, in an involved activity, which needs to take into account, amongst other factors:

3/21/2021

Axle shafts

144

- load
- speed
- location
- size
- cost
- starting torque
- noise
- lubrication supply

| Table Merits of different rolling contact bearings | | | |
|--|----------------------|-------------------------------|-------------------------|
| Bearing type | Radial load capacity | Axial or thrust load capacity | Misalignment capability |
| Single row | Good | Fair | Fair |
| Double row deep groove ball | Excellent | Good | Fair |
| Angular contact | Good | Excellent | Poor |
| Cylindrical roller | Excellent | Poor | Fair |
| Needle roller | Excellent | Poor | Poor |
| Spherical roller | Excellent | Fair/good | Excellent |
| Tapered roller | Excellent | Excellent | Poor |

Definitions:

The basic **static load rating**, C_0 , is the load the bearing can withstand without any permanent deformation of any component.

The basic **dynamic load rating**, C , is the constant radial load which a bearing can endure for 1×10^6 revolutions without evidence of the development of fatigue in any of the bearing components.

The **life of a ball bearing**, L , is the number of revolutions (or hours at some constant speed), which the bearing runs before the development of fatigue in any of the bearing components.

The **equivalent load**, P , is defined as the constant radial load which if applied to a bearing would give the same life as that which the bearing would attain under the actual conditions of load and rotation.

$$P = VXR + YT$$

Where:

P = equivalent load (N);

V = 1.2 if mounting rotates is recommended
= 1.0 if shaft rotates;

X = radial factor (given in bearing catalogues), see table 2 for example data;

Y = thrust factor (given in bearing catalogues), see table 2 for example data;

T = applied thrust load (N)

3/21/2021

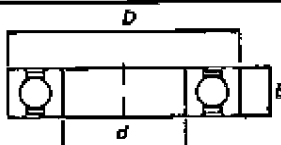
Axle shafts

145

Table Values for the radial and thrust factors for determining the equivalent load for deep groove ball single bearings and bearing pairs arranged in tandem

| F_R/C_0 | Normal clearance | | | C3 clearance | | | C4 clearance | | |
|-----------|------------------|------|-----|--------------|------|------|--------------|------|------|
| | e | X | Y | e | X | Y | e | X | Y |
| 0.025 | 0.22 | 0.56 | 2 | 0.31 | 0.46 | 1.75 | 0.4 | 0.44 | 1.42 |
| 0.04 | 0.24 | 0.56 | 1.8 | 0.33 | 0.46 | 1.62 | 0.42 | 0.44 | 1.36 |
| 0.07 | 0.27 | 0.56 | 1.6 | 0.36 | 0.46 | 1.46 | 0.44 | 0.44 | 1.27 |
| 0.13 | 0.31 | 0.56 | 1.4 | 0.41 | 0.46 | 1.3 | 0.48 | 0.44 | 1.16 |
| 0.25 | 0.37 | 0.56 | 1.2 | 0.46 | 0.46 | 1.14 | 0.53 | 0.44 | 1.05 |
| 0.5 | 0.44 | 0.56 | 1 | 0.54 | 0.46 | 1 | 0.56 | 0.44 | 1 |

After SKF

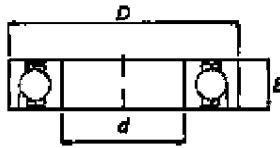
Table 4.7 Selected example single row deep groove ball bearing ratings

| d (mm) | D (mm) | B (mm) | Basic dynamic load rating C (N) | Basic static load rating C_0 (N) | Speed limit for grease lubrication (rpm) | Speed limit for oil lubrication (rpm) | Code |
|----------|----------|----------|-----------------------------------|------------------------------------|--|---------------------------------------|-------|
| 15 | 24 | 5 | 1570 | 800 | 28 000 | 34 000 | 61802 |
| | 32 | 8 | 5600 | 2850 | 22 000 | 28 000 | 16002 |
| | 32 | 9 | 5600 | 2850 | 22 000 | 28 000 | 6002 |
| | 33 | 11 | 7850 | 3750 | 19 000 | 24 000 | 6202 |
| | 42 | 13 | 11 500 | 5400 | 17 000 | 20 000 | 6302 |
| 17 | 26 | 5 | 1690 | 930 | 24 000 | 30 000 | 61803 |
| | 35 | 8 | 6060 | 3250 | 19 000 | 24 000 | 16003 |
| | 35 | 10 | 6060 | 3250 | 19 000 | 24 000 | 6003 |
| | 40 | 12 | 9550 | 4750 | 17 000 | 20 000 | 6203 |
| | 47 | 14 | 13 600 | 6550 | 16 000 | 19 000 | 6303 |
| | 62 | 17 | 23 000 | 10 800 | 12 000 | 15 000 | 6403 |
| 20 | 32 | 7 | 2750 | 1500 | 19 000 | 24 000 | 61804 |
| | 42 | 8 | 6900 | 4050 | 17 000 | 20 000 | 16004 |
| | 42 | 12 | 9400 | 5000 | 17 000 | 20 000 | 6004 |
| | 47 | 14 | 12 800 | 6550 | 15 000 | 18 000 | 6204 |
| | 52 | 15 | 16 000 | 7800 | 13 000 | 16 000 | 6304 |
| | 72 | 19 | 30 800 | 15 000 | 10 000 | 13 000 | 6404 |
| 25 | 37 | 7 | 4400 | 2600 | 17 000 | 20 000 | 61805 |
| | 47 | 8 | 7600 | 4750 | 14 000 | 17 000 | 16005 |
| | 47 | 12 | 11 300 | 6550 | 15 000 | 18 000 | 6005 |
| | 52 | 15 | 14 050 | 7800 | 12 000 | 15 000 | 6205 |
| | 62 | 17 | 22 600 | 11 600 | 11 000 | 14 000 | 6305 |
| | 80 | 21 | 36 000 | 19 300 | 9000 | 11 000 | 6405 |
| 30 | 42 | 7 | 4500 | 2900 | 15 000 | 18 000 | 61806 |
| | 55 | 9 | 11 300 | 7350 | 12 000 | 15 000 | 16006 |
| | 55 | 13 | 13 400 | 8300 | 12 000 | 15 000 | 6006 |
| | 62 | 16 | 19 600 | 11 200 | 10 000 | 13 000 | 6206 |
| | 72 | 19 | 28 200 | 16 000 | 9000 | 11 000 | 6306 |
| | 90 | 23 | 43 700 | 23 600 | 8500 | 10 000 | 6406 |

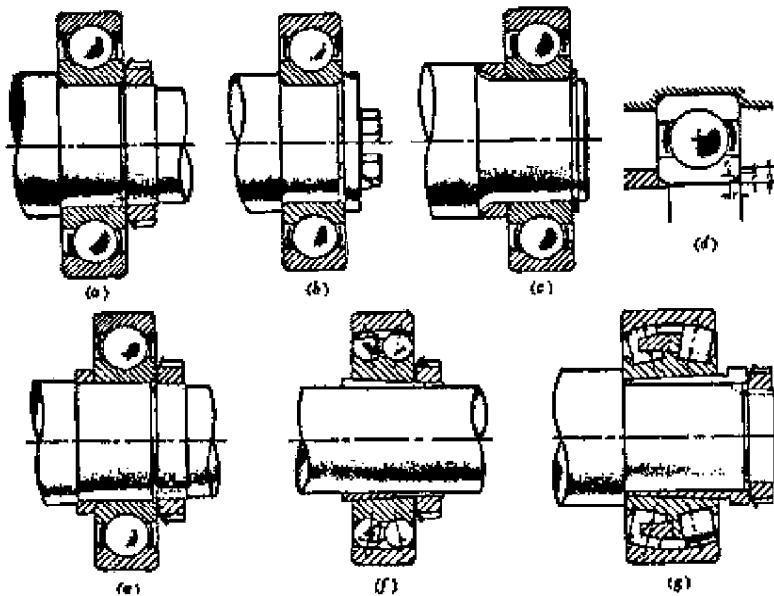
3/21/2021

Axle shafts

146



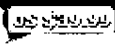
| d (mm) | D (mm) | B (mm) | Basic dynamic load rating C (N) | Basic static load rating C ₀ (N) | Speed limit for grease lubrication (rpm) | Speed limit for oil lubrication (rpm) | Code |
|--------|--------|--------|---------------------------------|---|--|---------------------------------------|-------|
| 15 | 35 | 11 | 8850 | 4800 | 17 000 | 24 000 | 7202B |
| | 42 | 13 | 13 050 | 6700 | 15 000 | 20 000 | 7302B |
| 17 | 40 | 12 | 11 200 | 6100 | 15 000 | 20 000 | 7203B |
| | 47 | 14 | 16 000 | 8300 | 13 000 | 18 000 | 7303B |
| 20 | 47 | 14 | 14 050 | 8300 | 12 000 | 17 000 | 7204B |
| | 52 | 15 | 19 050 | 10 400 | 11 000 | 16 000 | 7304B |
| 25 | 52 | 15 | 15 500 | 10 200 | 10 000 | 15 000 | 7205B |
| | 62 | 17 | 26 100 | 15 600 | 9000 | 13 000 | 7305B |
| 30 | 62 | 16 | 23 900 | 15 600 | 8500 | 12 000 | 7206B |
| | 72 | 19 | 34 600 | 21 200 | 8000 | 11 000 | 7306B |
| 40 | 80 | 18 | 36 500 | 26 000 | 7000 | 9500 | 7208B |
| | 90 | 23 | 49 500 | 33 500 | 6700 | 9000 | 7308B |
| 50 | 90 | 20 | 39 050 | 30 500 | 6000 | 8000 | 7210B |
| | 110 | 27 | 74 000 | 51 000 | 5300 | 7000 | 7310B |
| 55 | 100 | 21 | 48 850 | 38 000 | 5600 | 7500 | 7211B |
| | 120 | 29 | 85 300 | 60 000 | 4800 | 6300 | 7311B |
| 60 | 110 | 22 | 57 250 | 45 500 | 5000 | 6700 | 7212B |
| | 130 | 31 | 95 700 | 69 500 | 4500 | 6000 | 7312B |
| 65 | 120 | 23 | 66 400 | 54 000 | 4500 | 6000 | 7213B |
| | 140 | 33 | 109 000 | 80 000 | 4300 | 5600 | 7313B |
| 70 | 125 | 24 | 71 600 | 60 000 | 4300 | 5600 | 7214B |



http://www.g-w.com/pdf/sampchap/9781605252131_ch16.pdf

147

For Personal Use Only

|  CARFAX Vehicle History Report
<small>An independent company established in 1986</small> | |  |
|---|---|---|
| Vehicle Information:
2008 DODGE RAM 1500 ST
VIN: 1D7HA16KX8J195065
PICKUP
3.7L V6 F OHV
GASOLINE
REAR WHEEL DRIVE
<u>Standard Equipment</u> <u>Safety Options</u> | | |
|  | Branded Title: Salvage | |
|  | 6 Previous owners | |
|  | At least 1 open recall | |
|  | 7 Service history records | |
|  | Types of owners: Commercial, Personal, Lease | |
|  | 118,896 Last reported odometer reading | |
|  | | |

This CARFAX Vehicle History Report is based only on information supplied to CARFAX and available as of 11/16/18 at 5:00:20 PM (CST). Other information about this vehicle, including problems, may not have been reported to CARFAX. Use this report as one important tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.

|  |  |  |  |
|---|---|--|---|
| Year purchased | 2008 | 2012 | 2013 |
| Type of owner | See Details | Personal | Personal |
| Estimated length of ownership | 3 yrs. 10 mo. | 1 yr. 5 mo. | 1 yr. 4 mo. |
| Owned in the following states/provinces | See Details | Georgia | Georgia |
| Estimated miles driven per year | --- | --- | --- |
| Last reported odometer reading | 31,366 | 47,513 | 118,896 |

|  |  |  |  |
|--|---|--|---|
| Salvage Junk Rebuilt Fire Flood Hail Lemon
 | No Problem | No Problem | Alert!
Problem Found |
| Not Actual Mileage Exceeds Mechanical Limits
 | No Problem | No Problem | No Problem |
| Alert! Severe problems were reported by a state Department of Motor Vehicles (DMV). This vehicle does not qualify for the CARFAX Buyback Guarantee. | | | |

|  |  |  |  |
|---|--|--|---|
| Total Loss
Total loss reported on 02/22/2015. |  No Issues Reported |  No Issues Reported |  Total Loss Reported |
| Structural Damage
No structural damage reported to CARFAX. |  No Issues Reported |  No Issues Reported |  No Issues Reported |

148

| | | | |
|---|---|---|---|
| Airbag Deployment
No airbag deployment reported to CARFAX. |  No Issues Reported |  No Issues Reported |  No Issues Reported |
| Odometer Check
No indication of an odometer rollback. |  No Issues Indicated |  No Issues Indicated |  No Issues Indicated |
| Accident / Damage
DMV title problems reported. Accident reported on 02/22/2015.
Scrapped/Crushed by an automotive recycler on 06/19/2015 - this vehicle should not be on the road. |  No Issues Reported |  No Issues Reported |  Severe Damage |
| Manufacturer Recall
At least 1 manufacturer recall requires repair. |  No Recalls Reported |  No Recalls Reported | Recall Reported |
| Basic Warranty
Original manufacturer warranty likely voided by manufacturer after vehicle was severely damaged. |  Warranty Active |  Warranty Active | Warranty Voided |



|  | Date: | Mileage: | Source: | Comments: |
|---|------------|----------|---|---|
| | 04/08/2008 | | Jim Cogdill Dodge
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Vehicle offered for sale |
| | 04/09/2008 | 1 | Jim Cogdill Dodge
Chrysler Jeep RAM
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Pre-delivery inspection completed |
| | 04/25/2008 | 12 | Jim Cogdill Dodge
Chrysler Jeep RAM
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Vehicle serviced |
| | 04/25/2008 | | Jim Cogdill Dodge
Chrysler Jeep RAM
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Vehicle sold |
| | 05/07/2008 | | Tennessee
Motor Vehicle Dept.
Knoxville, TN
Title #77610495 | Registration issued or renewed
Title or registration issued
First owner reported
Loan or lien reported
Titled or registered as commercial vehicle |
| | 09/17/2008 | | Jim Cogdill Dodge
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Vehicle offered for sale |
| | 09/19/2008 | 3,420 | Jim Cogdill Dodge
Chrysler Jeep RAM
Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com | Pre-delivery inspection completed
Oil and filter changed
Air filter checked |
| | 10/28/2008 | 3,424 | Jim Cogdill Dodge
Chrysler Jeep RAM | Vehicle sold |

149

Knoxville, TN
865-690-1611
jimcogdill.fivestard
ealers.com

| | Date: | Mileage: | Source: | Comments: |
|--|------------|----------|---|--|
| | 11/07/2008 | | Tennessee
Motor Vehicle Dept.
Clinton, TN
Title #78223406 | Title or registration issued
New owner reported |
| | 03/10/2009 | | Tennessee
Motor Vehicle Dept.
Clinton, TN
Title #78223406 | Registration issued or renewed
Registration updated when owner moved
the vehicle to a new location |
| | 07/03/2010 | 23,902 | Online Listing | Vehicle offered for sale |
| | Date: | Mileage: | Source: | Comments: |
| | 07/11/2010 | | Georgia
Motor Vehicle Dept. | Vehicle purchase reported |
| | 07/27/2010 | 24,112 | Georgia
Motor Vehicle Dept.
Stone Mountain, GA
Title
#773134102080016 | Title issued or updated
New owner reported
Vehicle color noted as Red |
| | 10/27/2010 | | Georgia
Motor Vehicle Dept.
Stone Mountain, GA
Title
#773134102080016 | Registration issued or renewed
Vehicle color noted as Red |
| | 03/03/2011 | 30,316 | Georgia
Inspection Station | Passed emissions inspection |
| | 03/12/2011 | | Online Listing | Vehicle offered for sale |
| | Date: | Mileage: | Source: | Comments: |
| | 05/13/2011 | | Georgia
Motor Vehicle Dept. | Vehicle purchase reported |
| | 05/23/2011 | 30,748 | Georgia
Motor Vehicle Dept.
Stockbridge, GA
Title
#778570111438013 | Title issued or updated
New owner reported
Loan or lien reported
Vehicle color noted as Red |
| | 11/26/2011 | 31,344 | Service Facility | Emissions inspection performed |
| | 11/30/2011 | | Georgia
Motor Vehicle Dept.
Stockbridge, GA
Title
#778570111438013 | Registration issued or renewed
Loan or lien reported
Vehicle color noted as Red |
| | 03/29/2012 | | Georgia
Motor Vehicle Dept.
Stockbridge, GA
Title
#770329120893970 | Registration issued or renewed
Vehicle color noted as Red |
| | 04/03/2012 | 31,366 | Landmark Dodge
Morrow, GA
770-968-4900
landmarkdodge.com | Vehicle offered for sale |
| | 05/01/2012 | | Georgia
Motor Vehicle Dept.
Covington, GA
Title
#770329120893970 | Vehicle purchase reported
Registration issued or renewed
Titled or registered as lease vehicle
Vehicle color noted as Red |

150

| | Date: Mileage: Source: Comments: | | |
|--|----------------------------------|--|--|
| | | | |
| | 05/29/2012 | Georgia
Motor Vehicle Dept.
Covington, GA
Title
#779318121507013 | Title issued or updated
Registration issued or renewed
New owner reported
Loan or lien reported
Vehicle color noted as Red |
| | 07/13/2012 | Georgia
Motor Vehicle Dept.
Covington, GA
Title
#779318121507013 | Registration issued or renewed
Loan or lien reported
Vehicle color noted as Red |
| | 07/11/2013 | Georgia
Motor Vehicle Dept.
Covington, GA
Title
#779318121507013 | Registration issued or renewed
Loan or lien reported
Vehicle color noted as Red |
| | 10/31/2013 | 47,478 Hayes Chrysler-
Dodge-Jeep
Lawrenceville, GA
770-963-5251
hayeschrysler.com | Vehicle offered for sale |
| | 11/08/2013 | Hayes Chrysler
Dodge Jeep
Lawrenceville
Lawrenceville, GA
770-963-5251
hayeschryslerlawrenc
eville.com | Four tires replaced
Emissions inspection performed |
| | 11/08/2013 | 47,513 Georgia
Inspection Station | Passed emissions inspection |
| | 11/12/2013 | Hayes Chrysler
Dodge Jeep
Lawrenceville
Lawrenceville, GA
770-963-5251
hayeschryslerlawrenc
eville.com | Vehicle sold |
| | 11/12/2013 | Georgia
Motor Vehicle Dept. | Vehicle purchase reported |
| | 11/12/2013 | Warrantech
Automotive, Inc.
Lawrenceville, GA
warrantech.com | Service contract issued |
| | Date: Mileage: Source: Comments: | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | 11/29/2013 | Georgia
Motor Vehicle Dept.
Lawrenceville, GA
Title
#775634133333962 | Title issued or updated
Registration issued or renewed
New owner reported
Loan or lien reported
Vehicle color noted as Red |
| | 11/21/2014 | 63,462 Georgia
Inspection Station | Passed emissions inspection |
| | 12/10/2014 | Georgia
Motor Vehicle Dept.
Lawrenceville, GA
Title
#775634133333962 | Registration issued or renewed
Loan or lien reported
Vehicle color noted as Red |
| | 02/22/2015 | 67,761 Warrantech
Automotive, Inc.
warrantech.com | Service contract claim |
| | 02/22/2015 | South Carolina
Damage Report | Accident reported
Involving left rear impact
with another motor vehicle
Vehicle ran off road |

151

| | | |
|---|---|---|
| | | It hit a guardrail face
Damage to front
Disabling damage reported
Airbags did not deploy |
| 02/22/2015 | South Carolina
Damage Report | TOTAL LOSS VEHICLE
Vehicle declared a total loss
by an insurance company
Collision damage reported |
| |  | There are many reasons an insurance company will
declare a vehicle a total loss. Have this vehicle
inspected by a qualified technician before you buy.
Learn more |
| 03/09/2015 | Hayes Chrysler Dodge
Jeep Lawrenceville
Lawrenceville, GA
770-963-5251
hayeschryslerlawrenc
eville.com | Vehicle serviced |
| 03/24/2015 | Georgia
Motor Vehicle Dept.
Lawrenceville, GA
Title
#772257150835970 | Title issued or updated
Loan or lien released
Vehicle color noted as Red |
| 04/03/2015 | Georgia
Motor Vehicle Dept. | Vehicle purchase reported |
| 04/29/2015 | Georgia
Motor Vehicle Dept. | Title or registration issued
to insurance company |
| 04/29/2015 | Georgia
Motor Vehicle Dept.
Atlanta, GA
Title
#408048151198904 | SALVAGE TITLE/CERTIFICATE ISSUED
Vehicle color noted as Red |
| 05/29/2015 | FCA US LLC | Manufacturer Safety recall issued
NHTSA #15V-313
#R25 DRIVER AIRBAG INFLATOR
Status: Remedy available

Click here for a copy of the owner letter for this
Recall or call 1- 800-853-1403 if you have any
questions or need additional information on this
recall.

Learn more about this recall |
| Description: THE DRIVER AIRBAG INFLATOR HOUSING MAY RUPTURE, DUE TO
EXCESSIVE INTERNAL PRESSURE, DURING NORMAL AIRBAG DEPLOYMENT
EVENTS. THIS CONDITION IS MORE LIKELY TO OCCUR IF THE VEHICLE HAS BEEN
EXPOSED TO HIGH LEVELS OF ABSOLUTE HUMIDITY FOR EXTENDED PERIODS OF
TIME.

AN INFLATOR RUPTURE, DURING AIRBAG DEPLOYMENT EVENTS, COULD RESULT
IN METAL FRAGMENTS STRIKING AND POTENTIALLY SERIOUSLY INJURING THE
VEHICLE OCCUPANT(S).

Remedy: THE DRIVER AIRBAG INFLATOR MUST BE REPLACED. | | |
| 06/19/2015 | Damage Report | VEHICLE SCRAPPED

Vehicle reported as crushed and should not be
on the road. |
| 07/01/2016 | FCA US LLC | Manufacturer Safety recall issued
NHTSA #16V-352
#S43 PASSENGER AIRBAG INFLATOR
Status: Remedy Not Yet Available |

152

Click here for a copy of the owner letter for this Recall or call 1- 800-853-1403 if you have any questions or need additional information on this recall.

[Learn more about this recall](#)

Description: THE FRONT PASSENGER AIRBAG INFLATOR MAY RUPTURE, DUE TO EXCESSIVE INTERNAL PRESSURE, DURING NORMAL AIRBAG DEPLOYMENT EVENTS. THIS CONDITION IS MORE LIKELY TO OCCUR IF YOUR VEHICLE HAS BEEN EXPOSED TO HIGH LEVELS OF ABSOLUTE HUMIDITY FOR EXTENDED PERIODS OF TIME.

AN INFLATOR RUPTURE, DURING AIRBAG DEPLOYMENT EVENTS, COULD RESULT IN METAL FRAGMENT(S) STRIKING THE VEHICLE OCCUPANT(S) RESULTING IN SERIOUS INJURY OR DEATH.

Remedy: THE PASSENGER AIRBAG INFLATOR MUST BE REPLACED.

| | | | |
|------------|---------|--|--------------------------|
| 03/02/2018 | 118,896 | Tuscaloosa Hyundai
Tuscaloosa, AL
205-752-8113
tuscaloosahundai.co
m | Vehicle offered for sale |
| 03/06/2018 | | Tuscaloosa Hyundai
Tuscaloosa, AL
205-752-8113
tuscaloosahundai.co
m | Vehicle sold |

Print this CARFAX Report and take it to your pre-purchase inspection

Have Questions? Please visit our Help Center at www.carfax.com.



Accident Indicator

CARFAX receives information about accidents in all 50 states, the District of Columbia and Canada.

Not every accident is reported to CARFAX. As details about the accident become available, those additional details are added to the CARFAX Vehicle History Report. CARFAX recommends that you have this vehicle inspected by a qualified mechanic.

- According to the National Safety Council, Injury Facts, 2015 edition, 8% of the 254 million registered vehicles in the U.S. were involved in an accident in 2013. Over 74% of these were considered minor or moderate.
- This CARFAX Vehicle History Report is based only on information supplied to CARFAX and available as of 11/16/18 at 5:00:20 PM (CST). Other information about this vehicle, including problems, may not have been reported to CARFAX. Use this report as one important tool, along with a vehicle inspection and test drive, to make a better decision about your next used car.

South Carolina Damage Reports:

- Provide an estimate of the extent of damage in its accident reports for the following:
 - SEVERE/TOTALED: The vehicle cannot be driven from the accident scene due to severe damage or an injury. This level of damage often results in a Salvage or Junk title.
 - DISABLING: The vehicle had to be towed or hauled away from the accident location.
 - FUNCTIONAL: The vehicle could be driven from the accident location.
 - MINOR: The accident damage does not affect the operation of the vehicle. Examples include dented bumpers, fenders, grills and body panels. This level of accident should not compromise vehicle safety.
 - NO DAMAGE: The vehicle was not damaged.

Commercial

Vehicle was registered for business purposes.

First Owner

When the first owner(s) obtains a title from a Department of Motor Vehicles as proof of ownership.

Lease

When someone leases a car from a dealer, the dealer actually sells the vehicle to a leasing company. The leasing company then collects payments for the vehicle from the new owner for 24, 36, 48 or more months. A leasing company can be an independent car dealer or a car manufacturer.

Manufacturer Recall

Automobile manufacturers issue recall notices to inform owners of car defects that have come to the manufacturer's attention. Recalls also suggest improvements that can be made to improve the safety of a particular vehicle. Most manufacturer recalls can be repaired at no cost to you.

New Owner Reported

When a vehicle is sold to a new owner, the Title must be transferred to the new owner(s) at a Department of Motor Vehicles.

Ownership History

CARFAX defines an owner as an individual or business that possesses and uses a vehicle. Not all title transactions represent changes in ownership. To provide estimated number of owners, CARFAX proprietary technology analyzes all the events in a vehicle history. Estimated ownership is available for vehicles manufactured after 1991 and titled solely in the US including Puerto Rico. Dealers sometimes opt to take ownership of a vehicle and are required to in the following states: Maine, Massachusetts, New Jersey, Ohio, Oklahoma, Pennsylvania and South Dakota. Please consider this as you review a vehicle's estimated ownership history.

Salvage Title

A Salvage Title is issued on a vehicle damaged to the extent that the cost of repairing the vehicle exceeds approximately 75% of its pre-damage value. This damage threshold may vary by state. Some states treat Junk titles the same as Salvage but the majority use this title to indicate that a vehicle is not road worthy and cannot be titled again in that state. The following eleven states also use Salvage titles to identify stolen vehicles - AZ, FL, GA, IL, MD, MN, NJ, NM, NY, OK and OR.

Scrapped

Vehicles that have been dismantled and/or crushed and should not return to the road.

Title Issued

A state issues a title to provide a vehicle owner with proof of ownership. Each title has a unique number. Each title or registration record on a CARFAX report does not necessarily indicate a change in ownership. In Canada, a registration and bill of sale are used as proof of ownership.

Total Loss Vehicle

An insurance or fleet company declares a vehicle a total loss when a claim exceeds approximately 75% of its pre-damage value or if the vehicle is stolen and not recovered. This damage threshold varies by company. These companies typically take possession and obtain the title. Not all total loss vehicles result in a DMV-reported branded title. This may occur when an insurance company's definition of a total loss is different than the state DMV's definition for a branded title or when the owner of the vehicle is a self-insured company, like a fleet or rental company.

Follow Us:  [facebook.com/CARFAX](https://www.facebook.com/CARFAX)  [@CarfaxReports](https://twitter.com/CarfaxReports)  [CARFAX on Google+](#)

CARFAX DEPENDS ON ITS SOURCES FOR THE ACCURACY AND RELIABILITY OF ITS INFORMATION. THEREFORE, NO RESPONSIBILITY IS ASSUMED BY CARFAX OR ITS AGENTS FOR ERRORS OR OMISSIONS IN THIS REPORT. CARFAX FURTHER EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. CARFAX®

© 2018 CARFAX, Inc., a unit of IHS Markit. All rights reserved.

Covered by United States Patent Nos. 7,113,853; 7,778,841; 7,596,512, 8,600,823; 8,595,079; 8,606,648; 7,505,838.

11/16/18 5:00:20 PM (CST)

Before You Visit This Site..

We've updated our extension with two new features:

Isolation Mode - Provides additional protection when visiting risky websites that may contain malware or browser

Ambulatory Summary | AIK- Aiken Regional Medical Centers

WILLIAM KLOTZ

Race: White, White | Ethnicity: Not Hispanic or Latino | Gender: Male | DOB: September 8, 1947 | Language: eng

Patient IDs: 179607

Encounter

FIN-AIK 117693762 Date(s): 11/22/15 - 11/22/15

AIK- Aiken Regional Medical Centers 302 University Parkway Aiken, SC 29801-6302 USA (803) 641-5000

Discharge Disposition: AHR-ROUTINE DISCHARGE

Attending Physician: Fabiano, Sarah MD

Admitting Physician: Fabiano, Sarah MD

Referring Physician: No referring, Doctor MD

Vital Signs

| | | |
|---|---|------------------------------|
| Most recent to oldest
[Reference Range]: | 1 | 2 |
| Temperature
(Route Not
Specified) [36-38
DegC] | 36.6 DegC
(11/22/15 2:20 PM) | |
| Temperature
Convert C to F | 97.9 DegF
(11/22/15 2:20 PM) | |
| Temperature
Method | Oral
(11/22/15 2:20 PM) | |
| Peripheral Pulse
Rate [60-100 bpm] | 103 bpm
HI
(11/22/15 3:52 PM) | |
| Respiratory Rate
[12-18 br/min] | 16 br/min
(11/22/15 3:52 PM) | |
| Blood Pressure [90-
140/60-90 mmHg] | 165/85 mmHg
HI
(11/22/15 3:52 PM) | |
| BP Site | Left arm
(11/22/15 3:52 PM) | |
| Height | 187.96 cm
(11/22/15 2:22 PM) | |
| Height Method | Stated
(11/22/15 2:22 PM) | |
| Weight | 92.99 kg
(11/22/15 2:22 PM) | |
| Daily Weight kg | 92.99 kg
(11/22/15 2:22 PM) | |
| Weight Method | Stated
(11/22/15 2:22 PM) | Stated
(11/22/15 2:22 PM) |
| BSA | 2.2 m2
(11/22/15 2:22 PM) | |
| Body Mass Index
Measured | 26.32 kg/m2
(11/22/15 2:22 PM) | |

Problem List

155

| Condition | Effective Dates | Status | Health Status | Informant |
|--|-----------------|--------|---------------|-----------|
| Cardiomegaly(Confirmed) | | Active | | |
| Congestive heart failure(Confirmed) | | Active | | |
| DDD (degenerative disc disease), lumbar(Confirmed) | | Active | | |
| Diabetes(Confirmed) | | Active | | |
| SOB (shortness of breath) (Confirmed) | | Active | | |
| Heartburn(Confirmed) ¹ | | Active | | |
| Hypercholesteremia(Confirmed) | | Active | | |
| Hypertension(Confirmed) | | Active | | |
| Renal stone(Confirmed) ² | | Active | | |
| Skin cancer(Confirmed) ³ | | Active | | |
| OSA on CPAP(Confirmed) ⁴ | | Active | | |

¹food related²right side³basal cell⁴CPAP - unknown setting pt instructed to bring to hospital day of surgery

| Diagnosis | Diagnosis Type | Effective Dates | Health Status | Clinical Service | Informant |
|------------------|------------------------|-----------------|---------------|------------------|-----------|
| Acute bronchitis | Discharge
Diagnosis | 11/22/15 | | Non-Specified | |

Allergies, Adverse Reactions, Alerts

| Substance | Reaction | Severity | Status |
|-----------|----------|----------|--------|
| Latex | Rash | | Active |

Medications**carvedilol (carvedilol 6.25 mg oral tablet)**

1 Tabs By Mouth 2 Times a Day.

metFORMIN (metFORMIN 500 mg oral tablet)

1 Tabs By Mouth 2 Times a Day.

phenazopyridine (Pyridium 200 mg oral tablet)

1 Tabs By Mouth 3 Times a Day. Refills: 0.

Ordering provider: Anderson, Jonathan MD

Results**HEMATOLOGY**Most recent to oldest 1
[Reference Range]:

WBC [3.40-10.00
x10e3/mcL] 10.34 x10e3/mcL
HI
(11/22/15 2:32 PM)

RBC [4.31-5.83
x10e6/mcL] 4.98 x10e6/mcL
(11/22/15 2:32 PM)

Hgb [13.60-17.30
gm/dL] 15.70 gm/dL
(11/22/15 2:32 PM)

Most recent to oldest 1 156
[Reference Range]:

Hct [39.70-50.40 %] 45.20 %
(11/22/15 2:32 PM)

MCV [80-98 Femtoliter] 91 Femtoliter
(11/22/15 2:32 PM)

MCH [27-34 pg] 32 pg
(11/22/15 2:32 PM)

MCHC [33-36 gm/dL] 35 gm/dL
(11/22/15 2:32 PM)

RDW-CV [11.6-15.0 %] 13.4 %
(11/22/15 2:32 PM)

RDW-SD [36.5-50.0 Femtoliter] 44.6 Femtoliter
(11/22/15 2:32 PM)

Plt [140-360 x10e3/mcL] 229 x10e3/mcL
(11/22/15 2:32 PM)

MPV [9.4-12.4 Femtoliter] 9.5 Femtoliter
(11/22/15 2:32 PM)

NRBC % 0
NA
(11/22/15 2:32 PM)

NRBC # 0 /100 WBC
NA
(11/22/15 2:32 PM)

Neut % Auto [50-70 %] 68 %
(11/22/15 2:32 PM)

Lymph % Auto [20-40 %] 20 %
(11/22/15 2:32 PM)

Mono % Auto [0-8 %] 8 %
(11/22/15 2:32 PM)

Eos % Auto [0-2 %] 3 %
HI
(11/22/15 2:32 PM)

Baso % Auto [0-1 %] 0 %
(11/22/15 2:32 PM)

Immature Grans % 0
NA
(11/22/15 2:32 PM)

Neut # Auto [0.68-6.83 x10e3/mcL] 7.02 x10e3/mcL
HI
(11/22/15 2:32 PM)

Lymph # Auto [0.82-3.76 x10e3/mcL] 2.11 x10e3/mcL
(11/22/15 2:32 PM)

Mono # Auto [0.23-1.01 x10e3/mcL] 0.79 x10e3/mcL
(11/22/15 2:32 PM)

Most recent to oldest 1 157

[Reference Range]:

Eos # Auto [0.00-
0.52 x10e3/mcL] 0.33 x10e3/mcL
(11/22/15 2:32 PM)

Baso # Auto [0.00-
0.07 x10e3/mcL] 0.04 x10e3/mcL
(11/22/15 2:32 PM)

Immature Grans #
Auto 0 x10e3/mcL
NA
(11/22/15 2:32 PM)

CHEMISTRY

Most recent to oldest 1

[Reference Range]:

Glucose Level [74-
106 mg/dL] 191 mg/dL
HI
(11/22/15 2:32 PM)

Sodium [136-145
mmol/L] 143 mmol/L
(11/22/15 2:32 PM)

Potassium [3.5-5.1
mmol/L] 4.6 mmol/L
(11/22/15 2:32 PM)

Chloride [98-107
mmol/L] 108 mmol/L
HI
(11/22/15 2:32 PM)

CO2 [21-32
mmol/L] 25 mmol/L
(11/22/15 2:32 PM)

Anion Gap 10.0
NA
(11/22/15 2:32 PM)

BUN [7-18 mg/dL] 13 mg/dL
(11/22/15 2:32 PM)

Creatinine [0.67-
1.17 mg/dL] 0.94 mg/dL
(11/22/15 2:32 PM)

BUN/Creat Ratio 14
NA
(11/22/15 2:32 PM)

Calcium [8.5-10.1
mg/dL] 9.1 mg/dL
(11/22/15 2:32 PM)

Estimated
Creatinine
Clearance 87.45 mL/min
(11/22/15 3:01 PM)

eGFR Non-African
American >60 mL/min/1.73m2
NA
(11/22/15 2:32 PM)

eGFR African
American >60 mL/min/1.73m2
NA
(11/22/15 2:32 PM)

Troponin I [0.000-
0.045 ng/mL] .044 ng/mL
(11/22/15 2:32 PM)

Most recent to oldest 1 158
[Reference Range]:
Pro BNP [≤ 900 1571 pg/mL
pg/mL] *HI*
(11/22/15 2:32 PM)

Immunizations

No data available for this section

Procedures

| Procedure | Date | Related Diagnosis | Body Site |
|---|----------|-------------------|-----------|
| Cysto ESWL Right (Right) ¹ | 7/19/16 | | |
| Collection of venous blood by venipuncture | 11/22/15 | | |
| appy | | | |
| bilateral IHR | | | |
| colonoscopy | | | |
| hemi- laminectomy | | | |
| right IHR with mesh | | | |
| skin cancer excision (basal cell) | | | |
| ¹ auto-populated from documented surgical case | | | |

Social History

| Social History Type | Response |
|---------------------|--------------|
| Tobacco | Denies |
| Smoking Status | Never smoker |

Assessment and Plan

Extracted from:

Title: Cough **Author:** Fabiano, Sarah MD **Date:** 11/22/15

Patient: KLOTZ, WILLIAM MRN: AIK179607 FIN: AIK0000117693762
Age: 68 years Sex: Male DOB: 09/08/47
Associated Diagnoses: None
Author: Fabiano MD, Sarah

Basic Information

Time seen: Date & time 11/22/15 15:11:00.

History source: Patient.

Arrival mode: Private vehicle.

History limitation: None.

Additional information: Chief Complaint from Nursing Triage Note : Chief Complaint

11/22/15 14:22 EST Chief Complaint SOB with productive cough/congestion. pt c/o feeling fatigue x 1 mnth. .

History of Present Illness

The patient presents with cough. The onset was 4 weeks ago. The course/duration of symptoms is constant. Character productive. The degree at onset was moderate. The degree at present is minimal. Risk factors consist of diabetes mellitus and hypertension. Therapy today: none. Associated symptoms: chills and denies sore throat. The patient is a 68 year old male that presents to the ED today with complaints of cold and flu-like symptoms. He states that he feels he may have bronchitis or PNA or something. This started a month ago. He has a productive cough and has tried cough syrup without relief. He has had chills but denies sore throat. He has had a mild headache.

Review of Systems

Constitutional symptoms: Chills, No fever,

Skin symptoms: No rash, no pruritus.

Eye symptoms: No recent vision problems, no blurred vision.

ENMT symptoms: No sore throat, no nasal congestion.

Respiratory symptoms: Cough, No shortness of breath,

Cardiovascular symptoms: No chest pain, no palpitations.

Gastrointestinal symptoms: No abdominal pain, no nausea, no vomiting.

Genitourinary symptoms: No dysuria, no hematuria.

Musculoskeletal symptoms: No back pain, no Joint pain.

Neurologic symptoms: No headache, no dizziness.

Additional review of systems information: All other systems reviewed and otherwise negative.

Health Status

Allergies:

Allergic Reactions (Selected)

No Known Medication Allergies.

Medications: Launch Medication List (Selected)

Prescriptions

Prescribed

ProAir HFA 90 mcg/inh inhalation aerosol: 2 Puffs, Inhalation, q4H, 8.5 gm, PRN: for wheezing

Ultram 50 mg oral tablet: 50 mg, 1 Tabs, Oral, q4H, 12 Tabs, PRN: for pain

naproxen 500 mg oral tablet: 500 mg, 1 Tabs, Oral, BID, 10 Tabs, PRN: for pain

Documented Medications

Documented

Aspir 81: 81 mg, Oral, Daily

Lotrel 5 mg-10 mg oral capsule: 1 Caps, Oral, Daily, 30 Caps

Norvasc 5 mg oral tablet: 1 Tabs, Oral, Daily, 30 Tabs

metFORMIN 500 mg oral tablet: 1 Tabs, Oral, BID, 60 Tabs.

Past Medical/ Family/ Social History

Medical history: PMH/Problems ST

Active Problems (3)

Diabetes

Hypercholesteremia

Hypertension.

Surgical history: Unknown.

Family history: Unknown.

Physical Examination

Vital Signs

Vital Signs

11/22/15 14:20 EST Temperature (Route Not Specified) 36.6 DegC

Temperature Convert C to F 97.9 DegF

Temperature Method Oral

Peripheral Pulse Rate 105 bpm HI

Respiratory Rate 20 br/min HI

Systolic Blood Pressure 158 mmHg HI

Diastolic Blood Pressure 86 mmHg .

General: Alert, no acute distress.

Skin: Warm, dry, intact, normal for ethnicity.

Head: Normocephalic.

Neck: Supple, trachea midline.

Eye: Pupils are equal, round and reactive to light, extraocular movements are intact.

Ears, nose, mouth and throat: Oral mucosa moist.

Cardiovascular: Regular rate and rhythm.

Respiratory: Lungs are clear to auscultation, breath sounds are equal.

Gastrointestinal: Soft, Nontender, Non distended. 160

Back: Nontender, Normal range of motion.

Musculoskeletal: No deformity.

Neurological: Alert and oriented to person, place, time, and situation, No focal neurological deficit observed.

Psychiatric: Cooperative, appropriate mood & affect.

Medical Decision Making

Differential Diagnosis:: Bronchitis.

Orders Review/Insert Order Profile (Selected)

Inpatient Orders

Ordered

azithromycin: 500 mg, 2 Tabs, Oral, Once

predniSONE: 60 mg, 3 Tabs, Oral, Once.

Results review: Lab results : Lab View

11/22/15 15:01 EST Estimated Creatinine Clearance 87.45 mL/min

11/22/15 14:32 EST WBC 10.34 x10e3/mcL HI

RBC 4.98 x10e6/mcL

Hgb 15.70 gm/dL

Hct 45.20 %

MCV 91 Femtoliter

MCH 32 pg

MCHC 35 gm/dL

RDW-CV 13.4 %

RDW-SD 44.6 Femtoliter

Plt 229 x10e3/mcL

MPV 9.5 Femtoliter

NRBC % 0 NA

NRBC # 0 /100 WBC NA

Neut % Auto 68 %

Lymph % Auto 20 %

Mono % Auto 8 %

Eos % Auto 3 % HI

Baso % Auto 0 %

Immature Grans % 0 NA

Neut # Auto 7.02 x10e3/mcL HI

Lymph # Auto 2.11 x10e3/mcL

Mono # Auto 0.79 x10e3/mcL

Eos # Auto 0.33 x10e3/mcL

Baso # Auto 0.04 x10e3/mcL

Immature Grans # Auto 0 x10e3/mcL NA

Glucose Level 191 mg/dL HI

Sodium 143 mmol/L

Potassium 4.6 mmol/L

Chloride 108 mmol/L HI

CO2 25 mmol/L

Anion Gap 10.0 NA

BUN 13 mg/dL

Creatinine 0.94 mg/dL

BUN/Creat Ratio 14 NA

Calcium 9.1 mg/dL

eGFR Non-African American >60 mL/min/1.73m2 NA

eGFR African American >60 mL/min/1.73m2 NA

Troponin I 0.044 ng/mL .

Chest X-Ray: Time reported 11/22/15 15:16:00, Tiny left pleural effusion. Lungs are otherwise clear..

Reexamination/ Reevaluation

PATIENT WITH A COUGH FOR ONE MONTH, WORSE IN THE PAST FEW DAYS, HAS SPUTUM, NO

FEVER, BUT DID HAVE CHILLS, HAS BEEN TAKING¹⁶¹ COUGH SYRUP, PATIENT APPEARS WELL ON EXAM, WILL DC ON MEDICATIONS.

Impression and Plan

Acute bronchitis - ICD10-CM J20.9,

Plan

Prescriptions: Launch PrescriptionWriter

Pharmacy:

Zithromax 250 mg oral tablet (Prescribe): 1 Packets, Oral, Daily, for 5 Days, Z-Pak Instructions: Take 2 tabs (500mg) on day one; Take 1 tab (250 mg) on days 2-5, 6 Tabs, 0 Refill(s)

predniSONE 20 mg oral tablet (Prescribe): 60 mg, 3 Tabs, Oral, Daily, for 5 Days, 15 Tabs, 0 Refill(s).

Patient was given the following educational materials: BRONCHITIS, Abx Tx (Adult).

Follow up with: Dr No pcp no family Within 1-2 days.

Counseled: Patient, Regarding diagnostic results, Regarding treatment plan.

Disposition: Launch Disposition Order

Admit/Transfer/Discharge:

Discharge Request (Order): 11/22/15 15:21 EST, Home Routine.

Addendum

Teaching-Supervisory Addendum-Brief

Notes: Documented by Beth Davis acting as scribe for Dr. Fabiano. I, Dr. Fabiano, have reviewed the information recorded by the scribe for accuracy and agree with its contents. I acted as a scribe for Dr. Fabiano. .

Addendum discussed elevated bnp with patient, will give IV lasix here, and advised to f/u with pcp for by Fabiano permanent medication decision.

MD, Sarah

on

November

22, 2015

15:37 EST

Details

Document Created

August 18, 2017

Encounter Date

From November 22, 2015 to November 22, 2015

Care Team

Doctor No referring

00000-0000

Edward Knish

Tel: (704)302-8500

332 N TRADE ST STE 2000

MATTHEWS, NC 28105-0000

Sarah Fabiano

Tel: (803)641-5100

EMERGENCY DEPARTMENT

302 UNIVERSITY PARKWAY

AIKEN, SC 29801-0000

7043584451

12:39:48 p.m.

11-05-2018

1 / 1

162

**Atrium Health**

WILLIAM KLOTZ
115 CHESNEY GLEN DRIVE
MATTHEWS NC 28105

October 31, 2018

10/31/18

Dr. Dominique Falewee,

For Mr. Klotz's car accident occurring on 2/22/15, to a reasonable degree of medical certainty, the accident most probably caused the progression to heart failure via atrial flutter and cardiomyopathy.

Sincerely,
Dominique Falewee, M.D., FACC

Dr. Dominique A Falewee

Dr. Falewee graduated from the Universite Catholique De Lille, Faculte De Medecine De Lille Universite Lille 2 Droit Et Sante, Universite Catholique De Lille in 1976. He works in Charlotte, NC and 2 other locations and specializes in Cardiovascular Disease and Internal Medicine. Dr. Falewee is affiliated with Carolinas Medical Center and Carolinas Medical Center Mercy.

Conditions Treated

Acute Myocardial Infarction (AMI)
Paroxysmal Supraventricular Tachycardia (PSVT)
Angina Pectoris
Mitral Valvular Disease
Cardiac Arrhythmia
Conduction Disorders
Atrial Fibrillation and Atrial Flutter

Procedures Performed

Cardiac Rehabilitation
Cardiac Stress Test
Cardiovascular Transcatheter Procedures
Cardioversion

Specialties

Cardiovascular Disease
Specialty Expertise
Dr. Dominique A Falewee has the following 20 expertise
Hypotension
Heart Failure
High Cholesterol
Stress Testing
Heart Block
Cardiovascular Disease
Arrhythmia
Heart Attack
Stroke
Endocarditis
Heart Diseases
Atherosclerosis
Unstable Angina
Echocardiography
Acute Coronary Syndrome (ACS)
Blood Clot

Hypertension
Coronary Artery Disease (CAD)
Chest Pain (Angina)
High Cholesterol (Hypercholesterolemia)

Internal Medicine

An internist is a physician who focuses on the diagnosis and treatment of conditions that affect the adult population—both acute and chronic. These doctors are often who adults see as their primary physicians because they treat a broad range of illnesses that do not require surgical or specialist interventions. They also work to help a patient maintain optimal health in order to prevent the onset of disease. In addition to treating the common cold and flu, internists also treat chronic diseases like diabetes and heart disease.

Education And Training

University of Nice, 1981
Saint Joseph Mercy Hospital, Internal Medicine, 1996
Providence Hospital and Medical Center

Medical School

Universite Catholique De Lille
Graduated 1976

Faculte De Medecine De Lille Universite Lille 2 Droit Et Sante
Graduated 1981

45 Years Experience

ORIGINAL RESEARCH ARTICLE



Persistent Long-Term Structural, Functional, and Metabolic Changes After Stress-Induced (Takotsubo) Cardiomyopathy

BACKGROUND: Takotsubo cardiomyopathy is an increasingly recognized acute heart failure syndrome precipitated by intense emotional stress. Although there is an apparent rapid and spontaneous recovery of left ventricular ejection fraction, the long-term clinical and functional consequences of takotsubo cardiomyopathy are ill-defined.

METHODS: In an observational case-control study, we recruited 37 patients with prior (>12-month) takotsubo cardiomyopathy, and 37 age-, sex-, and comorbidity-matched control subjects. Patients completed the Minnesota Living with Heart Failure Questionnaire. All participants underwent detailed clinical phenotypic characterization, including serum biomarker analysis, cardiopulmonary exercise testing, echocardiography, and cardiac magnetic resonance including cardiac ^{31}P -spectroscopy.

RESULTS: Participants were predominantly middle-age (64 ± 11 years) women (97%). Although takotsubo cardiomyopathy occurred 20 (range 13–39) months before the study, the majority (88%) of patients had persisting symptoms compatible with heart failure (median of 13 [range 0–76] in the Minnesota Living with Heart Failure Questionnaire) and cardiac limitation on exercise testing (reduced peak oxygen consumption, 24 ± 1.3 versus 31 ± 1.3 mL/kg/min, $P < 0.001$; increased VE/Vco_2 slope, 31 ± 1 versus 26 ± 1 , $P = 0.002$). Despite normal left ventricular ejection fraction and serum biomarkers, patients with prior takotsubo cardiomyopathy had impaired cardiac deformation indices (reduced apical circumferential strain, -16 ± 1.0 versus $-23 \pm 1.5\%$, $P < 0.001$; global longitudinal strain, -17 ± 1 versus $-20 \pm 1\%$, $P = 0.006$), increased native T1 mapping values (1264 ± 10 versus 1184 ± 10 ms, $P < 0.001$), and impaired cardiac energetic status (phosphocreatine/ γ -adenosine triphosphate ratio, 1.3 ± 0.1 versus 1.9 ± 0.1 , $P < 0.001$).

CONCLUSIONS: In contrast to previous perceptions, takotsubo cardiomyopathy has long-lasting clinical consequences, including demonstrable symptomatic and functional impairment associated with persistent subclinical cardiac dysfunction. Taken together our findings demonstrate that after takotsubo cardiomyopathy, patients develop a persistent, long-term heart failure phenotype.

CLINICAL TRIAL REGISTRATION: URL: <https://clinicaltrials.gov>. Unique identifier: NCT02989454.

Caroline Scally, MBChB
Amelia Rudd, RDCS, BSE
Alice Mezincescu, MD
Heather Wilson, PhD
Janaki Srivanasan, RDCS, BSE
Graham Horgan, BA, MSc, PhD
Paul Broadhurst, MBBS, MD
David E. Newby, PhD, DM
Anke Henning, BSc, MSc, PhD
Dana K. Dawson, MD, DPhil

Key Words: broken heart syndrome
■ cardiac energetics ■ cardiopulmonary exercise testing ■ stress-induced cardiomyopathy ■ takotsubo

Sources of Funding, see page 1047

© 2017 The Authors. *Circulation* is published on behalf of the American Heart Association, Inc., by Wolters Kluwer Health, Inc. This is an open access article under the terms of the Creative Commons Attribution License, which permits use, distribution, and reproduction in any medium, provided that the original work is properly cited.

<http://circ.ahajournals.org>

Clinical Perspective

What Is New?

- Patients with prior takotsubo cardiomyopathy have persistent limiting symptoms and reduced exercise capacity.
- Takotsubo cardiomyopathy is associated with long-term structural and metabolic alterations in the myocardium.
- Takotsubo cardiomyopathy progresses to a persistent heart failure phenotype.

What Are the Clinical Implications?

- Patients should be counseled regarding the long-term symptomatic consequences of takotsubo cardiomyopathy.
- A better understanding of the mechanisms and the development of therapeutic interventions are urgently required to improve the outcome of patients with takotsubo cardiomyopathy.

Takotsubo cardiomyopathy has a dramatic clinical presentation, mimicking an acute myocardial infarction (MI).¹ It is characterized by a precipitating major stressful event and diagnosed when invasive cardiac catheterization demonstrates unobstructed coronary arteries and ballooning of the left ventricle. This can lead to major left ventricular dysfunction and acute heart failure. In the weeks after onset, the left ventricular dysfunction gradually recovers, which leads to the commonly accepted belief that takotsubo cardiomyopathy is a transient and self-limiting condition. This concept has been reinforced by the absence of demonstrable myocardial damage on routine cardiac magnetic resonance imaging.²

We have previously shown severe global edema of both the left and right ventricles associated with profound cardiac energetic impairment in the acute stages of takotsubo cardiomyopathy.^{3,4} These abnormalities do not completely resolve by 4 months and occur in apparent contradistinction to the recovery of left ventricular ejection fraction. In the current study, we explored whether long-term (>1 year) abnormalities persist after an acute episode of takotsubo cardiomyopathy. Specifically, we hypothesized that a persistent impairment in cardiac energetic status (primary end point) takes place, which, despite a normalized resting left ventricular ejection fraction, results in persistent symptoms and cardiac limitation during cardiopulmonary exercise testing (peak Vo_2 as secondary end point).

METHODS

The data-analytic methods and study materials will be made available to other researchers for purposes of reproducing the results or replicating these findings.

This was an observational cross-sectional case-control study of patients with prior (>12 months) takotsubo cardiomyopathy. All cases had to have a previously established diagnosis of takotsubo cardiomyopathy fulfilling the Mayo Clinic⁵ and the European Society of Cardiology–Heart Failure Association criteria,⁶ plus evidence of absence of fibrosis on cardiac magnetic resonance imaging. All patients had invasive coronary angiography and left ventriculography at the time of the initial diagnosis. All patients were identified from the Scottish Takotsubo Registry, and age-, sex-, and comorbidity-matched control subjects from the University of Aberdeen volunteer database were invited to participate. To match the comorbidities of the takotsubo participants precisely, control subjects were chosen to (1) be healthy and on no medication, (2) have isolated hypertension on 1 antihypertensive medication only, or (3) have diabetes mellitus (diet or metformin controlled). The study was approved by the Institutional Review Board (North of Scotland Research Ethics Committee), and all subjects gave written informed consent.

Clinical Assessment

Patients underwent a clinical assessment for symptom burden, including New York Heart Association status and quality of life (Minnesota Living with Heart Failure Questionnaire). Control subjects were carefully assessed by an experienced clinician, incorporating a detailed history and clinical examination. All participants underwent venous blood sampling for assessment of clinical hematology and biochemistry (full blood count, urea, creatinine, and electrolytes), brain natriuretic peptide (BNP) and a range of inflammatory cytokines. Exercise tolerance and metabolic performance were assessed using treadmill cardiopulmonary exercise testing, with further measurements of BNP at peak and 15 minutes after peak exercise. Structure and function of the heart were assessed using transthoracic echocardiography and cardiac magnetic resonance, including assessment of cardiac energetic status by ³¹P-magnetic resonance spectroscopy.

Biomarkers of Cardiovascular Homeostasis and Inflammatory Status

Serum was separated after centrifugation at 50 g for 10 minutes and stored at -80°C . BNP concentrations were determined using an immunoassay (Alere Triage MeterPro). Quantification of serum cytokine concentrations—growth-regulated protein or chemokine (C-X-C motif) ligand 1, tumor necrosis factor- α , interferon γ , monocyte chemoattractant protein 1, and the interleukins (IL-1, IL-6, IL-8 (chemokine ligand 8), IL-10, IL-12p40)—were performed using a bespoke commercially available kit (MILLIPLEX MAP Human Cytokine/Chemokine Magnetic Bead Panel; Merck Millipore).

Cardiopulmonary Exercise Testing

Cardiopulmonary exercise testing was performed on a treadmill (Marquette 12000, GE) integrated with a metabolic system (Quark PFT, Cosmed) using a progressive incremental ramp protocol of 1 km/h and base elevation of 1% gradient every minute until volitional exhaustion. Oxygen consumption (Vo_2) was measured breath by breath, and 12-lead ECG, heart and respiratory rate, blood pressure, and oxygen saturations

were measured throughout. Any test with a respiratory exchange ratio (RER) <1.1 was classed as suboptimal, and subjects with a forced expiratory volume end of the first second <70% of predicted were excluded from these analyses.

Transthoracic Echocardiography

Echocardiography was performed using a Vivid E9 equipped with a 2.5-MHz (M5S) transducer (GE Vingmed) by a single experienced British Society of Echocardiography-accredited sonographer. Three cardiac cycles in each of the standard parasternal long-axis, short-axis, apical 4-, apical 3-, and apical 2-chamber views were obtained at end-expiratory breath hold at a frame rate of ≥ 85 Hz and stored for off-line analysis. Any subject with left bundle-branch block on ECG was excluded from the strain and deformation analysis. Image analysis was performed using EchoPAC software (version 1.13) as previously described measuring left ventricular longitudinal, radial and circumferential strain, and deformation indices.⁷

Cardiac Magnetic Resonance Imaging and ³¹P-Magnetic Resonance Spectroscopy

All participants were scanned on a 3T Philips Achieva scanner (Best). ³¹P-CMR spectroscopy (³¹P-CMRS) was acquired using a 14-cm diameter transmit and receive ³¹P surface coil as described previously.³ A nonwater-suppressed ¹H point-resolved spectroscopy acquisition was used to monitor resonance frequency determination and B₀ shimming over the ³¹P-CMRS volume of interest, which was positioned to cover the entire interventricular septum. The ³¹P-CMRS acquisition was an ECG-gated image-selected in vivo spectroscopy sequence, triggered to mid-late diastole, with a repetition time of ≥ 10 seconds. A 5-channel cardiac coil was used to acquire cine imaging, early and late gadolinium enhancement (Gadovist, 0.1 mmol/kg) with swap of the phase-encoding direction, and pre- and postcontrast Modified Look-Locker Imaging T1 mapping.⁸ Data for T1 mapping were acquired with 3(3)3(3)5 and 5(3)3 schemes for native and postcontrast T1 measurement, respectively. ³¹P-CMRS data were analyzed in JMRUI3.0 as described previously.³ The phosphocreatine/ γ -adenosine triphosphate (PCr/ γ ATP) ratio (which is the gold standard for in vivo assessment of myocardial energetic status)⁹ was determined after the γ ATP was corrected for blood contamination and PCr/ γ ATP ratios were saturation-corrected as described previously.^{10–12} To ensure that spectra were of good quality, Cramér-Rao standard deviations of all peaks were calculated, and only those <20% were accepted. The CMR images were analyzed in CMR Tools (Cardiovascular Imaging Solutions) for computation of left ventricular volumes and mass. T1 maps were imported into Segment (Medviso), and T1 values were generated for each of the 16 segments of the 17-segment model¹³ (omitting the true apex), and the myocardial extracellular volume fraction was calculated as described previously.⁴

Our interobserver variabilities for strain echocardiography, ³¹P-CMRS, and CMR have been reported previously and ranged between 3 and $6 \pm 1\%$ to 2% for all strain echocardiography parameters, 1.5 and 2.7 ± 0.5 to 1.5% for cardiac magnetic resonance inclusive of T1 mapping, and $5 \pm 2\%$ for cardiac spectroscopy. Our interstudy variability for healthy volunteers were $5 \pm 2\%$ for strain echocardiography,

$2 \pm 0.5\%$ for cardiac magnetic resonance and T1 mapping, and $6 \pm 2\%$ for PCr/ γ ATP ratio.^{3,4,7}

Statistical Analysis

Statistical analysis was performed using IBM SPSS statistics version 24.0 and R version 3.2 (R Foundation for Statistical Computing). Case and control groups were compared by analysis of variance, with age and sex as covariates, to reduce the unexplained residual variability and increase the power of the comparison. Because some medications/comorbidities were not present in control subjects, data were analyzed both with and without these as covariates (the data without these additional covariates are reported because they did not affect the conclusions). Log-transformed values were used where distributions appeared skewed. Means were calculated and adjusted for age and sex distribution in the whole dataset. Data are shown as mean $\pm$ SEM or median (range). Statistical significance was set at $P < 0.01$ rather than the usual 0.05 to reduce the risk of type I errors resulting from multiple hypothesis tests.

RESULTS

Thirty-seven patients with prior takotsubo cardiomyopathy were recruited at a median time of 20 months (range 13–39) from the index event. They were predominantly middle-age or elderly (median 65 years, range 34–81) women. Their demographics and acute takotsubo episode details are summarized in Table 1. Thirty-seven control subjects of a similar median age 64 (range 34–86), sex (36 female), and comorbidity distribution were enrolled (Table 1). The diagnosis of a psychiatric illness predated the acute takotsubo event in all cases.

Symptoms

The majority (88%) of patients with prior takotsubo cardiomyopathy had symptoms including fatigue (74%), shortness of breath (43%), palpitations (8%), and chest pain (8%). Most patients were New York Heart Association class I (70%), 10 patients were New York Heart Association class II (27%), and 1 patient was New York Heart Association class III (3%). All control subjects were asymptomatic.

Thirty-five patients completed the Minnesota Living with Heart Failure Questionnaire (Figure 1). The median total score was 13 (range 0–76). Only 3 patients reported a score of 0, and patients scored higher in the physical domain with a median of 7 (range 0–33) than in the emotional domain with a median of 1 (range 0–25).

Exercise Capacity (Peak Oxygen Consumption)

Of the 37 patients with prior takotsubo cardiomyopathy, 1 had both breathlessness and ischemic changes on the ECG during exercise and stopped before an

Table 1. Characteristics of Study Population

| | Patients With Prior Takotsubo Cardiomyopathy (n=37) | Matched Control Subjects (n=37) | P Value |
|--|---|---------------------------------|---------|
| Female (%) | 36 (97) | 36 (97) | — |
| Age, y (mean±SD) | 64±11 | 64±9 | 0.9 |
| BMI, kg/m ² | 27±5 | 26±4 | 1.0 |
| Time since acute event (months) | 20 (13–39) | — | — |
| Past medical history | | | |
| Hypertension | 7 | 7 | — |
| Diabetes mellitus | 3 | 3 | — |
| Thyroid disease | 7 | 2 | — |
| Psychiatric disease | 11 | 0 | — |
| Depression | 8 | 0 | — |
| Anxiety | 3 | 0 | — |
| Atrial fibrillation | 0 | 0 | — |
| Medication | | | |
| β-blocker | 9 | 3 | — |
| ACE inhibitor | 13 | 5 | — |
| Calcium channel blocker | 1 | 3 | — |
| Diuretic | 1 | 1 | — |
| Antidepressant (SSRI) | 4 | 0 | — |
| Acute takotsubo episode | | | |
| Presenting symptom n (%) | | | |
| Chest pain | 31 (84) | — | — |
| Breathlessness | 1 (3) | — | — |
| Syncope | 5 (13) | — | — |
| LV ballooning type, n (%) | | | |
| Apical | 30 (81) | — | — |
| Midcavity | 7 (19) | — | — |
| ECG, n (%) | | | |
| STEMI | 15 (41) | — | — |
| NSTEMI | 19 (51) | — | — |
| LBBS | 3 (8) | — | — |
| Stressor, n (%) | | | |
| Physical | 4 (11) | — | — |
| Emotional | 25 (68) | — | — |
| None | 8 (21) | — | — |
| Persistent symptoms after takotsubo, n (%) | | | |
| Chest pain | 3 (8) | — | — |
| Breathlessness | 15 (43) | — | — |
| Fatigue | 26 (74) | — | — |
| Palpitations | 3 (8) | — | — |
| NYHA class, n (%) | | | |
| I | 26 (70) | — | — |
| II | 10 (27) | — | — |
| III | 1 (3) | — | — |

(Continued)

Table 1. Continued

| | Patients With Prior Takotsubo Cardiomyopathy (n=37) | Matched Control Subjects (n=37) | P Value |
|----------------------------------|---|---------------------------------|---------|
| MLWHFQ score (median, range) | | | |
| Total score | 13 (0–76) | — | — |
| Physical domain | 7 (0–33) | — | — |
| Emotional domain | 1 (0–25) | — | — |
| Echocardiography | n=34 | n=37 | |
| EF, % | 63±1 | 64±1 | 0.4 |
| Estimated RVSP, mmHg | 28±1 | 27±1 | 0.8 |
| Global longitudinal strain, % | −17±0.6 | −20±0.6 | 0.006 |
| Apical circumferential strain, % | −16±1.0 | −23±1.5 | <0.001 |
| LV twist, ° | 13±1.2 | 22±0.9 | <0.001 |
| LV twist rate, %/s | 85±6.4 | 117±5.3 | <0.001 |
| LV untwist rate, %/s | −96±10 | −118±5 | 0.009 |
| Cardiac magnetic resonance | n=29 | n=24 | |
| LVEDV index, ml/m ² | 70±3 | 73±3 | 0.4 |
| LVESV index, ml/m ² | 25±1 | 26±3 | 0.5 |
| LV mass index, g/m ² | 63±2 | 62±2 | 0.9 |
| LV EF, % | 65±1 | 64±2 | 0.6 |
| Whole-heart native T1, ms | 1264±10 | 1184±10 | <0.001 |
| Whole-heart ECV, % | 27±1 | 27±1 | 0.3 |

All data are shown as mean±SEM unless stated otherwise. BMI indicates body mass index; ECV, extracellular volume fraction; EF, ejection fraction; LBBS, left bundle-branch block; LV, left ventricle; LVEDV, left ventricular end-diastolic volume; LVESV, left ventricular end-systolic volume; MLWHFQ, Minnesota Living With Heart Failure Questionnaire; NSTEMI, non-ST elevation myocardial infarction; NYHA, New York heart Association; RVSP, right ventricular systolic pressure; SSRI, selective serotonin reuptake inhibitor; and STEMI, ST elevation myocardial infarction.

RER of 1.1. Only 20 (54%) patients were able to exercise to an RER of 1.1, and their results are shown in Table 2, Figure 2, and Table 1 in the online-only Data Supplement. No desaturation on exercise occurred in either group. Blood pressure and heart rate responses as well as the breathing reserve were similar between groups. Compared with control subjects, patients with prior takotsubo cardiomyopathy had a lower peak $\dot{V}_{O_2}$ and a higher $\dot{V}_{E}/\dot{V}_{CO_2}$ slope ($P<0.001$ and $P=0.002$, respectively). These findings were consistent irrespective of the exclusion of those subjects receiving β-blocker therapy ($n=5$ patients with takotsubo cardiomyopathy; $P=0.004$ for peak $\dot{V}_{O_2}$ and $P=0.003$ for $\dot{V}_{E}/\dot{V}_{CO_2}$ slope). Patients with prior takotsubo cardiomyopathy had a lower metabolic equivalent than the control subjects ($P=0.001$). There was no significant difference between groups in the BNP concentrations at any of the time points assessed (rest, peak exercise, or 15 minutes after peak exercise) (Table 2).

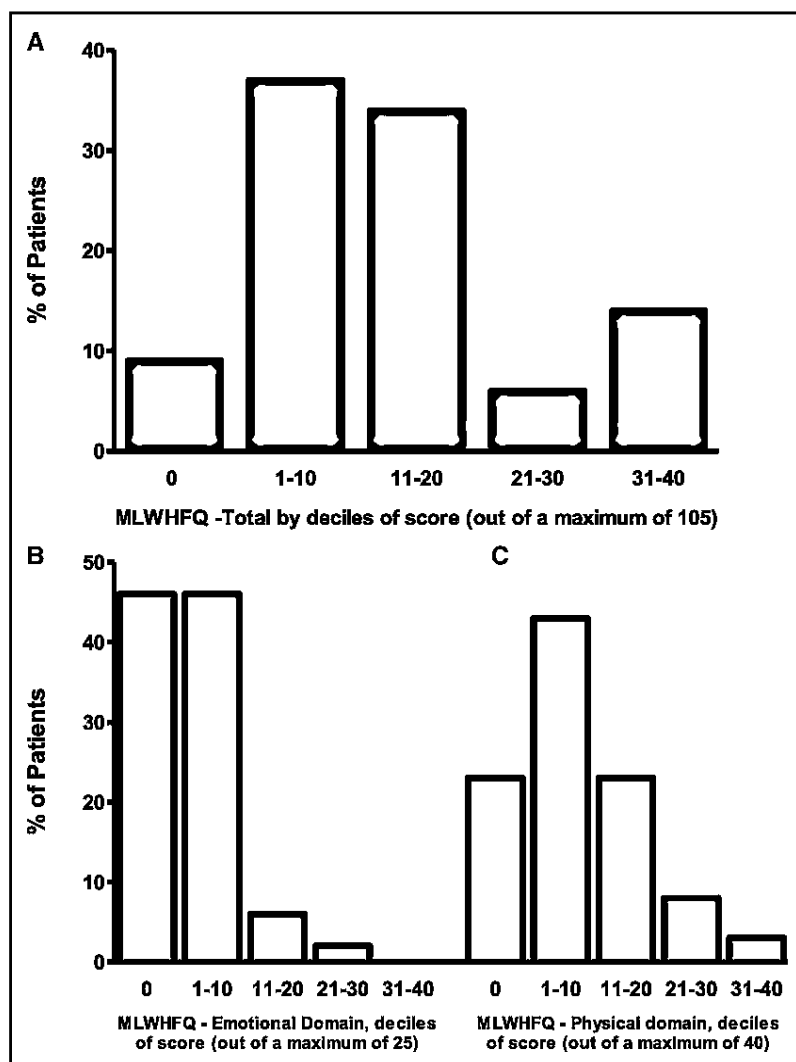


Figure 1. Minnesota Living with Heart Failure Questionnaire (MLWHFQ) scores by decile.

A, MLWHFQ total score. **B**, Emotional domain. **C**, Physical domain.

Echocardiography

Left ventricular ejection fraction and estimated pulmonary artery pressure were similar in patients with prior takotsubo cardiomyopathy and control subjects (Table 1). However, compared with control subjects, the global left ventricular longitudinal and apical circumferential strain were reduced ($P=0.006$ and $P<0.001$, respectively). As a result, global left ventricular twist, twist rate, and untwist rate were reduced in patients with prior takotsubo cardiomyopathy ($P<0.001$, $P<0.001$, and $P=0.009$, respectively) (Table 1 and Table II in the online-only Data Supplement).

Cardiac Magnetic Resonance

Indexed left ventricular volumes, mass, and ejection fraction were similar in patients with prior takotsubo cardiomyopathy and control subjects (Table 1). None of the participants had evidence of late gadolinium

enhancement. However, whole heart native T1 values were higher in patients with prior takotsubo cardiomyopathy than control subjects ($P<0.001$). The differences were seen in the basal, midcavity, and apical segments (Table III in the online-only Data Supplement). No difference was found in the whole heart-calculated extracellular volume fraction ($P=0.3$).

Resting cardiac energetic status (PCr/ γ ATP ratio) and cardiac spectra were markedly different in patients with prior takotsubo cardiomyopathy (Figure 3). When the subject groups were divided by comorbidity status (hypertension, diabetes mellitus), they had similar PCr/ γ ATP ratios as those without (Table 3, Figure 3).

Serum Cytokine Profiles

An apparent trend appeared for higher serum growth-regulated protein or chemokine ligand 1 concentrations in patients with prior takotsubo cardiomyopathy

Table 2. Cardiopulmonary Exercise Testing in Patients With Prior Takotsubo Cardiomyopathy and Matched Control Subjects

| | Patients With Prior Takotsubo Cardiomyopathy (n=20) | Matched Control Subjects (n=20) | P Value |
|-----------------------------------|---|---------------------------------|---------|
| Peak Vo_2 , mL/min/kg | 24±1.3 | 31±1.3 | <0.001 |
| VE/ Vco_2 slope | 31±1 | 26±1 | 0.002 |
| Vo_2 at AT, mL/min/kg | 17±1.0 | 20±1.0 | 0.02 |
| Vo_2 /HR | 11±1 | 13±1 | 0.01 |
| Resting O_2 sats, % | 99±0.3 | 99±0.2 | 0.9 |
| Peak O_2 sats, % | 97±0.6 | 96±0.6 | 0.2 |
| BR, % | 28±3 | 27±2.5 | 0.7 |
| Resting HR, bpm | 74±3 | 76±3 | 0.6 |
| Peak HR, bpm | 144±4 | 154±4 | 0.07 |
| Resting systolic BP, mm Hg | 135±4 | 127±4 | 0.2 |
| Resting diastolic BP, mm Hg | 79±3 | 80±3 | 0.6 |
| Peak systolic BP, mm Hg | 156±6 | 161±6 | 0.5 |
| Peak diastolic BP, mm Hg | 87±3 | 83±3 | 0.7 |
| RER | 1.16±0.02 | 1.22±0.02 | 0.02 |
| FEV ₁ , l | 2.1±0.02 | 2.5±0.07 | 0.002 |
| FEV ₁ , % of predicted | 90±2 | 101±2 | 0.002 |
| METS | 6.9±0.4 | 8.7±0.4 | 0.001 |
| Resting BNP, pg/mL | 45±10 | 34±10 | 0.4 |
| Peak BNP, pg/mL | 73±17 | 44±16 | 0.2 |
| BNP 15 min after exercise, pg/mL | 40±12 | 35±9 | 0.7 |

All data are shown as mean±SEM. AT indicates anaerobic threshold; BNP, brain natriuretic peptide; BP, blood pressure; BR, breathing reserve; FEV₁, forced expiratory volume in 1 second; HR, heart rate; METS, metabolic equivalents; peak Vo_2 , rate of oxygen consumption at peak exercise; RER, respiratory exchange ratio; VE/ Vco_2 , slope of the minute ventilation/carbon dioxide production relationship; and Vo_2 /HR, oxygen pulse.

($P=0.08$), but all other cytokine concentrations were similar between the groups (Table IV in the online-only Data Supplement).

Clinical hematology and biochemistry were within normal limits in all participants (data not shown).

DISCUSSION

This is the first detailed cross-sectional case-control study investigating the long-term structural and functional consequences of takotsubo cardiomyopathy. We demonstrate that most patients with prior takotsubo cardiomyopathy have persistent symptoms of heart failure because of physical rather than emotional disability. This finding is consistent with their poor exercise tolerance and evidenced by objective reductions in peak

Vo_2 because of cardiac limitation on cardiopulmonary exercise testing (increased VE/ Vco_2 slope). In turn, these factors appear to be related to alterations in native T1 values, impaired left ventricular strain patterns, and reduced cardiac energetic status. Taken together, these findings demonstrate a substantial and persistent adverse alteration in long-term cardiac morbidity associated with takotsubo cardiomyopathy and define a new clinical phenotype in this population.

Our study has a number of important strengths. First, we used a rigorous definition of takotsubo cardiomyopathy and specifically excluded patients with any prior overt or covert cardiac disease. Second, we had a robust sample size and specifically incorporated a control population that was well matched for important characteristics and typical comorbidities. Third, we deliberately studied patients remote from their index event to ensure that we were exploring effects that could not be attributable to the acute index episode. Finally, we undertook highly detailed symptomatic and objective assessments of cardiac structure and function using state-of-the-art techniques. Therefore, we believe our findings are robust, informative, and novel.

Study Rationale

Despite its dramatic clinical presentation, a fundamental characteristic of takotsubo cardiomyopathy is the spontaneous recovery of the left ventricular ejection fraction, which returns to normal or near normal in all patients over a variable period of time (days to weeks). In contrast to this assumption of rapid and complete recovery, 2 large registries have recently and independently reported that the long-term mortality of takotsubo cardiomyopathy appears comparable to that of patients with MI.^{14–16} Because these prognostic registry data are in apparent contradiction with the universally observed resolution of left ventricular ejection fraction, the key question arising is: what additional processes intervene to confer on these patients such an unexpectedly poor prognosis? Our study provides important mechanistic data that may help explain some of these findings.

Exercise Capacity and Metabolic Performance

It was surprising and noteworthy that nearly half of our patients with prior takotsubo cardiomyopathy were unable to exercise sufficiently to achieve the required RER of 1.1. Their attempted but unachieved cardiopulmonary exercise test strengthens the argument that these patients experience marked exercise limitation, mostly represented by their symptoms of general fatigue. Even in those patients who achieved an RER >1.1, several important abnormal characteristics were present, including lower peak Vo_2 and higher VE/ Vco_2 slope. Un-

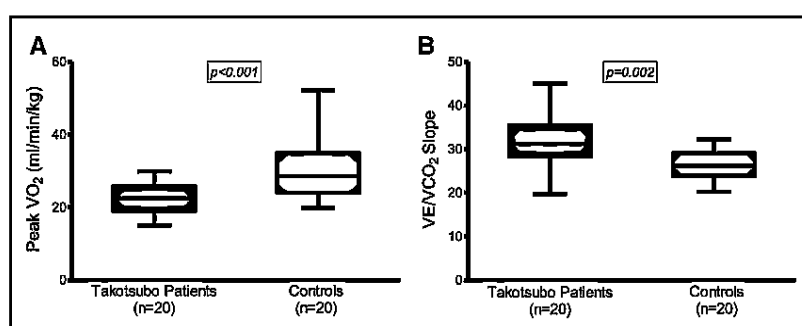


Figure 2. Cardiopulmonary exercise data in patients with takotsubo cardiomyopathy and matched control subjects. **A**, Peak VO_2 . **B**, VE/CO_2 slope. Data shown as median, 25th, and 75th percentiles and maximum and minimum (whiskers).

like other typical heart failure phenotypes, patients with prior takotsubo cardiomyopathy had an appropriate blood pressure response and no chronotropic incom-

petence with exercise. Their normal oxygen saturation at maximal exercise and normal breathing reserve ruled out a respiratory cause for their peak VO_2 reduction.

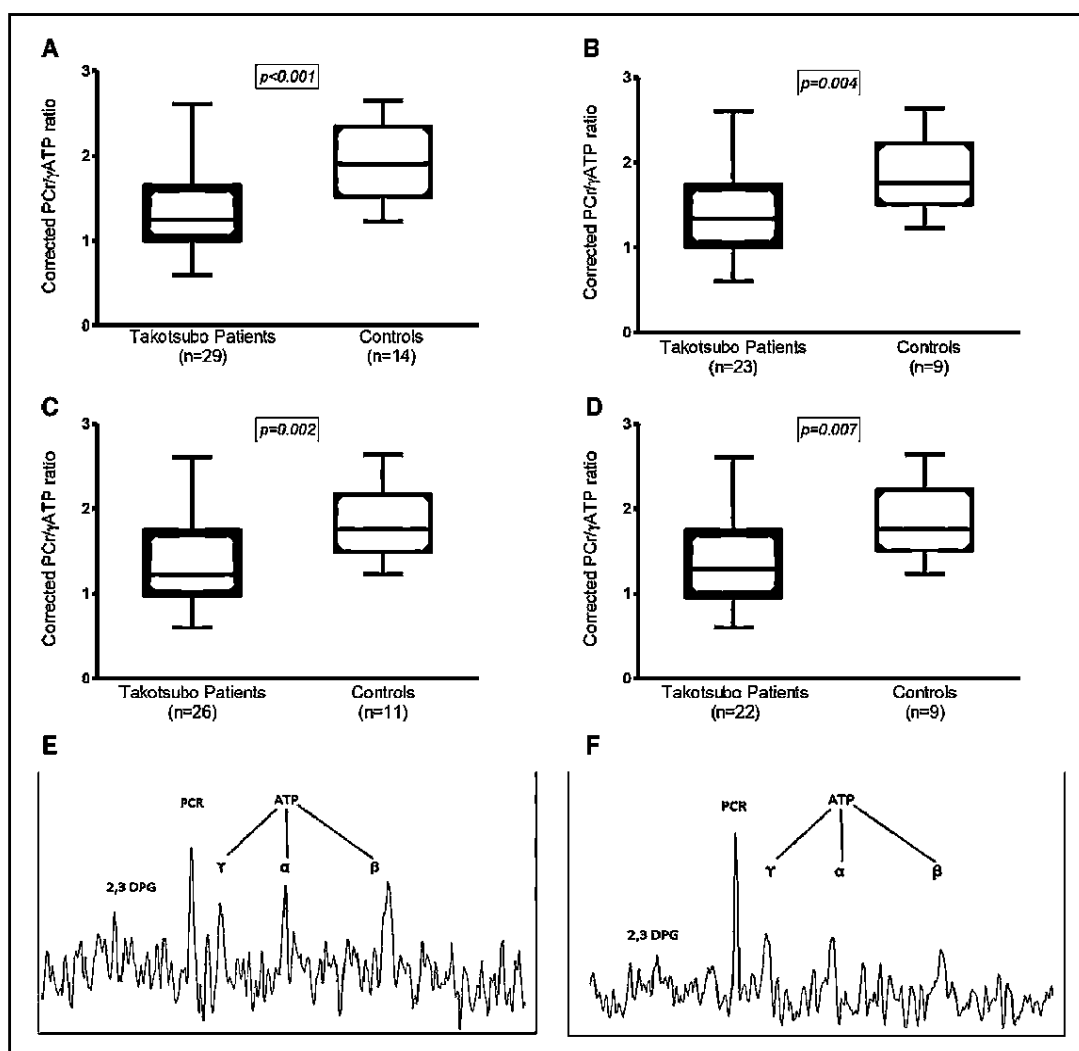


Figure 3. Corrected phosphocreatine (PCr)/γ-adenosine triphosphate (γATP) ratio in patients with takotsubo cardiomyopathy and matched control subjects.

A, All subjects. **B**, Excluding subjects with hypertension. **C**, Excluding subjects with diabetes mellitus. **D**, Excluding subjects with both hypertension and diabetes mellitus. Data shown as median, 25th, and 75th percentiles and maximum and minimum (whiskers). Representative spectral analyses. **E**, Patient with previous takotsubo cardiomyopathy. **F**, A healthy control. The takotsubo patient shows a reduction in PCr/γATP ratio.

Table 3. Corrected Phosphocreatine (PCr)/ γ -Adenosine Triphosphate (γ ATP) Ratio in Patients With Prior Takotsubo Cardiomyopathy and Matched Control Subjects

| | Patients With Prior Takotsubo Cardiomyopathy | Matched Control Subjects | P Value |
|---|--|--------------------------|---------|
| All | 1.3 $\pm$ 0.1 | 1.9 $\pm$ 0.1 | <0.001 |
| Excluding hypertension only | 1.3 $\pm$ 0.1 | 1.9 $\pm$ 0.2 | 0.004 |
| Excluding diabetes mellitus only | 1.3 $\pm$ 0.1 | 1.9 $\pm$ 0.1 | 0.002 |
| Excluding both hypertension and diabetes mellitus | 1.3 $\pm$ 0.1 | 1.9 $\pm$ 0.2 | 0.007 |

All data are shown as mean $\pm$ SEM. Subject numbers as per Figure 3.

Despite their normal left ventricular ejection fraction, these metabolic characteristics are strongly suggestive of a heart failure phenotype. Both peak Vo_2 and VE/Vco_2 slope are predictors of cardiovascular morbidity and mortality in heart failure of several etiologies.^{17–19} The finding of a lower forced expiratory volume in patients with prior takotsubo cardiomyopathy is perhaps surprising and unexplained, although patients with other heart failure syndromes also have a reduced forced expiratory capacity.²⁰ Although only detected as a mild reduction (all forced expiratory volumes were >90% of predicted), this may also be a feature of post-takotsubo cardiomyopathy, although the less likely possibility of subclinical and previously unrecognized lung pathology of a different etiology in this group has not been entirely ruled out.

Functional and Structural Abnormalities of the Left Ventricle and Cardiac Energetic Status

How do we account for the increased symptoms and markedly reduced exercise capacity in the face of an apparently normal left ventricular ejection fraction? We report here several important abnormalities of left ventricular performance. Echocardiography strain deformation data reveal subtle abnormalities located mostly in the left ventricular apex. Together with the significantly basal, midcavity, and apical prolongation of T1 values suggesting microscopic fibrosis,^{21,22} this finding points to the fact that distinctive and regional intramyocardial remodeling processes persist after an acute episode of takotsubo cardiomyopathy, suggesting that the heart loses some of its wringing motion mostly in the regions acutely affected (the apex and midcavity in this cohort studied in this report). Although these changes are subtle and do not result in any marked, readily identifiable remodeling, such as that seen to occur after MI, they do have an impact on the functional status and development of heart failure symptoms. These data are in keeping with the prediction of

the acute invasive hemodynamic studies performed by Medeiros et al,²³ who predicted that if the mismatch observed in the acute phase in the ventricular-arterial coupling of these patients remains prolonged, it could conceivably contribute to chronic myocardial remodeling. Finally, further evidence comes from the reduction in cardiac energetic status of these patients, which is in keeping with their exercise/metabolic testing. The lower PCr/ γ ATP ratio in patients with takotsubo suggests that this abnormality, once established, is ongoing and likely contributory to the chronic takotsubo phenotype, at least in part. The abnormal cardiac energetic status did not appear to be driven by other pathologies such as hypertension or diabetes mellitus, which are known to negatively impact on cardiac energetic status.^{24–26} These comorbidities do so in more advanced clinical stages compared with our patients with takotsubo (no patient in our cohort was on >1 antihypertensive or 1 antidiabetic medication, and comorbidities were well controlled on this regime without any evidence of end-organ damage).

Biomarkers of Cardiovascular Homeostasis and Inflammation

Given the remarkable intensity and extent of edema present in the myocardium in the acute stages of takotsubo cardiomyopathy, which was shown to be slow to resolve, we thought it important to explore the long-term pro- and anti-inflammatory status of these patients. Although the mean concentrations of all pro-inflammatory cytokine concentrations were numerically higher in patients with prior takotsubo cardiomyopathy, no statistically significant differences were identified. We therefore cannot exclude a low-grade systemic or myocardial inflammatory state, and this warrants further investigation in a larger sample size. Similarly, although the BNP concentrations were not significantly different from the control subjects, they were above accepted resting reference values for normalcy.²⁷ The above-normal BNP values may represent increased myocardial stretch because of increased filling pressures, a persistent low-grade inflammation status, or both. Further studies are required to elucidate this. However, this study was not powered to assess any biomarker end points, so these data are of hypothesis-generating value at this stage.

Study Limitations

We acknowledge our study's weaknesses. From our study design, it is not possible to determine whether these marked abnormalities described here are a consequence of takotsubo cardiomyopathy or predate and predispose the patient to develop this condition. Further work is needed to establish whether predispos-

ing factors are identifiable so that susceptible individuals can be investigated or offered potential preventive therapies. Moreover, it would be important to establish cause and effect as well as potential mechanisms of pathways of this serious condition. We also acknowledge the potential for case selection bias, in that symptomatic patients may have been more inclined to volunteer for inclusion in our study. Future prospective cohorts may be able to address this concern.

A Gap in Knowledge

Overall, the data in this study fill an important gap of currently missing but much needed information for the appropriate clinical care of patients with takotsubo. Many descriptive studies have focused on the acute presentation of takotsubo cardiomyopathy. The invariable recovery of left ventricular ejection fraction has misled the medical community into believing that takotsubo cardiomyopathy is transient and self-limiting. Despite a well-recognized early mortality^{28–30} and establishment of clinical features pointing to those at risk,^{31,32} no data have described the physiological and clinical status of these patients long term. To the best of our knowledge, these data, which demonstrate that patients with takotsubo have symptoms and objective findings compatible with a heart failure syndrome, are unique and novel in the takotsubo literature. These findings should impact clinical practice primarily in the counseling and follow-up of such patients, and they should encourage further research into therapies to mitigate symptoms and improve prognosis.

CONCLUSIONS

We describe a new clinical phenotype in patients who suffered an acute takotsubo episode >1 year previously. This is characterized by impaired cardiac energetic status and reduced maximal oxygen consumption on exercise because of significant cardiac limitation. Our findings demonstrate that patients with prior takotsubo cardiomyopathy develop a heart failure phenotype with a significant impact on quality of life.

ARTICLE INFORMATION

Received September 22, 2017; accepted October 23, 2017.

The online-only Data Supplement is available with this article at <http://circ.ahajournals.org/lookup/suppl/doi:10.1161/CIRCULATIONAHA.117.031841/-/DC1>.

This work was presented in part at the Early Career Award competition at the Society for Cardiovascular Magnetic Resonance Sessions, Washington, DC, January 2017; and in full at the Samuel A. Levine Young Investigator Award competition at the American Heart Association Scientific Sessions, Anaheim, CA, 2017.

Correspondence

Caroline Scully, MBChB, Department of Cardiovascular Medicine, University of Aberdeen, Polwarth Bldg, Foresterhill, Aberdeen, United Kingdom. E-mail carolinescully@abdn.ac.uk

Affiliations

Aberdeen Cardiovascular and Diabetes Research Centre, University of Aberdeen, United Kingdom (C.S., A.R., A.M., H.W., J.S., P.B., D.K.D.). Department of Biomathematics and Statistics Scotland, Aberdeen, United Kingdom (G.H.). Department of Cardiovascular Sciences, University of Edinburgh, United Kingdom (D.E.N.). Department of Biomedical Imaging, University of Greifswald, Germany (A.H.).

Sources of Funding

The HEROIC study was funded by the British Heart Foundation Project Grant no. PG/15/108/31928 (D.K.D.), the Josephine Lansdell British Medical Association 2015 Award (D.K.D.), and the Chief Scientist Office CGA-16-4 Catalytic Grant (D.K.D.). D.E.N. is supported by the British Heart Foundation (CH/09/002) and a Wellcome Trust Senior Investigator Award (WT103782AIA).

Disclosures

Dr Dawson has a research agreement with Philips Healthcare and holds an MTA with AMAG Pharmaceuticals. The other authors declare no conflicts of interest.

REFERENCES

- Prasad A, Lerman A, Rihal CS. Apical ballooning syndrome (Tako-Tsubo or stress cardiomyopathy): a mimic of acute myocardial infarction. *Am Heart J*. 2008;155:408–417. doi: 10.1016/j.ahj.2007.11.008.
- Eitel I, von Knobelsdorff-Brenkenhoff F, Bernhardt P, Carbone I, Muellerleile K, Aldrovandi A, Francione M, Desch S, Gutberlet M, Strohm O, Schuler G, Schulz-Menger J, Thiele H, Friedrich MG. Clinical characteristics and cardiovascular magnetic resonance findings in stress (takotsubo) cardiomyopathy. *JAMA*. 2011;306:277–286. doi: 10.1001/jama.2011.992.
- Dawson DK, Neil CJ, Henning A, Cameron D, Jagpal B, Bruce M, Horowitz J, Frenneaux MP. Tako-tsubo cardiomyopathy: a heart stressed out of energy? *JACC Cardiovasc Imaging*. 2015;8:985–987. doi: 10.1016/j.jcmg.2014.10.004.
- Scully C, Ahearn T, Rudd A, Neil CJ, Srivanasan J, Jagpal B, Horowitz J, Frenneaux M, Dawson DK. Right ventricular involvement and recovery after acute stress-induced (tako-tsubo) cardiomyopathy. *Am J Cardiol*. 2016;117:775–780. doi: 10.1016/j.amjcard.2015.11.057.
- Madhavan M, Prasad A. Proposed Mayo Clinic criteria for the diagnosis of tako-tsubo cardiomyopathy and long-term prognosis. *Herz*. 2010;35:240–243. doi: 10.1007/s00059-010-3339-x.
- Lyon AR, Bossone E, Schneider B, Sechtem U, Citro R, Underwood SR, Sheppard MN, Figtree GA, Parodi G, Akashi YJ, Ruschitzka F, Filippatos G, Mebazaa A, Omerovic E. Current state of knowledge on takotsubo syndrome: a Position Statement from the Taskforce on Takotsubo Syndrome of the Heart Failure Association of the European Society of Cardiology. *Eur J Heart Fail*. 2016;18:8–27. doi: 10.1002/ehf.424.
- Schwarz K, Ahearn T, Srivanasan J, Neil CJ, Scully C, Rudd A, Jagpal B, Frenneaux MP, Pislaru C, Horowitz JD, Dawson DK. Alterations in cardiac deformation, timing of contraction and relaxation, and early myocardial fibrosis accompany the apparent recovery of acute stress-induced (takotsubo) cardiomyopathy: an end to the concept of transience. *J Am Soc Echocardiogr*. 2017;30:745–755. doi: 10.1016/j.echo.2017.03.016.
- Messroghli DR, Radjenovic A, Kozerke S, Higgins DM, Sivananthan MU, Ridgway JP. Modified look-locker inversion recovery (MOLLI) for high-resolution T1 mapping of the heart. *Magn Reson Med*. 2004;52:141–146. doi: 10.1002/mrm.20110.
- Neubauer S, Horn M, Naumann A, Tian R, Hu K, Laser M, Friedrich J, Gaudron P, Schnackerz K, Ingwall JS. Impairment of energy metabolism in intact residual myocardium of rat hearts with chronic myocardial infarction. *J Clin Invest*. 1995;95:1092–1100. doi: 10.1172/JCI117756.
- Shivu GN, Abozguia K, Phan TT, Ahmed I, Henning A, Frenneaux M. (31)P magnetic resonance spectroscopy to measure *in vivo* cardiac energetics in normal myocardium and hypertrophic cardiomyopathy: Experiences at 3T. *Eur J Radiol*. 2010;73:255–259. doi: 10.1016/j.ejrad.2008.10.018.
- Bottomley PA, Hardy CJ, Weiss RG. Correcting human heart ³¹P NMR spectra for partial saturation: evidence that saturation factors for PCr/ATP are homogeneous in normal and disease states. *J Magn Reson Imaging*. 1991;95:341–355. doi: 10.1016/0022-2364(91)90223-G.

12. Conway MA, Bottomley PA, Ouwerkerk R, Radda GK, Rajagopalan B. Mitral regurgitation: impaired systolic function, eccentric hypertrophy, and increased severity are linked to lower phosphocreatine/ATP ratios in humans. *Circulation*. 1998;97:1716–1723. doi: 10.1161/01.CIR.97.17.1716.
13. Cerqueira MD, Weissman NJ, Dilsizian V, Jacobs AK, Kaul S, Laskey WK, Pennell DJ, Rumberger JA, Ryan T, Verani MS; American Heart Association Writing Group on Myocardial Segmentation and Registration for Cardiac Imaging. Standardized myocardial segmentation and nomenclature for tomographic imaging of the heart: a statement for healthcare professionals from the Cardiac Imaging Committee of the Council on Clinical Cardiology of the American Heart Association. *Circulation*. 2002;105:539–542. doi: 10.1161/hc0402.102975.
14. Templin C, Ghadri JR, Diekmann J, Napp LC, Bataiosu DR, Jaguszewski M, Cammann VL, Sarcon A, Geyer V, Neumann CA, Seifert B, Hellermann J, Schwyzer M, Eisenhardt K, Jenewein J, Franke J, Katus HA, Burgdorf C, Schunkert H, Moeller C, Thiele H, Bauersachs J, Tschöpe C, Schultheiss HP, Laney CA, Rajan L, Michels G, Pfister R, Ukena C, Böhm M, Erbel R, Cuneo A, Kuck KH, Jacobshagen C, Hasenfuss G, Karakas M, Koenig W, Rottbauer W, Said SM, Braun-Dullaeus RC, Cuculi F, Banning A, Fischer TA, Vassankari T, Airaksinen KE, Fijalkowski M, Rynkiewicz A, Pawlak M, Opolski G, Dvorakowski R, McCarthy P, Kaiser C, Osswald S, Galiuto L, Crea F, Dichtl W, Franz WM, Empen K, Felix SB, Delmas C, Lairez O, Erne P, Bax JJ, Ford I, Ruschitzka F, Prasad A, Lüscher TF. Clinical features and outcomes of takotsubo (stress) cardiomyopathy. *N Engl J Med*. 2015;373:929–938. doi: 10.1056/NEJMoa1406761.
15. Ghadri JR, Cammann VL, Napp LC, Jurisic S, Diekmann J, Bataiosu DR, Seifert B, Jaguszewski M, Sarcon A, Neumann CA, Geyer V, Prasad A, Bax JJ, Ruschitzka F, Lüscher TF, Templin C; International Takotsubo (InterTAK) Registry. Differences in the clinical profile and outcomes of typical and atypical takotsubo syndrome: data from the International Takotsubo Registry. *JAMA Cardiol*. 2016;1:335–340. doi: 10.1001/jamacardio.2016.0225.
16. Tornvall P, Collste O, Ehrenborg E, Järnbert-Pettersson H. A case-control study of risk markers and mortality in takotsubo stress cardiomyopathy. *J Am Coll Cardiol*. 2016;67:1931–1936. doi: 10.1016/j.jacc.2016.02.029.
17. Stelken AM, Younis LT, Jennison SH, Miller DD, Miller LW, Shaw LJ, Kargl D, Chaitman BR. Prognostic value of cardiopulmonary exercise testing using percent achieved of predicted peak oxygen uptake for patients with ischemic and dilated cardiomyopathy. *J Am Coll Cardiol*. 1996;27:345–352. doi: 10.1016/0735-1097(95)00464-5.
18. Myers J, Gullestad L, Vagelos R, Do D, Bellin D, Ross H, Fowler MB. Clinical, hemodynamic, and cardiopulmonary exercise test determinants of survival in patients referred for evaluation of heart failure. *Ann Intern Med*. 1998;129:286–293. doi: 10.7326/0003-4819-129-4-199808150-00004.
19. Chua TP, Ponikowski P, Harrington D, Anker SD, Webb-Peploe K, Clark AL, Poole-Wilson PA, Coats AJ. Clinical correlates and prognostic significance of the ventilatory response to exercise in chronic heart failure. *J Am Coll Cardiol*. 1997;29:1585–1590. doi: 10.1016/S0735-1097(97)00078-8.
20. Baum C, Ojeda FM, Wild PS, Rzaeva N, Zeller T, Sinning CR, Pfeiffer N, Beutel M, Blettner M, Lackner KJ, Blankenberg S, Münzel T, Rabe KF, Schnabel RB; Gutenberg Health Study Investigators. Subclinical impairment of lung function is related to mild cardiac dysfunction and manifest heart failure in the general population. *Int J Cardiol*. 2016;218:298–304. doi: 10.1016/j.ijcard.2016.05.034.
21. Puntmann VO, Pekar E, Chandrasekhar Y, Nagel E. T1 Mapping in characterizing myocardial disease: a comprehensive review. *Circ Res*. 2016;119:277–299. doi: 10.1161/CIRCRESAHA.116.307974.
22. Moon JC, Treibel TA, Schelbert EB. T1 mapping for diffuse myocardial fibrosis: a key biomarker in cardiac disease? *J Am Coll Cardiol*. 2013;62:1288–1289. doi: 10.1016/j.jacc.2013.05.077.
23. Medeiros K, O'Connor MJ, Baicu CF, Fitzgibbons TP, Shaw P, Tighe DA, Zile MR, Aurigemma GP. Systolic and diastolic mechanics in stress cardiomyopathy. *Circulation*. 2014;129:1659–1667. doi: 10.1161/CIRCULATIONAHA.113.002781.
24. Heyne JP, Rzanny R, Hansch A, Leder U, Reichenbach JR, Kaiser WA. 31P-MR spectroscopic imaging in hypertensive heart disease. *Eur Radiol*. 2006;16:1796–1802. doi: 10.1007/s00330-006-0170-0.
25. Scheuermann-Freestone M, Madsen PL, Manners D, Blamire AM, Buckingham RE, Styles P, Radda GK, Neubauer S, Clarke K. Abnormal cardiac and skeletal muscle energy metabolism in patients with type 2 diabetes. *Circulation*. 2003;107:3040–3046. doi: 10.1161/01.CIR.0000072789.89096.10.
26. Levelt E, Rodgers CT, Clarke WT, Mahmod M, Ariga R, Francis JM, Liu A, Wijesurendra RS, Dass S, Sabharwal N, Robson MD, Holloway CJ, Rider OJ, Clarke K, Karamitsos TD, Neubauer S. Cardiac energetics, oxygenation, and perfusion during increased workload in patients with type 2 diabetes mellitus. *Eur Heart J*. 2016;37:3461–3469. doi: 10.1093/eurheartj/ehv442.
27. Ponikowski P, Voors AA, Anker SD, Bueno H, Cleland JG, Coats AJ, Falk V, González-Luanatey JR, Harjola VP, Jankowska EA, Jessup M, Linde C, Nihoyannopoulos P, Parissis JT, Pieske B, Riley JP, Rosano GM, Ruilope LM, Ruschitzka F, Rutten FH, van der Meer P; Authors/Task Force Members; Document Reviewers. 2016 ESC Guidelines for the diagnosis and treatment of acute and chronic heart failure: the Task Force for the diagnosis and treatment of acute and chronic heart failure of the European Society of Cardiology (ESC). Developed with the special contribution of the Heart Failure Association (HFA) of the ESC. *Eur J Heart Fail*. 2016;18:891–975. doi: 10.1002/ehf.592.
28. Singh K, Carson K, Shah R, Sawhney G, Singh B, Parsaia K, Gilutz H, Usmani Z, Horowitz J. Meta-analysis of clinical correlates of acute mortality in takotsubo cardiomyopathy. *Am J Cardiol*. 2014;113:1420–1428. doi: 10.1016/j.amjcard.2014.01.419.
29. Brinjikji W, El-Sayed AM, Salka S. In-hospital mortality among patients with takotsubo cardiomyopathy: a study of the National Inpatient Sample 2008 to 2009. *Am Heart J*. 2012;164:215–221. doi: 10.1016/j.ahj.2012.04.010.
30. Redfors B, Vedad R, Angerås O, Råmunddal T, Petursson P, Haraldsson I, Ali A, Dworeck C, Odenstedt J, Ioaness D, Libungan B, Shao Y, Albertsson P, Stone GW, Omerovic E. Mortality in takotsubo syndrome is similar to mortality in myocardial infarction: a report from the SWE-DEHEART registry. *Int J Cardiol*. 2015;185:282–289. doi: 10.1016/j.ijcard.2015.03.162.
31. Citro R, Bossone E, Parodi G, Rigo F, Nardi F, Provenza G, Zito C, Novo G, Vitale G, Prota C, Silverio A, Vriz O, D'Andrea A, Antonini-Canterin F, Salerno-Uriarte J, Piscione F; Tako-tsubo Italian Network Investigators. Independent impact of RV involvement on in-hospital outcome of patients with takotsubo syndrome. *JACC Cardiovasc Imaging*. 2016;9:894–895. doi: 10.1016/j.jcmg.2015.06.005.
32. Citro R, Bossone E, Parodi G, Carerj S, Ciampi Q, Provenza G, Zito C, Prota C, Silverio A, Vriz O, D'Andrea A, Galasso G, Baldi C, Rigo F, Piepoli M, Salerno-Uriarte J, Piscione F; "Takotsubo Italian Network" Investigators (see Appendix). Clinical profile and in-hospital outcome for Caucasian patients with takotsubo syndrome and right ventricular involvement. *Int J Cardiol*. 2016;219:455–461. doi: 10.1016/j.ijcard.2016.06.039.

Medical Damages

February 23, 2015

Aiken Regional Medical Center

Suzanne M. Echemendia-Wirth, MD; Gregory Finch, PA-C

Complaints

- Motor Vehicle Accident-67-year-old Male
- Neck Pain-Both Sides
- Low Back Pain-Both Sides
- Pain-Achy in Nature

Examination

- Emergent Examination to ascertain trauma areas to the body

Diagnosis

- Back Pain 724.5
- Lumbar Sprain 847.2



- Neck Strain 847.0



Plan

- Follow-up immediately to Emergency Department if any worsening symptoms
- CT Scans of Cervical and Lumbar Spines & Abdomen (in conjunction with x-rays)
- RX- Ultram 50 mg 1 tablet every 4 hours as needed for pain (12 tablets)
- RX- Naproxen 500 mg 1 tablet 2 times per day as needed for pain (10 tablets)
- Educational Materials provided regarding Back Pain (Acute or Chronic)
- Follow-up with Primary Care Physician or Margaret J. Weston Health Clinic within 1-2 days

176

April 15, 2015 through November 4, 2015**Carolina Chiropractic of Aiken****Lynsey Beheler, DC, LLC****Complaints**

- Low Back Pain
- Neck Pain & Tightness
- Sitting at Computer increases Pain in Neck & Low Back
- Severity of Low Back Pain level is a 9 out of 10
- Severity of Neck Pain level is 3 out of 10
- Difficulty Sleeping & Staying asleep

Examination

- Lumbar Spine: Decreased Range of Motion
- Cervical Spine: Decreased Range of Motion
- Positive Orthopedic Testing such as: Shoulder Depression (Bilateral), Cervical Distraction, Cervical Compression, Odonoghue, Adam's, Thoracic Compression, Valsalva, Kemps, Nachlas, Hibbs, and Yeoman.

Diagnosis

- Nonallopathic Lesions-Lumbar 739.3
- Ankylosing Spondylitis 720.2
- Nonallopathic Lesions-Cervical 739.1
- Back Disorder 724.9
- Sciatica 724.3
- Brachial Neuritis 723.4
- Nonallopathic Lesions-Sacral 739.4
- Cervicalgia 723.1

Plan

- Mechanical Traction Therapy
- Chiropractic Manipulative Treatment
- Ice/Heat Therapy to be utilized at home
- Stretches to also be utilized at home

November 4, 2015 through present**Aiken Regional Medical Center ER****Mecklenburg Medical Group Dr Knish****Sanger Heart and Vascular Institute (SHVI) Dr Dominique Fallowee****Complaints**

- Shortness of breath
- Occasional bleeding

177

- Fatigue
- Muscle weakness
- Difficulty climbing stairs running or walking fast
- Difficulty speaking
- Occasional nausea
- Recurrent hoarseness

Examination

- EKG
- Echo Cardiogram
- CT Scan
- Stress Test

Diagnosis

- Recurrent Atrial Flutter
- Congestive Heart Failure
- Moderate to severe Dyspnea
- Stress Cardiomyopathy
- Moderate to severely reduced Ejection Fraction

Plan

- Medication
- Rehabilitative exercise for heart
- Low carb, low fat diet
- Walking
- Regular visits to Cardiologist

Medical Expenses

| | |
|---|------------|
| 1. AIKEN REGIONAL MEDICAL CENTER | |
| February 23, 2015 | \$6,911.00 |
| 2. AIKEN PHYSICIAN SERVICES | |
| February 23, 2015 | \$ 790.00 |
| 3. CAROLINA RADIOLOGICAL ASSOC. | |
| February 23, 2015 | \$ 460.00 |

178

| | |
|--|-------------|
| 4. CAROLINA CHIROPRACTIC OF AIKEN** BILLS | |
| April 15, 2015 – Nov. 4, 2015 | \$1,110.00 |
| 5. MECKLENBURG MEDICAL GROUP DR KNISH | \$704.00 |
| December 04, 2015 | |
| 6. MECKLENBURG MEDICAL GROUP DR KNISH | \$537.00 |
| October 14, 2016 | |
| 7. MECKLENBURG MEDICAL GROUP DR KNISH | \$424.00 |
| April 28, 2017 | |
| 8. SANGER HEART AND VASCULAR INSTITUTE | \$1,959.80 |
| December 23, 2015 | |
| 9. SANGER HEART AND VASCULAR INSTITUTE | \$7,269.00 |
| April 1, 2016, May-05, August-05, -21, -22, -23, -24 | |
| 10. SANGER HEART AND VASCULAR INSTITUTE | \$81,200.61 |
| August 19, 2016 | |
| 11. SANGER HEART AND VASCULAR INSTITUTE | \$2,929.90 |
| September 07, 2016 | |
| <u>TOTAL \$104,295.31</u> | |

3/21/2021

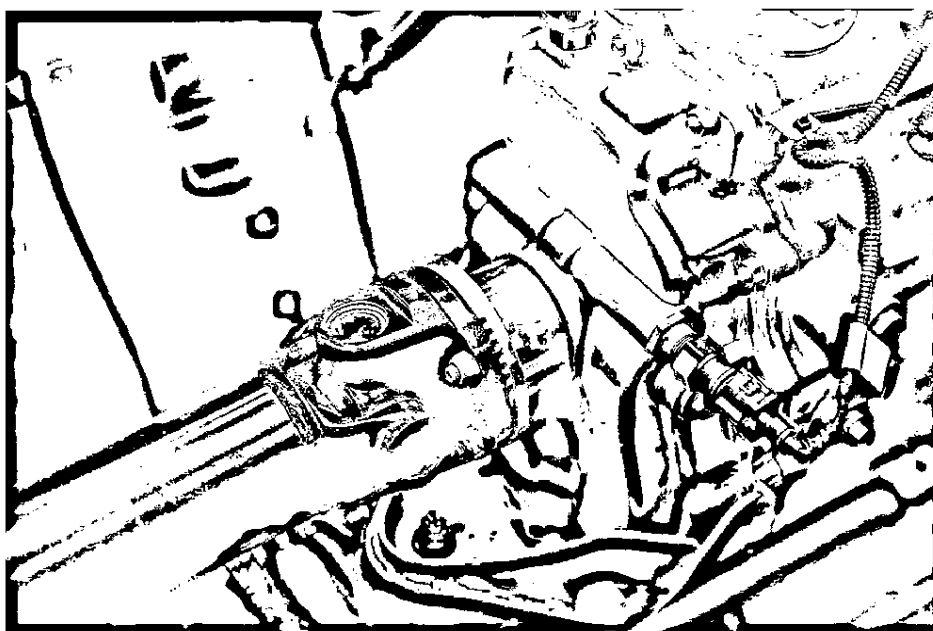
Causes and Symptoms of a Failing Vehicle Axle
179

**Best Towing Service in El Paso -
Serving Over 28 Years
915-751-BEST**

[HOME](#) [SERVICES](#) [CONTACT US](#) [BLOG](#) [UNUSUAL/PAST JOBS](#)

Causes and Symptoms of a Failing Vehicle Axle

Admin • Jul 30, 2019



Your vehicle's axle shafts support the weight of your car and help provide power to turn your wheels and propel your car forward. When one or both axles or related components fail, the results can leave you stranded on the side of the road with costly repairs on your hands. Here are common causes and symptoms of failing vehicle axles.

Causes of Axle Failure

An axle can fail for various reasons, and the axle shaft can even suddenly break under certain circumstances.

Metal Failure

3/21/2021

Causes and Symptoms of a Failing Vehicle Axle
180

Sometimes a metal shaft can snap due to metal failure. Axle shafts must be forged in a way to produce an exterior of hardened steel with a softer metal core for flexibility. Improper heat treatment during original shaft production results in a brittle product that might snap or fracture under stress.

Poor Design

An axle shaft can have a poor design which results in predictable failure in cars that carry that particular design. For example, some shafts are unequal in length in order to accommodate a slightly offset engine and transmission. The shorter shaft is more susceptible to sharp turn angles and is more likely to break. Or, the transition zone between the splined end, or teeth end, and the axle shaft diameter is a poor design. Over time, the splined end deforms and the shaft will twist off.

Worn CV Joint

An axle does not need to suddenly snap in order to fail. Sometimes system components other than the metal shaft will break and make your car inoperable.

Constant velocity (CV) joints are an important part of the axle system as they attach the drive shafts to the transmission and wheels. CV joints are under incredible stress as they transfer consistent torque, or force, and adapt to the constant up and down motion of the vehicle's suspension.

A special cover called the boot protects the lubricant-laden CV joint and keeps out foreign material. A cracked boot lets grease leak out and water and dirt enter. Over time, lack of lubrication and habitual corrosion harm the entire CV joint. A CV joint can wear out over time gradually, or suddenly disintegrate under certain circumstances.

Driving Technique

The way you choose to drive or handle your vehicle can affect your axle, especially when a shaft or joint is stressed or worn. Cars that are modified to produce exceptional torque often snap an axle shaft when the driver brakes or turns at great speeds. However, you can snap an axle in a traditional passenger car if you slide your car sideways and suddenly hit a curb.

Additionally, you can bend an axle shaft when you overload your car or truck and then try to drive as you normally would. The added weight increases stress on the axle system and causes failure.

Symptoms of Axle Failure

3/21/2021

Causes and Symptoms of a Failing Vehicle Axle

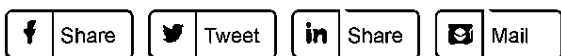
Fortunately, worn axle parts will exhibit signs that¹⁸¹ they are near failure. Unless your axle suddenly snaps, you have time to get your axle system checked out and repaired.

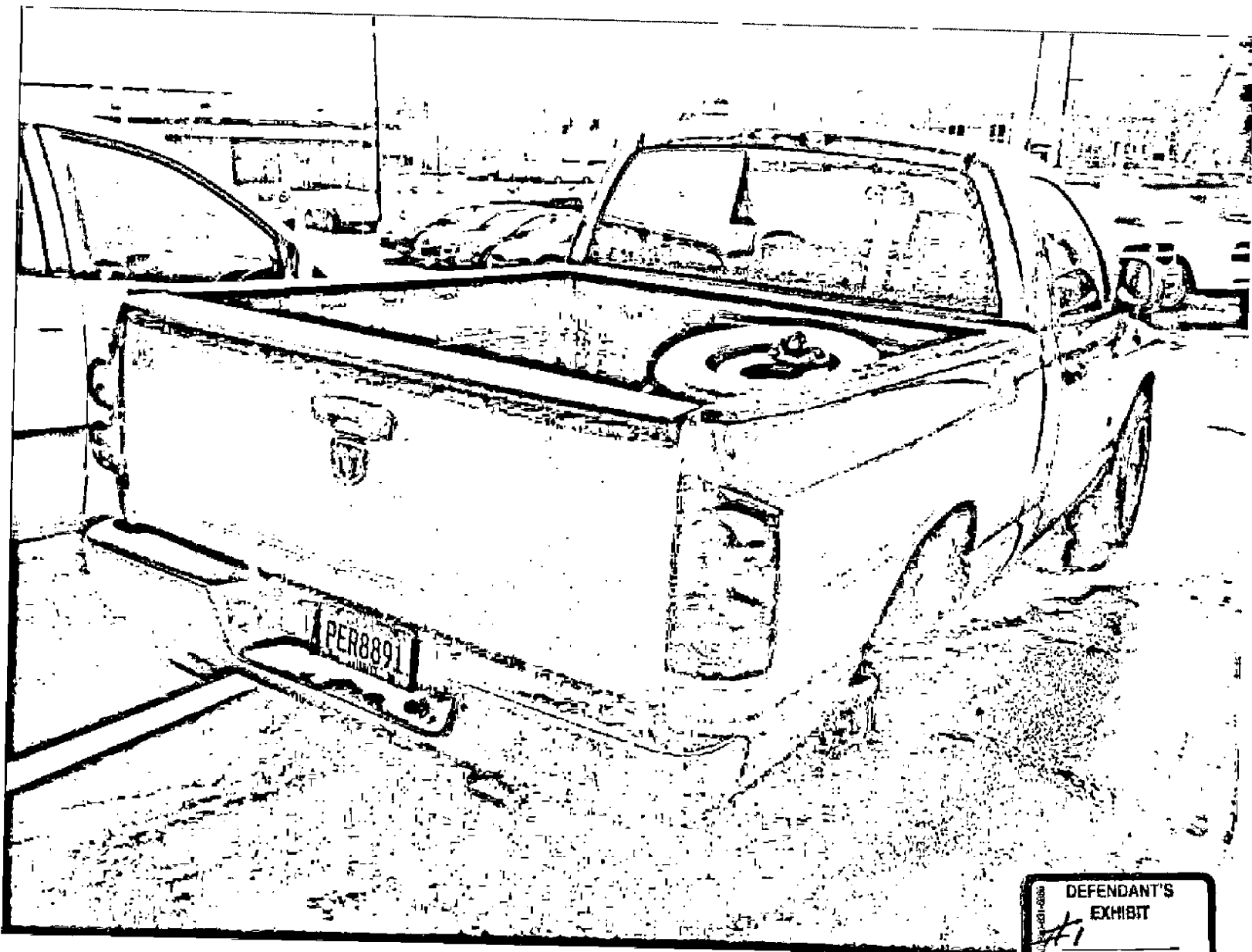
You may notice your car handles differently when you drive at faster speeds. Worn CV joints cause slight vibrations in the axle shaft as they operate in less than ideal conditions. As you speed up, vibration becomes more noticeable because your wheels rotate off-balance.

Your car also might make a strange sound when you speed up or turn. Worn CV joints loosen and make an audible click or pop especially during sharp, fast turns. You may also feel like the steering wheel is more difficult to turn.

You can check for visible signs of axle failure when you inspect the inside edge of your tires. Worn CV boots leak lubricant or grease there, and rotating axles force grease out even faster. You might even see splashed grease on the underside of your car.

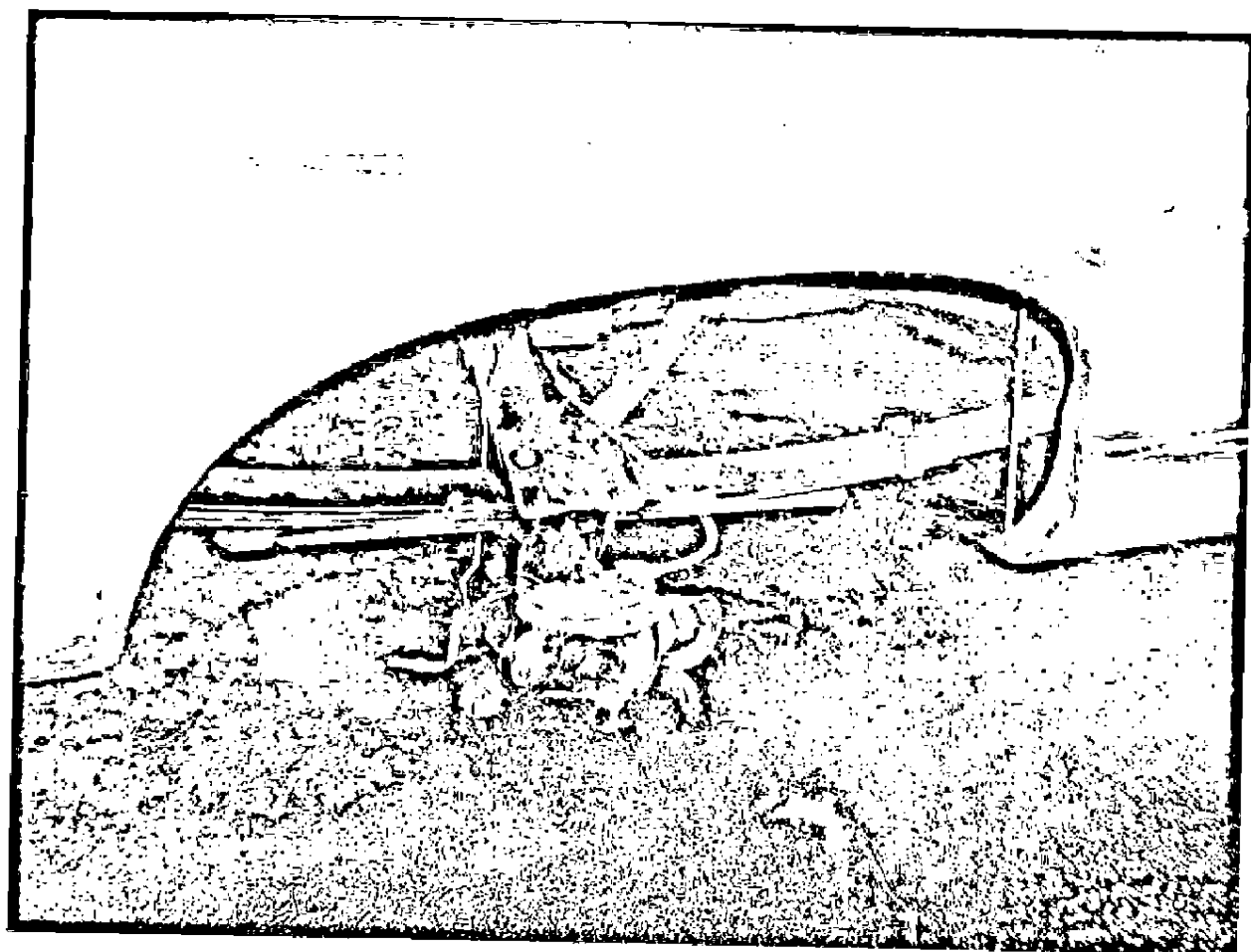
If a broken axle forces you to stop and pull your car over, you may need a tow. Call Best Wrecker for help towing your car to a repair shop.

[< Older Post](#)[Newer Post >](#)[Show More](#)

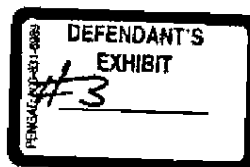


DEFENDANT'S
EXHIBIT
#1
2-15-22

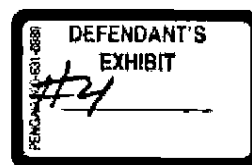
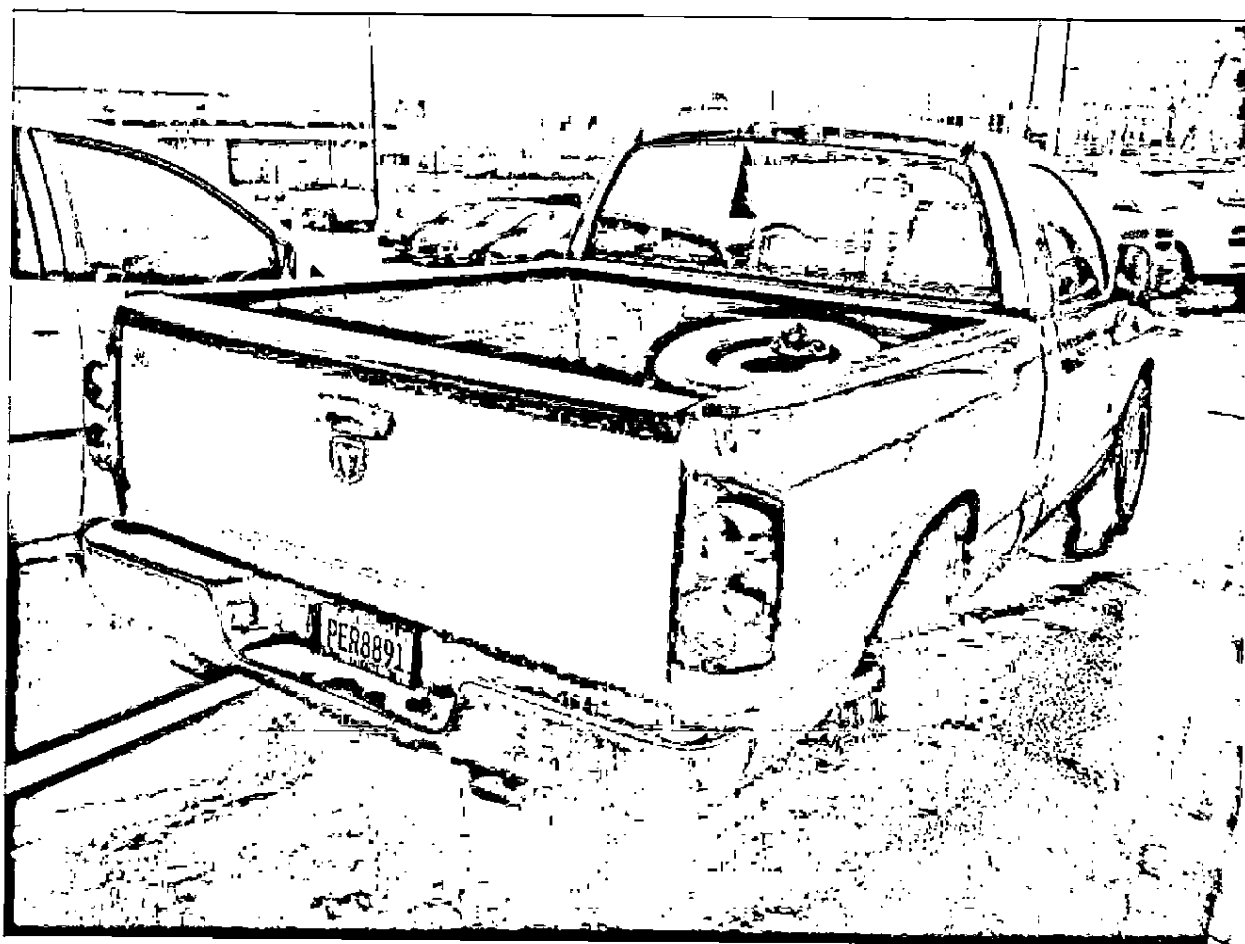
183

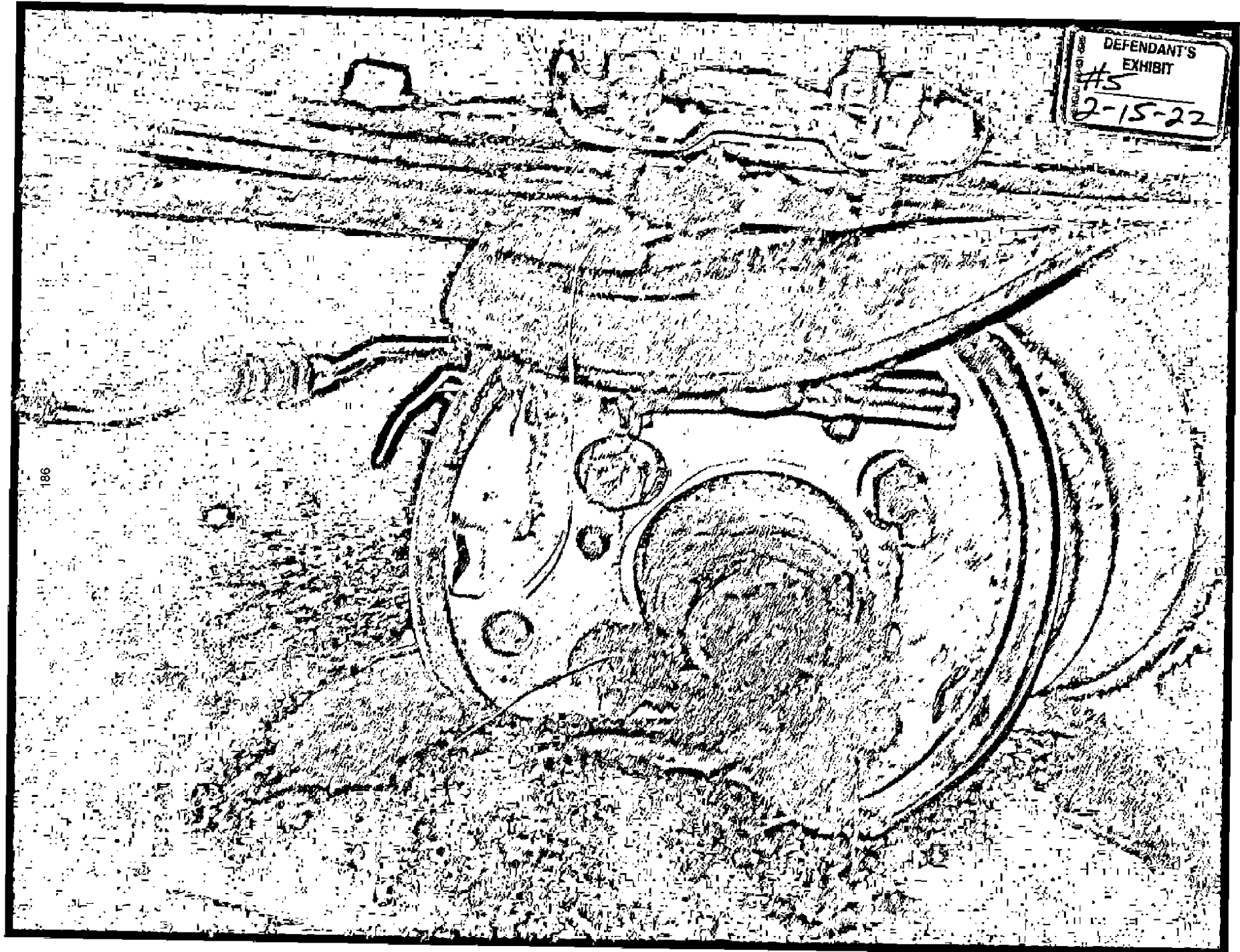


DEFENDANT'S
EXHIBIT
#2
2-15-22



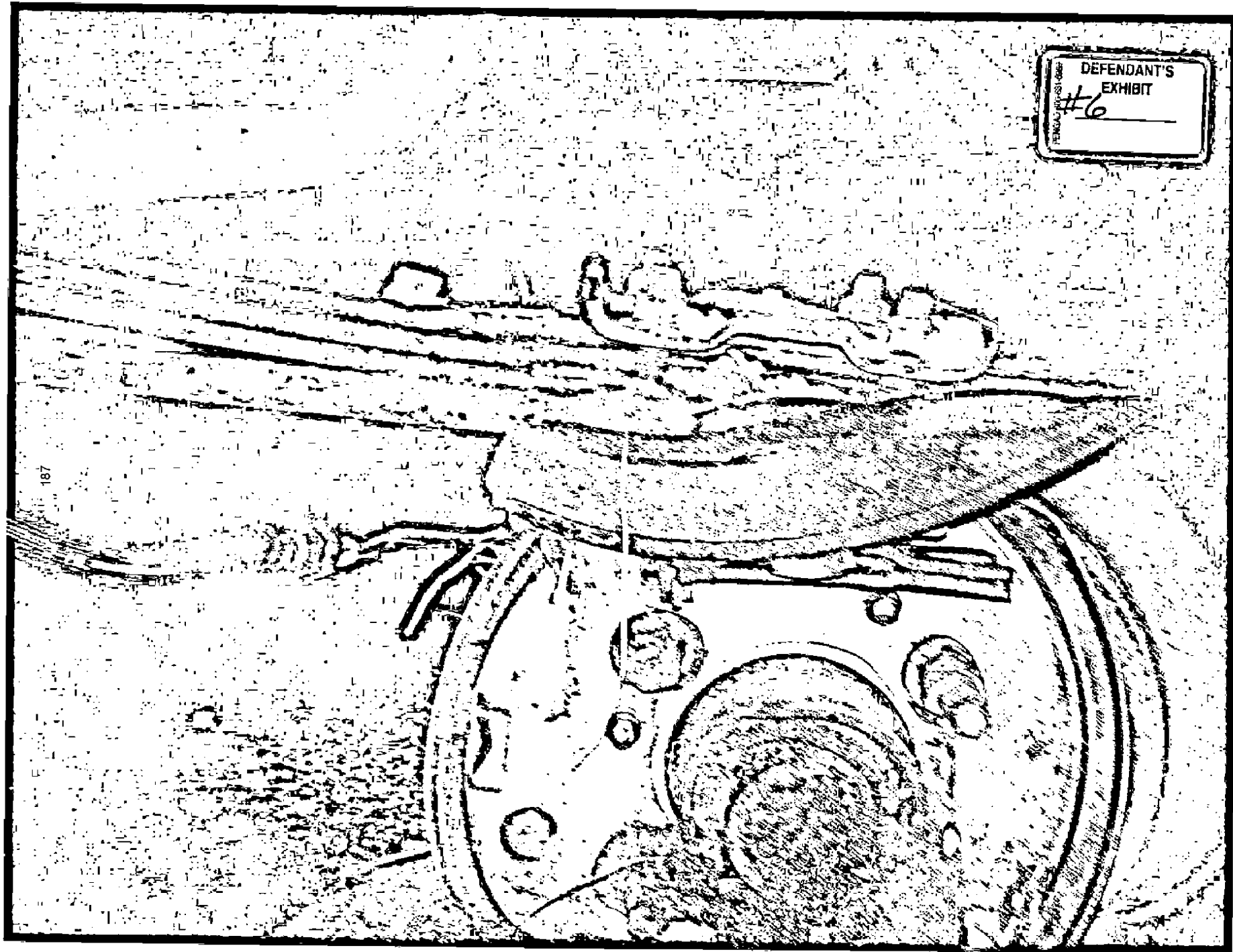
185





DEFENDANT'S
EXHIBIT
#5
2-15-22

186



187



PENIDAC 100-601-8989
#1
2-14-22
PLAINTIFF'S
EXHIBIT

CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT H

EXHIBIT H
TIME Sunday, February 22, 2015,
4:25:54 PM
LATITUDE 33; 51; 10.54
LONGITUDE 81; 24; 10.99

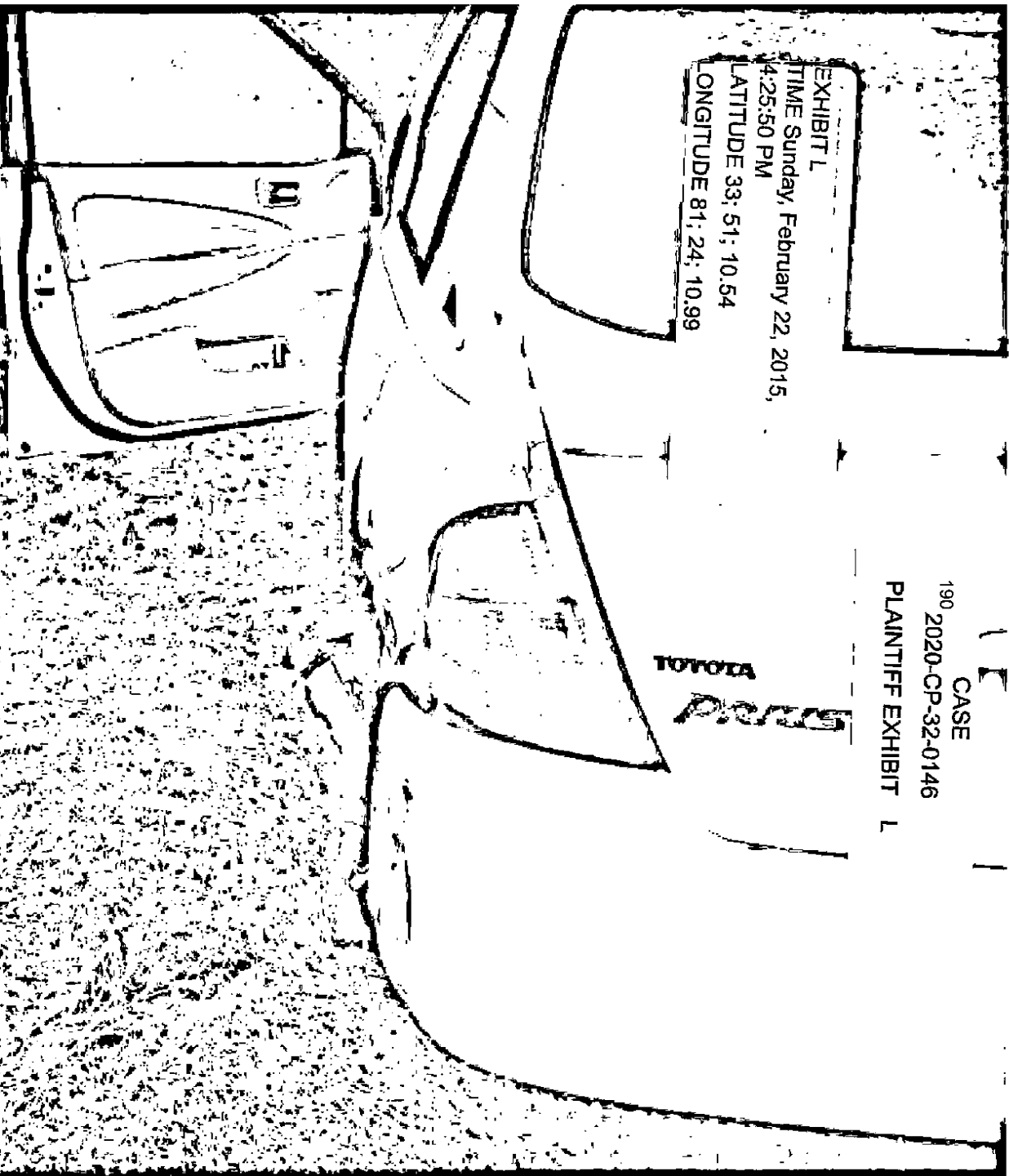
CASE
190 2020-CP-32-0146
PLAINTIFF EXHIBIT L

EXHIBIT L

TIME Sunday, February 22, 2015,
4:25:50 PM

LATITUDE 33; 51; 10.54

LONGITUDE 81; 24; 10.99



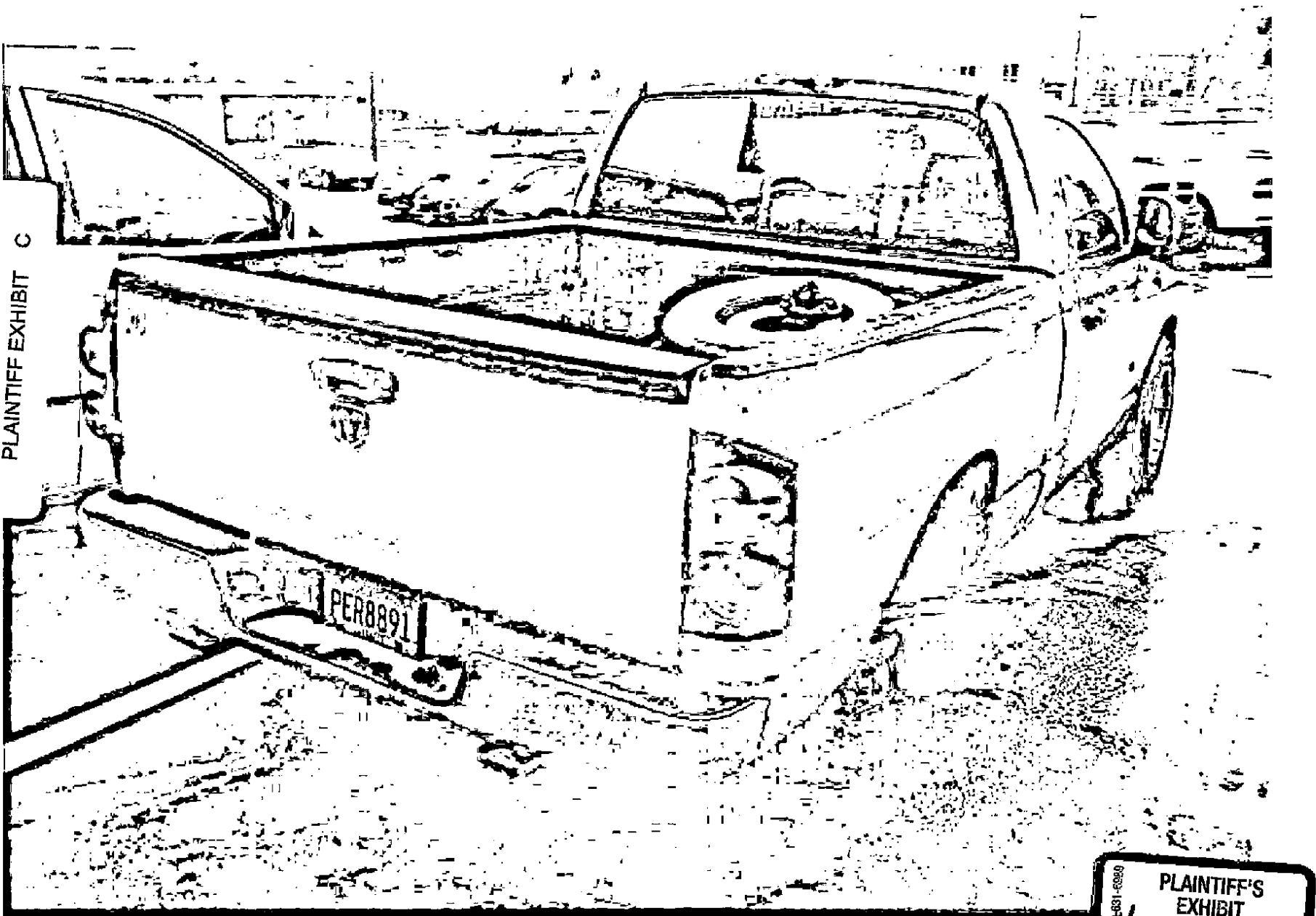
PLAINTIFF'S
EXHIBIT

00001

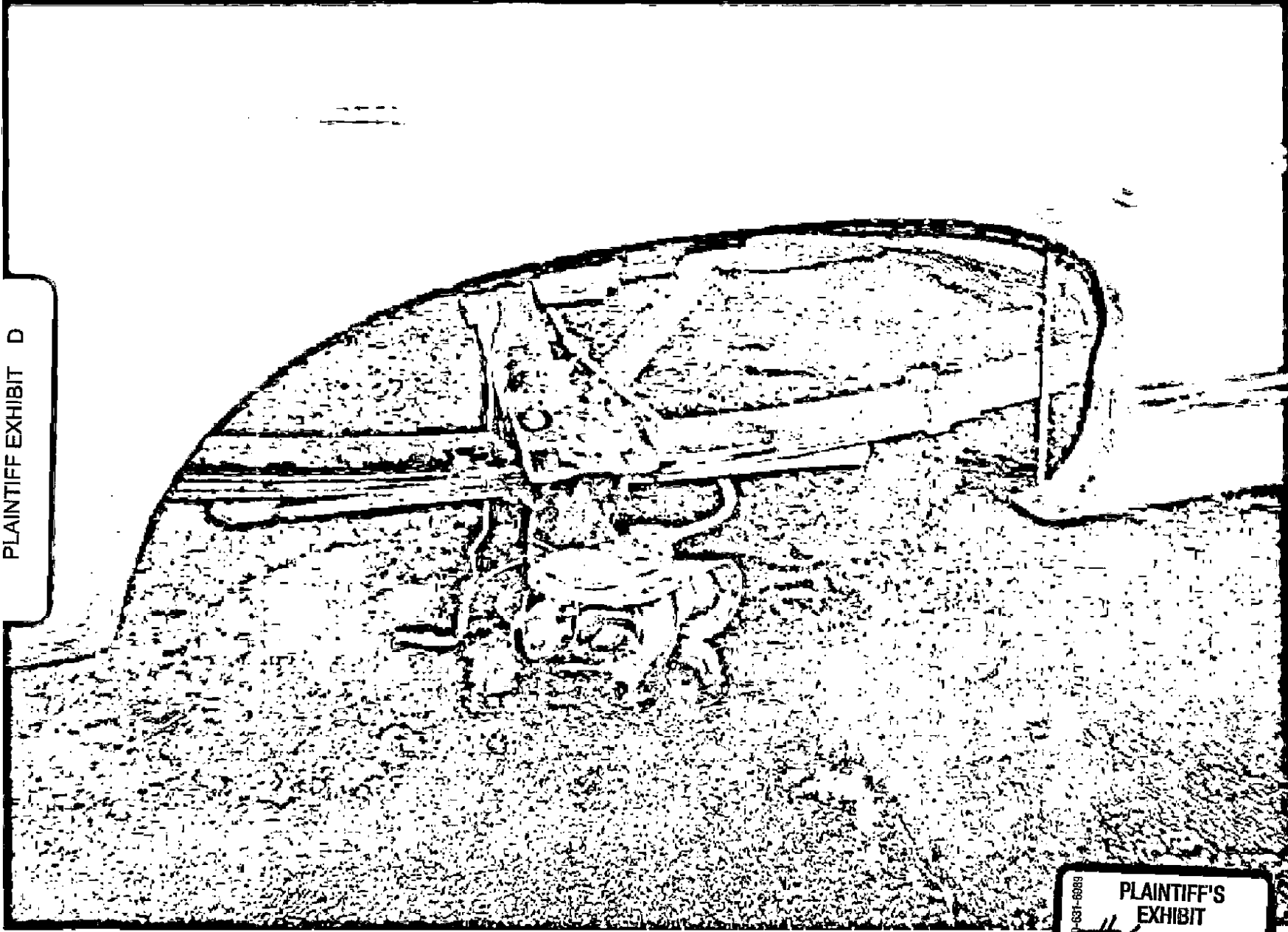
CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT M

EXHIBIT M
E Sunday, February 22, 2015,
1:06 PM
LATITUDE 33; 51; 11.26
LONGITUDE 81; 24; 12.20

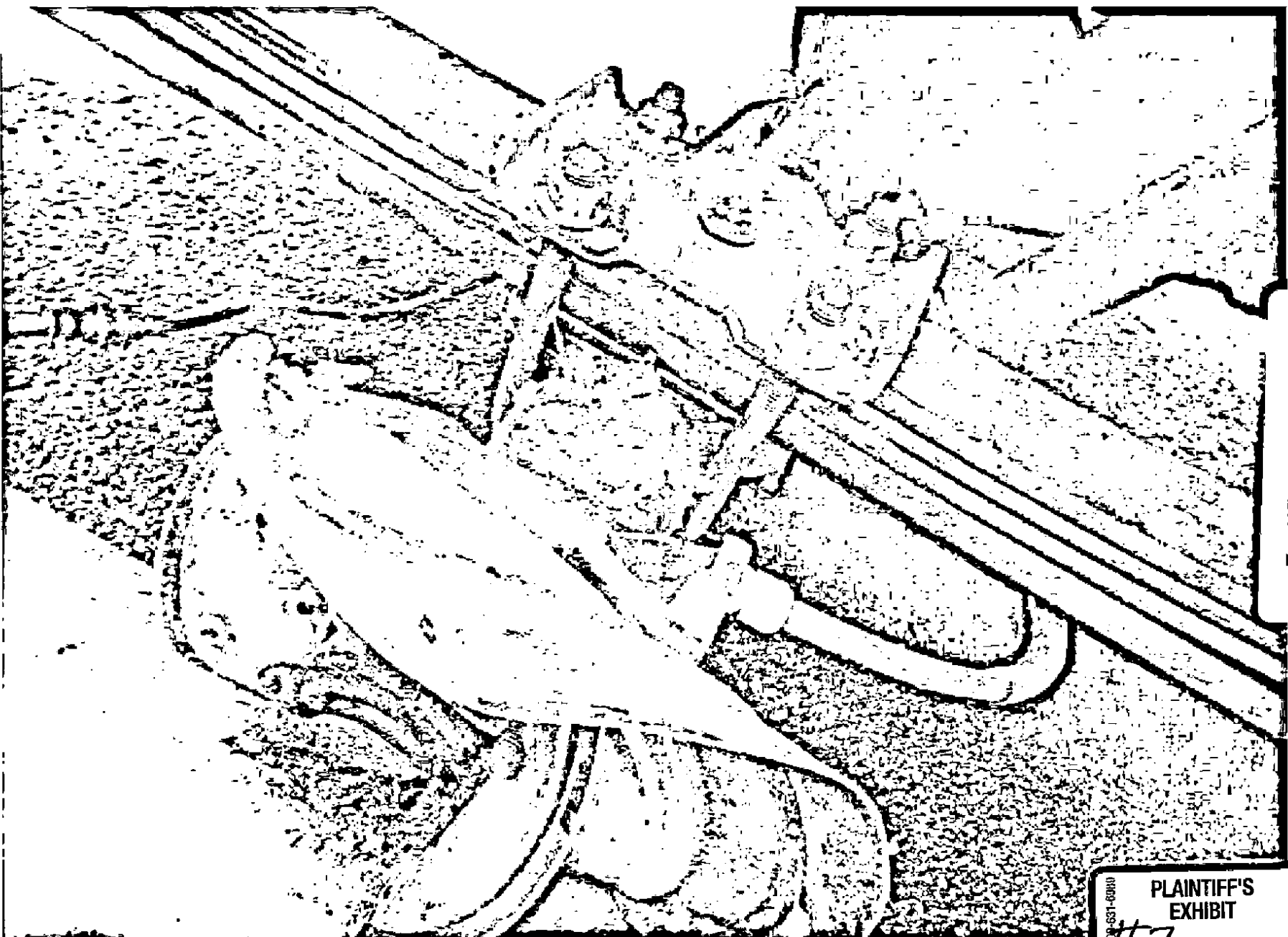




CASE
192020-CP-32-0146
PLAINTIFF EXHIBIT D



PLAINTIFF'S
EXHIBIT
#6
2-14-22
FENGAD 810-631-6089



CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT E

**PLAINTIFF'S
EXHIBIT**

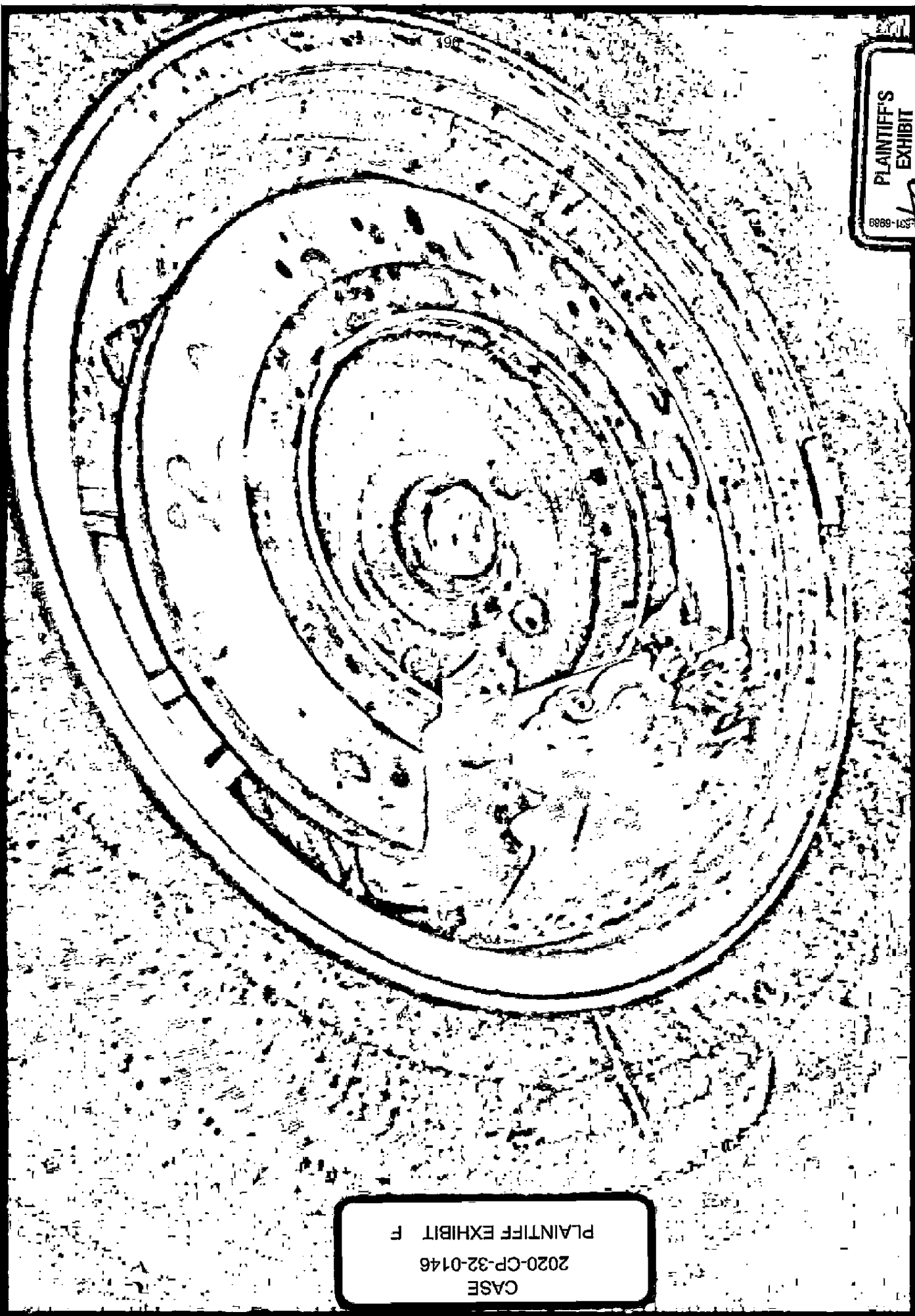
#7
2-14-22

ay, February 22, 2015,
33; 50; 59.42
DE:81; 24: 21.73

CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT G

**PLAINTIFF'S
EXHIBIT**

195



J
day, February 22, 2015,
M ZOOM = 5.0
E 33; 51; 9.94

CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT J

DE 81; 24; 12.42

PLAINTIFF'S
EXHIBIT
#10
2-14-22
AMERICAN 800-631-6888



198

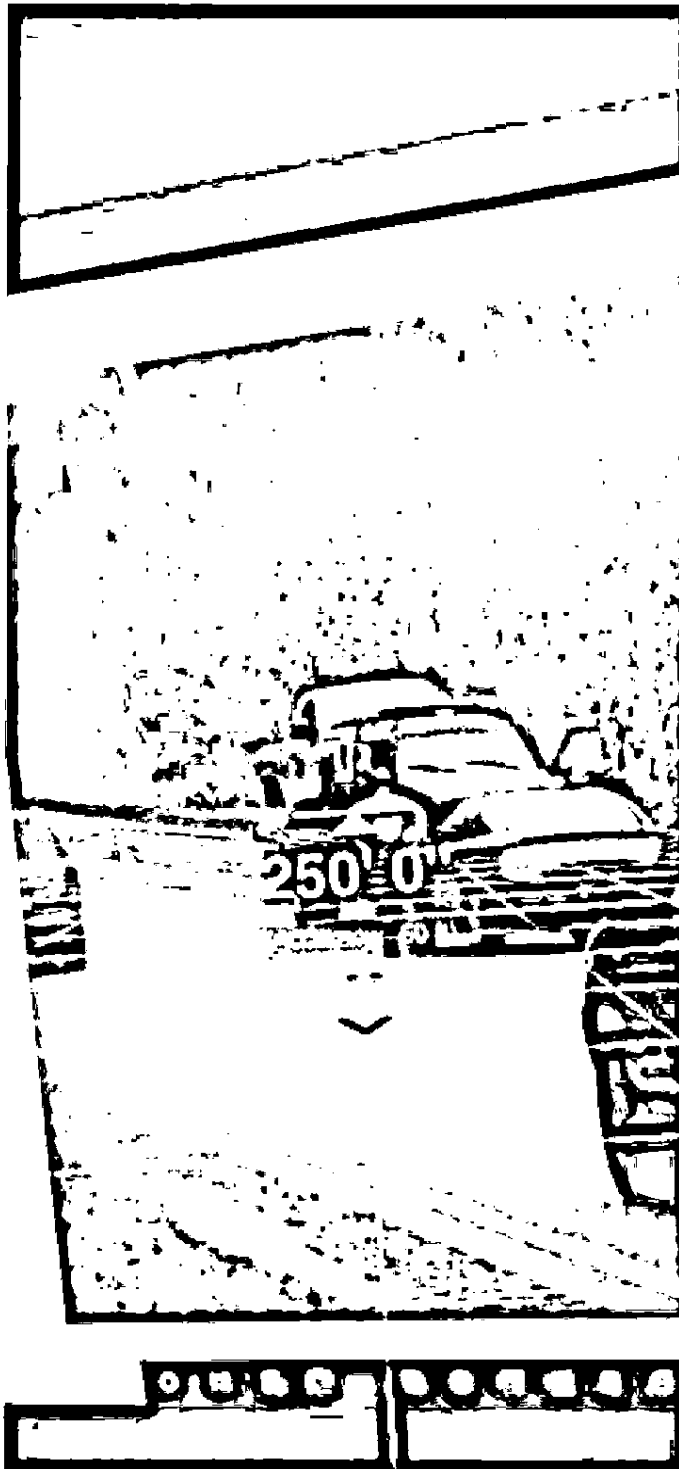
EXHIBIT K

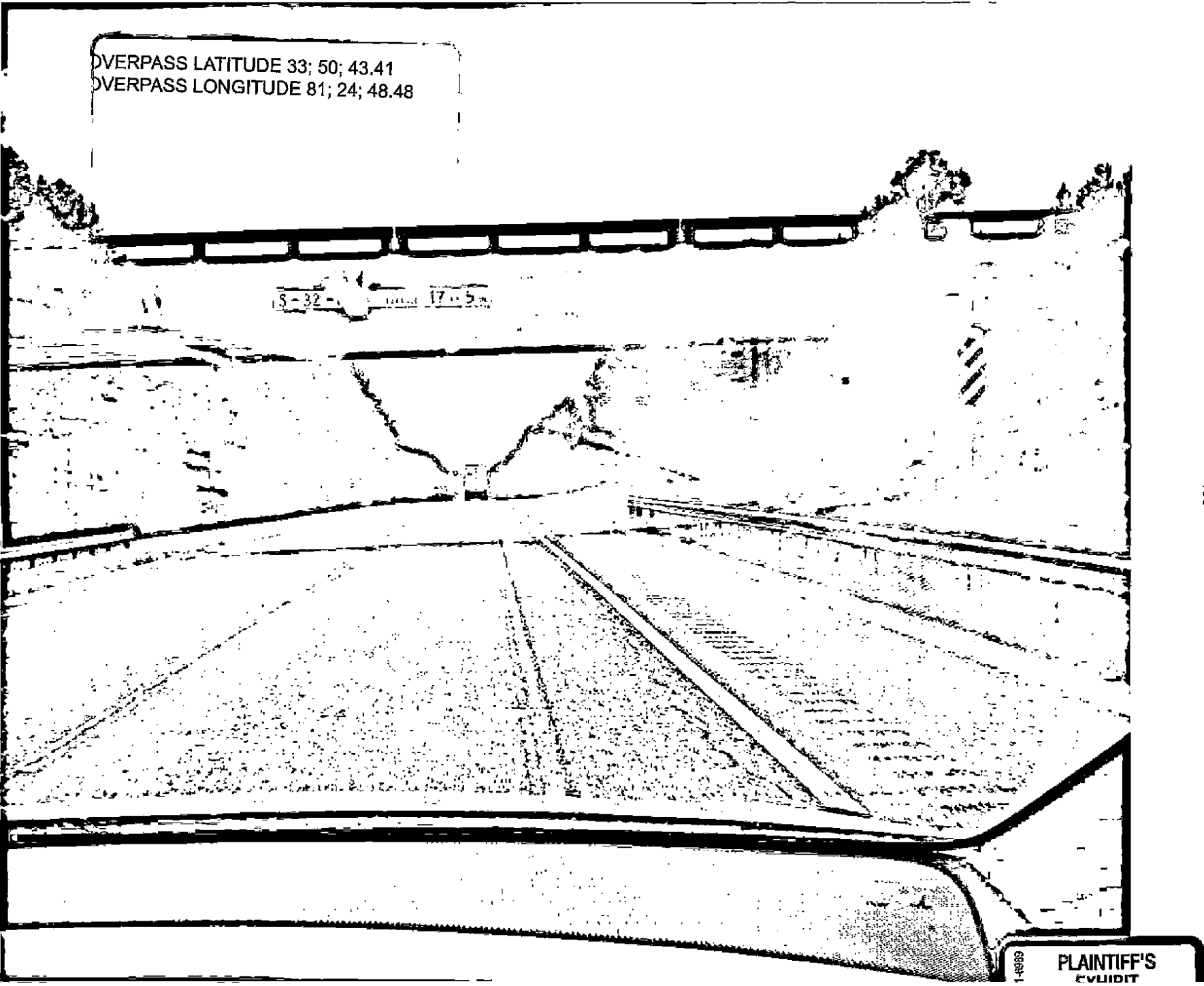
TIME Thursday, March 25, 2021,
5:27:05 PM

LATITUDE NA

CASE
2020-CP-32-0146
PLAINTIFF EXHIBIT K

LONGITUDE NA





OVERPASS LATITUDE 33; 50; 43.41
OVERPASS LONGITUDE 81; 24; 48.48

6888-1

PLAINTIFF'S
EXHIBIT

CASE
200
2020-CP-32-0146
PLAINTIFF EXHIBIT Z



866 York Street NE
Aiken, South Carolina 29801
Phone: (803) 649-7474
Fax: (803) 649-2474
Email: kellypaint@aiken.comcast.net

Page: 1

Payment Listing Report

6/29/2020 3:33:34 PM

Repair Order: 7417

Estimate Number: 7417

Start Date: 04/09/2015

Delivered Date: 06/05/2015

| Customer: Claimant | Vehicle: | Ins. Company: |
|---|--|---|
| KLOTZ, LYNDIA
115 CHESNEY GLEN DR
MATTHEWS, NC 28105-5899
Home: (704) 609-9258
Mobile: (704) 249-8665
Work: (704) 847-7467 | TOYO PRIUS 4D SED
YEAR: 2002
Color: WHITE
Paint Code: 040
License: RTD2204
Mileage In: 304704
Mileage Out: 304704
VIN: JT2BK18U820062533
Arrival Date: 02/25/2015
Proj. Delivery Date: 06/02/2015
Delivery Date: 06/05/2015
Prod Date: 05/01/2002 | CUSTOMER PAY
Claim Number: 11-SV90-47802
Date of Loss: 02/22/2015
Appraiser: ALLSTATE ERL TECH SUPPORT |

| Method | Check No | Date | Payer Type | Account | Source | Memo | Amt Paid | Est. Tax Amt | Non-Tax Amt |
|-------------|----------|------------|------------|---------|-----------|------------|----------|--------------|-------------|
| Master Card | | 04/23/2015 | CUST P | | mr. Klotz | thank you! | 2,500.00 | 97.41 | 2,402.59 |
| Visa | | 05/05/2015 | CUST P | | M. Klotz | Thank you! | 5,232.34 | 203.88 | 5,028.46 |

RO Total Due : 7,732.34

Non-Tax Total : 7,431.05

Customer Total : 7,307.34

Payment Total : 7,732.34

Est. Tax Total : 301.29

Customer Paid : 7,732.34

Credit Total : 0.00

Customer Balance Due : -425.00

Write off Total : 0.00

Ins. Company Total : 425.00

Refund Total : 0.00

Ins. Company Paid : 0.00

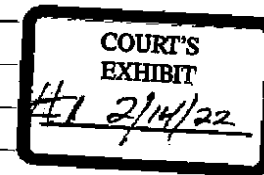
Balance Due : 0.00

Ins. Company Balance Due : 425.00

Total Unknown Payments : 0.00

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------------|--|--|--|--|--|--|--|--|--|--------------------------|--|--|--|--|--|--|--|--|--|---------------------|--|--|--|--|--|--|--|--|--|--------------|--|--|--|--|--|--|--|--|--|-----------|--|--|--|--|--|--|--|--|--|--------------|--|--|--|--|--|--|--|--|--|------------|--|--|--|--|--|--|--|--|--|------------|--|--|--|--|--|--|--|--|--|------------|--|--|--|--|--|--|--|--|--|--------|--|--|--|--|--|--|--|--|--|--------|--|--|--|--|--|--|--|--|--|-----|--|--|--|--|--|--|--|--|--|
| AIKEN REGIONAL MEDICAL C | | | | | | | | | | AIKEN REGIONAL MEDICAL C | | | | | | | | | | 116473117 | | | | | | | | | | 1179607 | | | | | | | | | | 0131 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 302 UNIVERSITY PARKWAY | | | | | | | | | | P O BOX 198865 | | | | | | | | | | AIKEN | | | | | | | | | | SC 298016302 | | | | | | | | | | ATLANTA | | | | | | | | | | GA 303848865 | | | | | | | | | | 8667720072 | | | | | | | | | | 8048223187 | | | | | | | | | | 23-2791808 | | | | | | | | | | 022315 | | | | | | | | | | 022315 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PATIENT NAME | | | | | | | | | | PATIENT ADDRESS | | | | | | | | | | 115 CHESNEY GLEN DR | | | | | | | | | | NC | | | | | | | | | | 281055899 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| KLOTZ, WILLIAM | | | | | | | | | | MATTHEWS | | | | | | | | | | NC | | | | | | | | | | 281055899 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 BIRTH DATE | | | | | | | | | | 11 SEX | | | | | | | | | | 12 DATE | | | | | | | | | | 13 HR | | | | | | | | | | 14 TYPE | | | | | | | | | | 15 SRC | | | | | | | | | | 16 DNR | | | | | | | | | | 17 STAT | | | | | | | | | | 18 | | | | | | | | | | 19 | | | | | | | | | | 20 | | | | | | | | | | 21 | | | | | | | | | | 22 | | | | | | | | | | 23 | | | | | | | | | | 24 | | | | | | | | | | 25 | | | | | | | | | | 26 | | | | | | | | | | 27 | | | | | | | | | | 28 | | | | | | | | | | 29 | | | | | | | | | | 30 | | | | | | | | | | 31 | | | | | | | | | | 32 | | | | | | | | | | 33 | | | | | | | | | | 34 | | | | | | | | | | 35 | | | | | | | | | | 36 | | | | | | | | | | 37 | | | | | | | | | | 38 | | | | | | | | | | 39 | | | | | | | | | | 40 | | | | | | | | | | 41 | | | | | | | | | | 42 | | | | | | | | | | 43 | | | | | | | | | | 44 | | | | | | | | | | 45 | | | | | | | | | | 46 | | | | | | | | | | 47 | | | | | | | | | | 48 | | | | | | | | | | 49 | | | | | | | | | | 50 | | | | | | | | | | 51 | | | | | | | | | | 52 | | | | | | | | | | 53 | | | | | | | | | | 54 | | | | | | | | | | 55 | | | | | | | | | | 56 | | | | | | | | | | 57 | | | | | | | | | | 58 | | | | | | | | | | 59 | | | | | | | | | | 60 | | | | | | | | | | 61 | | | | | | | | | | 62 | | | | | | | | | | 63 | | | | | | | | | | 64 | | | | | | | | | | 65 | | | | | | | | | | 66 | | | | | | | | | | 67 | | | | | | | | | | 68 | | | | | | | | | | 69 | | | | | | | | | | 70 | | | | | | | | | | 71 | | | | | | | | | | 72 | | | | | | | | | | 73 | | | | | | | | | | 74 | | | | | | | | | | 75 | | | | | | | | | | 76 | | | | | | | | | | 77 | | | | | | | | | | 78 | | | | | | | | | | 79 | | | | | | | | | | 80 | | | | | | | | | | 81 | | | | | | | | | | 82 | | | | | | | | | | 83 | | | | | | | | | | 84 | | | | | | | | | | 85 | | | | | | | | | | 86 | | | | | | | | | | 87 | | | | | | | | | | 88 | | | | | | | | | | 89 | | | | | | | | | | 90 | | | | | | | | | | 91 | | | | | | | | | | 92 | | | | | | | | | | 93 | | | | | | | | | | 94 | | | | | | | | | | 95 | | | | | | | | | | 96 | | | | | | | | | | 97 | | | | | | | | | | 98 | | | | | | | | | | 99 | | | | | | | | | | 100 | | | | | | | | | | 101 | | | | | | | | | | 102 | | | | | | | | | | 103 | | | | | | | | | | 104 | | | | | | | | | | 105 | | | | | | | | | | 106 | | | | | | | | | | 107 | | | | | | | | | | 108 | | | | | | | | | | 109 | | | | | | | | | | 110 | | | | | | | | | | 111 | | | | | | | | | | 112 | | | | | | | | | | 113 | | | | | | | | | | 114 | | | | | | | | | | 115 | | | | | | | | | | 116 | | | | | | | | | | 117 | | | | | | | | | | 118 | | | | | | | | | | 119 | | | | | | | | | | 120 | | | | | | | | | | 121 | | | | | | | | | | 122 | | | | | | | | | | 123 | | | | | | | | | | 124 | | | | | | | | | | 125 | | | | | | | | | | 126 | | | | | | | | | | 127 | | | | | | | | | | 128 | | | | | | | | | | 129 | | | | | | | | | | 130 | | | | | | | | | | 131 | | | | | | | | | | 132 | | | | | | | | | | 133 | | | | | | | | | | 134 | | | | | | | | | | 135 | | | | | | | | | | 136 | | | | | | | | | | 137 | | | | | | | | | | 138 | | | | | | | | | | 139 | | | | | | | | | | 140 | | | | | | | | | | 141 | | | | | | | | | | 142 | | | | | | | | | | 143 | | | | | | | | | | 144 | | | | | | | | | | 145 | | | | | | | | | | 146 | | | | | | | | | | 147 | | | | | | | | | | 148 | | | | | | | | | | 149 | | | | | | | | | | 150 | | | | | | | | | | 151 | | | | | | | | | | 152 | | | | | | | | | | 153 | | | | | | | | | | 154 | | | | | | | | | | 155 | | | | | | | | | | 156 | | | | | | | | | | 157 | | | | | | | | | | 158 | | | | | | | | | | 159 | | | | | | | | | | 160 | | | | | | | | | | 161 | | | | | | | | | | 162 | | | | | | | | | | 163 | | | | | | | | | | 164 | | | | | | | | | | 165 | | | | | | | | | | 166 | | | | | | | | | | 167 | | | | | | | | | | 168 | | | | | | | | | | 169 | | | | | | | | | | 170 | | | | | | | | | | 171 | | | | | | | | | | 172 | | | | | | | | | | 173 | | | | | | | | | | 174 | | | | | | | | | | 175 | | | | | | | | | | 176 | | | | | | | | | | 177 | | | | | | | | | | 178 | | | | | | | | | | 179 | | | | | | | | | | 180 | | | | | | | | | | 181 | | | | | | | | | | 182 | | | | | | | | | | 183 | | | | | | | | | | 184 | | | | | | | | | | 185 | | | | | | | | | | 186 | | | | | | | | | | 187 | | | | | | | | | | 188 | | | | | | | | | | 189 | | | | | | | | | | 190 | | | | | | | | | | 191 | | | | | | | | | | 192 | | | | | | | | | | 193 | | | | | | | | | | 194 | | | | | | | | | | 195 | | | | | | | | | | 196 | | | | | | | | | | 197 | | | | | | | | | | 198 | | | | | | | | | | 199 | | | | | | | | | | 200 | | | | | | | | | | 201 | | | | | | | | | | 202 | | | | | | | | | | 203 | | | | | | | | | | 204 | | | | | | | | | | 205 | | | | | | | | | | 206 | | | | | | | | | | 207 | | | | | | | | | | 208 | | | | | | | | | | 209 | | | | | | | | | | 210 | | | | | | | | | | 211 | | | | | | | | | | 212 | | | | | | | | | | 213 | | | | | | | | | | 214 | | | | | | | | | | 215 | | | | | | | | | | 216 | | | | | | | | | | 217 | | | | | | | | | | 218 | | | | | | | | | | 219 | | | | | | | | | | 220 | | | | | | | | | | 221 | | | | | | | | | | 222 | | | | | | | | | | 223 | | | | | | | | | | 224 | | | | | | | | | | 225 | | | | | | | | | | 226 | | | | | | | | | | 227 | | | | | | | | | | 228 | | | | | | | | | | 229 | | | | | | | | | | 230 | | | | | | | | | | 231 | | | | | | | | | | 232 | | | | | | | | | | 233 | | | | | | | | | | 234 | | | | | | | | | | 235 | | | | | | | | | | 236 | | | | | | | | | | 237 | | | | | | | | | | 238 | | | | | | | | | | 239 | | | | | | | | | | 240 | | | | | | | | | | 241 | | | | | | | | | | 242 | | | | | | | | | | 243 | | | | | | | | | | 244 | | | | | | | | | | 245 | | | | | | | | | | 246 | | | | | | | | | | 247 | | | | | | | | | | 248 | | | | | | | | | | 249 | | | | | | | | | | 250 | | | | | | | | | | 251 | | | | | | | | | | 252 | | | | | | | | | | 253 | | | | | | | | | | 254 | | | | | | | | | | 255 | | | | | | | | | | 256 | | | | | | | | | | 257 | | | | | | | | | | 258 | | | | | | | | | | 259 | | | | | | | | | | 260 | | | | | | | | | | 261 | | | | | | | | | | 262 | | | | | | | | | | 263 | | | | | | | | | | 264 | | | | | | | | | | 265 | | | | | | | | | | 266 | | | | | | | | | | 267 | | | | | | | | | | 268 | | | | | | | | | | 269 | | | | | | | | | | 270 | | | | | | | | | | 271 | | | | | | | | | | 272 | | | | | | | | | | 273 | | | | | | | | | | 274 | | | | | | | | | | 275 | | | | | | | | | | 276 | | | | | | | | | | 277 | | | | | | | | | | 278 | | | | | | | | | | 279 | | | | | | | | | | 280 | | | | | | | | | | 281 | | | | | | | | | | 282 | | | | | | | | | | 283 | | | | | | | | | | 284 | | | | | | | | | | 285 | | | | | | | | | | 286 | | | | | | | | | | 287 | | | | | | | | | | 288 | | | | | | | | | | 289 | | | | | | | | | | 290 | | | | | | | | | | 291 | | | | | | | | | | 292 | | | | | | | | | | 293 | | | | | | | | | | 294 | | | | | | | | | | 295 | | | | | | | | | | 296 | | | | | | | | | | 297 | | | | | | | | | | 298 | | | | | | | | | | 299 | | | | | | | | | | 300 | | | | | | | | | | 301 | | | | | | | | | | 302 | | | | | | | | | | 303 | | | | | | | | | | 304 | | | | | | | | | | 305 | | | | | | | | | | 306 | | | | | | | | | | 307 | | | | | | | | | | 308 | | | | | | | | | | 309 | | | | | | | | | | 310 | | | | | | | | | | 311 | | | | | | | | | | 312 | | | | | | | | | | 313 | | | | | | | | | | 314 | | | | | | | | | | 315 | | | | | | | | | | 316 | | | | | | | | | | 317 | | | | | | | | | | 318 | | | | | | | | | | 319 | | | | | | | | | | 320 | | | | | | | | | | 321 | | | | | | | | | | 322 | | | | | | | | | | 323 | | | | | | | | | | 324 | | | | | | | | | | 325 | | | | | | | | | | 326 | | | | | | | | | | 327 | | | | | | | | | | 328 | | | | | | | | | | 329 | | | | | | | | | | 330 | | | | | | | | | | 331 | | | | | | | | | | 332 | | | | | | | | | | 333 | | | | | | | | | | 334 | | | | | | | | | | 335 | | | | | | | | | | 336 | | | | | | | | | | 337 | | | | | | | | | | 338 | | | | | | | | | | 339 | | | | | | | | | | 340 | | | | | | | | | | 341 | | | | | | | | | | 342 | | | | | | | | | | 343 | | | | | | | | | | 344 | | | | | | | | | | 345 | | | | | | | | | | 346 | | | | | | | | | | 347 | | | | | | | | | | 348 | | | | | | | | | | 349 | | | | | | | | | | 350 | | | | | | | | | | 351 | | | | | | | | | | 352 | | | | | | | | | | 353 | | | | | | | | | | 354 | | | | | | | | | | 355 | | | | | | | | | | 356 | | | | | | | | | | 357 | | | | | | | | | | 358 | | | | | | | | | | 359 | | | | | | | | | | 360 | | | | | | | | | | 361 | | | | | | | | | | 362 | | | | | | | | | | 363 | | | | | | | | | | 364 | | | | | | | | | | 365 | | | | | | | | | | 366 | | | | | | | | | | 367 | | | | | | | | | | 368 | | | | | | | | | | 369 | | | | | | | | | | 370 | | | | | | | | | | 371 | | | | | | | | | | 372 | | | | | | | | | | 373 | | | | | | | | | | 374 | | | | | | | | | | 375 | | | | | | | | | | 376 | | | | | | | | | | 377 | | | | | | | | | | 378 | | | | | | | | | | 379 | | | | | | | | | | 380 | | | | | | | | | | 381 | | | | | | | | | | 382 | | | | | | | | | | 383 | | | | | | | | | | 384 | | | | | | | | | | 385 | | | | | | | | | | 386 | | | | | | | | | | 387 | | | | | | | | | | 388 | | | | | | | | | | 389 | | | | | | | | | | 390 | | | | | | | | | | 391 | | | | | | | | | | 392 | | | | | | | | | | 393 | | | | | | | | | | 394 | | | | | | | | | | 395 | | | | | | | | | | 396 | | | | | | | | | | 397 | | | | | | | | | | 398 | | | | | | | | | | 399 | | | | | | | | | | 400 | | | | | | | | | | 401 | | | | | | | | | | 402 | | | | | | | | | | 403 | | | | | | | | | | 404 | | | | | | | | | | 405 | | | | | | | | | | 406 | | | | | | | | | | 407 | | | | | | | | | | 408 | | | | | | | | | | 409 | | | | | | | | | | 410 | | | | | | | | | | 411 | | | | | | | | | | 412 | | | | | | | | | | 413 | | | | | | | | | | 414 | | | | | | | | | | 415 | | | | | | | | | | 416 | | | | | | | | | | 417 | | | | | | | | | | 418 | | | | | | | | | | 419 | | | | | | | | | | 420 | | | | | | | | | | 421 | | | | | | | | | | 422 | | | | | | | | | | 423 | | | | | | | | | | 424 | | | | | | | | | | 425 | | | | | | | | | | 426 | | | | | | | | | | 427 | | | | | | | | | | 428 | | | | | | | | | | 429 | | | | | | | | | | 430 | | | | | | | | | | 431 | | | | | | | | | | 432 | | | | | | | | | | 433 | | | | | | | | | | 434 | | | | | | | | | | 435 | | | | | | | | | | 436 | | | | | | | | | | 437 | | | | | | | | | | 438 | | | | | | | | | | 439 | | | | | | | | | | 440 | | | | | | | | | | 441 | | | | | | | | | | 442 | | | | | | | | | | 443 | | | | | | | | | | 444 | | | | | | | | | | 445 | | | | | | | | | | 446 | | | | | | | | | | 447 | | | | | | | | | | 448 | | | | | | | | | | 449 | | | | | | | | | | 450 | | | | | | | | | | 451 | | | | | | | | | | 452 | | | | | | | | | | 453 | | | | | | | | | | 454 | | | | | | | | | | 455 | | | | | | | | | | 456 | | | | | | | | | | 457 | | | | | | | | | | 458 | | | | | | | | | | 459 | | | | | | | | | | 460 | | | | | | | | | | 461 | | | | | | | | | | 462 | | | | | | | | | | 463 | | | | | | | | | | 464 | | | | | | | | | | 465 | | | | | | | | | | 466 | | | | | | | | | | 467 | | | | | | | | | | 468 | | | | | | | | | | 469 | | | | | | | | | | 470 | | | | | | | | | | 471 | | | | | | | | | | 472 | | | | | | | | | | 473 | | | | | | | | | | 474 | | | | | | | | | | 475 | | | | | | | | | | 476 | | | | | | | | | | 477 | | | | | | | | | | 478 | | | | | | | | | | 479 | | | | | | | | | | 480 | | | | | | | | | | 481 | | | | | | | | | | 482 | | | | | | | | | | 483 | | | | | | | | | | 484 | | | | | | | | | | 485 | | | | | | | | | | 486 | | | | | | | | | | 487 | | | | | | | | | | 488 | | | | | | | | | | 489 | | | | | | | | | | 490 | | | | | | | | | | 491 | | | | | | | | | | 492 | | | | | | | | | | 493 | | | | | | | | | | 494 | | | | | | | | | | 495 | | | | | | | | | | 496 | | | | | | | | | | 497 | | | | | | | | | | 498 | | | | | | | | | | 499 | | | | | | | | | | 500 | | | | | | | | | | 501 | | | | | | | | | | 502 | | | | | | | | | | 503 | | | | | | | | | | 504 | | | | | | | | | | 505 | | | | | | | | | | 506 | | | | | | | | | | 507 | | | | | | | | | | 508 | | | | | | | | | | 509 | | | | | | | | | | 510 | | | | | | | | | | 511 | | | | | | | | | | 512 | | | | | | | | | | 513 | | | | | | | | | | 514 | | | | | | | | | | 515 | | | | | | | | | | 516 | | | | | | | | | | 517 | | | | | | | | | | 518 | | | | | | | | | | 519 | | | | | | | | | | 520 | | | | | | | | | | 521 | | | | | | | | | | 522 | | | | | | | | | | 523 | | | | | | | | | | 524 | | | | | | | | | | 525 | | | | | | | | | | 526 | | | | | | | | | | 527 | | | | | | | | | | 528 | | | | | | | | | | 529 | | | | | | | | | | 530 | | | | | | | | | | 531 | | | | | | | | | | 532 | | | | | | | | | | 533 | | | | | | | | | | 534 | | | | | | | | | | 535 | | | | | | | | | | 536 | | | | | | | | | | 537 | | | | | | | | | | 538 | | | | | | | | | | 539 | | | | | | | | | | 540 | | | | | | | | | | 541 | | | | | | | | | | 542 | | | | | | | | | | 543 | | | | | | | | | | 544 | | | | | | | | | | 545 | | | | | | | | | | 546 | | | | | | | | | | 547 | | | | | | | | | | 548 | | | | | | | | | | 549 | | | | | | | | | | 550 | | | | | | | | | | 551 | | | | | | | | | | 552 | | | | | | | | | | 553 | | | | | | | | | | 554 | | | | | | | | | | 555 | | | | | | | | | | 556 | | | | | | | | | | 557 | | | | | | | | | | 558 | | | | | | | | | | 559 | | | | | | | | | | 560 | | | | | | | | | | 561 | | | | | | | | | | 562 | | | | | | | | | | 563 | | | | | | | | | | 564 | | | | | | | | | | 565 | | | | | | | | | | 566 | | | | | | | | | | 567 | | | | | | | | | | 568 | | | | | | | | | | 569 | | | | | | | | | | 570 | | | | | | | | | | 571 | | | | | | | | | | 572 | | | | | | | | | | 573 | | | | | | | | | | 574 | | | | | | | | | | 575 | | | | | | | | | | 576 | | | | | | | | | | 577 | | | | | | | | | | 578 | | | | | | | | | | 579 | | | | | | | | | | 580 | | | | | | | | | | 581 | | | | | | | | | | 582 | | | | | | | | | | 583 | | | | | | | | | | 584 | | | | | | | | | | 585 | | | | | | | | | | 586 | | | | | | | | | | 587 | | | | | | | | | | 588 | | | | | | | | | | 589 | | | | | | | | | | 590 | | | | | | | | | | 591 | | | | | | | | | | 592 | | | | | | | | | | 593 | | | | | | | | | | 594 | | | | | | | | | | 595 | | | | | | | | | | 596 | | | | | | | | | | 597 | | | | | | | | | | 598 | | | | | | | | | | 599 | | | | | | | | | | 600 | | | | | | | | | | 601 | | | | | | | | | | 602 | | | | | | | | | | 603 | | | | | | | | | | 604 | | | | | | | | | | 605 | | | | | | | | | | 606 | | | | | | | | | | 607 | | | | | | | | | | 608 | | | | | | | | | | 609 | | | | | | | | | | 610 | | | | | | | | | | 611 | | | | | | | | | | 612 | | | | | | | | | | 613 | | | | | | | | | | 614 | | | | | | | | | | 615 | | | | | | | | | | 616 | | | | | | | | | | 617 | | | | | | | | | | 618 | | | | | | | | | | 619 | | | | | | | | | | 620 | | | | | | | | | | 621 | | | | | | | | | | 622 | | | | | | | | | | 623 | | | | | | | | | | 624 | | | | | | | | | | 625 | | | | | | | | | | 626 | | | | | | | | | | 627 | | | | | | | | | | 628 | | | | | | | | | | 629 | | | | | | | | | | 630 | | | | | | | | | | 631 | | | | | | | | | | 632 | | | | | | | | | | 633 | | | | | | | | | | 634 | | | | | | | | | | 635 | | | | | | | | | | 636 | | | | | | | | | | 637 | | | | | | | | | | 638 | | | | | | | | | | 639 | | | | | | | | | | 640 | | | | | | | | | | 641 | | | | | | | | | | 642 | | | | | | | | | | 643 | | | | | | | | | | 644 | | | | | | | | | | 645 | | | | | | | | | | 646 | | | | | | | | | | 647 | | | | | | | | | | 648 | | | | | | | | | | 649 | | | | | | | | | | 650 | | | | | | | | | | 651 | | | | | | | | | | 652 | | | | | | | | | | 653 | | | | | | | | | | 654 | | | | | | | | | | 655 | | | | | | | | | | 656 | | | | | | | | | | 657 | | | | | | | | | | 658 | | | | | | | | | | 659 | | | | | | | | | | 660 | | | | | | | | | | 661 | | | | | | | | | | 662 | | | | | | | | | | 663 | | | | | | | | | | 664 | | | | | | | | | | 665 | | | | | | | | | | 666 | | | | | | | | | | 667 | | | | | | | | | | 668 | | | | | | | | | | 669 | | | | | | | | | | 670 | | | | | | | | | | 671 | | | | | | | | | | 672 | | | | | | | | | | 673 | | | | | | | | | | 674 | | | | | | | | | | 675 | | | | | | | | | | 676 | | | | | | | | | | 677 | | | | | | | | | | 678 | | | | | | | | | | 679 | | | | | | | | | | 680 | | | | | | | | | | 681 | | | | | | | | | | 682 | | | | | | | | | | 683 | | | | | | | | | | 684 | | | | | | | | | | 685 | | | | | | | | | | 686 | | | | | | | | | | 687 | | | | | | | | | | 688 | | | | | | | | | | 689 | | | | | | | | | | 690 | | | | | | | | | | 691 | | | | | | | | | | 692 | | | | | | | | | | 693 | | | | | | | | | | 694 | | | | | | | | | | 695 | | | | | | | | | | 696 | | | | | | | | | | 697 | | | | | | | | | | 698 | | | | | | | | | | 699 | | | | | | | | | | 700 | | | | | | | | | | 701 | | | | | | | | | | 702 | | | | | | | | | | 703 | | | | | | | | | | 704 | | | | | | | | | | 705 | | | | | | | | | | 706 | | | | | | | | | | 707 | | | | | | | | | | 708 | | | | | | | | | | 709 | | | | | | | | | | 710 | | | | | | | | | | 711 | | | | | | | | | | 712 | | | | | | | | | | 713 | | | | | | | | | | 714 | | | | | | | | | | 715 | | | | | | | | | | 716 | | | | | | | | | | 717 | | | | | | | | | | 718 | | | | | | | | | | 719 | | | | | | | | | | 720 | | | | | | | | | | 721 | | | | | | | | | | 722 | | | | | | | | | | 723 | | | | | | | | | | 724 | | | | | | | | | | 725 | | | | | | | | | | 726 | | | | | | | | | | 727 | | | | | | | | | | 728 | | | | | | | | | | 729 | | | | | | | | | | 730 | | | | | | | | | | 731 | | | | | | | | | | 732 | | | | | | | | | | 733 | | | | | | | | | | 734 | | | | | | | | | | 735 | | | | | | | | | | 736 | | | | | | | | | | 737 | | | | | | | | | | 738 | | | | | | | | | | 739 | | | | | | | | | | 740 | | | | | | | | | | 741 | | | | | | | | | | 742 | | | | | | | | | | 743 | | | | | | | | | | 744 | | | | | | | | | | 745 | | | | | | | | | | 746 | | | | | | | | | | 747 | | | | | | | | | | 748 | | | | | | | | | | 749 | | | | | | | | | | 750 | | | | | | | | | | 751 | | | | | | | | | | 752 | | | | | | | | | | 753 | | | | | | | | | | 754 | | | | | | | | | | 755 | | | | | | | | | | 756 | | | | | | | | | | 757 | | | | | | | | | | 758 | | | | | | | | | | 759 | | | | | | | | | | 760 | | | | | | | | | | 761 | | | | | | | | | | 762 | | | | | | | | | | 763 | | | | | | | | | | 764 | | | | | | | | | | 765 | | | | | | | | | | 766 | | | | | | | | | | 767 | | | | | | | | | | 768 | | | | | | | | | | 769 | | | | | | | | | | 770 | | | | | | | | | | 771 | | | | | | | | | | 772 | | | | | | | | | | 773 | | | | | | | | | | 774 | | | | | | | | | | 775 | | | | | | | | | | 776 | | | | | | | | | | 777 | | | | | | | | | | 778 | | | | | | | | | | 779 | | | | | | | | | | 780 | | | | | | | | | | 781 | | | | | | | | | | 782 | | | | | | | | | | 783 | | | | | | | | | | 784 | | | | | | | | | | 785 | | | | | | | | | | 786 | | | | | | | | | | 787 | | | | | | | | | | 788 | | | | | | | | | | 789 | | | | | | | | | | 790 | | | | | | | | | | 791 | | | | | | | | | | 792 | | | | | | | | | | 793 | | | | | | | | | | 794 | | | | | | | | | | 795 | | | | | | | | | | 796 | | | | | | | | | | 797 | | | | | | | | | | 798 | | | | | | | | | | 799 | | | | | | | | | | 800 | | | | | | | | | | 801 | | | | | | | | | | 802 | | | | | | | | | | 803 | | | | | | | | | | 804 | | | | | | | | | | 805 | | | | | | | | | | 806 | | | | | | | | | | 807 | | | | | | | | | | 808 | | | | | | | | | | 809 | | | | | | | | | | 810 | | | | | | | | | | 811 | | | | | | | | | | 812 | | | | | | | | | | 813 | | | | | | | | | | 814 | | | | | | | | | | 815 | | | | | | | | | | 816 | | | | | | | | | | 817 | | | | | | | | | | 818 | | | | | | | | | | 819 | | | | | | | | | | 820 | | | | | | | | | | 821 | | | | | | | | | | 822 | | | | | | | | | | 823 | | | | | | | | | | 824 | | | | | | | | | | 825 | | | | | | | | | | 826 | | | | | | | | | | 827 | | | | | | | | | | 828 | | | | | | | | | | 829 | | | | | | | | | | 830 | | | | | | | | | | 831 | | | | | | | | | | 832 | | | | | | | | | | 833 | | | | | | | | | | 834 | | | | | | | | | | 835 | | | | | | | | | | 836 | | | | | | | | | | 837 | | | | | | | | | | 838 | | | | | | | | | | 839 | | | | | | | | | | 840 | | | | | | | | | | 841 | | | | | | | | | | 842 | | | | | | | | | | 843 | | | | | | | | | | 844 | | | | | | | | | | 845 | | | | | | | | | | 846 | | | | | | | | | | 847 | | | | | | | | | | 848 | | | | | | | | | | 849 | | | | | | | | | | 850 | | | | | | | | | | 851 | | | | | | | | | | 852 | | | | | | | | | | 853 | | | | | | | | | | 854 | | | | | | | | | | 855 | | | | | | | | | | 856 | | | | | | | | | | 857 | | | | | | | | | | 858 | | | | | | | | | | 859 | | | | | | | | | | 860 | | | | | | | | | | 861 | | | | | | | | | | 862 | | | | | | | | | | 863 | | | | | | | | | | 864 | | | | | | | | | | 865 | | | | | | | | | | 866 | | | | | | | | | | 867 | | | | | | | | | | 868 | | | | | | | | | | 869 | | | | | | | | | | 870 | | | | | | | | | | 871 | | | | | | | | | | 872 | | | | | | | | | | 873 | | | | | | | | | | 874 | | | | | | | | | | 875 | | | | | | | | | | 876 | | | | | | | | | | 877 | | | | | | | | | | 878 | | | | | | | | | | 879 | | | | | | | | | | 880 | | | | | | | | | | 881 | | | | | | | | | | 882 | | | | | | | | | | 883 | | | | | | | | | | 884 | | | | | | | | | | 885 | | | | | | | | | | 886 | | | | | | | | | | 887 | | | | | | | | | | 888 | | | | | | | | | | 889 | | | | | | | | | | 890 | | | | | | | | | | 891 | | | | | | | | | | 892 | | | | | | | | | | 893 | | | | | | | | | | 894 | | | | | | | | | | 895 | | | | | | | | | | 896 | | | | | | | | | | 897 | | | | | | | | | | 898 | | | | | | | | | | 899 | | | | | | | | | | 900 | | | | | | | | | | 901 | | | | | | | | | | 902 | | | | | | | | | | 903 | | | | | | | | | | 904 | | | | | | | | | | 905 | | | | | | | | | | 906 | | | | | | | | | | 907 | | | | | | | | | | 908 | | | | | | | | | | 909 | | | | | | | | | | 910 | | | | | | | | | | 911 | | | | | | | | | | 912 | | | | | | | | | | 913 | | | | | | | | | | 914 | | | | | | | | | | 915 | | | | | | | | | | 916 | | | | | | | | | | 917 | | | | | | | | | | 918 | | | | | | | | | | 919 | | | | | | | | | | 920 | | | | | | | | | | 921 | | | | | | | | | | 922 | | | | | | | | | | 923 | | | | | | | | | | 924 | | | | | | | | | | 925 | | | | | | | | | | 926 | | | | | | | | | | 927 | | | | | | | | | | 928 | | | | | | | | | | 929 | | | | | | | | | | 930 | | | | | | | | | | 931 | | | | | | | | | | 932 | | | | | | | | | | 933 | | | | | | | | | | 934 | | | | | | | | | | 935 | | | | | | | | | | 936 | | | | | | | | | | 937 | | | | | | | | | | 938 | | | | | | | | | | 939 | | | | | | | | | | 940 | | | | | | | | | | 941 | | | | | | | | | | 942 | | | | | | | | | | 943 | | | | | | | | | | 944 | | | | | | | | | | 945 | | | | | | | | | | 946 | | | | | | | | | | 947 | | | | | | | | | | 948 | | | | | | | | | | 949 | | | | | | | | | | 950 | | | | | | | | | | 951 | | | | | | | | | | 952 | | | | | | | | | | 953 | | | | | | | | | | 954 | | | | | | | | | | 955 | | | | | | | | | | 956 | | | | | | | | | | 957 | | | | | | | | | | 958 | | | | | | | | | | 959 | | | | | | | | | | 960 | | | | | | | | | | 961 | | | | | | | | | | 962 | | | | | | | | | | 963 | | | | | | | | | | 964 | | | | | | | | | | 965 | | | | | | | | | | 966 | | | | | | | | | | 967 | | | | | | | | | | 968 | | | | | | | | | | 969 | | | | | | | | | | 970 | | | | | | | | | | 971 | | | | | | | | | | 972 | | | | | | | | | | 973 | | | | | | | | | | 974 | | | | | | | | | | 975 | | | | | | | | | | 976 | | | | | | | | | | 977 | | | | | | | | | | 978 | | | | | | | | | | 979 | | | | | | | | | | 980 | | | | | | | | | | 981 | | | | | | | | | | 982 | | | | | | | | | | 983 | | | | | | | | | | 984 | | | | | | | | | | 985 | | | | | | | | | | 986 | | | | | | | | | | 987 | | | | | | | | | | 988 | | | | | | | | | | 989 | | | | | | | | | | 990 | | | | | | | | | | 991 | | | | | | | | | | 992 | | | | | | | | | | 993 | | | | | | | | | | 994 | | | | | | | | | | 995 | | | | | | | | | | 996 | | | | | | | | | | 997 | | | | | | | | | | 998 | | | | | | | | | | 999 | | | | | | | | | |

Foreman
- Amanda Bolin



CI

1 State of South Carolina) In the Court Of Common Pleas
2 County of Lexington) Case No.: 2020-CP-32-01461
3 William Lee Klotz,)
4 Plaintiff,)
5 vs.) Transcript of Proceedings
6 General Joe VanLier,)
7 Defendant.)
8 _____)

9
10 February 14th and 15th, 2022
11 Lexington, South Carolina

12 BEFORE:

13 The Honorable Walton J. McLeod, IV, Judge, and
14 a Jury.

15
16 APPEARANCES:

17
18 William Lee Klotz, Pro se
19 Plaintiff

20 James B. Lybrand, Junior, Esquire
21 Attorney for the Defendant

22 ALSO PRESENT:

23 General Joe VanLier
24
25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

| | | |
|----|-------------------------------------|------|
| 1 | INDEX | |
| 2 | FEBRUARY 14, 2022 | |
| 3 | | PAGE |
| 4 | JURY SELECTION | 7 |
| 5 | OPENING STATEMENT | |
| 6 | By The Court | 90 |
| 7 | By Mr. Klotz | 95 |
| 8 | By Mr. Lybrand | 101 |
| 9 | WITNESS | PAGE |
| 10 | WILLIAM LEE KLOTZ | |
| 11 | Direct Testimony by Mr. Klotz | 106 |
| 12 | Cross Examination by Mr. Lybrand | 136 |
| 13 | Redirect Testimony by Mr. Klotz | 140 |
| 14 | PLAINTIFF RESTS | 141 |
| 15 | ADAM LOUIS ANTLEY | |
| 16 | Direct Examination by Mr. Lybrand | 147 |
| 17 | Cross Examination by Mr. Klotz | 153 |
| 18 | Redirect Examination by Mr. Lybrand | 164 |
| 19 | Recross Examination by Mr. Klotz | 166 |
| 20 | FEBRUARY 15, 2022 | |
| 21 | GENERAL JOE VANLIER | |
| 22 | Direct Examination by Mr. Lybrand | 171 |
| 23 | Cross Examination by Mr. Klotz | 181 |
| 24 | DEFENDANT RESTS | 195 |
| 25 | | |

| | | |
|----|-------------------------|------|
| 1 | FEBRUARY 15, 2022 | |
| 2 | | PAGE |
| 3 | CLOSING ARGUMENT | |
| 4 | By Mr. Klotz | 208 |
| 5 | By Mr. Lybrand | 212 |
| 6 | By Mr. Klotz | 224 |
| 7 | CHARGE OF THE COURT | 225 |
| 8 | VERDICT OF THE JURY | 239 |
| 9 | | |
| 10 | Certificate of Reporter | 241 |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

| | | | | |
|----|-------------|------------------------------------|----|-------|
| 1 | EXHIBITS | | | |
| 2 | COURT'S | | | |
| 3 | NO. | DESCRIPTION | ID | EVDS. |
| 4 | 1 | Foreperson Selection | 41 | |
| 5 | PLAINTIFF'S | | | |
| 6 | NO. | DESCRIPTION | ID | EVDS. |
| 7 | 1 | Photo Accident Scene | | 107 |
| 8 | 2 | " " " | | 108 |
| 9 | 3 | " Plaintiff's Vehicle | | 108 |
| 10 | 4 | " " " | | 109 |
| 11 | 5 | " Defendant's Vehicle | | 110 |
| 12 | 6 | " " " | | 111 |
| 13 | 7 | " " " | | 111 |
| 14 | 8 | " Plaintiff's Vehicle | | 111 |
| 15 | 9 | " Defendant's Vehicle | | 112 |
| 16 | 10 | " Trooper Antley | | 112 |
| 17 | 11 | " " " | | 113 |
| 18 | 12 | " Overpass | | 114 |
| 19 | 13 | Kelly Paint and Body Bill | | 115 |
| 20 | 14 | Aiken Regional Medical Center Bill | | 135 |
| 21 | | | | |
| 22 | | | | |
| 23 | | | | |
| 24 | | | | |
| 25 | | | | |

| | | | | |
|---|-------------|-------------------------|----|-------|
| 1 | EXHIBITS | | | |
| 2 | DEFENDANT'S | | | |
| 3 | NO. | DESCRIPTION | ID | EVDS. |
| 4 | 1 | Photo Defendant's Truck | 86 | 179 |
| 5 | 2 | " " " | 86 | 179 |
| 6 | 3 | " " " | 86 | |
| 7 | 4 | " " " | 86 | |
| 8 | 5 | " " " | 86 | 179 |
| 9 | 6 | " " " | 86 | |

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1 February 14, 2022

2 Thereupon, the following proceedings were had,

3 BAILIFF: All rise. Court is now in session. The
4 Honorable Judge Walton J. McLeod presiding.

5 THE COURT: Okay. Good morning, ladies and
6 gentlemen. Please be seated. Thank you. Welcome to the
7 Lexington County Courthouse. Glad you could be here with
8 us today. We appreciate your willingness in advance to
9 serve on jury duty this week. This is a civil or common
10 pleas term of court so this will just be a one week term
11 of court to do civil cases. If at any point during this
12 qualification process if something comes up and you need
13 to speak we me or if some emergency pops up and you need
14 to leave the room, just let us know, get our attention
15 and the bailiffs are in both corners of the courtroom.
16 If you need their assistance, let them know. Can
17 everyone hear me? Okay. That's better.

18 The first part of our process of jury duty this week
19 is what we're doing called jury qualification, the
20 qualification process. This will be an opportunity for
21 each of you to stand up, tell us your name, your
22 occupation, your spouse's name and if applicable, their
23 occupation, but before we begin that process -- I'm
24 trying to find my page here. All right. Before we begin
25 the qualification process, we'll begin with roll call. I

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1 need each of you to stand up so I can administer an oath
2 to you. Everyone please stand and raise your right hand.

3 (Whereupon, the jury venire was duly sworn by the
4 Clerk of Court at 9:40 a.m.)

5 THE COURT: All right. Please be seated. All
6 right. Madam Clerk, we can proceed with roll call.

7 (Whereupon, the Clerk of Court conducted jury venire
8 roll call at 9:40 a.m.)

9 * * * * *

10 THE CLERK: Is there anyone's name I did not call?

11 THE COURT: All right. Okay. Ladies and gentlemen,
12 now I have certain questions to ask you to determine your
13 qualifications as jurors in this court. These questions
14 determine your general eligibility to serve. The state
15 law requires that I ask these questions. Some of the
16 questions may be personal in nature to you and you may
17 not want to stand up in front of the whole courtroom and
18 disclose a response in front of everyone and that's okay.
19 I don't want anybody to suffer any sort of undue
20 embarrassment, however, if there is a question that
21 applies to you, don't respond, make a mental note of it.
22 There will be an opportunity for you to come speak to me
23 in private at the end of all the questions, okay?

24 Is there any member of this jury panel that's not a
25 citizen of the United States or a resident of Lexington

1 County, South Carolina?

2 (No response.)

3 Is there any member of the jury panel unable to
4 read, write, speak, or understand the English language or
5 have less than a sixth grade education or its equivalent?

6 (No response.)

7 Is there any member of the jury panel unable because
8 of mental or physical infirmities to render efficient
9 jury service? For example, does any member of the jury
10 panel have a medical condition that prevents you from
11 serving on jury duty this week? The jury box is off to
12 your left, my right, and generally when we start jury
13 service, we start trial about 9:30 in the morning and we
14 usually go for about no more than an hour and a half
15 without a break. There will be several breaks during the
16 day. You will get a lunch break. We try to end around
17 5:00. Now, sometimes we go a little bit later, sometimes
18 we get out sooner. It just depends on where we are in
19 witness testimony. But that's, to be clear, you don't
20 have to sit in a chair all day long without a break for
21 jury service. There are certainly adequate breaks and if
22 any juror ever needed a break, they could just wave their
23 hand and we would certainly accommodate that. Is there
24 any reason, any physical or mental infirmities that
25 anyone is unable to serve this week?

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1 (No response.)

2 All right. Is there any member of the jury panel
3 that has been convicted by guilty plea or trial in a
4 State or Federal Court of record of a crime punishable by
5 imprisonment by more than one year and your civil rights
6 have not been restored by pardon or amnesty? Punishable
7 by more than one year means that you could have received
8 a sentence of more than one year regardless of what
9 sentence you actually may have received. If this applies
10 to anyone, please stand.

11 (No one standing.)

12 Is there any member of the jury panel a clerk or
13 deputy Clerk of Court, a constable, sheriff, or other
14 commissioned law enforcement officer, Probate Judge,
15 county commissioner, magistrate or other county officer
16 or employed within the walls of any courthouse?

17 (No response.)

18 Is there any member of the jury panel who has
19 previously served on jury duty in Circuit Court during
20 this calendar year, but this calendar year is only one
21 month old so I don't think that would apply to anyone.

22 Is there any member of the jury panel that has
23 served on the Lexington County Grand Jury in the past
24 several years?

25 (No response.)

Steven E. LeBlanc, R.P.R., Circuit Court Reporter
P.O. Box 184, Lexington, South Carolina 29071

1 All right. Now we move onto jury exemptions. State
2 law provides for several exemptions to jury service. An
3 exemption does not mean you're not qualified to serve.
4 It simply means you have the right to say I choose not to
5 serve. Those of you who are 65 years of age or older
6 may be exempted from jury service. However, each of you
7 represent a pool of tremendous talent for jury service
8 based upon your life experiences alone. So if you're
9 over the age of 65, we encourage you to stay, but you're
10 certainly entitled to exercise that exemption if you see
11 fit. Anyone in this room over the age of 65? Yes,
12 ma'am. Do you wish to use your exemption or can you stay
13 with us? I'm sorry, I can't see you.

14 KATHRYN DIAZ: I'll stay with you.

15 THE COURT: What juror number are you?

16 KATHRYN DIAZ: 47.

17 THE COURT: 47. Thank you. Another exemption
18 includes prior jury service. No person is required to
19 serve as a juror more often than once every three
20 calendar years, therefore, id any member of the jury
21 panel has served on jury duty during the last two
22 calendar years, you may be exempt from service this week
23 if you choose to do so. Anybody been on jury duty in
24 Circuit Court over the past three years?

25 (No response.)

1 All right. Along the same lines, has anyone served
2 on the Lexington County Grand Jury over the past five
3 years?

4 (No response.)

5 The next exemption deals with those of you who have
6 small children. Please listen very carefully to this
7 exemption. It has several parts all of which must apply
8 to be exempted on this basis. You may be exempted from
9 jury service if you have a small child or children under
10 the age of seven years, you have legal custody of your
11 child or children, you have the principal care, custody
12 and control of your child or children, and you're unable
13 to make arrangements for the adequate care of your child
14 or children while performing jury duty. If all these
15 requirements apply to you, then you may be exempted on
16 this basis. If this exemption applies to you, please
17 stand. Yes, ma'am. Your number?

18 DEBORAH CARROLL: 29. But does this apply to --

19 THE COURT: I'll tell you what, come on up at the
20 end and I'll speak with you. All right. Is there any
21 member of this jury panel that's employed with the
22 Department of Corrections at penitentiary?

23 (No response.)

24 Is there any juror who performs services for a
25 business commercial or agricultural enterprise which are

1 so essential to the operation of that enterprise that if
2 you were required to perform jury duty, the enterprise
3 would have to close or stop functioning? If so and you
4 wish to be exempted, please stand.

5 (No one standing.)

6 Is there any juror who is the primary caretaker of a
7 severely disabled person who is unable to care for
8 himself or herself and cannot be left unattended? If so
9 and you wish to be exempted, please stand.

10 (No one standing.)

11 Is there any juror who is the primary caretaker of a
12 person acknowledged 65 or over and if so, if you wish to
13 be exempted.

14 (No one standing.)

15 Now, ladies and gentlemen, that concludes the
16 statutory list of qualifications and exemptions for jury
17 service. It may be that you are qualified and no
18 exemption applies to you, but jury are service this week
19 will constitute and extreme hardship on you for a
20 particular reason. I cannot permanently excuse a
21 qualified juror from jury service, but under extreme and
22 compelling circumstances I may excuse a juror from this
23 term of court and transfer the juror to another term of
24 court, particularly jurors who have not been previously
25 transferred. Please understand that general

1 inconvenience is not sufficient reason to transfer to you
2 another term of court. To justify a transfer, service
3 this week must constitute an extreme hardship on you.
4 Does this apply to anyone?

5 (No response.)

6 Okay. Ladies and gentlemen, now is your chance, if
7 you did not respond to one of the questions earlier to
8 come forward and speak to me privately. I'll be standing
9 right up here at the front. Also, juror 29, if you can
10 just come up and give me a little more detail on your
11 question. I'll see whoever this applies to up front.

12 (Side bars on the record.)

13 THE COURT: You're juror number 29?

14 DEBORAH CARROLL: Yes.

15 THE COURT: What was your question?

16 DEBORAH CARROLL: Later in the week my husband is
17 out of town so my children are five and seven. If
18 anything were to happen --

19 THE COURT: How much later in the week?

20 DEBORAH CARROLL: Thursday and Friday.

21 THE COURT: I don't think that's gonna be an issue,
22 but if it were, number 1, you might not get selected.
23 Number 2, we'll deal with that then. I think you'll be
24 all right.

25 DEBORAH CARROLL: Thank you.

1 THE COURT: Thank you. Yes, ma'am.

2 BAILIFF: Juror 75.

3 THE COURT: Come on up. Yes, ma'am, your question?

4 JESSICA GILLION: The first part you said something
5 about criminal charges. I don't know if mine would
6 apply. I got two misdemeanor charges in Kansas.

7 THE COURT: What was the sentence?

8 JESSICA GILLION: Conspiracy to commit theft. I was
9 with two people that got caught shoplifting.

10 THE COURT: Out of state charge?

11 JESSICA GILLION: Yes, sir.

12 THE COURT: Do you know what the potential sentence
13 was?

14 JESSICA GILLION: I think it was one year, but I did
15 a year, they suspended it to a year probation.

16 THE COURT: You're juror number 75?

17 JESSICA GILLION: Yes, sir.

18 THE COURT: Do you vote here in Lexington?

19 JESSICA GILLION: Yes, sir.

20 THE COURT: You may be excused, but let me look at
21 this. I'll find out. Just have a seat.

22 BAILIFF: Juror 67.

23 THE COURT: Yes, ma'am.

24 JENNIFER GARDIPEE: I don't know if this affects,
25 but I have ADHD. I don't know if that affects it at all.

1 THE COURT: Well, a lot of people do. You have the
2 job of a juror is to just sit here and listen to a person
3 talking from the witness stand, and if you're selected,
4 eventually you may be at a point you will deliberate and
5 discuss the case but...

6 JENNIFER GARDIPEE: But no public talking out loud
7 or anything like that, talking out loud.

8 THE COURT: You talking out loud?

9 JENNIFER GARDIPEE: Yes. I can't talk out loud.

10 THE COURT: Oh.

11 JENNIFER GARDIPEE: I get nervous. I get nervous.
12 That's what I was asking.

13 THE COURT: It's okay to be nervous to talk. Are
14 you on medication?

15 JENNIFER GARDIPEE: I'm not medicated. No.

16 THE COURT: You're juror 67. All right. Thank you.
17 Sit down.

18 BAILIFF: Juror 53.

19 THE COURT: All right. Yes, sir.

20 CODY ERWIN: Me and my spouse are currently
21 separated and going through a divorce and we have a court
22 date March 3rd in family court for our child. I'm just
23 making sure that that doesn't interfere with the trial.

24 THE COURT: No. No. This is February 14th.

25 CODY ERWIN: Yes, sir, but I don't know what the law

1 is so I didn't want to be making an incorrect statement
2 that I would be saying where my wife worked, you know.
3 I'm just making sure.

4 THE COURT: Did you not answer about your wife?

5 CODY ERWIN: Yes, sir. I did.

6 THE COURT: You are not sure if that's correct?

7 CODY ERWIN: No. I'm positive that's correct. I
8 was just being a hundred percent.

9 THE COURT: Because you're separated, still married,
10 you're legal.

11 CODY ERWIN: Yes, sir.

12 THE COURT: You did fine. You did fine.

13 CODY ERWIN: Thank you, sir.

14 THE COURT: 53?

15 CODY ERWIN: Yes, sir.

16 THE COURT: Okay. So we were just talking about
17 juror number 75 who didn't want to stand up for the
18 criminal question qualification. She indicated that she
19 had a charge from Kansas years ago, didn't really
20 understand what the sentence was. She indicated she
21 voted here in Lexington County so both litigants here are
22 fine with her servicing so we'll not excuse her at this
23 time.

24 (Side bars on the record concluded.)

25 THE COURT: All right. Madam Clerk, the jury is

1 qualified. Ladies and gentlemen, we're gonna take a
2 short break, 15 minutes or so. If you would just, I'll
3 have you exit the courtroom and just stay in the
4 courthouse, of course. If you need to go outside and
5 make a phone call, that's fine. Just stay in the general
6 area. I would like you back in the courtroom about
7 10:20, 10:25ish. We'll keep the courtroom shut until
8 then and then after that our plan is to go ahead and pick
9 the jury for this week, for today's jury trial, okay? Do
10 you have a question or do you need to --

11 KATHLEEN JAGOW: No. I have a question.

12 THE COURT: What's that question?

13 KATHLEEN JAGOW: The question about age. I'm over
14 65 but I do wish to stay.

15 THE COURT: Thank you. Your juror number.

16 KATHLEEN JAGOW: 96.

17 THE COURT: Well, thank you juror number 96 for
18 staying with us. We appreciate it. All right. Y'all
19 can exit the courtroom at this time and refresh
20 yourselves. See you back in 15 to 20 minutes. Thank
21 you.

22 (Whereupon, the jury venire exited the courtroom at
23 10:07 a.m.)

24 (Short break.)

25 BAILIFF: All rise.

1 THE COURT: Thank you all. Okay. As for today's
2 trial, this is William Klotz versus General Joe VanLier.
3 We have taken a short break to let the jury pool refresh
4 themselves. The next step will be to pick the jury. I
5 have spoken with Mr. Lybrand and Mr. Klotz in the hallway
6 this morning, actually behind the security gate outside
7 of the presence of anyone else. We discussed the
8 qualification process and how we may be able to pick the
9 jury for their case based upon the qualifications of the
10 first panel. We also discussed that up here, I believe,
11 next to the court reporter before we took our break and
12 they both indicated they were fine with proceeding
13 forward.

14 Voir dire is a process where I just ask questions of
15 the jury as far as whether they know the parties and
16 whether they're familiar with the case. I'll give them a
17 very brief background about the name of the parties and
18 the fact that it took place, an automobile accident, I
19 believe, on I-20, I'll read it from the complaint, near
20 the, is it the Long Pond exit? Excuse me. Pond Branch
21 Road near Gilbert west on I-20.

22 So both Mr. Klotz and Mr. Lybrand, Mr. Klotz, for
23 the record, is proceeding pro se. Mr. Lybrand represents
24 the defendant General VanLier and each communicated with
25 me over the weekend. Mr. Klotz provided a couple of

1 questions on voir dire as did Mr. Lybrand.

2 Mr. Klotz, the questions regarding the 2020
3 election, I don't intend to question anyone on their
4 beliefs about the 2020 election. I certainly recognize
5 you want me to ask it, but I don't really think that's
6 appropriate for this case nor do I think it's appropriate
7 to ask about their feelings on white supremacy. I do
8 know that the sample of the jurors that's generated by
9 the Clerk of Court computer randomly selected by the two
10 people we have here, 20 would get us to our first 12
11 jurors with each party getting four strikes and when that
12 list is printed, if you have any questions about it, just
13 come forward and the Clerk of Court can at least explain
14 it to you if you need it. Mr. Lybrand's questions just
15 asked if anyone, or immediate family member had been
16 employed at the Savannah River Plant. I think that's
17 where your client is employed; is that correct?

18 MR. LYBRAND: That's where the plaintiff was
19 employed, Your Honor.

20 THE COURT: Oh, okay.

21 MR. KLOTZ: Still am.

22 THE COURT: Still am. Okay. Is Savannah River
23 Plant appropriate or Savannah River Site?

24 MR. KLOTZ: Savannah River Nuclear Solutions is the
25 employer and there are many contractors out there that

1 would be considered site employees.

2 THE COURT: I'll touch on both of them. He asked if
3 any one of the jurors or immediate family are a
4 registered professional mechanical or structural
5 engineer. The question as to whether anyone would be
6 inclined to favor a pro se party over a party who is
7 represented by legal counsel. Whether any juror had ever
8 been in a car accident. There are also a list of
9 statutory questions I'll ask. Mr. Klotz, you may or may
10 not be familiar as far as whether anyone is related by
11 blood or marriage to either you or the defendant or have
12 a close personal social relationship with either you or
13 the defendant. My witness list, let's see here,
14 defendant's witness list consists of the defendant and
15 Trooper Antley. Mr. Klotz, am I correct that you are the
16 only witness for your case?

17 MR. KLOTZ: That's correct. I have a doctor's
18 statement which is in effect testimony, but he's not
19 present today.

20 THE COURT: He's what?

21 MR. KLOTZ: He's not present today, but he's
22 provided a doctor's statement, a signed doctor's
23 statement.

24 THE COURT: Well, so it's your intent you want to
25 use a doctor's written statement?

1 MR. KLOTZ: That's correct.

2 THE COURT: As evidence?

3 MR. KLOTZ: As evidence.

4 THE COURT: Okay. Mr. Lybrand, do you have any
5 opinion on that?

6 MR. LYBRAND: Yes, sir, Your Honor. May it please
7 the Court. Your Honor, obviously a doctor's statement
8 would not be admissible. It would be, we would contend,
9 just hearsay. Number 2, it does not give the defense the
10 chance to question the witness. We can't question the
11 witness from a statement. We can't find out the
12 underlying basis for any of the opinions that might be
13 rendered in such a statement. Plaintiff has had the
14 opportunity to either call that witness or take a
15 deposition of that witness to preserve the testimony for
16 trial. That has not been done. We would certainly
17 object to the proffering of a statement or an affidavit
18 of some witness who we have not had an opportunity to
19 cross examine.

20 THE COURT: Are you able to get this witness to the
21 courthouse?

22 MR. KLOTZ: The witness is in Charlotte, North
23 Carolina and this is the best available evidence because
24 it would be an intrusion of the doctor's duties to try to
25 get him here.

1 THE COURT: Right. Well, ordinarily any time a
2 doctor testifies in court, it's an intrusion into his or
3 her schedule. Have you communicated with the doctor in
4 the last few days about his potential availability to be
5 a live witness here, Mr. Klotz?

6 MR. KLOTZ: Yes. I've had a doctor's examination in
7 Charlotte.

8 THE COURT: No. No. What I mean is, have you
9 talked with him about appearing at trial, about
10 testifying at trial on behalf of your case?

11 MR. KLOTZ: No. I haven't talked to him recently,
12 but they've been locked down because of covid because of
13 the covid pandemic.

14 THE COURT: What I can do is I'll list him as a
15 potential witness.

16 MR. KLOTZ: Well, you could say potential.

17 THE COURT: Well, everyone is a potential witness.
18 Just because he's a witness doesn't mean that you have to
19 call him, but we can make more record on this after we
20 pick the jury, but I'll take a look at the affidavit, but
21 I think there's a problem with just having a sworn
22 affidavit being offered without the other party having
23 the opportunity to cross examine the witness offering the
24 opinion.

25 MR. KLOTZ: Well, the statement does not relate to

1 the actual treatment or medical matters. It simply
2 relates to the causative relationship between the
3 accident and the medical effect.

4 THE COURT: What's his name?

5 MR. KLOTZ: Dr. Dominic Falewee, F-a-l-e-w-e-e.

6 THE COURT: Say that one more time.

7 MR. KLOTZ: Yeah. He's my chief cardiologist.

8 THE COURT: What was his last name?

9 MR. KLOTZ: Falewee, F-a-l-e-w-e-e.

10 THE COURT: Okay. Dr. Dominic Falewee. Okay. So
11 he may or may not be present at trial. You may decide to
12 contact him during the lunch hour today, but the most
13 potential witnesses you would have would be yourself and
14 potentially a doctor; is that correct?

15 MR. KLOTZ: That is right.

16 THE COURT: Okay. So four potential witnesses.
17 Once we pick a jury, we'll probably take another break to
18 talk about the next step which will be opening
19 statements. I want to make sure that we talk about each
20 stage of the trial before it begins, that way we can try
21 to discuss any, we don't want to publish anything to the
22 jury that they're not supposed to hear so my intent is to
23 try to take a break so that we can, so at least I can set
24 forth what the next stage of the trial is going to be and
25 answer any -- How about just stay there. They're just

1 trying to get back in on time. But we'll get a jury
2 picked and then we can take another break. They'll go to
3 the jury room, they'll pick a foreperson, we'll find out
4 who that foreperson is, and then we can talk about how we
5 do opening statements and the trial of the case from then
6 on, okay? Does that make sense, Mr. Klotz?

7 MR. KLOTZ: Yes.

8 THE COURT: Okay. Mr. Lybrand?

9 MR. LYBRAND: That's fine, Your Honor.

10 THE COURT: All right. Do either one of y'all need
11 a short break before we bring in the jury?

12 MR. LYBRAND: I'll step out to go to the restroom.

13 THE COURT: Mr. Klotz, you're free to take a short
14 bathroom break. I may do the same. We'll start in,
15 let's just say a few minutes, three or four minutes. All
16 right.

17 (Short break.)

18 THE COURT: All right. Let's bring the venire back
19 in please.

20 (Whereupon, the jury venire entered the courtroom at
21 10:30 a.m.)

22 THE COURT: All right. Everybody sitting in the
23 same place we were earlier. Anybody see - anybody
24 missing?

25 BAILIFF. We have 30.

1 THE COURT: Okay. We're good. Thank you. All
2 right. Ladies and gentlemen, welcome back. I hope you
3 had a chance to refresh yourselves. We're gonna go ahead
4 and pick a jury for our first case today from this panel.
5 A couple things I want to go through. The first case
6 this week will be the case of William Klotz versus
7 General Joe VanLier. This is a case here in Lexington
8 County that arises out of an automobile accident that
9 occurred on February 22nd, 2015 on I-20 near the Pond
10 Branch Road near Gilbert, South Carolina. As a result of
11 the accident the plaintiff is asserting a claim against
12 the defendant. I have several questions I'm gonna want
13 to ask you as part of this jury selection process, but
14 before I begin asking you any questions, I would like to
15 give the parties in this case an opportunity to stand up
16 and introduce themselves to you at this time. Mr.
17 Klotz.

18 MR. KLOTZ: Good day. I'm William Klotz and I'm the
19 plaintiff in the action for two claims, one is for car
20 property damage, and the other is for medical health and
21 personal injury damage. Thank you.

22 MR. LYBRAND: Good morning. My name is Jim Lybrand.
23 I practice law in Richland and Lexington counties. I
24 represent my client here General Joe VanLier. Thank
25 you.

1 THE COURT: Okay. Now, ladies and gentlemen, does
2 any member of this jury panel have a close personal,
3 social or business relationship with either the plaintiff
4 Mr. Klotz or the defendant Mr. VanLier? If so, please
5 stand.

6 (No one standing.)

7 Is there any member of the jury panel related by
8 blood or marriage to either the plaintiff or the
9 defendant?

10 (No one standing.)

11 Now, the following is a list of potential possible
12 witnesses in this case. William Klotz, General VanLier,
13 Trooper Antley, South Carolina Highway Patrol and Dr.
14 Dominic Falewee. Is there any member of this jury panel
15 that's related by blood or marriage or have a close
16 personal or social or business relationship with any of
17 the potential witnesses I've just called? If so, please
18 stand.

19 (No one standing.)

20 Now, is there any member of this jury panel that's
21 ever been represented by Mr. Jim Lybrand or his law firm
22 which is McDonald, McKenzie, Lybrand and Rubin, I
23 believe. Did I say that wrong?

24 MR. LYBRAND: McDonald, McKenzie, Rubin, Miller and
25 Lybrand.

1 THE COURT: I did say it wrong. Does anyone have
2 any previous dealings with his law firm?

3 (No response.)

4 Okay. Now, based off of what you've heard at this
5 point, is there anyone on this jury panel who has formed
6 or expressed any opinion about any issue or matter
7 involved in this case?

8 (No response.)

9 All right. Does any juror or their immediate family
10 member ever been a plaintiff in a car accident lawsuit?

11 (No response.)

12 Is any juror or their immediate family member ever
13 been employed at the Savannah River Plant or Savannah
14 River Nuclear Solutions located in the Aiken, South
15 Carolina area? Yes, ma'am. Stand up and tell me your
16 juror number.

17 REBECCA ASHBY: 8, Rebecca Ashby. My son used to be
18 employed at Savannah River Site.

19 THE COURT: Your son used to be employed at the
20 Savannah River Site?

21 REBECCA ASHBY: Yes.

22 THE COURT: The fact that your son used to be
23 employed in that area, would that affect your ability to
24 be fair and impartial in hearing the evidence in this
25 case?

1 REBECCA ASHBY: No.

2 THE COURT: All right. Thank you. Is there any
3 juror or their immediate family member ever been employed
4 as a registered professional mechanical or a structural
5 engineer?

6 (No response.)

7 Okay. Now, in this case the plaintiff is a pro se
8 which means he's representing himself. Is there any
9 juror that can know of any reason why they would be
10 inclined to favor or disfavor a pro se party over a party
11 who is a party represented by legal counseling?

12 (No response.)

13 Now, is there any juror who has any knowledge for
14 any reason of the auto accident that occurred in February
15 2015 that I briefly described?

16 (No response.)

17 Does any member of this jury panel know of any
18 reason whatsoever why he or she should not serve as a
19 juror in this case with particular emphasis being placed
20 on your ability to be fair and impartial to both the
21 plaintiff and the defendant?

22 (No response.)

23 All right. Mr. Klotz, Mr. Lybrand, anything before
24 I - any other questions? I've asked what I was gonna
25 ask.

1 MR. LYBRAND: None from the defendant, Your Honor.

2 THE COURT: Thank you. Mr. Klotz?

3 MR. KLOTZ: None here.

4 THE COURT: Thank you, sir. Madam Clerk, could you
5 generate us a list please. Ladies and gentlemen, we're
6 gonna generate a random list on which the jury will be
7 selected. After it's printed out, I'll give the parties
8 a few minutes to look it over and then we'll proceed with
9 selecting the jury for the trial. So while you're just
10 sitting out there, just help me out and remain quiet. If
11 something comes up you need to leave, just wave your
12 hand, let me know. This shouldn't take but a few
13 minutes. Appreciate your patience.

14 (Short break.)

15 THE COURT: Counsel ready to proceed? Parties ready
16 to proceed?

17 MR. LYBRAND: Yes, Your Honor.

18 MR. KLOTZ: Yes.

19 THE COURT: All right. Madam Clerk.

20 THE CLERK: Okay. Using the numbers to the far
21 left, numbers 1 through 20, each side gets four strikes,
22 plaintiff strikes first. Mr. Klotz?

23 MR. KLOTZ: Number 6.

24 THE CLERK: Defense?

25 MR. LYBRAND: Defense strikes number 2.

1 THE CLERK: Plaintiff?
2 MR. KLOTZ: Number 11.
3 THE CLERK: Defense?
4 MR. LYBRAND: Defense strikes number 7.
5 THE CLERK: Plaintiff?
6 MR. KLOTZ: Number 11.
7 THE CLERK: You just struck that one.
8 MR. KLOTZ: Did I mention number 6 already?
9 THE CLERK: Yes, sir.
10 MR. KLOTZ: Okay. Number 16.
11 THE CLERK: Defense?
12 MR. LYBRAND: Defense strikes number 8.
13 THE CLERK: Plaintiff?
14 MR. KLOTZ: Number 18.
15 THE CLERK: Defense?
16 MR. LYBRAND: Defendant strikes number 4.
17 THE CLERK: Okay. Using the numbers to the far
18 left, 21, 22, and 23 for the alternate, each side gets
19 one strike. Plaintiff strikes first.
20 MR. KLOTZ: Number 21.
21 THE CLERK: And defense?
22 MR. LYBRAND: Number 23.
23 THE CLERK: Okay. I'm going to read your strikes
24 back to you again using the numbers on the left. Please
25 confirm your strikes. Plaintiff struck numbers 6, 11,

1 16, and 18; is that correct?

2 MR. KLOTZ: Correct.

3 THE CLERK: And defense struck numbers 2, 7, 8, and
4 4; is that correct.

5 MR. LYBRAND: Correct.

6 THE CLERK: Plaintiff for your alternate you struck
7 number 21; is that correct?

8 MR. KLOTZ: Correct.

9 THE CLERK: Defense struck number 23; is that
10 correct?

11 MR. LYBRAND: That is correct.

12 THE CLERK: When I call your name, if you will come
13 up, the bailiff will show you where to sit in the jury
14 box. Please bring all your belongings with you. Amanda
15 Bolin, Garrett Bailey, Rebecca Ashby, George Henne,
16 Christopher Bailey, Alani Dugger, Charles Johnson,
17 Gregory Connor, Kathryn Diaz, Jessica Atkins, Ashley
18 Ingram, Jessica Gillion and our alternate is Carlee
19 Anderson.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, first of all, thank you for serving. We appreciate
22 you being here and this is an important public service
23 that you're going to be doing so thank you in advance.
24 So you've been selected as the jury for this trial. The
25 first thing I'm gonna do actually is send you down to