

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge

Case No. 2011-CP-15-0020

Ricky S. Mitchell, ... Respondent,

v.

Marin Right of Way Service, LLC, and
Bernardo L. Hernandez, ... Petitioners,

v.

Bernardo L. Hernandez, ... Third-Party Plaintiff,

v.

Three-Gen, Inc., ... Third-Party Defendant.

DOCUMENTS IN SUPPORT OF RESPONDENT'S
RETURN TO PETITION FOR REHEARING

The following is a list of documents submitted in support of Respondent's Return to
Petition for Rehearing:

1. Excerpts from the Transcript of Record from the Circuit Court's December 19, 2011 hearing on the Motion to Disqualify Counsel (pp. 1, 11-61, 102-151).
2. Exhibits from the hearing on the Motion to Disqualify Counsel:
 - Plaintiff's Exhibit 1 (letter from defense counsel);
 - Plaintiff's Exhibit 2 (news report);

- Plaintiff's Exhibit 3 (news report);
- Plaintiff's Exhibit 4 (transcript of Hernandez statement to MAIT Team);
- Plaintiff's Exhibit 6 (FOIA request to SCDPS);
- Plaintiff's Exhibit 8 (affidavit of John E. Parker);
- Defendants' Exhibit 1 (contract of representation for Estate of Paul Vazquez).

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON) CASE NO.: 2011-CP-15-00020

RICKY S. MITCHELL,
PLAINTIFF,

v.

MARIN RIGHT OF WAY SERVICE, LLC,
DEFENDANT,

BERNARDO L. HERNANDEZ,
THIRD-PARTY PLAINTIFF,

v.

THREE GEN, INC.
THIRD-PARTY DEFENDANT.

TRANSCRIPT OF RECORD

DECEMBER 19TH, 2011
WALTERBORO, SOUTH CAROLINA
BEFORE THE HONORABLE PERRY M. BUCKNER, III, JUDGE.

APPEARANCES:

MR. PAUL DETRICK, ESQUIRE
PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK
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Attorney for the Defendants

Rebecca H. Hill
Official Court Reporter

1 proud of it. It's on the National Register of Historic
2 Places, but it does not have the best acoustics. And Mr.
3 Keaveny knows and Mr. Detrick knows that I wear a hearing
4 aid, so I can adjust the sound in here. That's from
5 shooting a shotgun all my life and not having adequate ear
6 protection. But very often if the court reporter can't
7 hear, she can't do her job.

8 MR. MARIN: Okay.

9 THE COURT: She's going to be looking at you, and every
10 now and then, the lawyers are going to be wanting to make
11 sure they can hear, so speak up for me. Begin by stating
12 your full name and spelling your last name for the record.

13 MR. MARIN: My name is Carlos; last name's, Marin, M-A-
14 R-I-N.

15 THE COURT: Can you hear all right over there, Mr.
16 Utsey?

17 MR. UTSEY: I can.

18 THE COURT: Everybody? How about back there?
19 Everybody can hear fine? Your witness, Mr. Keaveny.
20 Direct examination.

21 MR. KEAVENY: All right. Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. KEAVENY:

24 Q Mr. Marin, you just stated your full name. Would you
25 please tell the Court a little bit about yourself? Where do

1 you live?

2 A Yes, I live on Phillip Road. I've been in the state
3 for like 20 years, working on forestry, as far as planting
4 trees and spraying, power lines, and other land owner lands,
5 you know.

6 Q All right. You said you've lived here about 20 years?

7 A Yes.

8 Q Where did you move here from?

9 A Well, Mexico.

10 Q All right. I assume that Spanish is your native
11 language?

12 A Yes, sir.

13 Q And English is your foreign? Your ---

14 A Yes.

15 Q --- second language? All right. Are you married?

16 A Yes, sir.

17 Q And you have a family that lives here in Colleton
18 County?

19 A Yes, sir.

20 Q You own a business?

21 A Yes.

22 Q What is the name of the business?

23 A My first business is Marin Right of Way Service.

24 Q And is that business engaged in the activities that
25 you've just described for us?

1 A Yes, sir.

2 Q Okay. Very good. How many employees does Marin Right
3 of Way Service employ?

4 A It depends. It's a system of work, and sometimes we
5 have 20 guys. Like this time of year we have, like, ten
6 guys. And then summertime, I have even up to 40, 45 guys.

7 Q Okay. Very good. And other than doing landscaping
8 and, apparently, pine straw delivery, and maybe even
9 spreading pine straw, as we heard about a little while ago,
10 and I think you said planting trees, and that kind of thing
11 of well, what kind of work do you do?

12 A Talking about planting?

13 Q Yeah. What kind of work does Marin Right of Way
14 Service do for the community?

15 A We do like this time of year, as being cold weather, we
16 have to set new trees in the ground after the loggers take
17 the big trees. And then in summertime, starting in April or
18 May, we start working on power lines, cleaning right of
19 ways.

20 Q Okay. I see. And you've been doing that kind of work
21 for the last 20 years?

22 A Yes, sir.

23 Q Okay. Do you remember an accident involving your
24 company on February 27th, 2010?

25 MR. DETRICK: January.

1 A Yes.

2 Q January 27th, 2010?

3 A Yes.

4 Q Okay. At that time, can you tell me approximately how
5 many employees you had?

6 A I would say about -- about -- between 15 and 20.

7 Q All right. Does your company own vehicles?

8 A Yes, sir.

9 Q All right. How many vehicles does your company own?

10 A Right now, I have seven.

11 Q All right. The accident that occurred on January 27th,
12 2010, at that time, what vehicle was involved in that
13 accident?

14 A A passenger van; a 15-passenger van.

15 Q Okay. And was that van owned by your company?

16 A Yes.

17 Q And who was driving that van?

18 A Bernardo Lopez.

19 THE COURT: Who is that?

20 MR. MARIN: Bernardo Lopez.

21 THE COURT: L-O-P-E-Z?

22 MR. KEAVENY: Yes, sir, Your Honor.

23 THE COURT: You got it, Becky?

24 COURT REPORTER: Yes, sir.

25 Q And was Mr. Lopez employed by your company?

1 A Yes, sir.

2 Q And how long had Mr. Lopez been employed by your
3 company?

4 A Couple years.

5 Q Couple of years, okay. Is Mr. Lopez related to you in
-6 any way?

7 A Not himself.

8 Q All right. Is he married to your niece?

9 A Yes, sir.

10 Q Okay. And how many people were in the van on January
11 27th, 2010, that Mr. Lopez was driving?

12 A Total of eight.

13 Q Total of eight? Did that include Mr. Lopez?

14 A Yes.

15 Q Okay. And where was the van heading to?

16 A To Allendale.

17 Q And what was the purpose of going ---

18 THE COURT: I'm sorry. What was the response, last
19 part?

20 MR. MARIN: Going to Allendale.

21 THE COURT: Allendale.

22 MR. MARIN: Yeah, Allendale.

23 Q And why were they going to Allendale?

24 A To plant trees.

25 Q And approximately what time of the day did this

1 accident occur?

2 A About seven.

3 Q Okay. And where did the accident occur?

4 A The crossroad of Highway 601, and I think it's 642 or
5 Confederate Highway.

6 Q I think it's 641.

7 A 641.

8 Q Okay. All right. Were you present when the accident
9 itself happened?

10 A No.

11 Q All right. Did you become aware of the accident?

12 A No.

13 Q When did you learn of the accident?

14 A The guy, the driver, called me just a few minutes after
15 the accident.

16 Q All right. Where were you at that time?

17 A I was leaving downtown Walterboro.

18 Q Going to where?

19 A Going to Allendale.

20 Q What did you do?

21 A I was planning to meet a consultant on another job.

22 Q What did you when Mr. Lopez called you to tell you
23 about the accident?

24 A First asked -- asked -- first question I asked him is,
25 "Is everybody -- everybody okay?" He said, "No."

1 Q What else happened?

2 A Well, he told me probably one -- one person was dead.

3 Q All right. Did you have any -- what else was
4 discussed? Was anything else discussed at that time with
5 Mr. Lopez?

6 A Well, not much. He hang up and -- and I called my
7 brothers, tell them to go to the -- to the accident area,
8 and I was on my way there too at that moment.

9 Q Did you go to the accident?

10 A Yes.

11 Q All right. And tell me what you saw when you got
12 there.

13 A When I first got there I saw an ambulance and police
14 cars. You know, I saw the semi-truck turned -- turned over
15 and -- and the highway -- the van. I saw one body or one
16 guy dying close to semi-truck. I just walked over to the
17 van and I saw another guy was pretty hurt in the front seat.
18 And then in the -- in the back was two -- three more guys,
19 one was bad, too, laying in the seat. Just walk around the
20 van, I saw another guy laying on the ground, too. And the
21 driver, he was -- I mean, he was trying to walk, but he
22 wasn't walking good.

23 I saw Mr. Mitchell seated right by the -- the edge of
24 the highway, and I asked him what happened, you know. And
25 then I couldn't handle it. I just -- my brother was -- he

1 was arriving there, asking about insurance, proof of
2 insurance, and I say "Just take care of these." I couldn't
3 handle it. I left.

4 Q How did you feel at that time?

5 A I was -- I was in a shock. I mean, it's terrible.

6 Q What did you do?

7 A I just left the area and came back to town.

8 Q Where did you go?

9 A My first thought was just looking for legal advice.

10 Q Why?

11 A Well, I mean, it was a bad accident and I feel like I
12 need -- need a legal advice.

13 Q Were you able to drive yourself from the accident scene
14 at the time?

15 A No, sir. My -- had my -- by that time, my sister-in-
16 law had arrived there and she drove back to town.

17 Q So where did you go when you got back to town?

18 A Well, I know Mrs. Dorcas Tuten.

19 Q Yes, sir.

20 A And first I told her I'd need to go to her and ask if
21 she can help.

22 Q Did you go to Ms. Tuten's office?

23 A Yes, I did. And I explained to her what happened. She
24 told me she cannot help me. She say "I know somebody that
25 can help you," and she gave me Mr. Utsey's name and address.

1 She told me how to get to his office, and that's what I did
2 after I left Mrs. Dorcas office; I went to Mr. Utsey office.

3 Q All right. Now, when you're saying Mr. -- I know that
4 English is not your native tongue. So are you referring to
5 Mr. Skip Utsey here sitting at this table?

6 A Yes.

7 Q Okay. Very good. Did you understand when you left
8 Dorcas Tuten's office that she would not be able to help
9 you?

10 A Yes.

11 Q Did you understand that she would not be your lawyer?

12 A Yes.

13 Q Did you understand that she would not be representing
14 you?

15 A Yes.

16 Q All right. What did you do when you left Ms. Tuten's
17 office?

18 A Well, I went straight to Mr. Utsey's office.

19 Q And tell me what you did, step-by-step through the
20 process of when you got there.

21 A When I first got there, I went to the front desk. The
22 person who was there, the lady, I asked her, I said, "I need
23 to see Mr. Utsey." And she -- she asked me if I had
24 appointment, I said, "No." And she asked me what I was
25 about for, and I explained her a little bit, you know. And

1 she talked to Mr. Utsey about it, and then she me to go --
2 go to the back to his office.

3 Q All right. When you went to Mr. Utsey's office, did
4 you go there seeking legal advice?

5 A Yes.

6 Q Did you intend to hire Mr. Utsey to advise you?

7 A Yes.

8 Q And did you speak to Mr. Utsey?

9 A Yes.

10 Q Did you speak to him in confidence?

11 A Yes, sir.

12 Q And did you expect him to keep secret the confidential
13 information that you gave him?

14 A Well, really and truly, I never expect that I give
15 confidential information to somebody that's going to
16 represent me, I never expect to give that information to
17 somebody else who use it against me.

18 Q All right. Would you please walk us through what
19 happened from the point when the woman in Mr. Utsey's office
20 told you to back to the back and speak to Mr. Utsey. Just
21 walk us through the process.

22 A Yes. I went to his office and I introduced myself to
23 him. And I remember he told me that he remembers --
24 remembered my name because we -- we had another claim before
25 and ---

1 Q Was he representing -- did he represent you -- when you
2 said you had another claim before. Did he represent you or
3 somebody else?

4 A Somebody else.

5 Q Okay. All right. Go ahead.

6 A But before that, he called his -- his assistant to
7 cancel all of the appointments. I guess he had a court that
8 day, he told me.

9 Q He asked his office to cancel his appointments?

10 A Yes.

11 Q Okay.

12 A And after that, he started asking me a lot of
13 questions. I asked him did I need his help and he said --
14 he asking me a lot of questions about my business, the
15 people that got hurt, how many people die, and how many
16 people were in the van. A lot of more stuff that I don't
17 even remember everything right now.

18 Q Did Mr. Utsey take notes?

19 A Yes.

20 MR. KEAVENY: Do you have any objections to Skip's
21 notes?

22 MR. DETRICK: I don't have any objection, but how is he
23 going to testify to them?

24 MR. KEAVENY: I'm going to go through his notes and
25 talk to him about it. I'm not going to give him these

1 notes. I'm going to give them to the Court, since we've
2 marked it as an exhibit, so the Court can follow along with
3 us. We had previously marked, and I think agreed upon, all
4 of our exhibits for you, and this is Exhibit Number Five,
5 Defendant's Exhibit Number Five.

6 THE COURT: Mr. Detrick, I'm being handed what's marked
7 as Exhibit Number Five. I assume this is an attachment to a
8 deposition; is that correct?

9 MR. KEAVENY: Yes, sir.

10 THE COURT: Any objection?

11 MR. DETRICK: No.

12 THE COURT: All right. What deposition was this an
13 exhibit to?

14 MR. KEAVENY: This is an exhibit to the deposition of
15 Mr. Virzi, but it is Skip Utsey's response to a subpoena
16 duces tecum for records.

17 THE COURT: All right. The exhibit has the number of
18 pages.

19 MR. KEAVENY: I believe it is 13; let's see, it is 17
20 pages.

21 THE COURT: Very well. Without objection.

22 (Defendant's Exhibit Five, Notes of Bert G. "Skip"
23 Utsey, received into evidence.)

24 THE COURT: Proceed.

25 Q Now, about what time do you think, Mr. Marin, you

1 arrived at Mr. Utsey's office?

2 A I would say about between 9:00 and 9:30.

3 Q And how were you feeling at that time? What was your
4 state?

5 A Well, my feeling is -- was soon as I got into his
6 office and he start asking me questions, my feeling were
7 that he was trying to help me.

8 Q Did Mr. Utsey ask you what happened?

9 A Yes.

10 Q Did you tell Mr. Utsey what happened?

11 A Yes.

12 Q Did Mr. Utsey ask you about what of day the accident
13 happened?

14 A Yes.

15 Q Did he ask you how many people were taken to the
16 hospital?

17 A Yes.

18 Q Did he ask you how many were killed?

19 A Yes.

20 Q Did he ask you how many others there were that were
21 injured that weren't in the hospital or killed?

22 A Yes.

23 Q All right. Did he ask you whether or not the workers
24 in the van were in the United States legally?

25 A Yes, he did.

1 Q Did he ask you about whether or not -- did he ask you
2 questions about the driver, Bernardo Hernandez Lopez, the
3 co-defendant in this case?

4 A Yes.

5 Q And did you talk to Mr. Utsey about Mr. Lopez?

6 A Yes.

7 Q Did you answer all the questions Mr. Utsey asked you?

8 A Yes, sir.

9 Q Did you answer them freely and fully?

10 A Yes.

11 Q Did you answer them confidentially?

12 A Yes.

13 Q Did Mr. Utsey ask you whether or not -- did Mr. Utsey
14 ask you what kind of driver's license Mr. ---

15 A Yes, he did.

16 Q --- Hernandez Lopez had? Okay. Did Mr. Utsey ask you
17 whether or not your employees were authorized to work in the
18 United States through the Department of Labor?

19 A Yes.

20 Q Did you express concern about possible ramifications
21 about the fact that they were not registered with the
22 Department of Labor and now ---

23 A Yes.

24 Q -- this accident? And were you concerned about those
25 kinds of things?

1 A Yes.

2 Q All right. Did Mr. Utsey ask you if you had a lawyer
3 that helped you with immigration ---

4 MR. DETRICK: Your Honor, I could let him going on, but
5 I think he's asking leading questions. These are the first
6 questions he asked and went through. And I'd ask he not
7 lead witnesses for those ---

8 THE COURT: All right. Mr. Keaveny, it is direct
9 examination and we've been letting you testify here for
10 about ten minutes ---

11 MR. KEAVENY: I'm just trying ---

12 THE COURT: --- with your witness saying "yes" and
13 "no". Ask direct questions. The objection is sustained.

14 MR. KEAVENY: Your Honor, I'm just trying to get
15 through this ---

16 THE COURT: I understand you're trying to move, and I
17 appreciate that. But we're getting down to the heart of the
18 matter now. Ask direct questions.

19 MR. KEAVENY: Yes, Your Honor.

20 Q Was there any discussion about insurance of any kind?

21 A Yes.

22 Q Would you tell the Court what kind of questions there
23 were about insurance?

24 A He asked me did I have insurance. I said, "Yes." And
25 he say "We need the proof of insurance." And so after I

1 left the office, I called my agent and she told me not to
2 worry about it, she would take care of that. She sent that
3 information to him.

4 Q All right. Did you talk about any other kind of
5 insurance?

6 A No. I mean, everything's in the certificate.

7 Q Did you talk about insurance for your employees?

8 A Just the workers, the Workers' Comp.

9 Q Did you explain to Mr. Utsey -- what, if anything, did
10 you tell Mr. Utsey about where your employees were going?

11 A Well, actually, I was -- I was worried more about me
12 and my employees, you know, than anything else. And I was
13 trying to see what I need to do, you know. And since he
14 told me that I have insurance, he -- he said not to worry
15 about -- about it.

16 Q Did Mr. Utsey ask you if you had spoken to Mr. Lopez
17 about how the accident happened?

18 A Well, I don't remember that, to tell you the truth.

19 Q Okay. All right. All right. Why were you seeing Mr.
20 Utsey?

21 A Well, like I said at the beginning, I was looking for
22 legal advice. It was a major problem, and I can -- I don't
23 know what to do.

24 Q What, if anything, did Mr. Utsey tell you?

25 A Well, like I said, he told me that not to worry about

1 it; that's what I have insurance for. And he would -- he
2 would try to help me.

3 Q Did Mr. Utsey, at any time, tell you that he would not
4 represent you during that meeting?

5 A No, sir.

6 Q Did Mr. Utsey tell you that you needed to go see
7 another lawyer?

8 A Never did.

9 Q If Mr. Utsey had told you to do so, would you have kept
10 going? Would you have gone to see another lawyer?

11 A Certainly. Definitely. He said no, he could not help
12 me. I would have to find somebody else.

13 Q Did Mr. Utsey at any time tell you that he would file
14 any lawsuits against you?

15 A No, sir.

16 Q About how long do you think this meeting with Mr. Utsey
17 lasted?

18 A Probably more than -- more than an hour.

19 Q Okay. At the end of the meeting, were you supposed to
20 do anything?

21 A Yes, on the insurance information.

22 Q Okay. And did you ask someone to do that?

23 A Yes, sir, my agent. First, let me clear this. We met
24 later on that afternoon at my house because he wants more
25 information about the family members and the people that got

1 hurt in the wreck.

2 Q Okay. While you were meeting with Mr. Utsey, did you
3 and Mr. Utsey talk about the family members of the employees
4 who were injured in the wreck?

5 A Yes.

6 Q Tell the Court what was said in that regard.

7 A Well, he said that he wants -- he's going to try to
8 help the family members because they -- they need to have
9 help and -- and that's what insurance -- that was the plan,
10 you know.

11 Q Okay. Did you understand that helping the family
12 members would mean that Mr. Utsey was suing you or what was
13 your understanding of that?

14 A No, sir. I mean, he -- he -- all he told me is -- what
15 he told me is they wanted to sue me, that it was just a
16 right they have; they have a claim. It's going to be with
17 insurance.

18 Q Let me show you the next exhibit, Number Two.

19 MR. KEAVENY: This is exhibit, actually Exhibit Number
20 One, Paul?

21 MR. DETRICK: Yeah. No objection, Your Honor.

22 THE COURT: Let the record reflect, I'm being handed a
23 document entitled Exhibit One -- to what deposition?

24 MR. KEAVENY: It's not to any deposition. This is from
25 Mr. Utsey's file. It has Mr. Marin's signature on the

1 bottom left-hand side. I'm getting him to authenticate that
2 right now for me.

3 (Defendant's Exhibit One, Contract of Representation,
4 received into evidence.)

5 Q Mr. Marin, I'm going to show you this document that
6 we've marked as Exhibit Number One and it's called Contract
7 of Representation. I'd ask you to look down at the bottom
8 left-hand corner. Is that your signature there?

9 A Yes, sir.

10 Q Okay. Do you remember signing this?

11 A Yes.

12 Q I want you to talk about a little bit about how this
13 document came to be. First of all, what is your
14 understanding of what this document is?

15 A Well, that's for legal representation for Mr. Utsey of
16 one of the family members.

17 Q All right. And how did it come to pass that Mr. --
18 where was this document signed?

19 A My house.

20 Q All right. And how did it come to pass that Mr. Utsey
21 was at your house having this document signed?

22 A Well, because he wants to meet with the family members
23 and he wants to -- because they don't speak no English, they
24 want -- he wants me to help to translate.

25 Q All right. And did you help Mr. Utsey translate?

1 A Yes.

2 Q All right. Below your signature, there is a sentence
3 that says "I have explained this in Spanish to Mr. Lopez."
4 Do you see that?

5 A Yes.

6 Q Had you, in fact, explained this contract to Mr. Lopez
7 in Spanish?

8 A I did not explain it. I just try to explain what he
9 told me.

10 Q What this contract said?

11 A Yes.

12 Q Okay. Very good. All right. At this point in time --
13 now, when was this document signed? It says February 27th -
14 --

15 A A couple -- a few hours after we met the first time.

16 Q Okay. At that point in time, did you have any -- had
17 Mr. Utsey told you that he would not represent you?

18 A No.

19 Q Were you helping Mr. Utsey try to get the families of
20 the employees to work with Mr. Utsey on the workers' comp
21 claim?

22 A Yes.

23 Q After this document was signed, which we have marked as
24 Exhibit Number One, when was the next time that you had any
25 involvement with any communication with Mr. Utsey?

1 A The following Friday.

2 Q Okay. And tell me what happened that following Friday.

3 A I don't, to tell you the truth, I don't remember much
4 of that day, but I know we were ---

5 THE COURT: So that I understand the following Friday,
6 what was the day of the week you first saw him?

7 MR. MARIN: The -- the day of the accident, the 27th of
8 January.

9 MR. KEAVENY: It was a Wednesday.

10 MR. MARIN: Wednesday. And then next Friday is the --
11 the following Friday, I met with him for a third time, with
12 him, for a third time.

13 THE COURT: This would be the 29th?

14 MR. MARIN: Yes.

15 MR. KEAVENY: So it will be two days later.

16 MR. MARIN: Yes.

17 Q Tell the Court about that meeting, or what you remember
18 of it.

19 A Well, I remember I was there with my brother. It
20 was -- Mrs. Tuten was there, Jamey Copeland, and Mr. Parker,
21 from Hampton, and Mr. Utsey.

22 Q Okay. Do you remember why you guys were meeting that
23 day?

24 A To tell you the truth, I don't remember much about that
25 day.

1 Q All right. Did you talk to Mr. Parker and Mr. Utsey
2 that day?

3 A I remember that they asked me questions about a legal
4 status of the people.

5 Q Just say that again. The legal status about what?

6 A Of my people.

7 THE COURT: About what?

8 MR. MARIN: Legal status of my workers.

9 THE COURT: Legal status of my workers is what I
10 think ---

11 MR. KEAVENY: Yes.

12 THE COURT: --- he's saying?

13 Q At that point in time, did you have any reason to
14 believe that those lawyers were not working with you?

15 A No.

16 Q Or were not working for you?

17 A Never.

18 Q Okay. Did you answer their questions honestly?

19 A Yes, I did.

20 Q Did you believe that information that you gave would be
21 kept confidential?

22 A Yes.

23 Q Was it kept confidential?

24 A Yes. Well, I don't know. I mean, I don't know what
25 the intention was of them on that information because I did

1 trust in them.

2 Q Did you have any reason not to?

3 A No.

4 Q Did you talk to -- now, this is the Friday after the
5 accident. This would be January 29th; is that right?

6 A Yes.

7 Q All right. Did you have any other conversations with
8 Mr. Utsey or anybody from the law firm after January 27th
9 about this accident in any way?

10 A No, sir.

11 Q Did they try to contact you and talk to you about it?

12 A No.

13 Q Did you try to contact them and talk to them about it?

14 A No, sir.

15 Q Okay. Did you ever receive a letter from Mr. Utsey or
16 anybody at the law firm indicating that they would not
17 represent you?

18 A No, sir.

19 Q Did you ever have a conversation with Mr. Utsey or
20 anybody at the law firm saying that they would not represent
21 you?

22 A No. I don't remember that.

23 Q Do you remember being served with a Summons and
24 Complaint for this lawsuit?

25 A Yeah, well, they -- somebody brought it to my -- my

1 house.

2 MR. KEAVENY: Mark this as Exhibit Number -- well, it
3 is Exhibit Number Two, the ---

4 MR. DETRICK: No objection, Your Honor.

5 MR. KEAVENY: --- Summons and Complaint.

6 THE COURT: Without objection.

7 (Defendant's Exhibit Two, Summons and Complaint,
8 received into evidence.)

9 THE COURT: I'm being handed what has been marked as
10 Exhibit Number Two, and I understand from the writing on
11 this, this is an exhibit to Mr. Marin's deposition?

12 MR. KEAVENY: No, it's Marin's trial exhibit.

13 THE COURT: All right.

14 Q Do you remember receiving this document here?

15 A Yes. And -- and a old guy came to my house in an old
16 pickup truck, brought it to me.

17 Q Before you received this Summons and Complaint, did
18 anybody from Mr. Utsey's office call you to talk to you
19 about the fact that this would be coming to you?

20 A No, sir.

21 Q Did you read it?

22 A Yes.

23 Q And did you understand that Mr. Mitchell was the driver
24 of the other truck that was involved in this accident?

25 A Yes.

1 Q And did you understand that by virtue of this Summons
2 and Complaint, Mr. Mitchell was suing you?

3 A Yes, sir.

4 Q And did you notice by looking at the Summons, that the
5 lawyer who was representing Mr. Mitchell was Mr. Utsey?

6 A Yes.

7 Q Did you read the complaint itself?

8 A Part of -- most of it.

9 Q Most of it?

10 A Yes.

11 Q How did you feel when you received this Summons and
12 Complaint?

13 A I don't know what to say. I mean, when you put trust
14 in somebody about confidential stuff, and then somebody just
15 -- I mean, that person turns it around and use it against
16 you, I mean, that's not a good feeling at all.

17 Q At any time before this Summons and Complaint was
18 served upon you, did Mr. Utsey, or anybody from his firm,
19 ask you if you would consent to their representing Mr. ---

20 A No, sir.

21 Q If they had called you and asked you if you would
22 consent to their representation of Mr. Mitchell, what would
23 you ---

24 THE COURT: Just a moment.

25 MR. DETRICK: I'm sorry, Your Honor. I just had to

1 stand for a moment.

2 THE COURT: Okay. I just wanted to make sure it wasn't
3 an objection.

4 MR. DETRICK: My apology, Your Honor.

5 THE COURT: No problem. You can stand. I understand
6 that and that's fine. Just let me know, though, when you
7 stand whether it's an objection or whether you're standing
8 because you need to stand. Proceed.

9 Q Mr. Marin, if Mr. Utsey, or anybody from the law firm,
10 had called you and asked you if you would consent, allow
11 them to represent Mr. Mitchell filing this lawsuit against
12 you, what would your response have been?

13 A It would be no.

14 MR. KEAVENY: Beg the Court's indulgence just a minute.

15 THE COURT: Yes, sir.

16 (Brief Pause.)

17 Q Mr. Marin, this lawsuit was filed on January 6th. And
18 according to an Affidavit of Service that was on file with
19 the Clerk of Court's Office, you were served -- you were
20 served on the Summons and Complaint on January 13th, okay.

21 MR. KEAVENY: This is Exhibit Number Three.

22 THE COURT: I'm being handed the Exhibit Three, which
23 is an Affidavit of Service.

24 MR. DETRICK: No objection, Your Honor.

25 THE COURT: Without objection.

1 (Defendant's Exhibit Three, Affidavit of Service,
2 received into evidence.)

3 Q When you received the Summons and Complaint, did you
4 call -- did it occur to you to call Mr. Utsey and ask him
5 what was up?

6 A No, I did not.

7 Q Why not?

8 A Because, I mean, why do I need to call him for, when he
9 was trying to sue?

10 Q Do you remember at some point in time last spring, in
11 May, that your deposition was to be taken?

12 A Yes.

13 Q And do you remember meeting with me at great length
14 that Saturday before that?

15 A Yes.

16 Q Okay. And after you and I left -- after you and I left
17 -- well, take it back another way. Do you remember the day
18 your deposition was to be taken?

19 A Yeah, I think the following week.

20 Q Okay. Do you remember that I came to your house to
21 pick you up?

22 A Yes.

23 Q All right. And tell the Court what happened at that
24 point.

25 A Well, I refused to testify because I feel like it

1 wasn't right for me to testify or say something that I
2 already told the lawyer about it.

3 Q Is that why you did not appear for your deposition?

4 A Yes.

5 Q Do you understand that we have filed a Motion to
6 Disqualify Mr. Utsey and his law firm from representing Mr.
7 Mitchell?

8 A Yes.

9 Q You understand we've done that at your request; is that
10 right?

11 A Yes, sir.

12 Q That's all I have. Thank you very much.

13 THE COURT: Cross-examination. I have the exhibits up
14 here, and I'm going to have my law clerk make copies and
15 give Becky back the originals that have been marked.

16 MR. KEAVENY: I have some more copies if you'd like,
17 Your Honor.

18 THE COURT: Well, these have the exhibit numbers of
19 them.

20 MR. KEAVENY: So do these.

21 THE COURT: I'm going to give those to Becky.

22 MR. KEAVENY: So do these.

23 THE COURT: Okay. Mr. Detrick, I'm assuming you have
24 copies now.

25 MR. DETRICK: Yes.

1 THE COURT: No, I'm missing one, now, Mr. Keaveny. I
2 handed her four exhibits and you handed me three. Which
3 one, Becky? I've got the Summons and Complaint, the
4 contract, and the -- how many you got?

5 COURT REPORTER: I've got four. I've got One, Two,
6 Three and Five.

7 MR. KEAVENY: What have you got?

8 THE COURT: I've got Exhibit Two, Exhibit One, Exhibit
9 Five.

10 MR. KEAVENY: You need Exhibit Three.

11 THE COURT: Exhibit Three, all right. You have copies,
12 Mr. Detrick?

13 MR. DETRICK: Yes, sir.

14 THE COURT: All right. Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. DETRICK:

17 Q Mr. Marin, you're obviously a very sophisticated
18 businessman here in the United States; are you not?

19 A I'm a businessman.

20 Q And you knew Mr. Utsey before this because, matter of
21 fact, he had brought a lawsuit against you and your
22 business, or at least, represented against you. The matter
23 was finally settled with your insurance company, correct?

24 A I did not met (sic) him before. He's -- I mean, he got
25 a lawsuit against me, but I never met him before.

1 Q That's fine. But there was a matter where Mr. Utsey
2 was involved in a case against you, correct?

3 A I didn't ask, but he did. I did not till the moment I
4 met -- met him at the office, because he told me about it.

5 Q You did have a matter against you for allegedly ruining
6 some trees in your work, correct?

7 A Yes, sir.

8 Q Mr. Utsey represented someone against you, correct?

9 A Yes.

10 Q And Mr. Utsey recovered money from the same insurance
11 company that we're talking about today in that matter; is
12 that not correct?

13 A Yes, sir.

14 Q So, obviously, Mr. Utsey was aware before you ever
15 walked in that door that you had liability insurance on your
16 business, correct?

17 MR. KEAVENY: Objection, Your Honor.

18 THE COURT: Overruled. Cross-examination. You may
19 answer the question if you know, Mr. Marin.

20 A When I got to the office, like I said before, I didn't
21 know that he was the one that filed the claim against me of
22 my -- my business. And if he knew, why he ask me for
23 insurance?

24 Q Well, your insurance company settled that matter; did
25 they not?

1 A They did.

2 Q Okay. It's the same insurance company.

3 A Tell you the truth, I'm not sure, because I change
4 insurance every year.

5 Q Okay. Well, it's a good thing to have insurance,
6 right? A sophisticated businessman such as yourself, it's
7 good to have insurance?

8 A Yes, sir.

9 Q Okay. As a matter of fact, you've got a lot of
10 insurance in this case because you wanted to be protected.
11 You've got ---

12 A Yes, sir.

13 Q --- two million dollars worth, right?

14 A Not two million.

15 Q So you always ---

16 A A million.

17 MR. DETRICK: Is it two million, Tom?

18 MR. KEAVENY: I don't know exactly how much it is.

19 THE COURT: Hold on. We're not going to have a
20 conversation between lawyers. If there's an objection, make
21 it to me. Don't start another conversation. Proceed.

22 Cross-examination.

23 MR. DETRICK: And we'll proceed -- we'll pass up to Mr.
24 Marin.

25 THE COURT: All right. Move along.

1 Q Now, Mr. Marin, let's go back to January 27th, if you
2 don't mind, 2010.

3 A Yes.

4 Q And I know that was a bad day. It was a bad day for
5 you and you were upset, right?

6 A Yes, sir.

7 Q Okay. And as far as when you went to Mr. Utsey, and I
8 think you testified that Mr. -- and I call him Hernandez; is
9 it Lopez?

10 A Lopez.

11 Q Is that because -- is it Hernandez-Lopez? Or Lopez-
12 Hernandez?

13 A With -- our last name, one belongs to his dad and the
14 other one belongs to him -- his mom.

15 Q Okay. And so you go by dad; is it the dad?

16 A Yes. Lopez is ---

17 Q If I'm messing it up, I'm sorry.

18 A That's fine.

19 Q You had not actually talked to Mr. Lopez about the
20 facts of the wreck at that time.

21 A No, because, I mean, it was -- I mean, you know, when
22 those things happen, it's hard to talk to somebody like that
23 about the details.

24 Q I understand. And I recognize it's a bad situation.

25 But what I wanted to gather, as far as when you went to Mr.

1 Utsey's office, any information you had, you had obtained
2 from your brother who had obtained it from the highway
3 patrol; is that correct?

4 A No, sir. The question that Mr. Utsey asked me is, they
5 were about the driver license and about his legal status in
6 here, immigration status, you know, and things that I knew.

7 Q Again, let me be clear, then, because I had a
8 misunderstanding. January 27th, 2010, did Mr. Utsey ask you
9 about how the wreck happened or anything of that nature?
10 Anything about Hernandez's conduct that you could have
11 answered?

12 A When I got there, he asked me about the minor details,
13 like if he was driving, what time -- what time the accident
14 happened, and like his license, about the paperwork in the
15 van, the people that got injured, how many total people.
16 But he never asked me about details of the accident.

17 Q All right. And so you -- and we found out later that
18 Mr. Hernandez had stopped and then pulled out in front of
19 the ---

20 A Yes, sir.

21 Q --- log truck, correct?

22 A Yes, sir.

23 Q That information there was not -- your testimony is,
24 was not relayed to Mr. Utsey on that day.

25 A No. Not the details of the accident.

1 Q Not relayed at all by you.

2 A None of the -- the details of the accident.

3 Q Okay. So what was related to Mr. Utsey by you --
4 please be sure I'm getting it all -- is that Mr. Lopez was
5 working for you?

6 A Yes.

7 Q And you say at some point in time, the status of the
8 employees.

9 A Yes.

10 Q And that would be whether they were illegal or not
11 illegal?

12 A Yes.

13 Q But they were legal; weren't they?

14 A Some of them; not all of them.

15 THE COURT: I'm sorry, what was your answer?

16 MR. MARIN: Some -- some of the guys were legal, some
17 others were not.

18 THE COURT: All right.

19 Q Mr. Lopez was legal?

20 A No.

21 Q He wasn't?

22 A No. He came with Visa for work, but the Visa expired.
23 So he wasn't -- wasn't at that moment, he wasn't -- was not
24 legal.

25 Q Do you deny telling Mr. Utsey that he was legal?

1 A I did not deny because I told him that a lot of my guys
2 were illegal, but he didn't ask specifically about his
3 status.

4 Q Mr. Keaveny was asking you about -- he was referring to
5 the notes Mr. Utsey took. Do you remember him going through
6 those?

7 A Some of it, yes.

8 Q And when he was going through that, you're not saying
9 that that's the order of the questions or the order of
10 anything that occurred on January 27th, are you, 2010? That
11 wasn't in order what Mr. Keaveny was talking about; was it?

12 A Well, what is in the papers, that's the way he asked me
13 the questions.

14 Q And he was just referring to the exhibit?

15 A Yes.

16 THE COURT: Refer to the exhibit number for the record,
17 please.

18 MR. DETRICK: I'm sorry, Your Honor, it's Exhibit Five.

19 THE COURT: Exhibit Five. Proceed.

20 Q And the exhibit Mr. Keaveny was questioning you from
21 says that Mr. Bernard Lopez was legally in the United
22 States.

23 A He came legally, but he was not legal at the moment.

24 Q All right.

25 A He might didn't understand that right.

1 Q Mr. Utsey never told you he was going to represent you;
2 did you?

3 A He never did.

4 Q Okay. And there was no discussion about a contracted
5 representation, correct?

6 A Repeat that question, again, please.

7 Q Just like you had in that exhibit that you signed with
8 Mr. -- with one of your employees, a Contract of
9 Representation.

10 A Yeah.

11 Q It never was even mentioned or said; was it?

12 A Well, what I did understand is that what he told me is
13 that he's going to help my guys and he's going to try to
14 help me. That's what I did understand.

15 Q He said he was going to try to help your guys, and you
16 wanted to help them; didn't you?

17 A Yeah.

18 Q But I want to make sure, as far as any Contract of
19 Representation, there wasn't any?

20 A Well ---

21 Q Just answer my question about that.

22 A I'm going to answer your question.

23 Q Yes.

24 A I didn't sign any contract with him. He didn't ask me
25 for it. But my understanding, after he asking me question

1 is that he was -- that he's going to help.

2 Q He was going to help you and help your employees. That
3 was the gist of it, correct?

4 A Well, that's what I did understand.

5 Q And he didn't say anything -- say anything about what
6 you paying him for anything he's going to do.

7 A Well, sir, he's the lawyer. I just go by what he tell
8 me to do.

9 Q And you told me that he never did tell you he was going
10 to represent you. Do you deny, Mr. Marin ---

11 A He didn't tell me -- he didn't told me that he not
12 going to represent me, but he didn't tell me -- I mean, he
13 never told me that he was not going to represent me. So
14 I -- my understanding is he's going to try to help me;
15 that's what my understanding.

16 Q Your testimony is that he never told you he was not
17 going to represent you.

18 A Well, he did not tell me not.

19 Q Is it your testimony that he never declined to
20 represent you?

21 A He didn't tell me -- never told me about it.

22 MR. DETRICK: May I hand up, Your Honor, a letter from
23 Mr. Keaveny dated May 31st, 2011?

24 THE COURT: You may. Is there an objection?

25 MR. KEAVENY: Yes, Your Honor.

1 THE COURT: Let me see the document.

2 (Brief Pause.)

3 THE COURT: All right. Let the record reflect that
4 I've been handed the letter of Mr. Keaveny dated May 31st,
5 2011, to Mr. Bert Utsey, which I understand -- Mr. Detrick,
6 are you seeking to introduce the letter or merely use it for
7 purposes of cross-examination? Because I don't know how
8 it's being offered at this point.

9 MR. DETRICK: Both.

10 THE COURT: Pardon?

11 MR. DETRICK: Both.

12 THE COURT: All right. Mr. Keaveny, what's your
13 objection?

14 MR. KEAVENY: Your Honor, first of all, this isn't a
15 document that was prepared by Mr. Marin; it was a document
16 that was prepared by me and ---

17 THE COURT: I think that's clear from the document, Mr.
18 Keaveny. I don't think that's a basis to object. What's
19 the nature of your objection?

20 MR. KEAVENY: Well, there is a statement in that
21 paragraph there that is just -- it's just inaccurate.

22 THE COURT: All right. Counsel, come over here. I'll
23 come to y'all for a sidebar.

24 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
25 RECORD.)

1 THE COURT: Let the record reflect, I've conferred with
2 the attorneys. Mr. Keaveny objects to a letter that he
3 wrote to Mr. Utsey. I've overruled that objection. This is
4 cross-examination. I'll allow it for what it's worth. I
5 think it is relevant to the very issue that we're here on
6 today.

7 Clearly, Mr. Keaveny wants the Court to know that his
8 client didn't write the letter. And I'm very aware of that,
9 Mr. Keaveny. I think the letter speaks for itself, and I
10 will have my law clerk make you a copy of your letter, which
11 you say you do not have a copy of, so that we can proceed.

12 MR. KEAVENY: Thank you.

13 THE COURT: Go ahead, cross-examination.

14 MR. DETRICK: Thank you, Your Honor.

15 Q Mr. Marin, the exhibit which we just introduced, May
16 31st, 2011, a letter that Mr. Keaveny sent to Mr. Utsey,
17 declined to represent you. Do you deny telling your
18 attorney that?

19 A I don't remember telling him that in like the third
20 meeting we had on that Friday. I don't -- I don't remember
21 much about that day. I know we met that day, but I don't
22 remember much about it. The first meeting, he never told
23 me; that was on Wednesday. He never told me that he not
24 going to represent me.

25 Q Now, you haven't got this in front of you, but I can

1 pass it up if you want to look at it.

2 A That's fine.

3 Q But it refers only to the January 27th, 2000, letter --
4 I mean, meeting. And he says that Mr. Utsey declined to
5 represent you.

6 A I don't remember saying that to Mr. Keaveny.

7 THE COURT: Show him the sentence that you're referring
8 to, and then mark it as an exhibit, so that the record is
9 complete.

10 Q Right down here, it says "You" -- referring to -- this
11 letter's to Mr. Utsey -- "you declined to represent me."

12 A I don't remember saying that.

13 Q Okay. In the letter, it also -- Mr. Marin, do you
14 agree with this, that you hadn't -- and I don't want to go
15 into any conversations or the gist of what you told Mr.
16 Keaveny, okay? But you had a number of meetings with Mr.
17 Keaveny; is that correct?

18 A Yes.

19 Q And even in this letter it says that up until the May
20 13th, 2011, you never told Mr. Keaveny that you had any idea
21 or anything about your understanding that Mr. Utsey was
22 representing you; is that correct?

23 A That's correct. Yeah.

24 Q You didn't tell him until then.

25 A Excuse me?

1 Q Even though you had a number of meetings, you never
2 told him?

3 A No.

4 Q And you knew that the lawsuit was proceeding during
5 that time that Mr. Utsey was representing Mr. Mitchell in
6 the lawsuit during that period, from January -- it was filed
7 in January, I believe -- until May 13th, but you never told
8 him, correct?

9 A No, sir. The reason I say -- I didn't say anything is
10 because I don't know the laws in here, and I didn't know
11 that that was a problem.

12 Q Do you agree, Mr. Marin, that from the initial time Mr.
13 Utsey was really interested in seeking your help to get
14 representation of your employees or their families in the
15 accident; is that correct?

16 A Oh, he was trying to help -- help the employees and
17 help me.

18 Q That pretty much it. He was wanting to help the
19 employees and he was seeking your help to help him do that;
20 is that correct?

21 A What he told me that day is he said "Let's help the
22 family members and employees first, and then we'll help
23 you." That's what he told me.

24 Q And also, initially, and I think you testified to this,
25 he told you that you didn't need a lawyer because you had --

1 the insurance company was going to hire you a lawyer is what
2 -- for the wreck, correct?

3 A Well, he told me not to worry about it because that's
4 what insurance was for.

5 Q And that's true, correct?

6 A Yes.

7 Q That's true?

8 A Yes.

9 Q Okay. And also, you had insurance for the wreck and
10 you had workers' comp insurance?

11 A Yes.

12 Q And he told you that was good; not to worry about it.

13 A Yes.

14 Q Correct?

15 A Yes, sir.

16 Q And since you had -- since you had insurance for the
17 wreck, he was wanting to represent the employees in the
18 wreck. Then, you didn't need any lawyers for the accident,
19 correct?

20 A I didn't know that.

21 Q You know it now?

22 A It's the first time that happened to me and there is a
23 lot of things that I learned through the process.

24 Q But the truth of the matter is, you found out that you
25 didn't need a -- just like Mr. Utsey said, you didn't need a

1 lawyer, and you got a great lawyer here, correct?

2 A Well, sir, like I said, I didn't know at that moment.

3 That's why I came to look for legal advice, because I was in
4 such a bad situation. And I find out that after.

5 Q And you already testified, Mr. Utsey never told you he
6 was going to represent you, right?

7 A He didn't tell me, yeah.

8 Q And matter of fact, there wasn't anything he could
9 represent you in. There was no matter he could represent
10 you in. What matter could he represent you in? Let's put
11 it that way.

12 A Well, first of all, I was looking -- I was seeking for
13 legal advice because I didn't know what's going to happen at
14 the moment, and that's where I wanted him to advise me for.

15 Q The only advice he gave you was that you did not need a
16 lawyer because the insurance company would hire you a lawyer
17 and the workers' comp carrier would hire you a lawyer; isn't
18 that correct?

19 A Sir, at the moment that he told me that is when he
20 asked me a lot of questions, you know. But if he cannot
21 understand me, why he asking me a lot of questions for?

22 Q Doesn't every question he asked you, Mr. Marin, involve
23 matters that he was interested in representing the
24 employees, that he would have had to have known this in
25 order to represent the employees?

1 A Sir, I understand that; but they are using that
2 information against me from the other company; I don't think
3 is right.

4 Q He told you from the beginning he was interested in
5 representing the employees, and seek your help, and you
6 offered that help, correct?

7 A Repeat that again, that question again, please.

8 Q Okay. Sure. From the get-go, should say from the
9 beginning, he told you he was interested in representing the
10 employees or their families, and he was seeking your help in
11 that representation, correct?

12 A Yes.

13 Q Okay. And you offered that help.

14 A I did offer that help. I -- I did not offer the help;
15 I'm sorry. He asked me questions and I did answer what he
16 asking me for. I never did offer my help. I was looking
17 for legal advice.

18 Q Did you not go to and help sign up one of the family
19 members?

20 A I did so, but he asked me for it to help.

21 Q He asked you for your help and you gave it to him?

22 A Yeah, I did.

23 Q And the questions he asked you that are in those notes
24 concern the information that he would have wanted to know,
25 if he had he been representing those employees, correct?

1 A Yes.

2 Q And this was a bad wreck obviously. It was
3 investigated by the MAIT Team, correct?

4 A Yes.

5 Q And there was a report done by the MAIT team. Have you
6 seen that?

7 A Yeah.

8 Q Mr. Lopez, immediately after the wreck, gave a
9 statement to the MAIT team about what happened, correct?

10 A Yes.

11 Q And it was in the -- it got coverage from the TV
12 people, correct?

13 A Yes.

14 Q And it got coverage in the newspapers?

15 A Yes.

16 Q And all of this was a matter of public knowledge,
17 right?

18 A Yes.

19 Q About the wreck and how it happened, correct?

20 A Yes.

21 Q Now, as far as the immigration status of Mr. Lopez, I
22 guess I was assuming all along he was legally in the United
23 States, but you say he wasn't now; is that correct?

24 A Yes.

25 Q And he had a driver's license, though; did he not?

1 A He did have it from Georgia, and the -- the license
2 expired -- well, not really expired. He tried to get a
3 South Carolina license and they took that license away.
4 They supposed to send a new license by mail, never did. So
5 he got an international license.

6 Q And that's perfectly legal for him to be driving in the
7 United States on an international driver's license at that
8 time, correct?

9 A He was working with another business doing the same.
10 He was driving legally.

11 Q He was driving legally.

12 A Yeah.

13 Q And as far as his status, there's nothing relevant
14 about how the wreck happened in regard to his status. You
15 say he's illegal. Mr. Utsey's notes say he was legal. No
16 matter what, it's not really relevant in how this wreck
17 occurred; is it?

18 A Well, I guess not.

19 Q And as far -- and we've already gone into this, but you
20 told -- I think you told Mr. Utsey you had insurance.

21 A Yeah.

22 Q On workers' comp and just now I think you've got --
23 it's my understanding, I thought you had a liability policy
24 and an additional kind of a umbrella, I believe, too; is
25 that correct?

1 A Yes.

2 Q Okay. That's what I was talking about before. Okay.

3 And it's a good thing for a businessman to have?

4 A If there's no insurance, there's no business.

5 Q And that's protection. In other words, that protected
6 you, bottom line, correct?

7 A Yes.

8 Q Okay. Now in the representation, you've already
9 testified that from the beginning, Mr. Utsey wanted to
10 represent your employees and their families. And in
11 addition to that, you helped him, you even took him to your
12 niece's family and got signed up, correct?

13 A Yes.

14 Q And you understood, Mr. Marin, that in doing that, in
15 representing these employees and their families, that he was
16 going to be seeking from your workers' compensation
17 insurance funds for these families, correct?

18 A Yes.

19 Q Okay. And in effect, that would be actually going
20 against you in a workers' compensation claim, correct?

21 A Well, what he told me is that he would -- he is -- is
22 not -- they not going to sue, that they going to file a
23 claim; that's what he told me that day. He never stated
24 that they going to file as a lawsuit against me.

25 Q You had insurance.

1 A Yes.

2 Q He basically told you not to worry about it because ---

3 A Yes.

4 Q --- and that made you feel better?

5 A Yes, sir.

6 Q And that's something you want to hear?

7 A Yes, sir.

8 Q You said in your testimony that Mr. Utsey never
9 declined to represent you, and that if he had of, you had
10 gone to another attorney; remember that testimony?

11 A Well, that's why I meet with Mrs. Dorcas.

12 Q But the truth of the matter is, you left Mr. Utsey's
13 office on that Friday ---

14 A Yeah. Go ahead.

15 Q --- and since that day, you have never contacted Mr.
16 Utsey, even up until the date the lawsuit was filed,
17 correct?

18 A That's correct, because he gave me confidence.

19 Q Sir?

20 A That's correct, because gave me confidence that he
21 would try to help me.

22 Q And matter of fact, did you help these other workers
23 get attorneys in Charleston?

24 A No, sir. Because I did tried and they went with
25 another lawyer and there were nothing I could do about it.

1 Q But you have never called Mr. Utsey, contacted him in
2 any way since that January 29th, I believe, correct?

3 A That's correct.

4 Q Okay. And you have never -- even though you said you
5 would have gone to another lawyer, you knew when your suit
6 was filed against you, but you never have gone to another
7 lawyer after that; have you?

8 A No, sir. Because like I said, he told me not to worry
9 about it because he gave me legal advice. He said not to
10 worry about it, and that's what I did.

11 Q And that advice has turned out to be correct; wasn't
12 it? You didn't need another lawyer because you've got Mr.
13 Keaveny, who's a great lawyer, and you had a workers' comp
14 lawyer; they took care of those matters for you, correct?

15 A Well, they did most lately, you know.

16 MR. DETRICK: Give me one second, Your Honor, if you
17 don't mind.

18 THE COURT: Yes, sir. Paul, you had an exhibit that I
19 made a copy that needs to be marked with the court reporter.
20 I got one. I got one, Paul. I'm handing it to her.

21 MR. DETRICK: That's Exhibit Number One, for us?

22 THE COURT: Yes.

23 (Plaintiff's Exhibit Number One, letter, is received
24 into evidence.)

25 Q Just a little bit of clarification, Mr. Marin. I'm not

1 quite sure I understood; I might have misheard you. I've
2 got bad ears; I admit it. My family's on me bad about that.
3 But did you, at the scene, when you went there, did the
4 troopers ask you for insurance information?

5 A They did ask -- I actually proved it and I always have
6 to show proof of insurance.

7 Q Right. And you advised ---

8 A And that's what I told my brother to show our proof of
9 insurance.

10 Q Okay. And you told your brother to provide that
11 information to the ---

12 A Yes.

13 Q --- troopers at the scene, correct?

14 A Yes, sir.

15 MR. DETRICK: That's all I have.

16 MR. KEAVENY: Just something quickly in follow-up.

17 THE COURT: Redirect.

18 REDIRECT EXAMINATION

19 BY MR. KEAVENY:

20 Q Mr. Marin, let me just go over some of these questions,
21 some of these issues that Mr. Detrick just asked you about.
22 When you left Mr. Utsey's office, did you feel the need to
23 go to another lawyer?

24 A No, sir.

25 Q Why not?

1 A Because he gave me the confidence.

2 Q While you were in Mr. Utsey's office, did he ever say
3 to you, "Mr. Marin, stop talking to me. I can't represent
4 you"?

5 A No, sir.

6 Q While you were in Mr. Utsey's office, did he ever say
7 to you ---

8 MR. DETRICK: I'm being nice. But he's going back to
9 leading question.

10 THE COURT: Very well. Mr. Keaveny, you realize it is
11 redirect examination.

12 MR. KEAVENY: All right, sir.

13 THE COURT: Please don't ask questions that suggest a
14 "yes" or "no" answer. Objection sustained.

15 Q Did Mr. Utsey at any time ask you to have your
16 employee's families come into his office to meet with him?
17 For you to arrange that?

18 A No. He wanted me to give information for him.

19 Q Did you answer all the questions that Mr. Utsey asked
20 you?

21 A Yes, sir.

22 Q Can you think of any questions that Mr. Utsey asked you
23 that you did not answer?

24 A No, sir.

25 MR. KEAVENY: Think that's all I have. Thank you, Your

1 THE COURT: Your witness, counsel. Direct examination.

2 MR. DETRICK: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. UTSEY:

5 Q Mr. Utsey, you're in an unusual position as an attorney
6 on the witness stand, correct?

7 A It is.

8 Q And if you mess up, I'm not like Mr. Peters did for Mr.
9 Parker one time, said he was the worst witness he'd ever
10 seen. So I know you'll be better than that.

11 A Hope you won't be telling that story later.

12 Q Anyway, Mr. Utsey just so we'll have something in the
13 record, if you would, I know the Court is aware of your
14 practice, but let's put something in the record and tell us
15 about your practice in Colleton County.

16 A I'm an attorney licensed by the State of South Carolina
17 and admitted to the South Carolina Bar, among others. I
18 have been in private practice since 1987. Since
19 approximately April of 2000, I've been a partner with the
20 firm Peters, Murdaugh, Parker, Eltzroth and Detrick, located
21 here in Walterboro. My practice consists almost entirely of
22 personal injury litigation on behalf of the plaintiff, party
23 bringing lawsuit usually as a result of a personal injury,
24 or insurance claims related to that.

25 Q And we do not -- you do not represent insurance

1 companies in the accident cases; is that correct, now?

2 A I have not represented insurance companies in any kind
3 of cases since approximately April of 2000.

4 Q And do you have any knowledge whatsoever hardly about
5 immigration law or immigration status, or such as that?

6 A No -- no more than a layman might have, if that.

7 Q If you would now, we're here about some meetings that
8 you had with Mr. Marin. And I think the first meeting was
9 January 27th, 2010, correct?

10 A Yes.

11 Q Tell the Court about how Mr. Marin got in your office
12 and about that meeting.

13 A Well, actually, probably easier to set it -- set the
14 stage a little bit before that. It was first thing in the
15 morning, I believe I had just walked into my office with the
16 first cup of coffee for the day and was sitting down and
17 looking at some things I needed to get done. And my
18 partner, Mark Ball, called me on the telephone and said,
19 "Have you heard there was a terrible wreck at Carter's
20 Crossroads?" And I said that I hadn't heard that yet. He
21 said that there was a -- a van full of Mexican workers on
22 the way to some job site and got in a wreck with a pulpwood
23 truck. Did I know anybody locally who might know anything
24 about the wreck? Did I have any contacts in the Mexican
25 community, locally? You know, if so, I needed to be on the

1 lookout because somebody may be looking for representation
2 because he understood there were some severe injuries and
3 some deaths involved in the claim.

4 And I was literally on the phone with him, talking
5 about that, when my receptionist told me that Mr. Marin was
6 in the lobby and wanted to see me about a wreck. And so I
7 assumed it was either the same wreck or that -- you know,
8 knowing Mr. Marin from prior experience and knowing his
9 relationship among the Mexican immigrants in the local
10 community, I figured I would find out from him, you know,
11 what it was, whether he knew about anybody being in the
12 wreck. And so, you know, he came in and -- and -- I don't
13 know how much you want me to keep talking.

14 Q Well, let's go back a little bit. You say you knew Mr.
15 Marin previously.

16 A I was -- I had represented Ravenwood Plantation in a
17 claim against Marin Right of Way, his company, as a result
18 of his company erroneously killing a number of Live Oak
19 trees. And we had presented a claim against his liability
20 insurance, which I believe was Montgomery Insurance Company,
21 and I had negotiated a successful resolution to that claim.
22 I think we had wound up the paperwork about less than two
23 months before that on that. But there were still even loose
24 ends going on at that point where I believe I had
25 correspondence I received from my client in that after the

1 meeting with Mr. Marin on the 27th.

2 Q All right. So now then, Mr. Marin presented himself to
3 your office. Kind of go through what you remember about
4 that meeting.

5 A I remember him coming in, and it was obvious that he
6 was emotional; he was upset. I have a distinct memory of
7 him, actually. He had on a dark green fleece pullover,
8 sweater-type jacket thing. And he -- it appeared that he
9 had been crying or that, you know, he had been fighting
10 tears. And I said, "Are you here about the wreck that
11 happened at Carters Crossroads? I just heard about it."
12 And he said, "Yeah." And I remember he could barely speak
13 at first. "Yes, sir." And I said, "Well, I'm sorry. I
14 don't know if they were friends or relatives or what, but I
15 am really sorry to hear that there was a tragic wreck out
16 there." And he -- he thanked me.

17 And I said, "Well, is that what you're here about?"
18 And he said, "Yeah." And I said, "Well, I -- you know, I
19 don't know what I could do to help you. We don't represent
20 people in defending cases or anything like that, and there
21 are going to be a lot of potential claims coming out of
22 this. I can't represent your company. I know you got
23 insurance coverage; I just finished a case with that." He
24 agreed, said, "Yeah, I still got that same insurance
25 coverage." And I said, "Well, your insurance company will

1 take care of hiring you a lawyer if there are any claims
2 against your company. But you got a lot of families of dead
3 employees and injured employees, and they may be looking for
4 representation. And if they are, I'd be interested in
5 helping them." And he said, well, he thought that they
6 would.

7 And I -- I said, "Well, I, you know, I'd be happy to
8 work with them. Now, you need to understand that if these
9 folks hire us, they'll be presenting among other things,
10 potentially, workers' compensation claims against your
11 company. And it's not a lawsuit, but" -- usually when I'm
12 talking to a layperson, I'll explain that a workers'
13 compensation claim is like getting sued, because they don't
14 always appreciate the difference between administrative
15 claim and a formal lawsuit. I said, "If I represent them, I
16 would be representing them, among other things, on workers'
17 compensation claims, which would mean I'd be suing your
18 company, so I couldn't represent your company." He
19 indicated he understood.

20 And so then I talked to him, I said, "Well, then, I'd
21 like to find out what information I can, so that I can talk
22 to these people, if they want to talk to me. You know, put
23 me in touch with them, if they are looking for a lawyer." I
24 didn't want to be -- I'm not going to go out and solicit
25 them directly. I'm not going to call these people up,

1 knowing that they've been in a wreck. I don't think that's
2 ethical; it's not the way I practice law. But knowing that
3 he was there, knowing that these people -- at some point it
4 became clear that many of them didn't even speak English.
5 Mr. Marin did. I knew that they looked to him as a leader
6 and a family member, and that he would be a contact person
7 who may be assisting them to find representation. I made it
8 very clear to him I'd be willing to help, and he seemed
9 pleased by that. He seemed relieved by that. And he did,
10 in fact, give me information about a lot of the individuals.

11 Q Was it very, very clear to him that you were not or
12 could not represent him?

13 A I made it as clear as I knew how to make it to him very
14 early in the meeting that one, he didn't need to hire me.
15 Two, his insurance company would provide counsel for him if
16 he needed it. And three, that I wouldn't be representing
17 his company. In fact, that if I represented any of these
18 workers we were talking about, I would be adverse to his
19 company.

20 Q Okay. And you did indicate to him and ask him whether
21 he would be willing to help you possibly help his employees,
22 correct?

23 A Yes.

24 Q And then after that, you said you obtained some facts.

25 A I did.

1 Q What did you obtain? and why?

2 A Well, he gave me some general information about the
3 wreck, which was at that point in time very skimpy. He told
4 me that his brother, I think his first name is Andre or
5 Andres Marin, had spoken to the highway patrolman, P.D.
6 Rush, who had spoken to Bernardo Lopez-Hernandez, the driver
7 of the van, and that through this chain of communication, he
8 had understood that Bernardo had pulled out from the stop
9 sign on 641 into the intersection. There was a question
10 whether Mr. Mitchell had his headlights on, and that there
11 was some issue about visibility out of the window of the
12 van, that that was really all we knew about the wreck at
13 that point in time.

14 A lot of the information I talked to him about were the
15 names of the individual employees, whether they were injured
16 or killed, who their next of kin was, where they would --
17 where they were located in hospitals or whatever, because
18 some had been, I think, airlifted to Columbia even. And
19 just trying to determine what the potential claims are, who
20 the people were and what I'd need to know in that regard.

21 Q And was Mr. Marin aware that you were obtaining this
22 information because you were interested in representing
23 possibly employees in the van?

24 A He should have been. That's certainly what I told him.
25 In fact, I know it's been discussed, you know, about

1 immigration status. I -- I asked him, I said, "Are these
2 folks here legally?" because I was thinking in terms of
3 workers' compensation. And certainly at that point in time,
4 and maybe continuing, there -- there have been issues about
5 defenses related to entitlement to workers' compensation
6 based upon immigration status. And -- and some defense
7 attorneys have argued that an undocumented worker isn't
8 entitled to workers' compensation. So I wanted to make sure
9 from the get-go that I knew about any problems there. And -
10 - and what I was told is everybody was here legally.

11 He said something about a -- an issue with the
12 Department of Labor paperwork, which I didn't understand,
13 didn't know anything about. But he said "But I've got a
14 lawyer in Kentucky that does my immigration stuff." I said,
15 "Well, fine. If there's an issue, that's who you need to be
16 talking to."

17 Q And matter of fact, did Mr. Marin attempt to help you
18 to get hired by the families and the employees?

19 A Yes. He shared his cell phone number with me and we
20 talked a couple of times that day. Brief conversations, but
21 the -- the gist of it was, he called me to tell me that one
22 of the workers who was killed, his wife was staying at Mr.
23 Marin's house, and that she was ready to talk to a lawyer,
24 and that I should come out to his house. He gave me
25 directions to it. And said come out here; she wants to meet

1 with you. I said, "Listen. I don't speak Spanish. I don't
2 have an interpreter available immediately." And he said --
3 you know, he agreed that he could help serve to translate.
4 And so I did go out to Mr. Marin's house for the purpose of
5 meeting with the widow of one of the deceased employees.

6 Q And tell us about that meeting.

7 A I got there and there were a number of folks at Mr.
8 Marin's house. I think all of them were male that I saw.
9 There were probably seven or eight men there, including Mr.
10 Marin and a man who identified himself as the father-in-law
11 of the deceased employee. Mr. Vasquez was the name of the
12 deceased employee and Mr. Lopez, I believe, was the name of
13 his father-in-law.

14 And Mr. Lopez spoke very little English. And through
15 Mr. Marin, and I believe Mr. Marin's -- either his brother
16 or his nephew who was there also, who did -- who is
17 bilingual, assisted me in understanding that the widow of
18 Mr. Vasquez was too distraught at that time to meet with an
19 attorney, that she had locked herself in the bedroom and --
20 and was emotional. And I said, "Listen. I -- I understand.
21 I don't -- don't need to push the issue. I'm -- I'm here to
22 offer help, not to make the problem worse."

23 And they indicated that Mr. Lopez wanted to go ahead
24 and talk to me, so that he could talk to his daughter later
25 about that. And so I had a fee contract with me. I said,

1 "Well, I don't know who's going to be appointed the personal
2 representative. Obviously, it's very early on in the
3 situation." So Mr. Marin assisted in translating that to Mr.
4 Lopez, who signed the fee contract as the father-in-law for
5 Mr. Vasquez.

6 But we had an understanding that once his wife, the
7 widow, was emotionally able to meet with me, that we would
8 have another meeting, at which time I could explain
9 everything to her and then take the necessary steps to have
10 her sign off and -- and become appointed as personal
11 representative.

12 Q And then it was your understanding that you were
13 probably going to be retained to represent that deceased
14 employee's family, correct?

15 A That was my belief. And it was also my belief that
16 that was just the first among the group. Because it -- it
17 was my understanding with Mr. Marin that -- that he was
18 going to try and, you know, discuss this with all of his
19 folks and try and steer them in our direction, so that we
20 could help represent all of them.

21 Q And it's obvious that you could not possibly represent
22 Mr. Marin if you are filing claims in workers' comp on
23 behalf of his employee, correct?

24 A In my mind, it would be a direct conflict of interest.
25 And, in fact, that's what I told Mr. Marin at the first

1 meeting.

2 Q Now, did you have another meeting with Mr. Marin?

3 A There was one other meeting, and I couldn't remember
4 the date. Mr. Marin said it was two days later. I wouldn't
5 disagree with that.

6 Q And tell us, who was in attendance at that meeting?

7 A That meeting, in addition to Mr. Marin and me, we had
8 Dorcas Tuten, who I understood was Mr. Marin's attorney for
9 business matters and real estate matters and what not. We
10 had my partner, Johnny Parker, Mr. Marin's brother, who I
11 believe, again, was Andre or Andres Marin was present, and
12 my step-brother, Jamey Copeland, was present.

13 Q What was the purpose of this meeting?

14 A Well, we had -- keeping in mind at this point, it had
15 been a couple of days since I had met with the father-in-
16 law, Mr. Vasquez, and he had signed that contract. And I
17 had been trying to get a hold of Mr. Marin by telephone to
18 see if there had been any progress in any of the other
19 individuals and whether they wanted to hire us.

20 And I don't -- it was -- it was the product of those
21 communications about these other employees that led to the
22 meeting. I don't know if Mr. Marin requested it or I
23 requested it, but our focus was to -- Mr. Marin seemed
24 skittish about our law firm representing these employees, at
25 least that was our perception. Knowing that there are a

1 number of attorneys who aggressively pursue claims like
2 this, who come into our county from other counties, I knew
3 it wouldn't be long before they would be approaching the
4 family, directly or indirectly, trying to get these folks to
5 -- to hire them.

6 So if there was an opportunity for us to represent
7 them, we figured we'd better act fairly quickly and make
8 sure that Mr. Marin had any questions about our firm
9 answered, so that he could talk to these families and -- and
10 hopefully encourage them to -- to hire our firm. That's why
11 I had Mr. Parker there, because Mr. Parker had actually been
12 contacted by his friend, I believe Wise Batten, for whom Mr.
13 Marin had done some work and was friends with Mr. Marin.

14 And Mr. Batten had talked to Mr. Marin, apparently,
15 about the wreck and talked to Mr. Parker and said, you know,
16 Mr. Marin's got a bunch of folks that were injured or killed
17 in this wreck and they need a lawyer. And Mr. Parker found
18 out I was already kind of working on that issue and he
19 thought it would be wise if he would join us and -- and help
20 provide some credibility for our firm to Mr. Marin by saying
21 we have this mutual friend and -- and we were actually
22 recommended to you by him.

23 My brother was there because he does business with Mr.
24 Marin and, once again, could talk to him and answer any
25 questions, because we knew that he trusted my brother, and

1 that he didn't know me that well, other than the fact that I
2 had had this previous suit against his company. And so
3 whether that would interfere with his willingness to
4 encourage his employees to come to our firm, we didn't know.
5 So I wanted to help give him some assurance about who we
6 were and how hard we would work to help his -- his
7 employees, if they wanted to hire us. And -- and Ms. Tuten
8 was there for basically the same reason, because I knew she
9 was his attorney and that he trusted her and that she was --
10 had favorable opinion of our firm.

11 Q What matters were our law firm, Mr. Parker and
12 yourself, interested in investigating to possibly be hired
13 as lawyers for these employees and their family?

14 A Any wrongful death claims that may have arisen from the
15 wreck, any tort personal injury claims that may have arisen
16 from the wreck, and any injury or death claims under the
17 Workers' Compensation Act that would have arisen from the
18 wreck.

19 Q And that is the area of practice which obviously you're
20 engaged in, and our firm's engaged in, correct?

21 A Yes.

22 Q Now, tell us about what transpired, if you remember, at
23 that meeting.

24 A The second ---

25 Q Yeah.

1 A --- meeting with all the people just described?

2 Q Exactly.

3 A It was an odd meeting. And it was -- I would -- I
4 would say it was more of a sales pitch on behalf of our
5 firm. We -- we said, "Mr. Marin, you know, we're eager to
6 help these folks. We haven't heard from anybody. I know
7 you've said that you were going to encourage them to contact
8 us. And you indicated to me you thought they'd be
9 contacting me. We haven't heard from them. There are going
10 to be other lawyers calling them. We hope you know us. You
11 know what we do. Got any questions, here's what we do. We
12 think we do it pretty well. We're local. We're in a
13 position where we can help people."

14 I remember there was some conversation about it would
15 be beneficial if everyone went with one law firm rather than
16 having a bunch of law firms fighting among themselves over
17 the various claims. And just wanted to make sure that he
18 understood that -- that we were still available and very
19 interested in representing these folks and that any issues
20 he may have had about our ability to handle it were
21 answered.

22 I said it was a little unusual because there were a lot
23 of conversations between Mr. Marin and his brother in
24 Spanish that I couldn't understand. We were concerned that
25 maybe that was an indication that -- that they distrusted us

1 or -- or for whatever reason were not confident in our
2 ability to handle it, but we didn't know.

3 During that meeting, the issue came up about the
4 possibility of -- that there were criminal charges at that
5 point against Bernardo Lopez-Hernandez, the driver of the
6 Marin vehicle. And he said, "Well, I need an attorney for
7 him." Said, "We don't do that." And Ms. Tuten was there
8 and she agreed to attend the bond hearing for -- for Mr.
9 Lopez-Hernandez, because we wouldn't.

10 And I believe it was at this meeting that -- at some
11 point, the first meeting or the second meeting, Mr. Marin
12 again said something about his immigration attorney in
13 Kentucky. And we talked -- in other words, we talked about
14 it at both meetings. And I'm trying to remember which
15 meeting where he gave me her name. But I'm almost certain
16 it was the second meeting where he said "I have Mary
17 Bonifan" -- I believe was her name -- "in Kentucky who
18 handles my immigration issues." And so there was no need to
19 talk about that because we didn't handle immigration issues,
20 and as far as I knew, that was in case something came up. I
21 didn't know there were any active immigration issues.

22 Q And how about since then, have you had any contact with
23 Mr. Marin since then?

24 A Attempted on several occasions after that to call him
25 by telephone to see, you know, have we made any progress?

1 Was anybody interested in hiring us? I wanted to maintain
2 sort of a constant contact with him, so that he would
3 realize that we were interested. You know, that we would be
4 in the mix as far as anybody considering whether to hire us.

5 I generally just left messages on his voice mail. I
6 did call his house at one point. A gentleman answered the
7 phone; it was not Mr. Marin. I believe it was the same
8 individual that was either his brother or his nephew who
9 assisted with translation at the initial meeting with Mr.
10 Lopez, the father-in-law of Mr. Vasquez. And I said, "Well,
11 I'm the attorney that Mr. Lopez signed a contract with and,
12 you know, following up. I'd like to meet with his daughter,
13 you know." And he said, "We don't need you. We -- we found
14 other representation. Somebody else is helping us."

15 And that was the end of it. At that point, it was my
16 belief that none of the employees were looking to retain us,
17 that whatever Mr. Lopez had signed as far as the fee
18 contract was -- was basically unenforceable. I wasn't going
19 to be representing the Vasquez' estate. And so I never
20 heard Mr. Marin again. And I just had what we call a
21 skeleton file, which is not an official file that's been
22 opened in the office, but with my notes and information like
23 that, and filed it away, like we do all of them.

24 Q And referring to those notes -- I don't know what
25 exhibit it was -- I'm going to hand you what's been marked

1 as ---

2 MR. DETRICK: Exhibit Five, Your Honor.

3 Q And are those the notes that you were talking about?

4 A These are my notes.

5 Q Now, why did you take those notes?

6 A My -- well, these -- these are my notes, as well as
7 some other internal documents. Not everything in this
8 exhibit is my handwritten notes. But all of it is -- I
9 think -- I think it's fair to say, this is a copy of the
10 skeleton file that I referred to, that includes the notes.

11 Why did I take the notes? I took the notes, as I
12 typically do when I'm getting information about a -- a case.
13 And believing that I would need this information if I were
14 going to assist any of these employees. I've taken the
15 notes so that I would have it to refer to later on.

16 Q And I'm not going to go through the whole thing here.
17 But let's go down to where it's -- and if you would, read
18 for the Court the part that says -- I think it's beside
19 "Driver, Bernard Hernandez-Lopez."

20 A Yeah, I've read, "The driver, Bernardo Lopez." And
21 then my hand notes off to the right of that say "legally in
22 the U.S., had an international driver's license, not
23 authorized with Department of Labor," which would have been
24 something that Mr. Marin would have offered to me. I still
25 don't know what that means. And then he had said "There's

1 possible sanctions for a violation, but he has an
2 immigration attorney in Kentucky."

3 And then also it says "Bernardo Lopez injured, but
4 okay," which is what Mr. Marin would have told me, and that
5 he is in town. And Medala Marin would have been either his
6 wife or some other family member contact.

7 Q And as far as the international driver's license, you
8 understand he was legally driving?

9 A I do now. I had never heard of an international
10 driver's license when Mr. Marin told me that.

11 Q But he was legally in the United States. Now, what did
12 -- did you know what was meant by "not authorized with the
13 Department of Labor and possible sanctions for violations"?

14 A I still don't know what that means.

15 Q But you knew he had a lawyer -- or Mr. Marin had a
16 lawyer, about those immigration issues.

17 A Correct.

18 Q Now, you did write down that he had insurance?

19 A Correct.

20 Q Did you tell him anything about that he had insurance
21 and he'd be okay or whatever that he testified to?

22 A Yes, something to that affect. I -- I remember saying
23 "I know you got insurance and you still do." And he said,
24 "Yes, same company." And I said, "Have you notified your
25 insurance agent, because they're going to want to know as

1 quickly as possible about the wreck and you need to make
2 sure you provide prompt notice." I believe he had me call
3 them. He asked me, said, "Will you call them and tell them
4 that there was a wreck?" And -- I take that back. Either
5 he said that or I -- I suggested he needed to call them.
6 But one -- one of us was going to call, just to make sure.

7 I know that at some point I did speak to Caroline at
8 Corner Insurance, which is the note right there; that's the
9 local agent. But that may have been because I had also told
10 her that I thought I would be represent Mr. Vasquez' estate,
11 and I was communicating with her on that, so -- but when I
12 talked to him about insurance, I said, "Well, your insurance
13 -- part of your insurance coverage is, they provide you with
14 a defense attorney. So if anybody sues you as a result of
15 this, your insurance is going to hire a lawyer for you. And
16 if anybody is a workers' comp claim, the insurance company
17 will hire a defense lawyer for that. So you don't need to
18 hire a lawyer. You don't need to come out of pocket for a
19 lawyer."

20 Q Now, the most of the rest of -- but you did have some
21 information on the second page about Bernardo that say "he
22 stopped at the stop sign and did not see the truck.
23 Questioned headlights and could not see well through the
24 windows." Where did that come from? "Brother talked with
25 highway patrol trooper, P.D. Rush."

1 A Right. This was my notes of what Carlos Marin told me.
2 Carlos Marin told me he had learned it from his brother,
3 Andres Marin, who had talked to Trooper P.D. Rush from the
4 highway patrol, who had gotten the information at the scene
5 from the driver.

6 Q And the representation to Mr. Mitchell, had you
7 received the MAIT team report?

8 A Yes. I think we did a boiler request and obtained all
9 of that.

10 Q And was there a statement which we have introduced into
11 evidence by Mr. Lopez about what happened?

12 A Mr. Lopez provided a recorded interview in which he
13 discussed the events of the collision.

14 Q And is that basically what he said in his interview?

15 A Well, the interview provides far more detail than these
16 notes. But among other things, it did confirm that he had
17 stopped at the stop sign. It confirmed that he did not see
18 Mr. Mitchell's truck. It confirmed that he could not see
19 well through his window. And I believe there was something
20 in there -- well, he said he never saw headlights. I don't
21 know. Here, I had written it down because there was a
22 question of whether the headlights were illuminated.

23 And as I understood the statement -- I may
24 misunderstand it -- I think he was saying that he just never
25 saw the truck. So he didn't know whether it had headlights

1 on or not, but I don't know.

2 Q And in the MAIT team statement, Mr. Lopez, did he talk
3 about his driver's license in South Carolina and North -- I
4 mean, Georgia driver's license?

5 A Yeah. There was a lot of conversation there about his
6 driver's license.

7 Q And did the MAIT team also get a copy of his
8 international driver's license?

9 A I believe they did, yes.

10 Q And I believe the MAIT team statement was taken -- the
11 talk with the trooper, Trooper Rush, on the day of the
12 wreck, and then he gave his statement on the next day; is
13 that correct?

14 A My recollection is that it was recorded the following
15 day.

16 Q Now, the remainder of these notes, it looks like you
17 were trying to get information about the -- well, most of
18 the remainder, I guess, about the people who were involved --
19 -- employees who were in the wreck. Is that pretty much a
20 lot of these notes?

21 A Right. The injured people, the deceased people, their
22 family contacts, some other contact information that would
23 be pertinent to all those claims. And there's a note on
24 Page 3, what my numbered Page 3 is, says "Workers'
25 compensation AIG, Marin Right of Way Service," which I

1 believe was provided to me by Caroline at Corner Insurance
2 Company.

3 Q Now, Mr. Utsey, during all of your contacts with Mr.
4 Marin, was it clear to him and did he understand that you
5 were not going to represent him?

6 A I thought it was absolutely clear. I was as clear as I
7 knew how to be. I didn't even know -- I -- I didn't see any
8 need for him to hire a lawyer for anything, unless there was
9 some issue about immigration that he said he already had a
10 lawyer about. And -- and I certainly wasn't qualified to
11 determine whether there was an issue there.

12 Q Now you and myself are representing Mr. Ricky Mitchell,
13 correct?

14 A Yes.

15 Q Tell the Court about when you were hired and the
16 circumstances regarding our representation of Mr. Mitchell.

17 A I don't have the date in front of me, but I believe it
18 was March 3rd, 2010, that Mr. Mitchell retained me to
19 represent him with respect to his workers' compensation
20 claim. I was contacted initially by another attorney who
21 had been hired by the liability insurer for Three Gen, which
22 owned the vehicle that Mr. Mitchell was operating at the
23 time of the wreck.

24 Anticipating the possibility of claims against Three
25 Gen and Mr. Mitchell, that insurance company preemptively

1 hired defense counsel. And the attorney representing Mr.
2 Mitchell called me and said, "I'm representing Mr. Mitchell
3 through the insurance company, but his workers' compensation
4 claim has been denied, and he needs an attorney. And you're
5 local, and do you mind if I give him your name and see if he
6 wants to hire you?" I said, "Be happy to talk to him."

7 And Mr. Mitchell did, in fact, call. And I rode out to
8 his house, which is right near Sniders, and met with him and
9 -- and he hired us for the workers' compensation claim on
10 that date.

11 Q And then, shortly thereafter, filed his lawsuit for Mr.
12 Mitchell?

13 A Well, initially we filed a workers' comp claim. He --
14 he didn't hire us with respect to the lawsuit, initially.
15 He had some concerns about whether he needed to file a
16 lawsuit. He was in pretty serious pain, okay? And -- and
17 he was very frustrated. I'm trying to be careful not to --
18 I'm going to truncate this so I don't divulge any attorney-
19 client privilege by Mr. Mitchell. Bottom line is, he was
20 concerned most about his workers' comp claim and didn't know
21 whether he wanted a lawyer for a third-party claim.

22 It was about a week later, he hired us to represent him
23 on a third-party claim. Most of our work, though, over the
24 next few months was on his workers' comp claim because they
25 were -- they were outright denying his claim for any

1 benefits. And he needed medical treatment in a serious way.

2 And we were successful in establishing his entitlement
3 to workers' compensation benefits and trying to get him to
4 the correct doctors to provide the treatment. And, in fact,
5 his workers' comp claim continues because he hasn't reached
6 maximum medical improvement.

7 Q And then you later filed a lawsuit, correct?

8 A Correct. I -- I don't remember the date. I think it
9 was January of 2011, according to what I saw a minute ago.

10 Q And during that, even from the beginning, has there
11 been numerous, numerous meetings with Mr. Mitchell?

12 A There have been a number of them, yes.

13 Q Been meetings with his doctors?

14 A Certainly by telephone. I -- I don't think I've had a
15 face-to-face meeting with any of his physicians.

16 Q And after the lawsuit was filed, can you tell the Court
17 about the process of your representation and my
18 representation of Mr. Mitchell after the lawsuit was filed?
19 Just generally, what's happened? What's transpired?

20 A Filed the lawsuit and began the initial discovery
21 efforts, standard interrogatories and requests for
22 production, written discovery. The lawsuit hadn't heated
23 up, so to speak, a whole lot at that point in time.

24 Mr. Detrick, as the Court knows, had gone through some
25 health problems a couple years ago and his workload was off

1 a little bit in terms of number of clients and he had some
2 extra time. And I had -- I was fortunate enough to have a
3 pretty healthy caseload, workload, and so I selected a few
4 files that I knew would be files where it would be best to
5 have more than one lawyer working on them. And I asked Mr.
6 Detrick if he would assist me on those files and he agreed.
7 This was one of those files. So, you know, it's a fairly
8 substantial case, going to be a lot of work involved and
9 you've got some extra time on your hands, and I can put you
10 to work and we enjoy working with him.

11 Q Now, when did it ever come to your attention that there
12 was any problem by Mr. Keaveny regarding our representation
13 of Mr. Mitchell?

14 A I don't know the exact date, but I want to say it was
15 in May. I know that it was ---

16 THE COURT: Of what year?

17 MR. UTSEY: I'm sorry. May 2011.

18 A We had -- our offices had been coordinating deposition
19 scheduling and we had scheduled for one day, Mr. Keaveny to
20 take the deposition of Mr. Mitchell, followed by our taking
21 the deposition of Mr. Bernardo Lopez-Hernandez, and then
22 taking a Rule 30(b)(6) deposition of Marin Right of Way
23 Service. And without the paperwork in front of me, I don't
24 remember the exact date, but those were all on the immediate
25 horizon. That day was coming up.

1 And I got an e-mail, I believe, initially -- or, excuse
2 me, a fax initially from Mr. Keaveny. I think you
3 introduced it into evidence earlier, in which he, for the
4 first time, raised any issue about the fact that I had had
5 contact with Mr. Marin prior to filing the lawsuit.

6 Q And up until this time, has it been -- had you gotten
7 into a trustworthy relationship with Mr. Mitchell in
8 representing him?

9 A I believe so, yes.

10 Q And even after the motion was filed by Mr. Keaveny --
11 when was the motion filed? I think in July?

12 A Motion was filed maybe six weeks after the fax where he
13 indicated there may be an issue. In the meantime, he had --
14 he had took Mr. Mitchell's deposition that morning, and at
15 the conclusion of that deposition, told us that neither Mr.
16 Lopez- Hernandez nor Mr. Marin were going to appear for
17 their depositions. And we filed a Motion to compel, or some
18 equivalent of that, to try and require those depositions be
19 provided. And then after that, at some point, Mr. Keaveny
20 filed this Motion to disqualify.

21 Q And what has -- as far as the lawsuit preceding since
22 then, tell the Court about how it's proceeded since the
23 motion was filed.

24 A Well, we haven't really taken any depositions because
25 we are waiting on the Motion to compel to be resolved. I

1 have not been able to depose Mr. Hernandez, the defendant,
2 or Marin Right of Way Service, the other defendant. But
3 while we're waiting for that to be resolved, I know Mr.
4 Keaveny has deposed at least one witness to the collision, a
5 doctor he deposed for use at trial, where I appeared and
6 cross-examined, provided, you know, cross-examination
7 questions that would presumably be played at trial under
8 Rule 30(I) under the Rules of Civil Procedure.

9 There have been a good bit of written discovery, and
10 there may have been other depositions. There's certainly
11 been a number of depositions scheduled and postponed and
12 rescheduled on top of that. And -- and that's -- and then
13 there's been discovery related to this motion, but ---

14 Q And I think I attended the deposition of the witness
15 that was taken, Mr. Prevatt?

16 A You attended that and I listened by telephone because I
17 was out of town.

18 Q Correct. In addition to that, have we on behalf of Mr.
19 Mitchell hired Kelly Kennett, who's an accident
20 reconstruction expert?

21 A Correct.

22 Q Now, gentlemen, you've heard Mr. Virzi go through the
23 rules of professional conduct. Have you done anything in
24 your opinion, anything to disqualify you or our firm in the
25 representation of Mr. Mitchell?

1 A No.

2 Q And he said that -- I think he started it off by
3 talking about 1.9 and the rule about former clients. Has
4 Mr. Marin ever been a client, period?

5 A No.

6 Q Has he ever had any way he could have thought he was a
7 client?

8 A Not to my way of thinking. I -- I was surprised to
9 even hear that suggested by anybody.

10 Q And now also the Rule of 1.18, you are familiar with
11 that rule of perspective clients; are you not?

12 A Yes.

13 Q Is there any way whatsoever that Mr. Marin could have
14 had any reasonable expectation that you were going to
15 represent him in any manner?

16 A I don't know what he was thinking when he walked in the
17 door, but it was -- it was comical. It was almost like Mr.
18 Virzi said on the witness stand. Within the first minute of
19 his being there and knowing he was there about the wreck, I
20 told him that I would not be representing him in connection
21 with the wreck, would not represent his business; didn't do
22 that work. He would have insurance company -- his insurance
23 company would provide representation, but that I would be
24 interested in representing his employees; but he needed to
25 understand that if I represented them, they would have

1 claims against his company through workers' compensation.

2 So at that point in my mind, there's no way that
3 anybody could believe that I was undertaking to represent
4 them or even considering representing them, because I was
5 looking to represent somebody whose interests were
6 potentially adverse.

7 Q Has anything been relayed to you by Mr. Marin that was
8 significantly harmful to him in this of your representation
9 of Mr. Mitchell?

10 A No.

11 Q Now, Mr. Keaveny mentioned in his Memorandum to the
12 Court something about you not providing photographs taken on
13 January 27th, 2010 in your discovery responses. You
14 remember reading that?

15 A I did see that.

16 Q And tell the Court, just so we'll clear that up, what
17 is he talking about?

18 A I -- I was surprised to see that. But I -- when Mr.
19 Keaveny subpoenaed me, I provided him with the documents in
20 my file. And then later I told him, I said, "You know, I
21 was thinking about this. I believe when I went out to the
22 scene of this wreck, I took some photographs, and I haven't
23 given those to you. But I don't find them. They weren't in
24 the skeleton files. I'm going to go back to my office and
25 try and locate the photographs, and certainly I'll provide

1 you copies if there are any."

2 I returned to the office and talked to my receptionist
3 who does our filing. And she reminded me that there had
4 been a malfunction on the camera that day, battery was low
5 or something. But in any event, we didn't -- we weren't able
6 to get any photographic images. And then I spoke to Mr.
7 Keaveny and told him the pictures didn't turn out because of
8 some technical issues, so there are no photographs.

9 Q We'll make sure, because I don't want you to come back
10 later and tell me I forgot something. Have I forgotten
11 anything to ask you? I can't think of anything.

12 A No; today you're the lawyer and I'm the witness. So I
13 don't think I can remember anything else that you haven't
14 asked me about.

15 Q Answer any questions Mr. Keaveny might have.

16 CROSS-EXAMINATION

17 BY MR. KEAVENY:

18 Q Mr. Utsey, you were here in the courtroom when Mr.
19 Marin testified earlier this morning; is that right?

20 A Yes.

21 Q And you heard him testify that you never told him that
22 you weren't going to represent him; do you remember that?

23 A I heard him say something to that affect, yes.

24 Q And you heard him say that he never heard you say that
25 at the first meeting; is that right?

1 A I heard him say whatever he said this morning. I don't
2 remember verbatim exactly what he said, but the -- the gist
3 of it, as I understood it, is he doesn't recall me ever
4 telling him I wouldn't represent him.

5 Q His testimony is that you never told him you wouldn't
6 represent him; is that what you heard him say?

7 A That's my understanding.

8 Q All right. All right. Very good. With regard to --
9 with regard to these photographs that Mr. Detrick asked you
10 the last thing about, the first time I ever heard of these
11 photographs or you ever going out to the accident scene was
12 in this memorandum, this e-mail that you sent me Sunday,
13 July 31st, 2011. It's the last page of Exhibit Number Five.
14 Do you have Exhibit Number Five up there?

15 A Yeah.

16 Q And I think this e-mail came through right before we
17 were going to have our motion hearing when the case was last
18 scheduled to be heard; is that your recollection?

19 A I'm sorry. I was reading the e-mail; can you repeat
20 that?

21 Q Yeah. I mean, this e-mail came through to me on Sunday
22 night or Sunday morning at eleven o'clock. It was right
23 before -- I think right before the last time this motion was
24 heard -- was scheduled to be heard; is that right?

25 A I honestly don't remember that.

1 Q Okay. All right.

2 A I don't remember. The date is what the date is. I
3 don't remember what the date of the earlier hearing was.

4 Q But in response to interrogatories for a request for
5 production that I had served on you previously, you didn't
6 indicate that you had been out to the scene, or that you had
7 any photographs, or no information about that at all; is
8 that right?

9 A I don't -- I don't think there were any questions as to
10 whether I had been out to the scene. I'm not sure I
11 understand your question.

12 Q There were questions about who had investigated the
13 accident, what photographs you have; remember that?

14 A I believe there were questions to that. I didn't do an
15 investigation. I rode out to the scene to see what I could
16 see. I tried to snap some photographs. I had forgotten
17 about the photographs because they didn't exist. And only
18 when I tried to be as thorough as possible in responding to
19 your subpoena, did I recall that I, in fact, did have a
20 camera with me that day. And it was only later that I
21 confirmed that they didn't turn out. I didn't hide it from
22 you, in other words, is what I'm saying.

23 Q Let's go back to Exhibit Number Five.

24 A Okay.

25 Q On the first page here. You've indicated in response

1 to some questions that Mr. Detrick asked you just a few
2 minutes ago that all the information on the first page is
3 information that Mr. Marin gave you during that meeting that
4 you had with him on January 27th, 2010; is that right?

5 A Most, if not all. Some of this, for example, after I
6 met with him and we were trying to find out, say, phone
7 numbers and stuff. For example, it says Caroline, Corner
8 Insurance; I probably looked up their telephone number after
9 he left and wrote that in there.

10 I'm pretty sure that the notation about 817 Phillips
11 Road, Red Tin Roof, was when he called me back to say "Come
12 to my house to meet with me and -- and the widow of Mr.
13 Vasquez," because that's when he gave me the address.
14 And -- and the Red Tin Roof was helping me with directions
15 on how to find it. There are probably also some other notes
16 that were added here and there as a follow-up to that
17 meeting, and not necessarily contemporaneous with the
18 meeting.

19 Q All right. Well, at the very top it says "Marin Right
20 of Way Services," that was information he gave you right
21 then; is that right?

22 A Well, I knew it ---

23 Q Okay.

24 A --- because I mean, I ---

25 Q And the truck was titled in the name of the company?

1 Did you know that or did he tell you that?

2 A No, he told me it was his company truck.

3 Q All right. And the passenger van; is that right?

4 A Right.

5 Q All right. And he indicated to you this information
6 about how many were in the hospital, how many were killed,
7 and how many others were injured; is that right?

8 A Yes.

9 Q All right. But when he came to you, he told you that
10 he needed your advice and your help on how to handle this
11 situation that he had; didn't he?

12 A I don't think he used those words. He -- he -- he said
13 -- he was upset, and he said that this wreck had happened.
14 He didn't know what he needed; didn't know what to do. And
15 that's when I said, "Well, there are a lot of potential
16 claims, and some of those claims may be against you. And
17 you've got insurance." And he said -- he confirmed he did;
18 he still had insurance.

19 And I knew that he -- he run -- ran a "respectable
20 business." It wasn't a fly-by-night operation. I knew his
21 business, not only from the previous litigation, but from
22 other sources. And so I said, "Your insurance company will
23 hire lawyers if there are any claims against your company."
24 That seemed to give him some peace of mind. I made it clear
25 at that point that he didn't need to hire a lawyer for any

1 of that.

2 Q You told him he didn't need to hire a lawyer; is that
3 right? A I told him his insurance company would provide a
4 lawyer. He didn't need to hire me, and I didn't do that
5 kind of work anyway.

6 Q So did you tell him that -- did you ask him to sign any
7 kind of statement saying, "Listen, sign this statement
8 saying that I'm not going to represent you"? Did you ask
9 him to do anything like that?

10 A It didn't seem necessary because there was never any
11 really discussion about my representing him.

12 Q Okay. All right. The notes, as we continue down this
13 page, where it has "workers' comp and GL coverage," is that
14 information that he gave you?

15 A (LOOKING AT DOCUMENT.) Oh, I see it.

16 Q Middle of the page.

17 A I assume. Well, I knew he had general liability from
18 the previous, but I am sure he told me he had workers' comp.

19 Q Next line, "In route to work in Allendale from
20 Walterboro." That's information he gave you; is that right?

21 A Yes.

22 Q Told you where the accident happened; is that right?

23 A Well, I already knew where it was, but yeah, he -- he
24 would have confirmed that.

25 Q He indicated the names of the two folks who were

1 already dead; is that right?

2 A Yes.

3 Q And then there was a third that he -- I don't know, was
4 either maybe not doing well or wasn't sure about? Question
5 mark down below that?

6 A He didn't -- there was a third person who was dead, but
7 he couldn't recall the name.

8 Q All right. And he identified for you who was in the
9 hospital; is that right?

10 A Same -- same thing.

11 Q All right. And then on the top of the next page, he
12 told you what the facts of the accident were; is that right?

13 A He told me Bernardo said he stopped at the sign, did
14 not see the truck, there was a question about headlights on
15 the truck and he couldn't see well through his window. And
16 that information had gone through the chain that I described
17 earlier.

18 Q So Mr. Marin did not tell you that he actually went out
19 to the accident scene that day when he was seeing you?

20 A First I heard of that was this morning.

21 Q All right. How long did this meeting that you had with
22 Mr. Marin last?

23 A I didn't time it. I would say slightly less than an
24 hour, probably 45 minutes or so.

25 Q Mr. Marin testified that when he came in -- after he

1 came into your office and talked to you, you instructed your
2 office to cancel your appointments for that day; do you
3 remember doing that?

4 A I don't. I -- I -- I have a vague recollection that I
5 had something to cover that day, whether it was attending a
6 deposition or something like that, I asked them to have my
7 associate do that, because it appeared that Mr. Marin was
8 going to need to be talking to me throughout that morning as
9 he got the information on these additional injured people
10 and what not.

11 Q You have a line on the second page and it's drawn
12 straight across, and then it says "injured". Were those
13 notes that you made during your meeting with Mr. Marin?

14 A I drew that line, as I recall it, because that would
15 have been the end of the meeting. And he called me back
16 once he had the names of the injured and dead people that --
17 as you'll recall from the first page, I just had question
18 marks.

19 Q Right.

20 A He said he was going to find out that information and
21 call me back.

22 Q All right. So is it your testimony then that your
23 notes from your meeting with Mr. Marin on January 27th, 2010
24 end right there at that point?

25 A The notes that -- it depends what you mean. The notes

1 that I would have taken contemporaneous with him sitting
2 across from my desk would end there, yes; I believe so.

3 Q So when he left your office, he did some additional
4 work at your request; is that right?

5 A Well, I don't know if it was at my request; that's a
6 semantic thing. I told him we were interested in helping
7 his employees if they wanted to hire a lawyer; he indicated
8 they probably would be. If you want to call that my request
9 or his request, I don't know. But the point is, he was
10 following up with information about these people who may be
11 looking to hire us.

12 Q Well, it wasn't your impression that he came to your
13 office trying to hire you to represent the folks on the
14 workers' comp claim; is it?

15 A It was exactly my impression. He came in and said, "I
16 don't know what all I need." And I said, "Well, as far as
17 your company is concerned, you have liability insurance as I
18 recall," and he said, "Yes." I said, "And your liability
19 insurance will take care of hiring the lawyer for you." I
20 said, "Now, your other folks will probably need their own
21 lawyers. Do you know whether they have lawyers or whether
22 they're looking for lawyers?" And he indicated they were
23 probably looking for lawyers. I said, "That's what we do,
24 and we'll be interested in representing them." And he said,
25 "Great." And he was very cooperative. It wasn't like he

1 was surprised or offended or -- or any way resisted any
2 suggestion about that.

3 Q So when he came to you and said, "I don't know what I
4 need. I need you to tell me what I need," you told him,
5 "First of all, with regard to you Mr. Marin and your
6 company, sit tight; don't worry about it." You told him
7 that his insurance company would take care of him; is that
8 right?

9 A No. I told him just like I have told many defendants
10 who I've brought lawsuits against, to call and say, "What's
11 this all about?" "Your liability insurance company will
12 hire a lawyer for you." It's probably stretching it to say
13 "Everything will be taken care of." And I advised him in
14 something about taking care of needs. That -- that would be
15 more than what I told him. Said, "You don't need to hire
16 your own defense lawyer. You've got insurance coverage.
17 They're going to hire a defense lawyer for you."

18 But one of the other needs he expressed was his
19 workers. He -- he indicated several times he was very
20 concerned about these injured people. They were -- some of
21 them were family to him. They didn't know what they were
22 going to do. I remember one of them was already worried
23 about how to get a body back to Mexico and things like that;
24 and they needed representation. And so I told them I'd be
25 more than happy to help them with that.

1 Q This meeting that you had with Mr. Marin, this first
2 meeting, you said last probably 45 minutes to an hour?

3 A I'd say an hour at the most, yes.

4 Q Did you ever send Mr. Marin anything in writing?

5 A Not that I know of.

6 Q So you never sent him any kind of a writing indicating,
7 "Mr. Marin, we're not representing you"?

8 A I didn't see any need to because it was -- very early
9 in the meeting I told him we -- we didn't do that. We
10 weren't looking to represent him; wasn't interested.

11 Q You didn't tell him, didn't send him in writing saying
12 that "We won't represent your company," or anything of that
13 kind; is that right?

14 A Same answer.

15 Q Do you ever remember talking to him about whether or
16 not you would represent him and advise him, other than
17 during the very first few minutes of this meeting that you
18 told us about?

19 A If I would represent him personally, or his company?

20 Q Did you ever repeat to Mr. Marin in any of these three
21 meetings that you had total, or the two meetings after the
22 one on January 27th, that "We're not representing you.

23 We're not representing your company"?

24 A I know that in context of talking about the possibility
25 of workers' compensation claims, which I know happened at

1 the first meeting and I believe happened at the second -- I
2 guess would be the third meeting, I made it clear to him
3 that if I handle workers' compensation claims for your
4 employees, they will, in effect, be suing you for workers'
5 compensation benefits and we will be adverse to your company
6 if we do that. And I told him that in the beginning of the
7 meeting, because I -- I wanted him to be -- to understand
8 what was going on.

9 Q You never followed that communication up with a letter
10 to Mr. Marin?

11 A It didn't seem necessary. He seemed to indicate a
12 complete understanding.

13 Q All right. The Summons and Complaint were filed in
14 January of 2011?

15 A I don't have them in front of me, but I believe that's
16 somewhere like -- whatever it is, it is.

17 Q One of these exhibits. Did you ever call Mr. Marin or
18 talk to Mr. Marin about the fact that you had been retained
19 to represent Mr. Mitchell?

20 A I didn't. Based on the circumstances, I didn't see any
21 reason for me to be -- for me to do that.

22 Q So that's "no"?

23 A I did not.

24 Q Did you ever write to him about it?

25 A Same answer.

1 Q Did you ever talk to anybody in your firm about whether
2 or not you and your firm had an issue with Rule 1.18?

3 A Not until you sent a fax to me, claiming that I did.

4 Q All right. Before then, there was no consideration
5 given to Rule 1.18.

6 A That would be wrong.

7 Q You object?

8 A I practice ethically, and I understand about conflicts
9 of interest and issues that come up when people come in for
10 attorney consultations; and that's why I'm very careful.
11 One, because I want to practice ethically, and two, for just
12 pure self-interest in protecting what I do for a living. I
13 wanted to make sure that the way I handle my conversation
14 with him was consistent with my understanding of the ethical
15 rules.

16 I didn't want to talk to him about -- I'm not sure what
17 I'd be representing him on, but do anything to indicate to
18 him that I'd be representing his company, and thereby create
19 a conflict of interest with respect to what I understood to
20 be a number of claims that were for people who were going to
21 hire attorneys, who got involved in this wreck. That would
22 be, you know, cutting my own throat to do that.

23 Q Do you have a copy of the transcript to the statement
24 that was taken by the MAIT team from Bernardo Lopez-
25 Hernandez?

1 A I don't have it in front of me.

2 MR. KEAVENY: Has it been marked as an exhibit?

3 THE COURT: Counsel, approach.

4 COURT REPORTER: It has. I gave it up to the Court.

5 (WHEREUPON, A BENCH CONFERENCE WAS HELD OFF THE
6 RECORD.)

7 Q Mr. Utsey, you have the ---

8 A I don't.

9 MR. KEAVENY: Who has it? Does the Court have the
10 transcript of Mr. Hernandez?

11 Q If you'd look at the second line of that transcript, it
12 indicates that the MAIT team is interviewing Mr. Hernandez
13 at 16:53; is that right?

14 A That's what it says.

15 Q I know that's military time, and that would be what,
16 4:53?

17 A That's my understanding.

18 Q Almost 5:00, okay. This would have been hours and
19 hours and hours after your meeting with Mr. Marin; is that
20 right?

21 A Actually, it's the next day, according to this.

22 Q According to this, it's -- yeah, it is the next day,
23 okay. So your meeting occurred with Mr. Marin the day
24 before?

25 A Right. My initial meeting.

1 Q When he told you about all the facts of the accident,
2 right?

3 A I think it would be a mischaracterization to say he
4 told me about all the facts of the accident. He told me
5 those three to four points that are there on my -- I -- I
6 recall, we didn't know really what happened in the accident,
7 other than Mr. Hernandez had pulled out into the path of Mr.
8 Mitchell's vehicle, because when I went to the scene, I was
9 trying to figure out what happened.

10 Q Well, you knew what was listed here on Page 2 of your
11 notes.

12 A That -- that would be the extent of what Mr. Marin told
13 me.

14 Q Now, I asked you previously about Rule 1.18. You've
15 heard Mr. Virzi testify about the application of Rule 1.18
16 to this situation; is that right?

17 A I've been here all day.

18 Q Do you disagree with anything that Mr. Virzi had to say
19 about Rule 1.18?

20 MR. DETRICK: Your Honor, I object. He's pitting
21 witnesses against each other.

22 THE COURT: Sustained. I'll make the findings of fact
23 here. Let's move along, counsel. Don't pit one witness
24 against another, even though it's non-jury. Let's proceed.

25 MR. KEAVENY: Yes, sir. I am looking for my Requests

1 to Admit. Here we go. This will be Exhibit Number Six,
2 Your Honor.

3 THE COURT: You're going to introduce this?

4 MR. KEAVENY: Yes, yes.

5 THE COURT: Paul, do you have any objection to this
6 Request for Admission? It will be Exhibit Six.

7 Q Would you look at Exhibit Number Six? Do you recognize
8 that as being Requests for Admissions that you sent to the
9 defendants?

10 A Yes.

11 Q All right.

12 THE COURT: Just a moment. Any objection?

13 MR. DETRICK: None.

14 THE COURT: Very well.

15 (Defendant's Exhibit Six, Requests to Admit, received
16 into evidence.)

17 THE COURT: Proceed.

18 MR. KEAVENY: All right. Very good. Thank you.

19 Q Would you look at the Requests to Admit, starting with
20 Number Ten?

21 A Okay.

22 Q Actually, starting at Number Nine. Do you see it
23 there, where you ask the defendants to admit that Hernandez
24 did not see the plaintiff's vehicle before it collided with
25 the Hernandez vehicle?

1 A Yes.

2 Q All right. You already knew that by virtue of
3 statement that Mr. Marin gave you; is that right?

4 A Mr. Marin said, my notes said, "Did not see the truck."

5 Q So the answer is "yes"?

6 A What was the question again? Was that the only source
7 of that information or ---

8 Q No. The question was: You already knew the answer to
9 Request for Admission Number Nine. You knew that answer --
10 you knew the answer to Request for Admission Number Nine
11 when Mr. Marin met with you on January 27th, 2010; is that
12 right?

13 A I would say what I knew was that Mr. Marin told me that
14 his brother told him that the highway patrolman told him
15 that Mr. Hernandez had told him he did not see the truck.
16 And then when I got the MAIT team report recording, it
17 generated these Requests for Admissions, because that's what
18 Mr. Hernandez said on the recording.

19 Q Request for Admission Number Ten; at the time of the
20 collision, Hernandez did not have a valid South Carolina
21 driver's license. You knew that on January 27th, 2010; is
22 that right?

23 A No, I didn't. I -- I knew he had an international
24 driver's license. Now, what that meant as far as South
25 Carolina driver's license, I don't have any clue because

1 I've never heard of an international driver's license. I
2 now understand that there's a statute that says that's valid
3 in South Carolina. I generated this Request to Admit based
4 on Mr. Hernandez' interview with the MAIT team, which I had
5 received by the time we generated this.

6 Q Request for Admission Number Eleven; as to the time of
7 collision, Hernandez did not have a valid Georgia's driver's
8 license. You already knew that on January 27th, 2010, after
9 meeting with Mr. Marin; didn't you?

10 A No. There was no discussion about Georgia driver's
11 license with Mr. Marin. That came from the MAIT team
12 information.

13 Q Request for Admission Number Twelve asks the defense to
14 admit that Hernandez did not have a valid driver's license
15 issued by any state of the United States of America. You
16 knew that as a result of your meeting with Mr. Marin on
17 January 27th, 2010; didn't you?

18 A All I knew, again, was Mr. Marin told me that Mr.
19 Bernardo Lopez-Hernandez had an international driver's
20 license. There was a lot more discussion in the MAIT team
21 report, or rather MAIT team interview, that led to these
22 questions, because I still don't know fully the answer to
23 that, which is why we sent the requests to admit to try and
24 figure out what the situation was.

25 Q And Number Thirteen asks the defendant to admit that

1 Mr. Marin, the man whom you met on January 27th, 2010, knew
2 that Hernandez did not have a valid driver's license issued
3 by any state of the United States of America. You already
4 knew that answer on January 27th, 2010; didn't you?

5 A No. Again, he told me that he had an international
6 driver's license. I did not know what that meant. We got
7 the MAIT team report. It started having this big
8 conversation about a Georgia driver's license and South
9 Carolina driver's license, etc. I don't know the answer to
10 Number Thirteen, so I sent a Request for Admit to try and
11 determine what Marin Right of Way's position would be on
12 that, because Marin here refers to the company, not Mr.
13 Marin. And that way, we could determine whether additional
14 discovery would be necessary, or whether there was a matter
15 in dispute.

16 Q You testified that after the deposition of your client,
17 Mr. Mitchell, on June 1st, that I told you that Mr.
18 Hernandez would not be available for deposition. Do you
19 remember testifying to that a few minutes ago?

20 A Yes.

21 Q Isn't it really true that Mr. Hernandez' deposition did
22 not go forward that day because the interpreter whom you had
23 hired could not show up?

24 A I don't think that was true. But I remember that there
25 was only after Mr. Mitchell's deposition; Mr. Hernandez was

1 never there, as I understand.

2 Q That's right Mr. Hernandez was never there, but you
3 arranged for -- you arranged to have an interpreter come to
4 Mr. Hernandez's deposition; did you not?

5 A That's not the way I recall it, Tom. And -- and you
6 can testify if you want, but my recollection is that you
7 were on the phone with me and said that it was some issue
8 about getting him there and wasn't going to happen.

9 Q So you don't recall the problem being that your
10 interpreter just wasn't able to come and that's why it got
11 postponed?

12 A I don't recall that, no.

13 Q The only depositions that have gone forward since this
14 motion has been filed is the deposition of Mr. Prevatt
15 (sic), who was an eyewitness, literally an eyewitness to
16 this accident; is that right?

17 A Well, that was one of them.

18 Q And the only other deposition is the deposition of Dr.
19 Stovall, who is an IME doctor who saw Mr. Marin one time; is
20 that right?

21 A I know that was another one. There have been
22 depositions related to this motion, and I frankly don't
23 recall whether there were other depositions. I know others
24 were scheduled. Whether they actually went off, I don't
25 remember. I know we had Dr. Zimlich last week for use at

1 trial and it got cancelled.

2 Q Because he asked us to postpone it.

3 A That's my understanding.

4 Q Okay. In them meantime, this case has not been stayed;
5 is that right?

6 A Not to my knowledge.

7 Q Okay. And, in fact, we submitted a consent order to
8 the Court extending the deadline for mediation and all those
9 kinds of things; is that right?

10 A I believe that's true. I really don't remember.

11 Q And you guys just recently identified for me this
12 fellow named Mr. Kelly Kennett; is that right? Perhaps in
13 the last ten days or so?

14 A I'm not sure. Paul did that, not me. I'm not sure
15 when he did it.

16 Q Okay.

17 MR. KEAVENY: If I can have just one quick minute, Your
18 Honor. I know we're trying to move it along.

19 THE COURT: You have a quick minute, Mr. Keaveny.
20 We're now 30 minutes past where I told you we needed to end.
21 Go ahead. I'll give you a minute, but realize you're taking
22 my court reporter's lunch, my bailiff's lunch, my lunch, and
23 my law clerk's.

24 MR. KEAVENY: I'm done, Your Honor.

25 THE COURT: Redirect. Mr. Detrick, the same admonition

Keaveny Law Firm LLC
Attorneys and Counselors at Law



Thomas J. Keaveny, II, Esquire
Direct Dial: 843.225.2810
Email: tkeaveny@keavenylawfirm.com

May 31, 2011

VIA FACSIMILE ONLY

Bert G. Utsey, III, Esquire
Peters, Murdaugh, Parker, Eltzroth & Detrick, PA
PO Box 1164
Walterboro, SC 29488

Re: Ricky S. Mitchell vs. Marin Right of Way Service, LLC, et al
Case No.: 2011-CP-15-20
Claim No.: 503923200
File No.: 700-050

2011 DEC 19 PM 4:42
PATRICIA J. GRAY
COLLETON COURT
COMMON PLEAS

Dear Skip:

I have been in this case for several months. I have spoken to Carlos Marin, owner of Marin Right of Way, several times during the past several months. However, not until Friday, May 13, 2011 did he tell me that on January 27, 2010 (the day this accident happened) he came to your office seeking legal advice and representation for himself and his business on legal issues likely to arise as a consequence of the accident involving his employee (Bernardo Hernandez) and Mr. Mitchell. I am not sure how much of our conversation I am at liberty to disclose, but he tells me that the meeting lasted approximately an hour, that during that meeting you asked him in depth, probing questions about himself, his business, his employees (specifically including Mr. Hernandez), the passengers in his van, the facts of the accident and other issues. He tells me that he answered your questions fully and without reservation. He also says that during the meeting you called Johnny to discuss matters relating to the accident including the job to which Mr. Hernandez and the passengers in the van were heading. Finally, he says that after answering all your questions fully and candidly, you declined to represent him and Marin Right of Way and made some reference to representing claimants against him and his company.

I do not know why Mr. Marin did not inform me of this issue before now, but I am sure you can understand he feels you have a conflict. I have not disclosed this issue to Liberty Mutual but obviously I need to do so. I drafted this letter immediately after talking to Mr. Marin on May 13, 2011 but I had decided to think about the situation before sending you a letter.

Bert G. Utsey, III., Esquire
May 31, 2011
Page 2

I have reviewed and reflected on Rule 1.18, Rule 407, SCACR . I know you well enough to know you have reviewed it too. Please call me when you get this letter so we can talk about this situation. Mr. Marin's deposition is scheduled to take place tomorrow. He is not comfortable with being deposed by the lawyer or law firm he approached about representation arising out of this accident.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tom' or 'TJ', with a stylized flourish.

Thomas J. Keaveny, II

TJKII/js



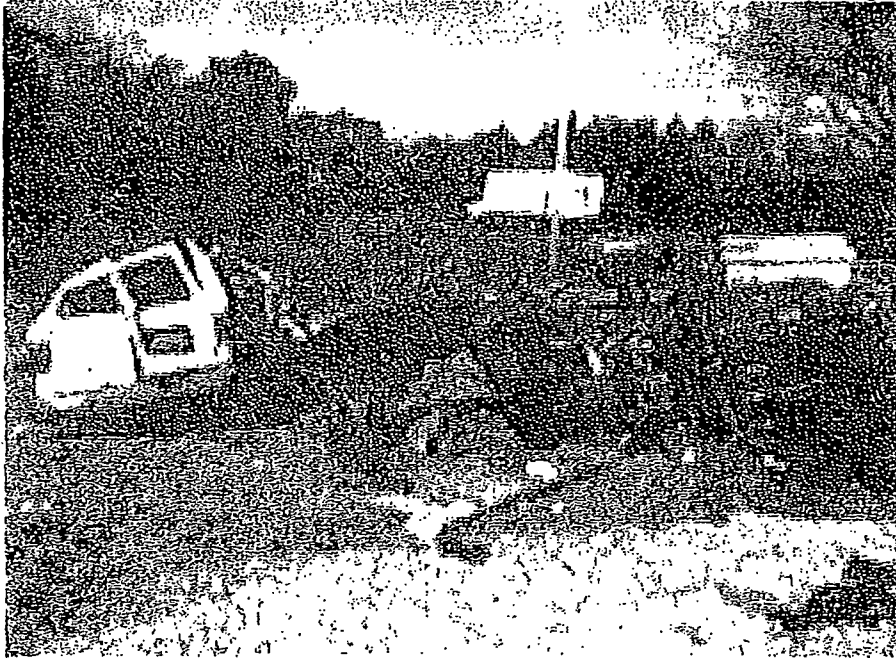
Three Die in South Carolina Tractor Trailer Truck Accident

Report Email

truck360

truckaccidentlaw.org

LODGE, SC – Three people died Wednesday morning after the passenger van they were in was hit by a tractor trailer truck in South Carolina. The truck collision happened on US Route 601 near Lodge in rural Colleton County. The area of the truck accident is in the south-central section of the state, 70 miles northwest of Charleston, SC, and 74 miles southeast of Augusta, Georgia.



PATRICIA A. SPAIN
COLLETON COUNTY
CORONER
PLEAS
2011 DEC 19 PM 4:42

Three of the van passengers suffered fatal injuries and were pronounced dead at the scene. According to authorities, at around 7:15 a.m. Wednesday morning, 27 year old Bernardo Lopez-Hernandez of Walterboro, SC was driving a 15 passenger van west on SC Highway 641. There were seven passengers in the van with the driver, the passengers identified as migrant workers. As Lopez-Hernandez reached the intersection of SC Highway 641 and US Route 601 he pulled out onto 601, directly in the path of a southbound tractor trailer truck driven by 47 year old Ricky Mitchell of Ruffin, SC. The truck driver Mitchell was unable to avoid an accident, and crashed into the right side of the passenger van.

After t-boning the van, the 18 wheeler flipped over, spilling its load of wood chips onto the highway. South Carolina Highway Patrol officers and the Colleton County Fire and Rescue team responded to the truck accident scene.

Three of the van passengers suffered fatal injuries in the truck accident and were pronounced dead at the scene. The Colleton County Coroner Richard Harvey later identified the victims as 22 year old Paul V. Serrano, 23 year old Esteban A. Rivera, and 59 year old Agustin G. Luna, all of Walterboro. The van driver, Lopez-Hernandez, and one of the van passengers were transported by ambulance to Colleton Medical Center in Walterboro, 22 miles away.

MAP

[View Larger Map](#)

The other three van passengers suffered more extensive injuries and were airlifted to Medical University of South Carolina in Charleston, SC. Their conditions are listed as critical and they have not been identified.

Mitchell, the driver of the 18 wheeler, suffered a broken leg in the truck accident and was taken by ambulance to Colleton Medical Center.

Crews were brought to the truck accident site to remove the damaged tractor trailer and passenger van. Other workers cleared the truck's load of wood chips and other debris from the roadway.

STREET VIEW

[View Larger Map](#)

The truck accident was in a rural section of South Carolina and did not have a significant impact on traffic. Traffic was diverted around the accident area until the roadway was cleared.

The South Carolina Highway Patrol has taken the lead in the truck accident investigation, which remains open. At this point no charges or citations have been made.

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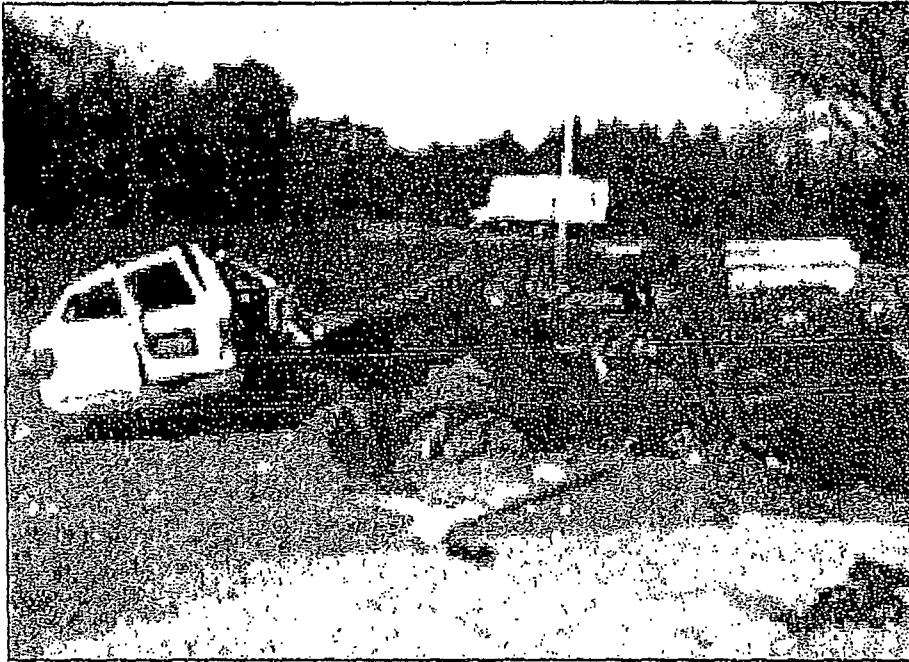
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Three Die in South Carolina Tractor Trailer Truck Accident

January 29th, 2010 |  Author: [Truck Accident Law Staff](#)

LODGE, SC – Three people died Wednesday morning after the passenger van they were in was hit by a tractor trailer truck in South Carolina. The truck collision happened on US Route 601 near Lodge in rural Colleton County. The area of the truck accident is in the south-central section of the state, 70 miles northwest of Charleston, SC, and 74 miles southeast of Augusta, Georgia.



Three of the van passengers suffered fatal injuries and were pronounced dead at the scene.

According to authorities, at around 7:15 a.m. Wednesday morning, 27 year old Bernardo Lopez-Hernandez of Walterboro, SC was driving a 15 passenger van west on SC Highway 641. There were seven passengers in the van with the driver, the passengers identified as migrant workers.

As Lopez-Hernandez reached the intersection of SC Highway 641 and US Route 601 he pulled out onto 601, directly in the path of a southbound tractor trailer truck driven by 47 year old Ricky Mitchell of Ruffin, SC. The truck driver Mitchell was unable to avoid an accident, and crashed into the right side of the passenger van.

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STREAK CONTINUES: Colleton County girls basketball streak

The Press and Star

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FRIDAY, JANUARY 29, 2010

PLAINTIFF'S
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3
PEN 040 800-431-1608

DEADLY ACCIDENT



DEALING WITH THE DEBRIS: Rescue workers waded through a truckload of wood chips at the scene of a fatal accident near Lodge Wednesday morning that claimed three lives. The tractor-trailer that had smashed into a passenger van lost its load of chips when it tipped over. The road way was closed for several hours. Submitted photo

Three die in wreck

Three die after tractor-trailer hits van at the intersection of S.C. 641 and S.C. 601 near Lodge.

Three die in wreck

Three die after tractor-trailer hits van at the intersection of S.C. 641 and S.C. 601 near Lodge.

By GEORGE SALSBERY
gsalsberry@lowcountry.com

Three Walterboro men were killed and six others seriously injured Wednesday morning when a tractor-trailer hauling wood chips smashed into a van near Lodge.

Colleton County Coroner Richard Harvey said Agustin Garcia Luna, 59, and Esteban Alvarado Rivera, 22, both of 200 State St., Walterboro, and Paul Vasquez Serrano, 23, of 28 Sunshine Lane, Walterboro were pronounced dead at the scene from multiple trauma.

Luna and Rivera had been killed when they were ejected from the van, according to Harvey.

Harvey said he had been informed the van's passengers, all males, had been on their way to work in Sylvania, Ga. when the accident occurred.

Corporal Paul Brouthers of the South Carolina Highway Patrol said the van, driven by Bernardo Lopez-Hernandez, 27, of Walterboro, was traveling west on S.C. 641 (Confederate Highway) Wednesday at 7:15 a.m. when he pulled from a stop sign to enter the intersection and was hit broadside by the tractor-trailer being driven by Ricky Mitchell, 47, of Ruffin, who had been traveling south on S.C. 601 (Broxton Bridge Highway).

Following the impact, Brouthers added, Mitchell's tractor-trailer tipped over, spilling his load of wood chips onto the pavement.

Colleton County Fire-Rescue Director Barry McRoy said the accident occurred at the intersection known as Carter's Crossroads, a remote area of the county that has been the scene of several bad accidents in the past.

McRoy said he had been told the van rolled over at least once after being hit on the passenger side by the truck.

Several of the occupants of the 15-passenger van were trapped in the wreckage and rescuers needed hydraulic tools to peel away the crumpled metal to extricate them.

McRoy said fire-rescue sent three ambulances, two fire engines and two heavy rescue units to the accident scene.

A Bamberg County ambulance stationed in Ehrhardt, approximately two miles away, also responded to the accident, as did an ambulance from Lodge Rescue.

Three medical emergency helicopters were called on to transport three critically injured crash victims. The helicopters flew two of the victims to the Medical University of South Carolina's trauma unit in Charleston, while the third was airlifted to a trauma center in Columbia.

See FATAL, page 6A



GETTING TO THE VICTIMS: Colleton County firefighters work to cut away pieces of a severely damaged van to get to the accident victims trapped inside while a woman in the background holds up an IV bag as paramedics attend one of the injured passengers. The traffic accident near Lodge Wednesday morning claimed three lives and injured six others.

DRUG/WEAPON RAID

Walterboro police seized drugs, alcohol and weapons from a Gerideau Street home Tuesday.

PAGE 5A

WEATHER

58 high, 42 low
Another rainy Saturday.
Full forecast, PAGE 3A.

INSIDE

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TOURISM

State to conduct tourism study

Colleton to be part of study to produce a South Carolina product development plan for tourism.

By GEORGE SALSBERY
gsalsberry@lowcountry.com

Colleton County's tourism industry will be under a microscope in the coming months.

Marion Edmonds, director of communications for the South Carolina Parks Recreation and Tourism Department, said Colleton and the counties that encompass the South Carolina coast from Edisto Beach south to the Georgia border will be the last geographic region of the state to be studied.

It is a case of last but not least, according to Edmonds. He said Tourism Development International, an Ireland-based firm with

Fresh eyes are always important, tourism is constantly changing and evolving," Laird explained.

Laird is one of the tourism professionals asked by the state and the consulting firm to be on a steering committee as the study begins. She said the members of the steering committee are scheduled to meet with the consulting firm's team next Friday and plans are already under way to have them conduct "a windshield tour" of the three-county area and then visit some of the area's tourist attractions in greater detail as their work progresses.

They are also expected to be in Walterboro and Edisto Beach in April, around the time of the annual Rice Festival, to conduct public forums to generate local comments.

Laird said she hopes that when the survey is completed, it brings a clear message of what the



Road closed for hours to clean up debris

FATAL

Continued from 1A

Both drivers and another passenger of the van were taken to the emergency room at Colleton Medical Center for treatment. Mitchell, according to McRoy, was later transferred to MUSC

with critical injuries.

The roadway was closed for hours while the state patrol investigated the accident and the crash scene was cleared of debris.

Brouthers said the South Carolina Highway Patrol's MAIT investigative unit was participating in the investigation of the fatal accident.

Monday will be last day to pay real estate taxes

TAX

Continued from 1A

that will inform the taxpayers that they have 30 days from the date of the mailing to pay their taxes.

Monday is the last day for those who received the county's real estate tax statements to pay their bills without facing a penalty.

The next penalty phase will be March 16 when the unpaid taxes will be turned over to the county's delinquent tax office.

Two factors, Hiott said, have caused the delay in sending out those tax bills.

Hiott said his office continues to face problems in getting complete and accurate information on the bills. "There is a lack of information on the bills, the system is kicking out errors, a good many of them," said Hiott.

The continuing problems with the software are wearing on the auditor. "I keep hoping that the next thing will be the last thing."

The errors, he said, have to be corrected before the tax information can be sent to the printer.

Getting the problems fixed is

proving difficult, Hiott said, because his office's employees are spending their workdays dealing with real estate taxpayers who have mistakes and incorrect information on those bills.

Hiott said most of the problems on the real estate tax bills are showing up in the bills that are supposed to have homestead, disabled veteran and agriculture use exemptions.

"The problems with the real estate bills is really slowing us down," Hiott said. "We are doing nothing else other than helping taxpayers."

With the workday spent dealing with customers, Hiott said his office is trying to deal with the errors in the other tax information after hours and on weekends. The utility company's funds are due the county for SCE&G's Canady's power plant.

"People often don't realize we are one of the largest property taxpayers in South Carolina," said SCE&G local manager Todd Litchfield. "We not only take pride in being good corporate citizens, but the property taxes we pay help fund schools, police, fire and other critical services throughout Colleton County that help contribute to our quality of life."

Regulation of visitors

Recommendation

UNIFORMS

Continued from 1A

The plan this year is to make a recommendation to the school board before the end of the school year. That way, parents will know well in advance what is required for the 2010-2011 school year.

In addition to considering school uniforms, the recommendation will also be made whether to include all grade levels or just elementary schools and middle schools.

Williams, who is studying other dress requirements in the state as well as the nation, said research indicates that school uniforms reduce thefts.

Students, she said, don't want to leave their shoes or jackets unattended because the designer brands may disappear.

One teacher, whose son is at the high school, said his book bag was stolen last week. She had thought he was kidding when he insisted he wanted a Spiderman book bag. Comic and cartoon book bags are popular at the high school level.

"At all grade levels," Williams said,

Results may help

TOURISM

Continued from 1A

officials information on the region.

Carter hopes the survey will also examine the prospects for attracting tourists to Edisto Island "in our off-season."

The island sees plenty of tourists during the summer months and "our off-season is a growing market," Carter said. In December the chamber unveiled a new logo, Edisto A Coastal Island Destination, a state of mind, anytime, any season" as part of its attempt to lure off-season travelers.

He suggests that the island's golf course "is a prime draw" and "plenty to offer for eco-tourists" in the winter, spring and fall. "Folks come down birding and kayaking in the spring and fall." Edisto Beach State Park and Botany Bay offers plenty of activities in the off-season, he added.

The island, Carter explained, uses marketing to draw tourists and then seeks to turn those tourists into potential new residents.

The consulting company divided the state into eight regions and began studying what was in place in terms of tourism attractions and talking to the members of organizations spurring tourism in those areas to come up with a plan to increase the tourism potential

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Bernardo Lopez Hernandez Interview – January 28, 2010 (by Myrick)

Myrick: Today's date is January 28, 2008, I mean 2010 – I'm sorry, having one of those moments – the time is 16:53 hours. I'm at the Colleton County hospital, which is in Walterboro, South Carolina, Room 320. This is in reference to MAIT case CL-004-10, a two vehicle collision that happened at the intersection of SC 641 and US 601, which is in Colleton County. The primary investigating officer for this collision is Trooper P. D. Rush, South Carolina Highway Patrol, Troop 6, Post B. Also present is going to be Lance Corporal Jamie Cardona, South Carolina Highway Patrol, translating this interview.

Male Voice: Alright, you're ready?

Myrick: Mr. Lopez, could I get you speak your whole name, your first, your middle your last?

Hernandez: Bernardo, Bernardo Lopez Hernandez

Myrick: Can I get you to spell all of that?

Exchange in Spanish

Cardona: For the purpose of the interview I will ask questions in both in Spanish and English and then follow up on what Cpl. Myers also wants to ask.

Myrick: Okay. Bernardo – do you mind if I call you that?

Hernandez: hmh

Myrick: You do mind?

Hernandez: No

Cardona: *asking witness in Spanish*

Myrick: I don't want to do anything disrespectful. Can I get your date of birth please?

Hernandez: *answering in Spanish – Cardona confirming in Spanish to witness*

Myrick: What is your address?

Hernandez: Spanish ... Philips Road, Walterboro, Spanish ...

Myrick: How long have you lived at that address?

PATRICIA C. GEE
COLLETON COUNTY
CORRECTOR
2011 DEC 19 PM 4:42
CORRECTOR

Hernandez: Three years at that address.

Myrick: Do you have a South Carolina driver's license?

Hernandez: Exchange between Hernandez and Cardona in Spanish

Cardona: Just a moment - I want to make sure he has been Mirandized

Myrick: That's what I was about to tell you -- please do that.

Cardona: *in Spanish to witness ...* Before we go any further what I want to do is to read you your rights in both Spanish and English. Right now we just asked your name and address, but any other further questions it is best that you are mirandanized, okay?

Hernandez: Okay.

Cardona: *in Spanish ...* You have the right to remain silent. Anything you say can or will be used against you during a court of law. You have the right to talk to a lawyer and have him present with you while you are being questioned. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questions if you wish. You can decide at any time to exercise these rights and not answer any further questions or make any additional statements. Do you understand the rights I've read to you and explained to you?

Hernandez: hmh.

Cardona: Okay, (*continued in Spanish to witness*). Okay, he says he understands his rights and understanding his rights he is willing to talk to us and answer our questions without the presence of an attorney.

Myrick: Mr. Hernandez, and I will swap between Mr. Hernandez and Bernardo, so please just work with me, okay? I need you to speak up when we start asking because we got a tape recorder and I want to be able to make sure that we got everything that you say, okay?

Hernandez: responding "Mhm" in affirmative.

Myrick: Alright, back to the question that I was about to ask -- do you have a South Carolina driver's license?

Hernandez: No.

Cardona: He says he does not have a license but used to have a license, a South Carolina driver's license.

Cardona to Witness: How long ago?

Hernandez (Cardona): pause – 3 years ago

Cardona: What was the name on that driver's license for South Carolina?

Hernandez: Lopez Hernandez Bernardo

Cardona: What date of birth was on that license?

Hernandez: *Spanish*

Cardona: Okay. Alright.

Myrick: I got to sit down.

Cardona: I understand

Myrick: Is that license suspended or just expired?

Hernandez (Cardona): After I left Mexico, I came to Georgia and I acquired with a visa a Georgia driver's license. When I came to South Carolina, I switched it to South Carolina.

Cardona: How long ago?

Hernandez (Cardona): three years ago. At the DMV in Orangeburg they took my Georgia driver's license, they showed me the South Carolina driver's license, but I was not issued a South Carolina driver's license. I was given a yellow slip piece of paper and they gave me what I thought was a driver's license. A few days after I received a letter in the mail which indicated that I needed to have a longer visa in order to be issued a South Carolina driver's license.

Cardona: So you actually never held and had a South Carolina driver's license?

Hernandez (Cardona): No, it was only shown to me.

Cardona: But you did have a physical Georgia driver's license with a picture?

Hernandez: affirmative

Cardona: They probably don't know about a Georgia driver's license.

Myrick: Alright. Mr. Hernandez, do you remember the accident, the collision that you were involved in?

Hernandez (Cardona): I remember up until the wreck and collision

Myrick: Would you please go back probably a mile or two before the collision and give me the movie version of everything that was happening in your vehicle, everything that you see and everything that you do?

Cardona: First of all – how many people were in the vehicle?

Hernandez (Cardona): Eight people in the vehicle.

Myrick: Can we get their full names, please?

Cardona: Who was driving the vehicle?

The tape recorder and the record show that he says he was driving the vehicle.

Cardona: Who was next to you?

Hernandez: Jose Manuel Vasquez

Cardona: The name of Jose Manuel Vasquez was given as the right front seat passenger.

Hernandez: in the affirmative

Myrick: And for the record for Trooper Cardona, let him know what kind of vehicle, it's a Ford 350 van; it had three seats ... four seats

Hernandez (Cardona): A van.

Cardona: You're driving?

Hernandez: mhm (affirmative)

Cardona: Jose Manuel Vasquez front passenger. Do you know his date of birth?

Hernandez: No.

Cardona: Approximate age?

Hernandez (Cardona): Twenty-five

Cardona: but you're not sure – okay.

Cardona: Who was sitting right behind you?

Hernandez (Cardona): To the best of my recollection it was Vladimir Morales

Cardona: What's his proximate age?

Hernandez (Cardona): Approximately twenty-two to twenty-five years old.

Cardona: Next to Vladimir, who was sitting next to Vladimir?

Hernandez (Cardona): Augustin Garcia – about fifty years old and he is a male

Cardona: Was there somebody sitting next to Augustin?

Hernandez: No.

Cardona: So now we're going to the third row of the van.

Hernandez: Paul Vasquez

Cardona: Paul Vasquez is sitting behind Augustin?

Hernandez: mhm (affirmative)

Cardona: Is Paul Vasquez Jose Manuel Vasquez' brother?

Hernandez: No, no, no.

Cardona: Just same last name. Same last name but they are not brothers.

Hernandez: responding affirmatively

Cardona: Paul Vasquez ... How old is Paul Vasquez approximately?

Hernandez (Cardona): About twenty-four years old, okay.

Cardona: Now we are going to the fourth row.

Hernandez (Cardona): Estaban (*exchange in Spanish*)

Cardona: so now, you're driving, Jose Emanuel Vasquez, second row Vladimir Morales, Augustin Garcia, next row empty, middle row Paul Vasquez right and Estaban Alberto. Fourth row?

Hernandez (affirmative response)

Hernandez (Cardona): Humberto Fuentes

Cardona: Let's get an approximate age

Hernandez (Cardona): inaudible

Cardona: Next to Humberto?

Hernandez: Emilio Fuentes

Cardona: Emilio Fuentes and Humberto Fuentes, brothers?

Hernandez (Cardona): No, but they are family.

Cardona: So, Emilio on the right is Humberto's uncle?

Hernandez: responding affirmatively (mhm)

Cardona: Okay, so on the fourth row Humberto Fuentes against the glass, empty middle seat, right most seat Emilio Fuentes which is the uncle of Humberto?

Hernandez: (responding in affirmative)

Cardona: Alright, so now we're going to the 5th row

Hernandez responding in Spanish –

Cardona: (counting names of names above ...) 8 passengers and their approximate dates of birth. Okay.

Myrick: Mr. Hernandez, - excuse me – where were you headed?

Hernandez: Georgia

Cardona: You were headed to Georgia?

Hernandez: mhm (responding in the affirmative)

Cardona: What time did you leave?

Hernandez responding in Spanish to Cardona

Cardona: Where was your departure from – your original departure

Hernandez (Cardona): from your house at 6:20 a.m.

Cardona: And at what address? That 726 Phillips Road?

Hernandez: responding in affirmative

Cardona: At 6:20 a.m., you left 726 Phillips Road en route to Georgia?

Hernandez: responding in affirmative

Cardona: Were all these people in the vehicle when you all left or did you pick any of them up?

Hernández to Cardona in Spanish.

Cardona: Okay. When you first left your house what was your first stop?

Hernandez (Cardona): You picked up Humberto and Emilio, your furthest most back passengers.

Cardona: And where did you pick them up from?

Hernandez: casa

Cardona: Where do they live? In Walterboro?

Hernandez: Spanish Walterboro

Cardona: He doesn't know the address of Humberto and Emilio but they live in Walterboro and that was his first stop after leaving his house.

Cardona: At what time did you pick them up?

Hernandez (Cardona): About 6:25

Cardona: After you left the Fuentes' home, where did you go from there?

Hernandez (Cardona): Paul - they went to Paul Vasquez' home on the other side of the street

Cardona: So he came to you - he and Jose?

Hernandez (Cardona): they came out of their house and hopped into the truck.

Cardona: So, you left your house at 6:20, picked up Humberto and Emilio at 6:25, then Paul - from there, where did you go?

Hernandez: Augustin -

Cardona: Okay - you picked up Augustin -

Hernandez: *in Spanish*

Cardona: So when you left Paul's house, you went to pick up Augustin and Estaban near the Enterprise Bank in Walterboro a couple of minutes after that

Hernandez: mhm (affirmatively) throughout

Cardona: We have one missing

Hernandez – Cardona: I'm not sure if we said this or not, but he originally left the house at 6:20 a.m., Jose and Vladimir were with him because the live - oh, Vladimir showed up at your house?

Hernandez: mhm (in the affirmative)

Cardona: So now, it's approximately 6:40/6:45 and all the occupants are in the van.

Hernandez: mhm (in the affirmative)

Cardona: Okay. Where y'all going to Georgia for?

Hernandez (Cardona): to work

Cardona: What kind of work?

Hernandez (Cardona): plant trees

Myrick: How long have you owned your vehicle? Is that – I'm sorry I assumed that - is the van yours?

Hernandez (Cardona): The van is a company van.

Cardona: What is the name of the company?

Hernandez: Marin Right of Way Service

Cardona: Is that on the registration somewhere – is it registered to it?

Myrick – We'll have to run it – go and put it down.

Cardona: Give me the name again

Hernandez: Marin Right of Way Service

Cardona: Marin Right of Way Service?

Hernandez: uhu (affirmative)

Cardona: Who is the owner, the actual person?

Hernandez: Carlos Marin

Cardona: What is the phone number for Carlos, the owner of the van?

Hernandez (Cardona): 538- _____

Cardona: Why wasn't he with you all?

Hernandez (Cardona): He doesn't go

Myrick: Is this the first time you were going to Georgia to work on this job?

Hernandez (Cardona): [they] go all the time

Cardona: How often

Hernandez (Cardona): It depends, they get jobs in northern Alabama, Mississippi, Georgia, Florida, North Carolina.

Myrick: How often do you travel that road?

Hernandez (Cardona): Not very frequently

Cardona: More than once a week?

Hernandez (Cardona): Sometimes more than once a week and sometimes we don't go on that road at all.

Myrick: Alright. Can you start telling me, like I said, a couple miles back – just give me the movie version that gives me everything, what you are doing, what's happening in the van – you know, whether the music is on – you know, everything and just tell it to me.

Hernandez (Cardona): I was driving with the radio on, just regular volume; I was driving and went over 641; I went over the train tracks; I was driving around 50/55/60 – no more than that. I got to the stop sign – Cardona: let's stop for a second

Cardona: The stop sign – have you ever been to that stop sign before?

Hernandez (Cardona): Alright, you've been there before.

Cardona – (this will just take a second, they are dropping some food off)

Cardona: Do you know whether your passengers were asleep or awake?

Hernandez (Cardona): I can really remember looking into the rear view mirror Jose and Vladimir – he is not sure if they were asleep but they had their head reclined and their eyes closed

Cardona: How about seatbelts?

Hernandez (Cardona): Nobody was wearing seatbelts – only the driver myself and the passenger front seat passenger Jose Vasquez

Cardona: So only 2 seatbelts out of 8 and only 2 people awake out of everybody else?

Hernandez: uhu (affirmative)

Cardona: Tell me about the condition of your vehicle at the stop sign.

Hernandez (Cardona): I was driving, came to a stop and my windshield was clear, my driver side window was foggy

Cardona: Did it have any ice?

Hernandez (Cardona): There was no ice on the window, but it was real foggy.

Cardona: Did you have your heat on?

Hernandez: Si.

Cardona: The defrost?

Hernandez: Si.

Cardona: How about the rest of the windows on both sides in the back?

Hernandez (Cardona): They were foggy. Prior to coming to the intersection, I saw a car coming at me with its headlights on. There was a trailer coming in front of that vehicle. (*exchange in Spanish*) Cardona – Bernardo is saying he is coming up to the intersection; he looks to the right as he is still moving and he sees the headlights of a small white vehicle, and that he is coming up to the intersection and as it turned out to be there was a truck with a trailer in front of the small white car; however, that's the truck that he just never saw – that he saw the only thing coming was a small white vehicle – Bernardo, I want to repeat that (*Spanish*) There were some sign and I never lowered the window, and the window was foggy.

Cardona: Did you come to a complete stop?

Hernandez: Si.

Cardona: How long were you stopped?

Hernandez (Cardona): One, two or maybe three seconds – four, five seconds

Cardona: You come, you slow down, you stop

Hernandez: hmh (affirmative)

Cardona: now one, two, three, four, and then you go?

Hernandez: hmh (affirmative)

Cardona: And you went because you saw the headlights were far back?

Hernandez: hmh (affirmative)

Cardona: There was a truck coming – did you - when did you finally see that truck?

Hernandez (Cardona): He never saw it.

Cardona: Did you ever see headlights on the truck?

Hernandez (Cardona): No, he never saw he did, as far as he knows there were no lights

Myrick: How far back was the white vehicle when you saw it?

Hernandez (Cardona): There was an open field with some pines and he saw the vehicle what appeared to me within a quarter mile or half a mile.

Cardona: Did your passengers tell you to go or not go, to stop or anything?

Hernandez (Cardona): Okay – when you came up to the intersection, Jose, which is your right front seat passenger, with his hand cleared the window and then said okay, go but go fast.

Hernandez: hmh (affirmative) But when Jose cleaned it, you already started to pull out (yeah)

Cardona: So you already made the decision to pull out?

Hernandez: hmh (affirmative)

Myrick: When he cleared the window, was he just looking to the right side or was he looking straight ahead?

Hernandez (Cardona): He was looking to the right.

Cardona: This window, was it a power window or a roller window?

Hernandez: Power.

Cardona: Did you try to lower the window?

Hernandez: No - *Spanish*

Cardona: You never tried to lower the window so it's not a power window and the window never went down?

Hernandez: hmh (affirmative)

Myrick: You said that the windows were foggy. Was the windshield foggy?

Cardona: No, he already said the windshield wasn't foggy. (continued to ask witness in Spanish)

Hernandez (Cardona): No.

Cardona: Okay, so you stopped for three, four, five seconds – the window was clean, your man tells you to go, you were already going, what happened then?

Hernandez (Cardona): He says it's almost surreal – in that he thought he might have been joking because when he started going, he started - the passenger started to yell go, go, go hard, hard, hard, hard – as to indicate and that's when he saw the 18 wheeler was on top of him.

Cardona: Do you remember the impact?

Hernandez: Si

Cardona: What happened on impact?

Hernandez (Cardona): I remember the impact and then I don't remember anything else.

Cardona: What do you remember after the impact? What is the very first thing that you remember after the impact?

Hernandez (Cardona): I remember waking up on the floor. I don't know how but with desperation I unbuckled – next thing I remember I was on the ground and I drag myself and screamed for help. I don't remember whether it was a man or a woman that witnessed the accident – and I wanted to get up but I couldn't because I seemed to be injured on my right side and I couldn't get up.

Myrick: At what point – I know you are working some stuff and I don't mean to double-team you – I'm just trying - things are coming into my mind that I want to ask you about that I want to get deep into something else. When you – once your friend told you to go, at what point did you see the 18 wheeler?

Hernandez (Cardona): He never actually saw the 18 wheeler at all – through the whole experience, he never saw the 18 wheeler.

Myrick: Did you hear brakes, horns or anything like that?

Hernandez (Cardona): No

Cardona: How long have you been driving?

Hernandez (Cardona): Nine years.

Cardona: Where are you from?

Hernandez (Cardona): Vera Cruz, Mexico

Cardona: Those nine years are in Mexico and here?

Hernandez (Cardona): You learned how to drive here – you didn't drive in Mexico

Myrick: In learning to drive, did you take a driver's test in Georgia?

Hernandez (Cardona): I took a written test, a driving test, and it's all in Georgia

Cardona: That Georgia driver's license is currently expired?

Hernandez (Cardona): Si.

Cardona: but I'm sure there's still a record of it somewhere – And just to verify – it's a Georgia driver's license and on that license it says Bernardo Lopez Hernandez

Hernandez: Georgia driver license? No, it's Lopez Hernandez Bernardo

Cardona: Okay, so one of those combinations – with a date of birth 21 November 1982.

Hernandez: Si

Cardona: There's no chance that it would be under a different name?

Hernandez: No, no, no

Myrick: Do you know your signs, stop, yield, turn left and all of that?

Hernandez: Si

Cardona: How long have you been driving this vehicle?

Hernandez (Cardona): Not that long – one day I drive that van, the other day I drive a Ford F-350, so it varies.

Cardona: But it wasn't the first time you've ever driven it?

Hernandez: No.

Cardona: Do you know of any medical problems with that vehicle in the past?

Hernandez: No

Myrick: medical?

Cardona: mechanical

Hernandez (Cardona): No, it just had a recent spark plug change, okay.

Cardona – and that was my next question – recent work on the vehicle.

Myrick: Back to the vehicle being foggy - Is there a reason why the windows fogged up that you can think of?

Hernandez (Cardona): Because it was really cold outside; there was a little bit of ice and it was cold out there in the morning, and with the heat on and all the occupants in the vehicle, he thinks that is why it was fogged up.

Cardona: Did you know of anybody _____ inaudible

Hernandez: No.

Cardona: Have you spoken with anyone else such as media, insurance investigators, attorneys about what occurred?

Hernandez (Cardona): he remembers the last time he spoke with you briefly and he spoke with another officer down at the bottom.

Myrick: What was the weather like from the time you left your house to the crash.

Hernandez (Cardona): Fresh - meaning cold

Cardona: Was it raining?

Hernandez: No, no rain

Cardona: Fog?

Hernandez: No

Cardona: Was there light or was it day?

Hernandez (Cardona): Twilight

Cardona: What was the temperature about?

Hernandez:

Cardona: Was it real cold?

Hernandez: Si – Hernandez/Cardona – about 40 degrees cold

Cardona: Does he know what happened?

Myrick: I don't know.

Cardona asking witness in Spanish

to Myrick: No, he doesn't know what happened.

Cardona to witness (in Spanish)

Hernandez: Oh, si, si

Hernandez (Cardona): Yeah, three people died.

Cardona: Do you know who died?

Hernandez: Si

Cardona: Tell me the names of the people who expired.

Hernandez: Augustin, Paul, Estaban

Cardona: He has given the names of the persons Augustin Garcia, Paul Vasquez, and Estaban _____ just for the record the persons sitting on the right side of the van.

Cardona: Is there anything that you would like to add or that I have not asked that you think is important to this investigation?

Hernandez (Cardona): That I know? I think that's all I remember

Myrick: If we need to ask you some more questions, would you be willing to talk to us?

Hernandez: No

Cardona: Has anyone with the South Carolina Department of Public Safety or the South Carolina Highway Patrol asked you to change your opinion of what occurred or asked you to change any facts or circumstances that you know to be true?

Hernandez: No, no.

Cardona: What do you want to say?

Hernandez (Cardona): To begin, we all come from Mexico to work hard over here. I have a wife and three children, and I would never wish death upon anybody. And I feel truly that this was a true vehicle accident. Because we don't know when we leave our houses, we don't always know whether we will come back – it is very dangerous to drive on the roadways.

Myrick: Does he know how to make contact with the deceased's families?

Hernandez (Cardona): Si

Cardona: How can we get a hold of these people's families, including the injured ones?

Hernandez (Cardona): Your boss, Carlos Marin

Cardona: And he knows all those people?

Hernandez (Cardona): So the boss, Carlos Marin, and we got his phone number 538-7257 is familiar with everybody in that van, except for Estaban _____ which was a new arrival from Georgia. – He is not sure whether he got everybody's specific phone numbers or not

Cardona: Bernardo, what is your phone number?

Hernandez (Cardona): 538-5905 – 843-538-5905

Cardona: And is there an alternate number?

Hernandez (Cardona): Cell – the last one was home (above) - 843-909-2227

Cardona: Do you have family in the immediate area?

Hernandez: Si

Cardona: So the number you gave me for your family is that 538 number?

Hernandez: Si

Cardona: Who do you live with here?

Hernandez: Spanish response

Cardona: What's your wife's name?

Hernandez: Miriam Marin

Cardona: The wife's name is Miriam Marin and they have three children

Hernandez: mhm (affirmative)

Cardona: Does Miriam have a phone number?

Hernandez: *Spanish response*

Cardona: Does Miriam have a job? Does she work?

Hernandez: No, no, no, no

Cardona: Okay, she stays at home

Myrick: What, Mr. Hernandez, what kind of injuries do you have?

Hernandez (Cardona): the hip – it doesn't appear to be broke, just dislocated.

Cardona: Bernardo, what time did you wake up that morning?

Hernandez (Cardona): 6 a.m.

Cardona: Did you have breakfast?

Hernandez: Si

Cardona: Did you drink coffee?

Hernandez

Cardona: Did you have any alcohol?

Hernandez: No, no, no

Cardona: How about the night before?

Hernandez: No.

Cardona: How about the last time you've had any alcohol?

Hernandez: The last Sunday

Myrick: What time did he go to bed?

Hernandez (Cardona): 9 p.m.

Cardona: You went to bed at 9; woke up at 6, and you were ready to go by 6:20?

Hernandez: Hmh, si

Hernandez (Cardona): Only 20 minutes to get ready – I get up, turn the ____ on and get dressed

Cardona: And in that time you also have breakfast and drink your coffee?

Hernandez (Cardona): that's only coffee and your wife was up and she made it for you – and no alcohol.

Cardona: How about your passengers? Were there any alcohol with them?

Hernandez: No _____

Myrick: Was there any other traffic that you could see besides the white vehicle?

Hernandez (Cardona): No

Cardona: behind you?

Hernandez: No.

Cardona: in front?

Hernandez: No.

Cardona: to the left?

Hernandez: No.

Cardona: Were the lights working properly?

Hernandez: Si

Cardona: No other vehicles, okay

Cardona: Where are you from in Mexico?

Hernandez: Vera Cruz

Cardona: You have an address of phone number?

Hernandez (Cardona): you don't know

Myrick: Mr. Hernandez, let me ask you this and I know it sounds like we are just hitting you with questions – we're just trying to get some information; when you came in from Mexico, why did you go to Georgia?

Hernandez (Cardona): Specifically, the company is in Georgia.

Cardona: But why Georgia? Blindly just Georgia?

Hernandez (Cardona): There is a guy named Randy Stone who has a business. There is a guy named Randy Stone who has a lot of people working for him in Georgia and some of those people come and go from Georgia to Mexico – that's how he got word there was work in Georgia. He came here to South Carolina first, then to Georgia.

Cardona: Have you lived anywhere else in the United States?

Hernandez (Cardona): He travelled through quite a few states but lived only here.

Cardona: Do you have ID? What ID do you use?

Hernandez (Cardona): The consulate's Mexican ID; your driver's license from Mexico

Cardona: Where is that now?

Hernandez (Cardona): *responds in Spanish*

Cardona: You don't mind if we make a copy of that, do you? ... We'll get it – his wife has the ID's and we'll get a copy of that

Cardona: That covers all these questions.

Myrick: Okay. That's all I can think of now, unless you can think of something else.

Cardona: We know what happened prior, the condition of the vehicle, passenger names, their ages, where they were sitting – and again, only you and Jose were buckled?

Hernandez: mhm (affirmative)

Cardona: and not everybody else?

Hernandez: no

Cardona: Okay, when you were going to Georgia, how long were you supposed to be there?

Hernandez (Cardona): Two hours and then you were supposed to come back.

Myrick: When he got on the road, was it light or was it still dark?

Hernandez (Cardona): It was black

Cardona: Were all of your lights working on the van?

Hernandez: Si

Myrick: Were you running bright lights or ...

Hernandez (Cardona): Normal – regular headlights

Cardona: Unless you got anything else corporal, this concludes the interview with Bernardo Lopez Hernandez on 1/28/2010 at Colleton Hospital Memorial in Walterboro, South Carolina, in Room 320.

Myrick: The time is 17:48 hours, 17:48 hours

Cardona: Do you have plans to leave the area or go anywhere? Can we contact you at this 726 Phillips Road

Hernandez (Cardona): What Mr. Hernandez is saying is he's had several visitors from his people who have told him the laws are different in their country than in our country and that even though it's an accident, that he may be facing some jail time, and he is saying that if he is facing jail time, even though he wouldn't agree with it because he feels it was an accident, he understands it. But there is talk among his friends that one of his options should be to flee – so he just admitted that he might be a flight risk. So, I'll try to talk to him and tell him that this is definitely not the thing to do and that sometimes people will tell you that but ... we're not even sure which direction this is going. *In Spanish to Hernandez* he understands – If you run or if you leave or flee, it gives the impression that there is something you're running from besides an accident, and I want you to understand that.

Myrick: Mr. Hernandez, to let you know what I do, okay – my job and my team's job is to investigate what happened, okay. It is not – we don't go and say you did wrong; the collision we

investigate how it happened; we listen to what you say okay, – it's not what some friends tell me that happened in Mexico – that's not how I work

Hernandez (Cardona): Whenever I get to go home, I'm going straight home and will be available any time at home if you want to ask me any questions.

Cardona: And I'm also going to give Mr. Hernandez here my state cell phone number, so he can call me when he thinks of anything else.

Myrick: Also, remind him of his rights – that he does have the right to an attorney.

Hernandez: Okay.

Cardona: We just reiterated his rights – they continue, don't end, and those are, that he has the right to remain silent and that at any given time he can stop answering questions; he has the right to a lawyer or attorney and that if he can't provide for one the State will provide you with one, and that anything you say can and may be used against you in a court of law – it's just important that we reiterate that, okay.

Hernandez: hmh (affirmative)

Myrick: And please, we don't know the other charges or what charges will be filed – if you think in your heart that you need representation, please get a lawyer.

Hernandez (Cardona): He's not sure but he thinks that his boss already got that in the works.

Myrick: I just want you to know so you don't think that you have to run – that you have the right to have a lawyer

Cardona: Now, Carlos speaks English?

Hernandez: Si

Cardona: And Carlos is here in Walterboro?

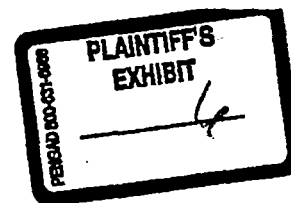
Hernandez (Cardona): Okay – I got the owner of the van and his boss' address

Cardona: Okay Bernardo – we hope you get better and wish you well. This concludes our interview. If you have any questions, I'll leave you my phone number since I speak Spanish, okay? Is there anything you want us to talk or answer to your family?

Hernandez: No.

Myrick: Thank you so much.

/hd



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TOLL FREE: (866) 943-2113
FAX: (843) 549-9546
WWW.PMPED.COM

RANDOLPH MURDAUGH, SR.
(1887-1940)
RANDOLPH MURDAUGH, JR.
(1915-1993)
J. ROBERT PETERS, JR.
(1927-2008)

OTHER OFFICES:
101 MULBERRY STREET EAST
POST OFFICE BOX 457
HAMPTON, SC 29924
TELEPHONE (803) 943-2111
FAX (803) 943-3943

110 WEST WILSON STREET
POST OFFICE BOX 2500
RIDGELAND, SC 29935-2500
TELEPHONE: (843) 726-6131
FAX: (843) 726-6057

Email: hdavis@pmped.com

January 17, 2011

Leigh Watkins, Information Officer
SCDPS, Office of General Counsel
Post Office Box 1993
Blythewood, SC 29016

Re: FOIA Request in re: Ricky S. Mitchell v. Marin Right of Way Service
Bernardo L. Hernandez
Date of Accident: 1/27/2010
County: Colleton (15)
Drivers Involved: Bernardo L. Hernandez (contributing)
Ricky Stanley Mitchell
Location: Intersection SC 641 and S-38
Investigating Officer: Rush (Badge #790)

Dear Ms. Watkins:

Attorney Bert G. Utsey, III, with this firm represents Ricky Mitchell for injuries sustained in the above-referenced MVA.

I am requesting the following public records pursuant to the South Carolina Freedom of Information Act:

- All documents and/or other information related to the investigation of the subject accident, including all
- MAIT investigation report
- photographs; and
- videotape recordings.

A copy of the accident report is enclosed for your information.

We shall be happy to pay customary expenses related to this request.

2011 DEC 19 PM 4:43
PATRICIA O. STANTY
COLLETON COUNTY
CORRECTION FILES

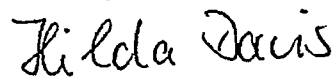
PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A.

January 17, 2011

Page 2 of 2

Thank you in advance for your attention and kind assistance. If you have any questions or concerns regarding the above, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Hildegard L. Davis".

Hildegard L. Davis
Legal Assistant

/hd

Enclosure: SC Traffic Collision Report

ORIGINAL

U.S. USE ONLY

10009102

SOUTH CAROLINA
TRAFFIC COLLISION REPORT FORM

Of Units

2

Awarded - Attest Copy

of Original Report

Corrected

Noted

0722

Page #	1	Collision Location (Rt. # / Name)	601	Base Intersection (Rt. # / Name)	641	Second Intersection (Rt. # / Name)	38
County	15	Interstate	4	Secondary	5	County	5
Distance	10	Direction	N E	W	1	Interstate	4
From	N E	To	W	1	Interstate	4	Secondary
1- Entrance	N E	2- US Primary	5- County	6- Other	1- Entrance	N E	2- US Primary
2- Exit	W	3- SC Primary	6- Other	1- Entrance	N E	2- US Primary	5- County

Unit #	1	Sex	M	Race	H	Street	726 FLEUR RD.
Birth Date	11/21/1982	City, State, & Zip	LIPPERBORO SC 29488	Insurance Company	PANTHERWAY INS. CO.	State	GA
Driver's License #	051475906	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	GA
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

Unit #	2	Sex	M	Race	B	Street	19538 COUNTRY HILL
Birth Date	05-29-1982	City, State, & Zip	RAEFORD SC 29475	Insurance Company	Hudson Ins.	State	SC
Driver's License #	009189255	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	SC
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

Unit #	3	Sex	M	Race	H	Street	726 FLEUR RD.
Birth Date	11/21/1982	City, State, & Zip	LIPPERBORO SC 29488	Insurance Company	PANTHERWAY INS. CO.	State	GA
Driver's License #	051475906	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	GA
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

Unit #	4	Sex	M	Race	H	Street	726 FLEUR RD.
Birth Date	11/21/1982	City, State, & Zip	LIPPERBORO SC 29488	Insurance Company	PANTHERWAY INS. CO.	State	GA
Driver's License #	051475906	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	GA
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

Unit #	5	Sex	M	Race	H	Street	726 FLEUR RD.
Birth Date	11/21/1982	City, State, & Zip	LIPPERBORO SC 29488	Insurance Company	PANTHERWAY INS. CO.	State	GA
Driver's License #	051475906	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	GA
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

Unit #	6	Sex	M	Race	H	Street	726 FLEUR RD.
Birth Date	11/21/1982	City, State, & Zip	LIPPERBORO SC 29488	Insurance Company	PANTHERWAY INS. CO.	State	GA
Driver's License #	051475906	VIN #	1HJSSJH3RH895843	Owner's D.L. #		State	GA
Year	2004	Body	FX	Vehicle Make	BMW	VIN	1HJSSJH3RH895843
State	SC	Year	2010	License Plate #	1BPL 724	Owner's D.L. #	

Home Telephone	813 909 222	Owner's Full Name	ARMY LIGHT OF WAY SERVICE
Bus. Telephone	813 509 4939	Street	817 PHILLIPS RD.
Contributed To Collision	No	City, State, & Zip	LIPPERBORO SC 29488
Estimated Speed	10	Speed Limit	55
C.D.L. Rec. Yes (No)	No	T/S Rec. Yes (No)	No
Code Summons #	233911	Code Towed By	CLUBBY'S

[illegible]

ORIGINAL

D.P.S. USE ONLY

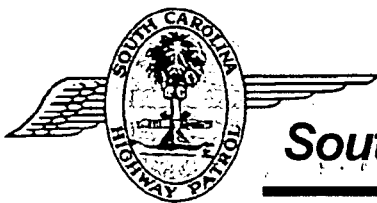
South Carolina
Uniform Traffic Collision Report
(For Investigating Officers)
Supplemental Bus & Truck Collision Report

Approved-Attach Copy of Original
Report

Continued

Page 1 of 1 Pages

Date <u>2-27-2010</u>	Time <u>0705</u>	County <u>15</u>	Route Category 1-Interstate 2-US Primary 3-SC Primary 4-Secondary 5-County	Collision Location (Route Number and Name if Any) ON <u>601</u>	Auxiliary 1-Mainline 2-Alternate 3-Spur 4-Connection 5-Business
SCREENING INFORMATION				Access Control	
NUMBER OF QUALIFYING VEHICLES INVOLVED				1- No Access Control 2- Full Access Control 3- Partial Access Control	
A Truck Having a GVWR of 10,001 lbs. or More For the Power Unit → <u>1</u>				1	
OR				Vehicle Information	
A Vehicle with a Hazardous Materials Placard → <u>0</u>				Gross Vehicle Weight Rating	
OR				Weight Rating of the Power Unit of the Truck	
A Bus That is Designed or Used to Carry 16 or More Persons, Including the Driver → <u>0</u>				01- Less Than or Equal to 10,000 Pounds 02- 10,001-20,000 Pounds 03- More Than 20,000 Pounds 99- Unknown/Hit and Run	
OR				Vehicle Configuration	
A Motor Vehicle Engaged in Interstate Commerce that is Designed or Used to Carry 9-15 Persons, Including the Driver, for Compensation → <u>0</u>				00- Passenger Car (only w/ HAZMAT placard) 01- Light Truck (only w/ HAZMAT placard) 02- Bus (seats for 9-15 people) 03- Bus (seats for 16+ people) 04- Single Unit Truck (2 axles/6+ Tires) 05- Single Unit Truck (3 or more axles) 06- Truck w/ Trailer 07- Truck-Tractor Only (Bobtail) 08- Tractor w/ Semi-Trailer 09- Tractor w/ Double Trailers 10- Tractor w/ Triple Trailers 98- Other/Unable to Classify 99- Unknown/Hit and Run	
Number of Persons Involved:				Cargo Body Type	
Sustaining Fatal Injuries → <u>3</u>				00- Bus (seats for 9-15 people) 01- Bus (seats for 16+ people) 02- Enclosed Box 03- Cargo Tank 04- Flat Bed 05- Dump 06- Concrete Mixer 07- Auto Transport 08- Garbage/Refuse 09- Grain, Chips, Gravel 10- Pallet 11- Intermediate Container 97- Not Applicable 98- Other 99- Unknown/Hit and Run	
Reported for Immediate Medical Services → <u>8</u>				09	
Number of Vehicles Towed				Trailer Length and Width	
Towed From the Scene Due to Damage → <u>2</u>				Length	
Do Not Complete This Form Unless: One or More Qualifying Vehicles was Involved - AND One or More Qualifying Injuries was Sustained - OR One or More Vehicles (not necessarily the truck or bus) Was Towed from the Scene				00- No Trailer 01- Less than 400 in. (40 ft) 02- 401 in. - 575 in. (40 ft) 03- 576 in. or more 99- Unknown/Hit and Run	
Total Number of Supplemental Forms Required for this Collision: <u>1</u>				Trailer 1 Length <u>02</u> Trailer 2 Length	
Unit Number <u>2</u> FR-10 Number <u>Y015355</u>				Width	
Carrier Information Name: <u>Three Gen INC.</u> Address: <u>4373 Lowcountry Hwy</u> City: <u>Yemassee</u> State: <u>SC</u> Zip: <u>29544</u>				00- No Trailer 01- Less than 60 in. (5 ft) 02- 61 in. - 84 in. (7 ft) 03- 85 in. or more 99- Unknown/Hit and Run	
Business Phone Number: <u>843 844 8282</u>				Trailer 1 Width <u>03</u> Trailer 2 Width	
Identification Numbers				Hazardous Material Involvement	
U.S. DOT <u>11182156</u> None = 0 <u>0</u>				Was This Vehicle Carrying Hazardous Materials? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u>	
IC <u> </u> State: <u> </u>				Did the Vehicle Have a Hazardous Material Placard? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u>	
State Number <u> </u>				If "Yes", What Class of Hazardous Material (from placard/shipping papers)? 01- Class 1 (Explosives) 06- Class 6 (Poison/Infectious Substances) 02- Class 2 (Gases) 07- Class 7 (Radioactive) 03- Class 3 (Flammable Liquids) 08- Class 8 (Corrosives) 04- Class 4 (Flammable Solids) 09- Class 9 (Misc. Goods) 05- Class 5 (Oxidizing Substances) 10- No Placard 99- Other/Unknown/Hit and Run	
Is this vehicle a (1) Interstate or a (2) Intrastate carrier? <u>1</u>				If "YES", enter 4 digit HAZMAT ID (from placard/shipping papers) <u> </u>	
Was a Citation Issued to this Vehicle? 1- Yes 2- No 3- Pending <u>2</u>				Was Hazardous Material Released From This Vehicle's Cargo? 1- Yes 2- No 3- Unknown/Hit and Run <u>2</u>	
Investigator's Name <u>Ruby, P.D.</u> Rank <u>Sgt</u> Date <u>1-31-10</u>				Notification of Release: <u>N/A</u>	
Reviewer's Name <u> </u> Date <u>1/30/10</u>					



South Carolina Department of Public Safety

South Carolina Highway Patrol

CL-004-10

Colleton

County

Coastal

M.A.I.T.

Team Members

Sergeant D.W. Lee

Corporal J.A. Myrick

Corporal R.S. Ashe

Lance Corporal B.C. Miller

Lance Corporal G.S. Brinson

FOIA Officer

Leigh P. Watkins

SCDPS Office of General Counsel

Post Office Box 1993

Blythewood, SC 29016

PHONE: (803) 896-7759

FAX: (803) 896-7967

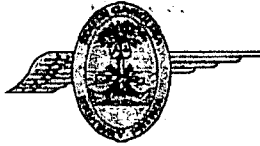
LeighWatkins@scdps.net

***Forward all Subpoenas for MAIT to
the FOIA Officer.***

SOUTH CAROLINA HIGHWAY PATROL

MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Mark A. Keel
Director



F.K. Lancaster, Jr.
Colonel

INVESTIGATIVE REPORT

The South Carolina Highway Patrol Multi-Disciplinary Accident Investigation Team reserves the right to amend, correct, or detract any or all inferences, conclusions, or opinions presented in this report. This report is the intellectual property of the South Carolina Department of Public Safety and shall not be duplicated or copied for distribution, unless written permission is granted by the Office of General Counsel.

MAIT CASE NO:	CL-004-10	CAD / CASE NO:	10CH009199
REQUESTING AGENCY:	SCHP		
TROOP:	7		
COUNTY:	Colleton	COLLISION LOCATION:	US 601
INVESTIGATING OFFICER:	Trooper P.D. Rush		
DATE:	01/27/2010		
MAIT REGION:	Coastal	TEAM LEADER:	Sgt. D.W. Lee

1. SPEED CALCULATION.

The speed of unit #2 at impact was calculated to be approximately 44 miles per hour.

2. MAPPING / CAD.

CAD plates showing the roadway, impact, and evidence and final rest of the vehicles involved in this collision can be found in the appendix section of this report.

3. LAMP EXAMINATION.

The headlights of Vehicle # 2 were collected during the course of the at-scene investigating. The low beam light was detached as a result of the collision but was located within the debris field near Vehicle # 2 and the high beam light was still attached to Vehicle # 2. An inspection of the bulbs indicated the low beam lights were on at the time of collision.



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016

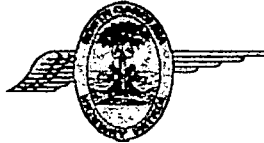


Mitchell
MAIT 002

SOUTH CAROLINA HIGHWAY PATROL

MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Mark A. Keel
Director



F.K. Lancaster, Jr.
Colonel

INVESTIGATIVE REPORT

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MAIT CASE NO:	CL-004-10	CAD / CASE NO:	10CH009199
REQUESTING AGENCY:	SCHP		
TROOP:	7		
COUNTY:	Colleton	COLLISION LOCATION:	US 601
INVESTIGATING OFFICER:	Trooper P.D. Rush		
DATE:	01/27/2010		
MAIT REGION:	Coastal	TEAM LEADER:	Sgt. D.W. Lee

1. SPEED CALCULATION.

The speed of unit #1 at impact was calculated to be approximately 44 miles per hour.

2. MAPPING / CAD.

CAD plates showing the roadway, impact, and evidence and final rest of the vehicles involved in this collision can be found in the appendix section of this report.

3. LAMP EXAMINATION.

The headlights of Vehicle # 2 were collected during the course of the at-scene investigating. The low beam light was detached as a result of the collision but was located within the debris field near Vehicle # 2 and the high beam light was still attached to Vehicle # 2. An inspection of the bulbs indicated the low beam lights were on at the time of collision.



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016



Mitchell
MAIT 003

4. ENVIRONMENT

Climatology reports were obtained for the day of the collision; it indicates that sunrise was at 0728 hours.

5. AUDIO / INTERVIEWS.

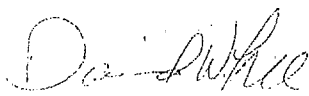
The Coastal MAIT conducted audio recordings during the course of this investigation. Audio recordings are on file in the Coastal MAIT office.

6. PHOTOGRAPHS.

The Coastal MAIT took digital photographs during the course of this investigation. Photographs are on file in the Coastal MAIT office

7. VIDEO.

The Coastal MAIT took video footage during the course of this investigation. The video footage is on file at the Coastal MAIT office.


Team Leader / Region commander

ACTAR Number: 914



SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Post Office Box 1993
Blythewood, SC 29016

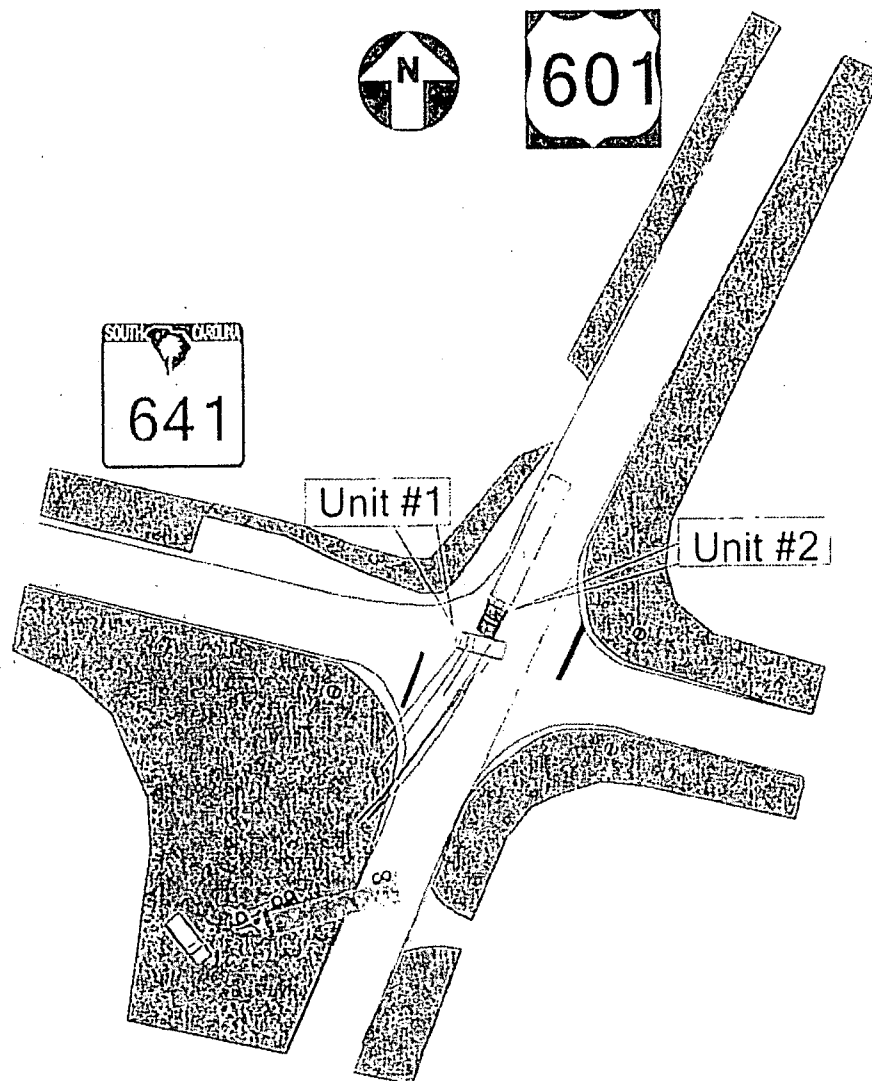


**Mitchell
MAIT 004**

Mitchell
MAIT 005

Mitchell
MAIT 006

Mitchell
MAIT 007



NARRATIVE

Unit #1 was attempting to cross US601 westbound from SC 641. Unit #2 was traveling southbound on US601. Unit #1 failed to yield the right of way causing Unit #2 to strike Unit #1. Both units then overturned.

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the truck during the skidding phase of the collision.

* * SLIDING WORK ENERGY * *

$$Ws = w \times f \times D$$

$$Ws = 80000.00 \times 0.50 \times 96.30$$

$$Ws = 3852000.00$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	80000.00
The Acceleration/Drag Factor is:	0.50
The Distance in Feet is:	96.30

RESULTS:

The Sliding Work Energy is:	3852000.00
-----------------------------	------------

Russell Scott Ashe
South Carolina Highway Patrol
8740 North Park Boulevard
North Charleston, South Carolina 29406
Phone: 843-953-6044
Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

1.20.9

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the truck during the sliding phase of the collision.

** SLIDING WORK ENERGY **

$$Ws = w \times f \times D$$

$$Ws = 80000.00 \times 0.40 \times 40.77$$

$$Ws = 1304640.00$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	80000.00
The Acceleration/Drag Factor is:	0.40
The Distance in Feet is:	40.77

RESULTS:

The Sliding Work Energy is:	1304640.00
-----------------------------	------------

Russell Scott Ashe
South Carolina Highway Patrol
8740 North Park Boulevard
North Charleston, South Carolina 29406
Phone: 843-953-6044
Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

7.708

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the van during the sideways skidding phase of the collision.

* * SLIDING WORK ENERGY * *

$$Ws = w \times f \times D$$

$$Ws = 6590.00 \times 0.70 \times 55.95$$

$$Ws = 258097.35$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	6590.00
The Acceleration/Drag Factor is:	0.70
The Distance in Feet is:	55.95

RESULTS:

The Sliding Work Energy is:	258097.35
-----------------------------	-----------

Russell Scott Ashe
South Carolina Highway Patrol
8740 North Park Boulevard
North Charleston, South Carolina 29406
Phone: 843-953-6044
Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

7708

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the van during the overturning phase of the collision.

*** * SLIDING WORK ENERGY * ***

$$Ws = w \times f \times D$$

$$Ws = 6590.00 \times 0.45 \times 85.05$$

$$Ws = 252215.77$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.**INPUTS:**

The Total Veh Wt in Pounds is:	6590.00
The Acceleration/Drag Factor is:	0.45
The Distance in Feet is:	85.05

RESULTS:

The Sliding Work Energy is:	252215.77
-----------------------------	-----------

Russell Scott Ashe
South Carolina Highway Patrol
8740 North Park Boulevard
North Charleston, South Carolina 29406
Phone: 843-953-6044
Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD9X34J068086

Comments: KE is total of all 4 energy losses.

* * SPEED W/ KINETIC ENERGY AND WEIGHT/MASS * *

$$S = \sqrt{\frac{30 \times KE}{W}}$$

KE = The Kinetic Energy in ft-lbs or Joules.

W = The Weight in Pounds.

S = The Speed in MPH.

30 = A Constant.

$$S = \sqrt{\frac{30 \times 5666953.12}{86590.00}}$$

$$S = \sqrt{\frac{170008593.60}{86590.00}}$$

$$S = \sqrt{1963.37}$$

$$S = 44.30$$

INPUTS:

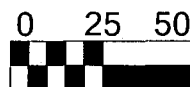
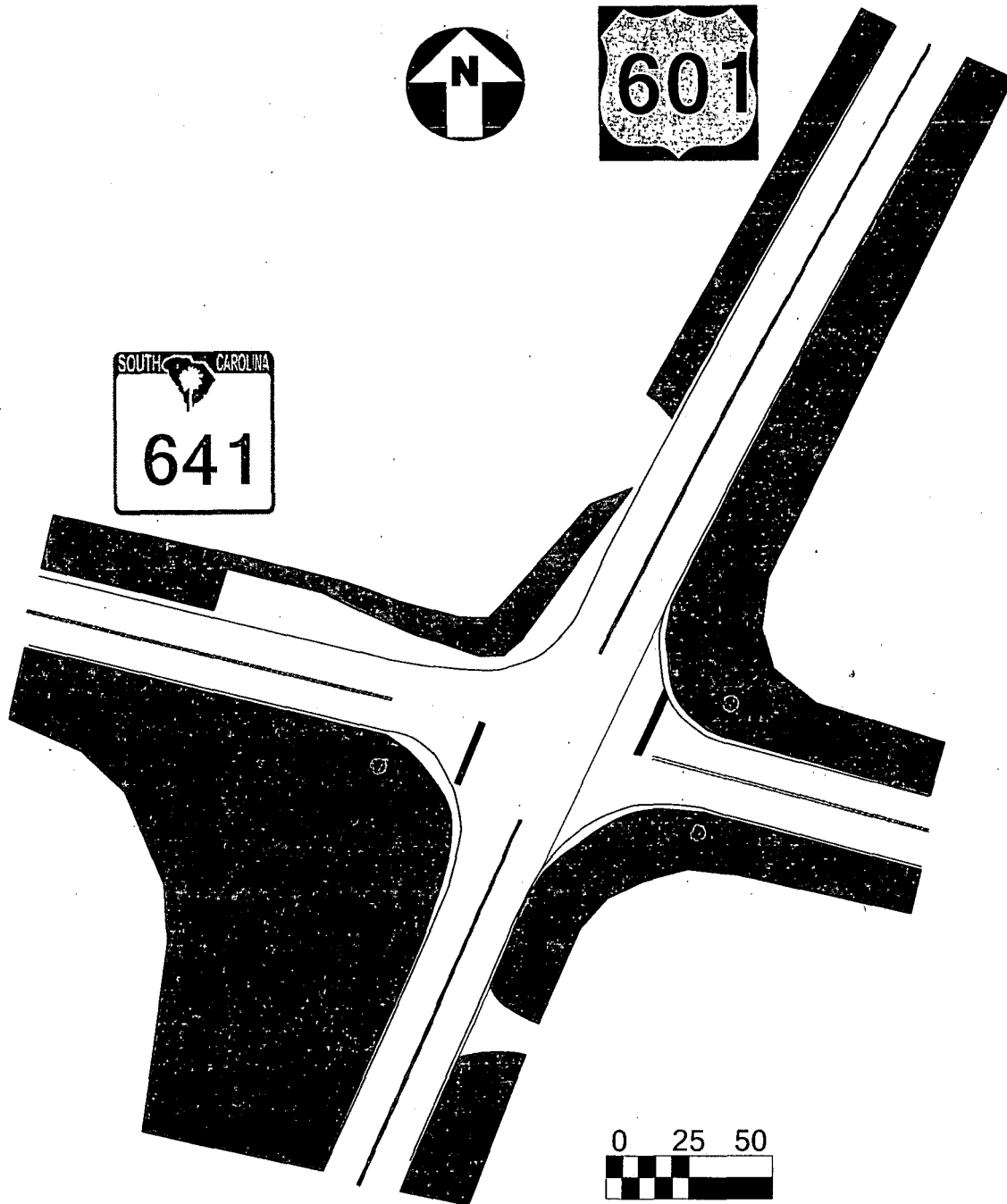
The Kinetic Energy (ft-lb or Joules) is:	5666953.12
The Weight in Pounds is:	86590.00

RESULTS:

The Speed in MPH is:	44.30
The Velocity in FPS is:	64.97

Russell Scott Ashe
South Carolina Highway Patrol
8740 North Park Boulevard
North Charleston, South Carolina 29406
Phone: 843-953-6044
Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

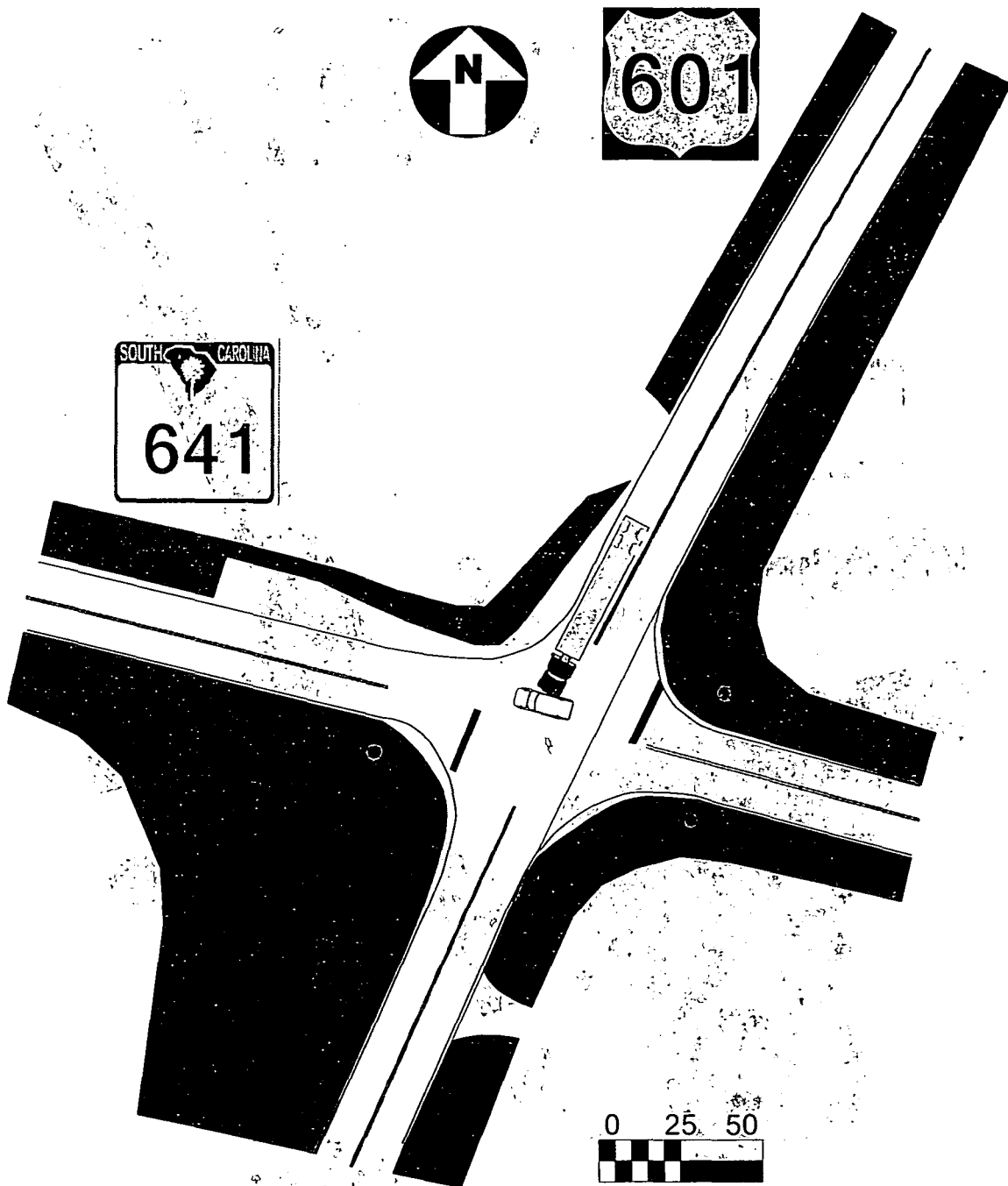


SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
COASTAL
DATE DRAWN: 1/27/2010

ROADWAY

TROOP 7 / ORANGEBURG
OCCURRED ON: 1/27/2010
CL-004-10

Mitchell
MAIT 014

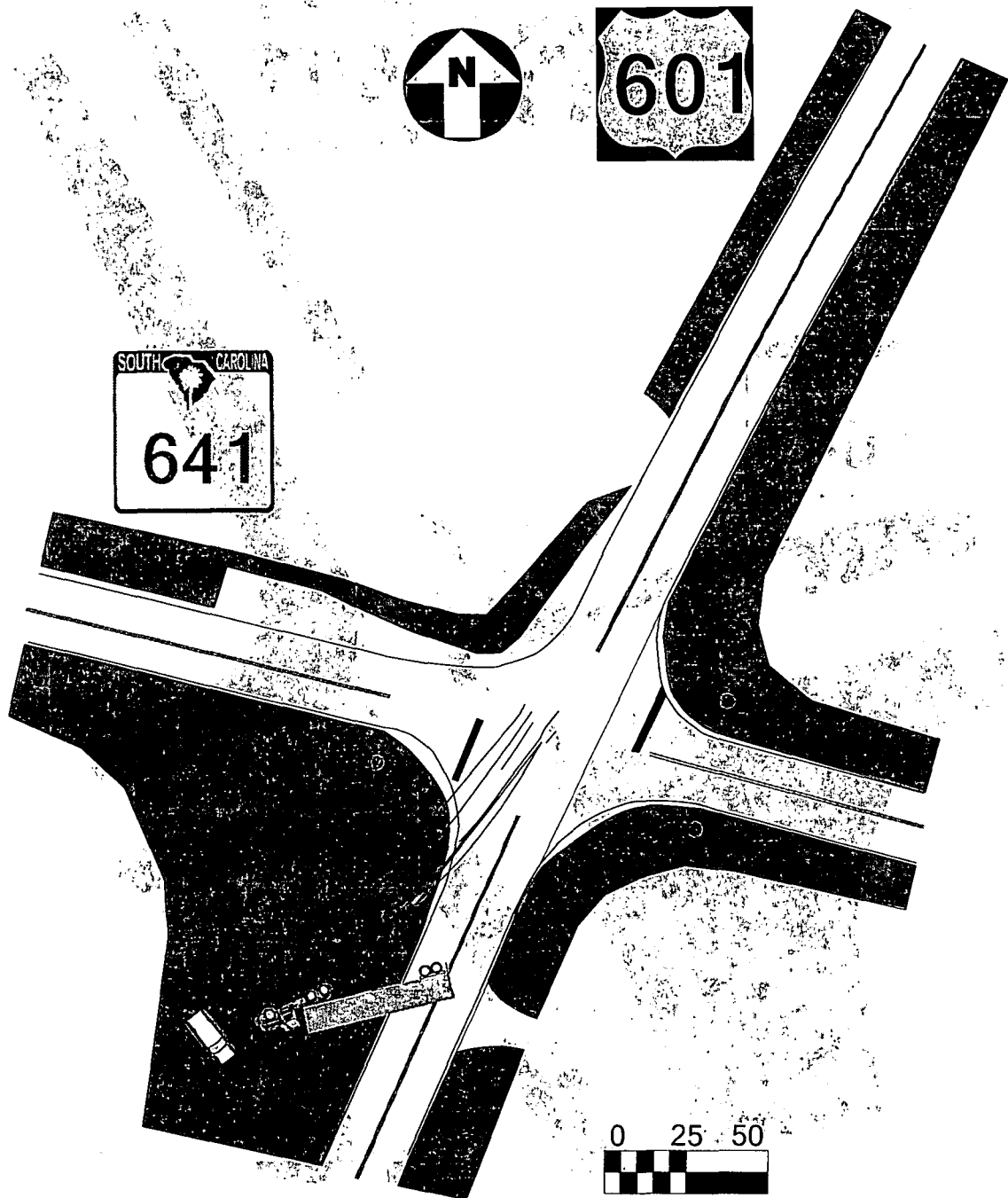


SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
COASTAL
DATE DRAWN: 1/27/2010

IMPACT

TROOP 7 / ORANGEBURG
OCCURRED ON: 1/27/2010
CL-004-10

Mitchell
MAIT 015



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
COASTAL
DATE DRAWN: 1/27/2010

EVIDENCE AND FINAL REST

TROOP 7 / ORANGEBURG
OCCURRED ON: 1/27/2010
CL-004-10

Mitchell
MAIT 016

CL-004-10

Mitchell
MAIT 017

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
LAMP EXAMINATION (UNIT # 2)**

Mitchell
MAIT 018

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
AMP EXAMINATION (UNIT # 2)**



Mitchell
MAIT 019

Lee, David W.

From: Myrick, Joyce A.
Sent: Thursday, March 11, 2010 10:14 AM
To: Lee, David W.
Subject: FW: need favor
Attachments: SCHP_8FEB10.xls

*Cpl. J. A. Myrick
SCHP Coastal M-477
8740 North Park Blvd
N. Charleston, SC 29406
843-953-6050*

From: Mark Malsick [mailto:MalsickM@dnr.sc.gov]
Sent: Monday, February 08, 2010 10:20 AM
To: Myrick, Joyce A.
Subject: RE: need favor

Hourly data attached. I used the observations recorded at the Orangeburg municipal airport for incidents 1 and 2. Times are in EST and Civil Twilight began at 0701 and sunrise was 0728. I used the observations recorded at the Walterboro/Low Country airport for incident #3. Times are in GMT (+5 hrs) and Civil twilight began at 1157GMT and sunrise was 1224 GMT. I included a key to help read the Walterboro observations.

Let me know if you have any questions about the data.

mark

Mark Malsick
Severe Weather Liaison
South Carolina Department of Natural Resources
State Climate Office
1000 Assembly Street Columbia, SC 29202

803-734-0039
MalsickM@dnr.sc.gov



From: Myrick, Joyce A. [mailto:jamyrick@schp.org]
Sent: Monday, February 08, 2010 9:02 AM
To: Mark Malsick
Subject: RE: need favor

Thank you I have three dates if you don't mind..

1. Orangeburg County US-301 near Secondary 49 on 1-8-2010
2. Orangeburg County Secondary 33 near secondary 1308 on 1-15-2010

3. Colléton County US601 at the intersection of SC641 1-27-2010
I need 24 hour time to include sunrise visibility.

Thanks again

*Cpl. J. A. Myrick
SCHPI Coastal MA77
8740 North Park Blvd
N. Charleston, SC 29406
843-953-6050*

From: Mark Malsick [mailto:MalsickM@dnr.sc.gov]
Sent: Monday, February 08, 2010 8:45 AM
To: Myrick, Joyce A.
Subject: RE: need favor

For my friends at SCHP, no problem. Glad to help.

From: Myrick, Joyce A. [mailto:jamyrick@schp.org]
Sent: Monday, February 08, 2010 8:41 AM
To: Mark Malsick
Subject: need favor

Good morning my friend
I need a favor concerning the weather for a certain area..
Before I give you the dates please let me know if that is still available to us...

*Cpl. J. A. Myrick
SCHPI Coastal MA77
8740 North Park Blvd
N. Charleston, SC 29406
843-953-6050*

AWS ID	WBAN ID	Name	Country	State	Latitude	Longitude	Elevation			
720609	99999	WALTERBORO / LOWCOUNTRY	UNITED STATES	SOUTH CAROLINA	32.917	-80.633	+0031.0 (meters)			
USAF	WBAN	YR--MODAHRMN	DIR	SPD	GUS	CLG	SKC	L	M	H
		GMT		MPH	MPH					
720609	99999	201001270500	290	5	***	722	CLR	*	*	*
720609	99999	201001270515	300	5	***	722	CLR	*	*	*
720609	99999	201001270535	310	3	***	722	CLR	*	*	*
720609	99999	201001270600	310	3	***	722	CLR	*	*	*
720609	99999	201001270615	***	0	***	722	CLR	*	*	*
720609	99999	201001270635	280	3	***	722	CLR	*	*	*
720609	99999	201001270700	***	0	***	722	CLR	*	*	*
720609	99999	201001270715	***	0	***	722	CLR	*	*	*
720609	99999	201001270735	***	0	***	722	CLR	*	*	*
720609	99999	201001270800	***	0	***	722	CLR	*	*	*
720609	99999	201001270815	***	0	***	722	CLR	*	*	*
720609	99999	201001270835	***	0	***	722	CLR	*	*	*
720609	99999	201001270900	***	0	***	722	CLR	*	*	*
720609	99999	201001270915	***	0	***	722	CLR	*	*	*
720609	99999	201001270935	***	0	***	722	CLR	*	*	*
720609	99999	201001271000	***	0	***	722	CLR	*	*	*
720609	99999	201001271015	***	0	***	722	CLR	*	*	*
720609	99999	201001271035	***	0	***	722	CLR	*	*	*
720609	99999	201001271100	***	0	***	722	CLR	*	*	*
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720609	99999	201001271135	***	0	***	722	CLR	*	*	*
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720609	99999	201001271235	***	0	***	722	CLR	*	*	*
720609	99999	201001271300	290	3	***	722	CLR	*	*	*
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720609	99999	201001271415	***	0	***	722	CLR	*	*	*
720609	99999	201001271435	***	0	***	722	CLR	*	*	*
720609	99999	201001271500	***	0	***	722	CLR	*	*	*
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720609	99999	201001272235	300	3	***	722	CLR	*	*	*
720609	99999	201001272300	***	0	***	722	CLR	*	*	*
720609	99999	201001272315	***	0	***	722	CLR	*	*	*
720609	99999	201001272335	***	0	***	722	CLR	*	*	*
720609	99999	201001280000	***	0	***	722	CLR	*	*	*
720609	99999	201001280015	***	0	***	722	CLR	*	*	*
720609	99999	201001280035	***	0	***	722	CLR	*	*	*
720609	99999	201001280100	***	0	***	722	CLR	*	*	*
720609	99999	201001280115	***	0	***	722	CLR	*	*	*
720609	99999	201001280135	***	0	***	722	CLR	*	*	*
720609	99999	201001280200	***	0	***	722	CLR	*	*	*
720609	99999	201001280215	110	5	***	722	CLR	*	*	*
720609	99999	201001280235	***	0	***	722	CLR	*	*	*
720609	99999	201001280300	***	0	***	722	CLR	*	*	*
720609	99999	201001280315	***	0	***	722	CLR	*	*	*

720609	99999	201001280335	***	0	***	722	CLR	*	*	*
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720609	99999	201001280415	***	0	***	722	CLR	*	*	*
720609	99999	201001280435	***	0	***	722	CLR	*	*	*
720609	99999	201001280500	***	0	***	722	CLR	*	*	*
720609	99999	201001280515	***	0	***	722	CLR	*	*	*
720609	99999	201001280535	***	0	***	722	CLR	*	*	*

VSB	WW	WW	WW	W	TEMP	DEWP	SLP	ALT	STP	MAX	MIN	PCP01
Miles					F	F	Mb	inches	Mb	F	F	inches
10	**	**	**	*	39	39	*****	30.15	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	36	36	*****	30.16	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.16	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.16	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.17	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.18	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.21	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.21	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.22	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.22	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.23	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.24	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.26	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.26	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.27	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.28	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.3	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.32	*****	***	***	*****

10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	41	41	*****	30.33	*****	***	***	*****
10	**	**	**	*	41	41	*****	30.33	*****	***	***	*****
10	**	**	**	*	43	43	*****	30.33	*****	***	***	*****
10	**	**	**	*	43	43	*****	30.33	*****	***	***	*****
10	**	**	**	*	45	43	*****	30.34	*****	***	***	*****
10	**	**	**	*	45	43	*****	30.34	*****	***	***	*****
10	**	**	**	*	46	45	*****	30.33	*****	***	***	*****
10	**	**	**	*	46	45	*****	30.32	*****	***	***	*****
10	**	**	**	*	48	46	*****	30.31	*****	***	***	*****
10	**	**	**	*	46	46	*****	30.3	*****	***	***	*****
10	**	**	**	*	50	46	*****	30.29	*****	***	***	*****
10	**	**	**	*	50	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.27	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.26	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.24	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.26	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.27	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.28	*****	***	***	*****
10	**	**	**	*	50	50	*****	30.29	*****	***	***	*****
10	**	**	**	*	50	50	*****	30.29	*****	***	***	*****
10	**	**	**	*	45	45	*****	30.29	*****	***	***	*****
10	**	**	**	*	45	45	*****	30.3	*****	***	***	*****
10	**	**	**	*	43	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	41	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	41	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****

10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.33	*****	***	***	*****

[illegible]

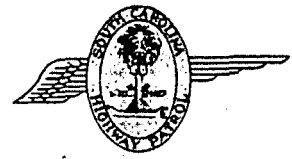
[illegible]



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

MAIT Notes

- ☒ Field Case Notes
- ☒ TR310
- ☐ Case Opinions / Findings
- ☒ Field Sketch
- ☐ CAD Printout (if applicable)
- ☒ MAIT Investigating Officer Notes



**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
SCENE CASE NOTES**

MAIT CASE #: CL-004-10		DATE OF COLLISION / INCIDENT: 1-27-2010	
TIME / DATE NOTIFIED: 1-27-2010 / 0830		PRIMARY INVESTIGATING OFFICER: P.D. Rush	
COLLISION / INCIDENT LOCATION: US 601		AGENCY ASSISTED / NOTIFIED BY: SCHP / LT. Simms	
TIME / DATE ARRIVED ON-SCENE: 1-27-2010 / 0945		ISSUES: Lamp exam / Dynamics	
TEAM MEMBERS ON-SCENE: Lee, Myrick, Miller, Brinson		CHARGES FILED / PENDING: Reckless homicide	
PHOTOGRAPHS TAKEN BY MAIT OF SCENE: ☒ Y ☐ N BY: Brinson DATE: 1-27-2010			
PHOTOGRAPHS TAKEN BY MAIT OF VEHICLES: ☒ Y ☐ N BY: Brinson DATE: 1-27-2010			
OTHER PHOTOGRAPHS: ☒ Y ☐ N Colleton County Fire - Rescue BY: Miller DATE: 2/8/2010			
I/O PHOTOGRAPHS SECURED: ☐ Y ☐ N ☒ N/A BY: DATE:			
VIDEO: ☒ Y ☐ N ☒ MAIT ☐ I/O ☐ OTHER LEO ☐ OTHER MAIT VIDEOGRAPHER: Myrick, DATE:			
MAPPING: ☒ Y ☐ N ☒ SCENE ☐ VEHICLE(S) ☐ OTHER Station: Myrick, Brinson Architect(s): Lee, Miller			
FIELD SKETCH: ☒ Y ☐ N By: Myrick			
YAW: ☐ Y ☒ N If Yes: Chord M/O Rotation: CW / CCW Tire: F R L R			
AIRBORNE: ☐ Y ☒ N Takeoff ☐ L ☐ U ☐ D Landing + / -			
DRAG SLED PULLED: ☐ Y ☒ N Pulled by: Date:			
Read by: Weight:			
#1	#2	#3	#4
#6	#7	#8	#9
VEHICLE INSPECTION: ☒ Y ☐ N Date: 1-27-10			
MECHANICAL EXAM: ☐ Y ☒ N Date:			
SDM DOWNLOAD: ☐ Y ☒ N Date:			
E-FRICTION READING: ☐ Y ☒ N Date: By:			
Readings: Equip:			
AUTOPSY: ☐ Y ☒ N Date:			
Attended by: @			
Notes:			

SOUTH CAROLINA
TRAFFIC COLLISION REPORT FORM
 TR-310 (Rev. 01/2001)

Of
Units
2Amended - Amount of Original Report
Corrected

CL 004-10

0722

0740

Date 11-27-2010	Time 0705	County 15	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Collision Location (Rt. # / Name) 601	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Miles: 10.4	Dir. N E S W	Law Near City or Town of: LODGE
Lat. 33° 01' 76.00"	Long. 81° 02' 51.00"	Distance Offset 10	Direction N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Base Intersection (Rt. # / Name) 641	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	ASRU code	MP/Grd
R.R. Id. N/A	From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Second Intersection (Rt. # / Name) 38	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Latitude 33° 01' 76.00"	Longitude 81° 02' 51.00"

Y-013354	Driver/Pedestrian's Full Name HERNANDEZ-BERNARDO L.	Y-013355	Driver/Pedestrian's Full Name MITCHELL-RICKY STANLEY
Unit # 1	Sex M	Race H	Street 726 FELIX RD.
Birth Date 11/21/1982	City, State, & Zip WATERBORD SC 29488	Unit # 2	Sex M
Birth Date 05/24/1962	City, State, & Zip RUFIN SC 29475	Race B	Street 14538 COUNTRYSIDE HWY
State GA	Driver's License # 051475906	State SC	Driver's License # 008189255 (A)
Insurance Company MONTGOMERY INS. CO.	Insurance Company HUDSON INS. CO.	Year 2004	Body TR
Vehicle Make FORD	VIN # 1B5531H3RH895843	Vehicle Make BU	VIN # 1XKPD89X345068086
State SC	Year 2010	License Plate # BPL 724	Owner's D.L. #
Home Telephone 843 909-2222	Owner's Full Name MARIN RIGHT OF WAY SERVICE	Home Telephone 843 908-1774	Owner's Full Name THREE GEN INC.
Bus. Telephone 843 509-4989	Street 817 PHILLIPS RD.	Bus. Telephone 843 844-8282	Street 4373 COUNTRYSIDE HWY
Contributed To Collision Yes	City, State, & Zip WATERBORD SC 29488	Contributed To Collision No	City, State, & Zip YEMASSEE SC 29445
Estimated Speed 10	Speed Limit 55	C.D.L. Req. Yes No E233911 94	T.B.S. Req. Yes No N/A
Code N/A	Summons # N/A	Code N/A	Summons # N/A
Code N/A	Towed By CRISBY'S	Code N/A	Towed By WOOD BRO'S

Y-013356	Driver/Pedestrian's Full Name	State	Year	License Plate #	Owner's D.L. #
Unit # N/A	Sex N/A	Race N/A	Street N/A	Home Telephone ()	Owner's Full Name
Date N/A	City, State, & Zip N/A	Bus. Telephone ()	Street N/A	Contributed To Collision Yes	City, State, & Zip
State	Driver's License #	Insurance Company	Contributed To Collision No	City, State, & Zip	
Year	Body	Vehicle Make	VIN #	Estimated Speed	Speed Limit
				C.D.L. Req. Yes No	T.B.S. Req. Yes No
				Code	Summons #
				Code	Towed By

Dir. of Travel:	Unit 1: N S E W	Unit 2: N S E W	Unit 3: N S E W
Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1
\$ 1,500.00	\$ 25,000.00	\$ N/A	\$ N/A
Prop. Dam. 2	\$ N/A		

Property Owner/Witness PREVATE-RONALD	Property Owner/Witness
Address 4260 EHRHARDT RD.	Address
State SC	Zip 29081
Phone 803 267-8920	State SC
Zip 29081	Phone 803 267-8920

Photo Y	Describe What Happened (Refer to Units by Number) NARRATIVE AND DIAGRAM
	PENDING MAIT INVESTIGATION.

NOTICE: THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigation Officer's Name RUSH, P.D.	Rank TRP	Badge # 790	Comp. 100600	Date 11/27/2010	Reviewer's Name S. H. H. H.	Rank CL	Internal Agency Code 10CH009199
--	-------------	----------------	-----------------	--------------------	--------------------------------	------------	------------------------------------

11/30/10

Mitchell
MAIT 033

2	03-24-1962	M	B	01	13	73	1	1	1	MITCHELL - RICK V.	4538 LOWCOUNTRY RD, RUTHERFORD, NJ 07075	CL-004-10
1	07-30-1987	M	H	04	00	73	2	2	1	Serrano - PAUL V.	28 SUNSHINE LN, WALTERBORO, SC 29488	29488
1	UNKNOWN	M	H	05	00	73	2	2	1	RIVERA - ESTEVAN G.	300 STATE ST, Apt C, WALTERBORO, SC 29488	29488
1	UNKNOWN	M	H	06	00	73	2	2	1	LAND - Augustin G.	300 STATE ST, Apt C, WALTERBORO, SC 29488	29488
1	UNKNOWN	M	H	07	00	73	2	2	1	VASQUES - JOSE M.	UNKNOWN	
1	UNKNOWN	M	H	08	00	73	2	2	1	MORALES - Vladimir	UNKNOWN	
1	UNKNOWN	M	H	09	00	73	2	2	1	FUENTES - UMBERTO	UNKNOWN	

Race		A - Asian/Pacific Islander		W - Caucasian		a) Injury Status		2. Non-incapacitating		Seating Loc.		70. Pedestrian		60. Sleeper of Cab		Restraint/Safety Device	
B - African American		H - Hispanic		O - Other		0. Not Injured		3. Incapacitating		01 02 03		30. Trailing Unit		70. Riding on Unit Exterior		00. None Used	
I - Alaskan Native or American Indian		U - Unknown		1. Possible		4. Fatal		b) Motorcycle Only		04 05 06		40. Bus or Van (4th row or Higher)		80. Lap		11. Shoulder Belt Only	
Air Bag Deployment / Switch		Ejection		Head Injury: 1-Yes 2-No		Location After Impact		3. Freed (non-mech)		07 08 09		50. Other Enclosed Area (nontrailing)		99. Unit NA		12. Lap Belt Only	
1. Deployed Front 4. Not Deployed		1. Not Ejected		2. Not Ejected		1. Not Trapped		4. Not Applicable		a) Transported to Medical Facility		51. Other Unenclosed Area (nontrailing)				13. Shoulder & Lap Belt 99. Unit	
2. Deployed Side 7. Not Applicable		2. Part Ejected		3. Tot Ejected		7. Extricated (Mechanical Means) 9. Unknown		b) By		1. Yes 2. No 3. Unknown						Pedestrian Motor/Pedalcycle Only	
3. Deployed Both 9. Deployment Unk		3. Tot Ejected		7. Not Ejected						1. EMS 2. Police 8. Other 9. Unk						31. Helmet 51. Reflective Clothing	
1. Switch in On Position 3. No Switch		7. Not Ejected		9. Unk												41. Protective Pads 61. Lighting	
2. Switch in Off Position 8. Unknown		9. Unk															

Non-Collision		04. Equipment Failure		Collision Not Fixed		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk	
01. Cargo Equip Loss or Shift		05. Fire/Explosion 08. Overturn Rollover		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
02. Cross Median Center Line		05. Fire/Explosion 08. Overturn Rollover		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
03. Downhill Runaway		05. Fire/Explosion 08. Overturn Rollover		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
07. Jackknife		09. Ran off Road Left		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
10. Ran off Road Right		11. Separation of Units		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
12. Split/Overturned		13. Other Noncollision		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
18. Other Noncollision		19. Unk Noncollision		20. Animal (Deer Only)		26. Heavy Veh		40. Bridge Damaged Structure		48. Equipment		56. Median Barrier		69. Unk			
20. Head On		21. Angle		22. Angle		23. Angle		24. Angle		25. Angle		26. Angle		27. Angle			
28. Angle		29. Angle		30. Angle		31. Angle		32. Angle		33. Angle		34. Angle		35. Angle			

Manner of Collision (Struck Veh)		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
00. Not Coll With Motor Veh		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
10. Rear End		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
20. Head On		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
30. Rear-to-Rear		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
40. Sideswipe Opposite Dir		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
50. Sideswipe Same Dir		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
60. Sideswipe Opposite Dir		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
70. Backed Into		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
80. Backed Out		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	
90. Unknown		30. Rear-to-Rear		50. Sideswipe Same Dir		1" Most Deformed Area		1" Deformed		Most Deformed	

Vehicle Type		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
01. Automobile		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
16. Mini Van		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
17. Sport Utility		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
18. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
19. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
20. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
21. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
22. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
23. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
24. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
25. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
26. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
27. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
28. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
29. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
30. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
31. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
32. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
33. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
34. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
35. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
36. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
37. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
38. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
39. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
40. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
41. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
42. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
43. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
44. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
45. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
46. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
47. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
48. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
49. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
50. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
51. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
52. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
53. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
54. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
55. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
56. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
57. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
58. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
59. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
60. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
61. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian		81. None		92. Rollover		93. Total		94. Under Carriage		95. Other		99. Unk	
62. Other Vehicle		15. Full Size Van		27. Pedalcycle		61. School Bus		21. Pedestrian													

SOUTH CAROLINA
TRAFFIC COLLISION REPORT FORM
TR-310 (Rev. 01/2001)

Of Units

2

CL 004-10

0722 0740

Date 11-21-20	Time 0705	County 15	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Collision Location (Rt. # / Name) 601	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Miles 10.4	Dir. N E S W	Near City LODGE	Town of
Lat	Long	Distance Offset Miles N E S W	Direction N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Base Intersection (Rt. # / Name)	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	ASRU code	MP/Gld	
PLR Id.	From N E S W	Ramp Only 1- Entrance 2- Exit	To N E S W	1- Interstate 2- US Primary 3- SC Primary	4- Secondary 5- County 6- Other	Second Intersection (Rt. # / Name)	0- Main 2- Alternate 5- Spur	6- Connection 7- Business 9- Other	Latitude 33° 01' 45.00"	Longitude 81° 02' 30.00"	

Y-013378	Driver/Pedestrian's Full Name 013354 HERNANDEZ	Y-013379	Driver/Pedestrian's Full Name 013355 MITCHELL
Unit # 1	Sex M	Race H	Street
Birth Date	City, State, & Zip		

State GA	Driver's License # 051475906	Insurance Company:	State SC	Driver's License # 008189255	Insurance Company:
Year	Body	Vehicle Make	VIN #	Year	Body
State	Year	License Plate #	Owner's D.L. #	State	Year
Home Telephone	Owner's Full Name		Home Telephone	Owner's Full Name	
Bus. Telephone	Street		Bus. Telephone	Street	
Contributed To Collision Yes	City, State, & Zip		Contributed To Collision Yes	City, State, & Zip	

Estimated Speed 10	Speed Limit 55	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Dig info (see back): Yes No	Estimated Speed 44	Speed Limit 55	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Dig info (see back): Yes No
Summons #	Code	Summons #	Code	Towed By	Summons #	Code	Summons #	Code	Towed By

Y-013380	Driver/Pedestrian's Full Name 013356	State	Year	License Plate #	Owner's D.L. #
Unit # N/A	Sex	Race	Street	Home Telephone	Owner's Full Name
Birth Date	City, State, & Zip				
State	Driver's License #	Insurance Company:	Contributed To Collision Yes	City, State, & Zip	
Year	Body	Vehicle Make	VIN #	Estimated Speed	Speed Limit
Dir. of Travel: Unit 1: N S E W Unit 2: N S E W Unit 3: N S E W			C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Dig info (see back): Yes No
			Summons #	Code	Summons #
			Code	Towed By	

Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
S	S	S	S	S
Property Owner/Witness			Property Owner/Witness	
Address			Address	
State	Zip	Phone	State	Zip
State	Zip	Phone	State	Zip

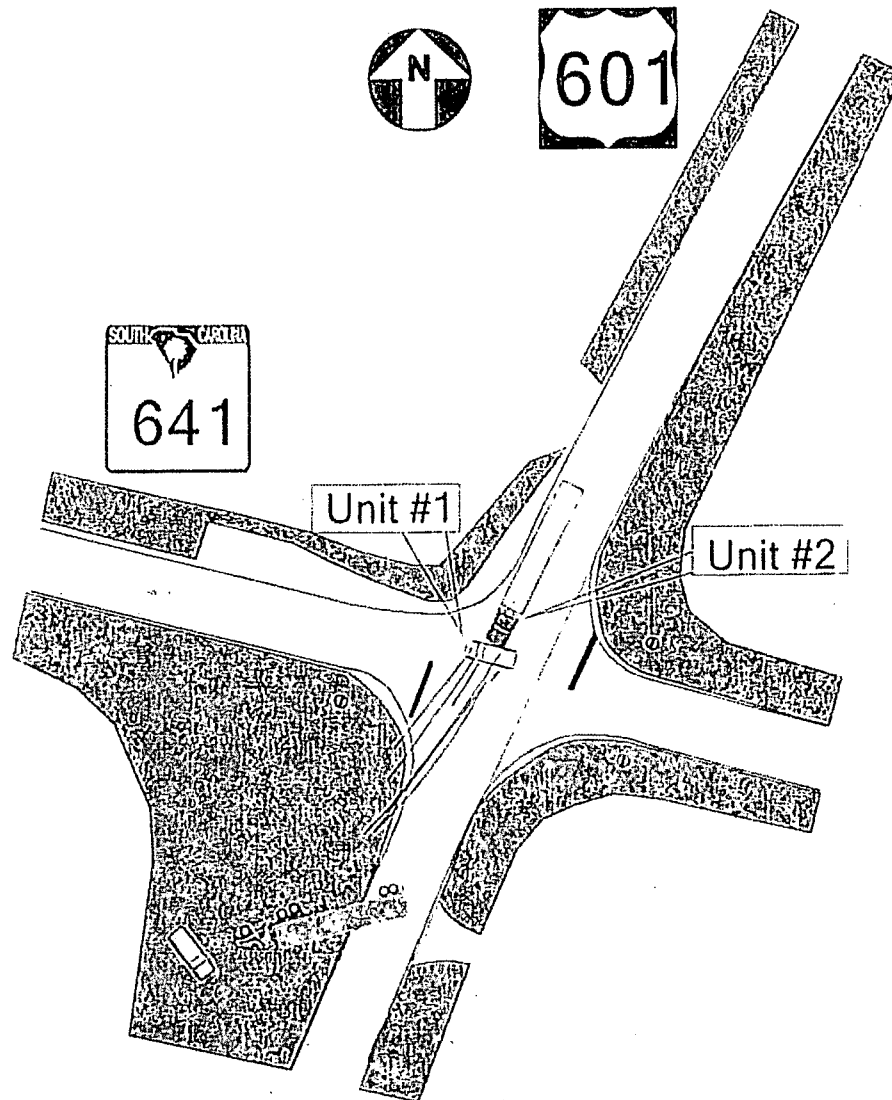
SEE
ATTACHED

Photo: Describe What Happened (Refer to Units by Number)
Y N GPS coordinates have been corrected. NARRATIVE IN DIAGRAM.
VEHICLE SPEED FOR UNIT #1 AND UNIT #2 HAVE BEEN CHANGED.

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION BUT NO WARRANTY IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name RASH, P.D.	Rank AA	Badge # 790	Code K0600	Date 11/25/2010	Reviewer's Name	Rank	Internal Agency Code 10CH009199
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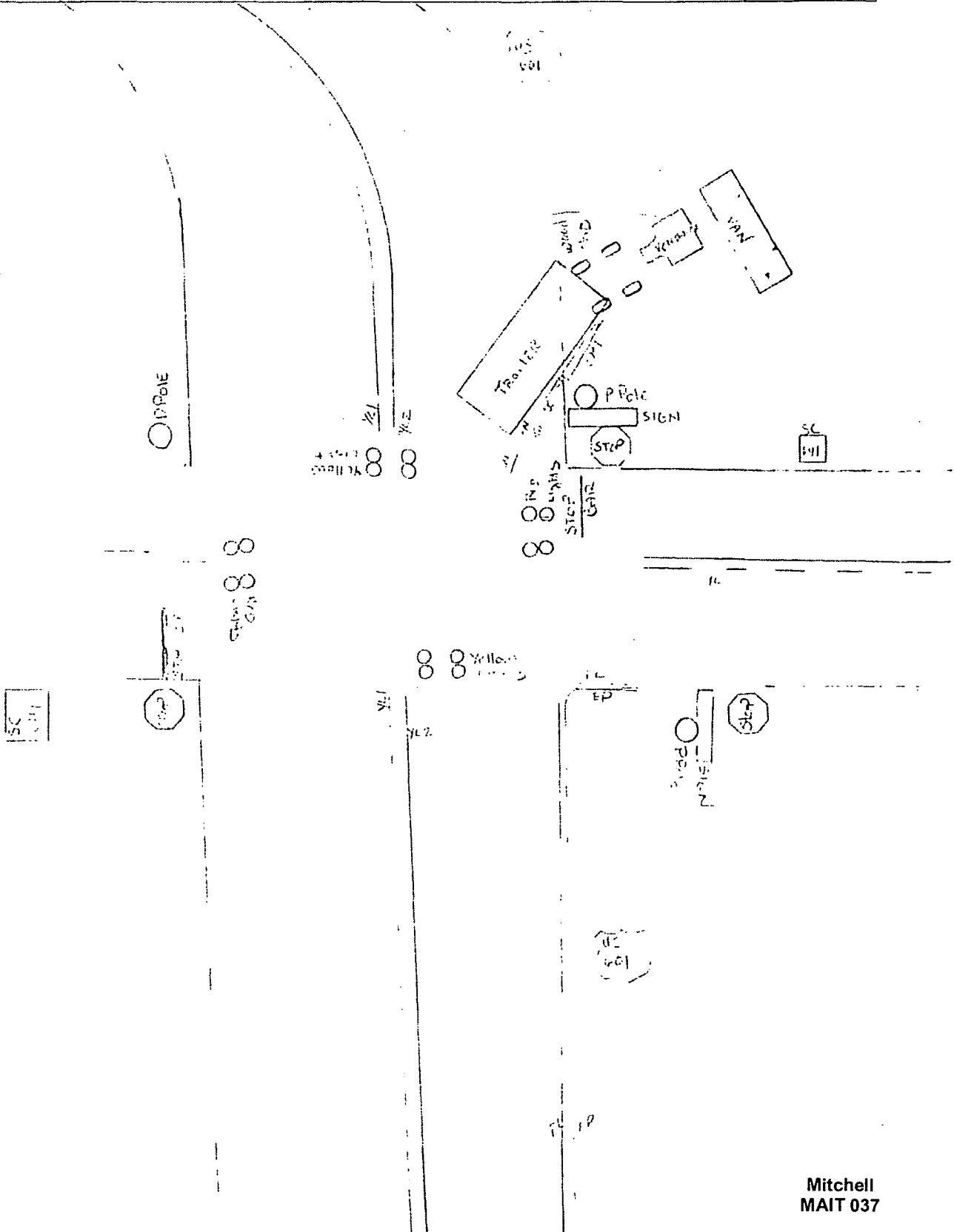
Mitchell
MAIT 035



NARRATIVE

Unit #1 was attempting to cross US601 westbound from SC 641. Unit #2 was traveling southbound on US601. Unit #1 failed to yield the right of way causing Unit #2 to strike Unit #1. Both units then overturned.

MAIT CASE #:	CL-004-10	DRAWN BY:	J A Myrick
DATE DRAWN:	1-29-2010	NOT TO SCALE / NORTH	



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case # CL-004-10

Investigator: Miller

Date:	Notes:
2/5/2010	I attempted to contact Ricky Mitchell (Driver of the truck) at 0908 am. I got a recording stating that the wireless customer was unavailable and to try to call back later. There was no voice mail to leave a message.
2/5/2010	I attempted to call Ricky Mitchell at 1434. I got a recording that the wireless customer was unavailable and to try and call back later. There was no voice mail to leave a message.
2/8/2010	I attempted too call Ricky Mitchell at 1035 am. I got a recording that the wireless customer was unavailable and to try and call back later. There was no voice mail to leave a message.
2/9/2010	I attempted to call Ricky Mitchell at 1015 am. I got the same recording as previous attempts. I called his company number and left a message.
2/10/2010	I called the work number for Ricky Mitchell and spoke to one of his employers. She took my name and number and is supposed to get me a contact number for Mr. Mitchell. She advised me that the number that I have for Mr. Mitchell is not valid because the phone was lost in the crash.

SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
MAIT Case Notes



MAIT Case # CL-004-10

Investigator: R.S. Ashe

Date:	Notes:
2-25-10	The evidence, final rest, and several reference points were mapped at the scene. We aligned those points with the points from CL-16-04. The speed/weight ratio between the 2 vehicles was greater than 1:48. Therefore, 360 momentum could not be used. The speed of the van had little to do with post impact movement. Kinetic energy loss was calculated for both vehicles over both phases of the collision. The total kinetic energy was calculated and a speed of 44 mph resulted.

CASE # _____



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Autostats

- ☐ N/A
- ☒ Autostats
- ☒ VIN Assist

LT. R. T. DIXON
COASTAL MAIT - SOUTH CAROLINA HIGHWAY PATROL
8740 NORTH PARK BOULEVARD, SUITE 100
NORTH CHARLESTON SC 29406-9248

02-01-2010

1994 FORD CLUB WAGON 2WD 3DR VAN

CURB WEIGHT: 5141 lbs. 2332 kg.
Curb Weight Distribution - Front: 58 % Rear: 42 %
Gross Vehicle Weight Rating: 7000 lbs. 3175 kg.
Number of Tires on Vehicle: 4
Drive Wheels: REAR

HORIZONTAL DIMENSIONS

	Inches	Feet	Meters
Total Length	212	17.67	5.38
Wheelbase:	138	11.50	3.51
Front Bumper to Front Axle	31	2.58	0.79
Front Bumper to Front of Front Well	10	0.83	0.25
Front Bumper to Front of Hood	4	0.33	0.10
Front Bumper to Base of Windshield	33	2.75	0.84
Front Bumper to Top of Windshield	58	4.83	1.47
Rear Bumper to Rear Axle	43	3.58	1.09
Rear Bumper to Rear of Rear Well	26	2.17	0.66
Rear Bumper to Rear of Trunk	3	0.25	0.08
Rear Bumper to Base of Rear Window	3	0.25	0.08

WIDTH DIMENSIONS

	Inches	Feet	Meters
Maximum Width	80	6.67	2.03
Front Track	70	5.83	1.78
Rear Track	67	5.58	1.70

VERTICAL DIMENSIONS

	Inches	Feet	Meters
Height	81	6.75	2.06
Ground to:			
Front Bumper (Top)	24	2.00	0.61
Headlight - center	34	2.83	0.86
Hood - top front	43	3.58	1.09
Base of windshield	51	4.25	1.30
Rear Bumper - top	27	2.25	0.69
Trunk - top rear			
Base of rear window	52	4.33	1.32

Reg. To: COASTAL MAIT - SOUTH CAROLINA H S/N:08R-941129AQ03403

1994 FORD CLUB WAGON 2WD 3DR VAN

INTERIOR DIMENSIONS

	Inches	Feet	Meters
Front Seat Shoulder Width	56	4.67	1.42
Front Seat to Headliner	42	3.50	1.07
Front Leg - seatback to floor (max)	40	3.33	1.02
Rear Seat Shoulder Width	—	—	—
Rear Seat to Headliner	—	—	—
Rear Leg - seatback to floor (min)	—	—	—

Seatbelts: 3pt LAP & SHOULDER - front, None or Unknown - rear
 Airbags: NO AIRBAGS

STEERING DATA

Turning Circle (Diameter)	600	50.00	15.24
Steering Ratio:	17.00:1		
Wheel Radius:	13	1.08	0.33
Tire Size (OEM):	P235/75R15		

ACCELERATION & BRAKING INFORMATION

Brake Type: FRONT DISC - REAR DRUM
 ABS System: ABS

Braking, 60 mph -> 0 (Hard pedal, no skid, dry pavement):
 d = 179 ft t = 4.1 sec. a = -21.6 ft/sec/sec G-force = -0.67

ACCELERATION:

0->30 mph	t = . sec.	a = . ft/sec/sec	G-force = .
0->60 mph	t = 10.1 sec.	a = 8.7 ft/sec/sec	G-force = 0.27
45->65 mph	t = . sec.	a = . ft/sec/sec	G-force = .

Transmission Type: AUTOMATIC

NOTES:

Federal Bumper Standard Requirements = NO REQUIREMENT
 This vehicles Rated Bumper Strength: 5 mph

N.S.D.C. = 1992 - 1996

Reg. To: COASTAL MAIT - SOUTH CAROLINA H S/N:08R-941129AQ03403

1994 FORD CLUB WAGON 2WD 3DR VAN

OTHER INFORMATION

TIP-OVER STABILITY RATIO = 1.08 REASONABLY STABLE
 NHTSA Star Rating (calculated) **

CENTER OF GRAVITY (No Load):

Inches behind front axle = 57.96
 Inches in front of rear axle = 80.04
 Inches from side of vehicle = 40.00
 Inches from ground = 31.71
 Inches from front corner = 97.54
 Inches from rear corner = 129.38
 Inches from front bumper = 88.96
 Inches from rear bumper = 123.04

MOMENTS OF INERTIA APPROXIMATIONS (No Load):

YAW MOMENT OF INERTIA = 3952.23 lb-ft-sec²
 PITCH MOMENT OF INERTIA = 4100.92 lb-ft-sec²
 ROLL MOMENT OF INERTIA = 896.02 lb-ft-sec²

FRONT PROFILE INFORMATION

ANGLE FRONT BUMPER TO HOOD FRONT = 78.1 deg
 ANGLE FRONT OF HOOD TO WINDSHIELD BASE = 15.4 deg
 ANGLE FRONT OF HOOD TO WINDSHIELD TOP = 33.7 deg
 ANGLE OF WINDSHIELD = 48.2 deg
 ANGLE OF STEERING TIRES AT MAX TURN = 26.4 deg

FIRST APPROXIMATION CRUSH FACTORS:

Speed Equivalent (mph) of Kinetic Energy (KE) used in causing crush or indentation may be evaluated using the following formula, the appropriate Crush Factor (CF), and Maximum Indentation Depth (MID), in feet:

$$V(\text{mph}) = \text{Sqr root of } (30 * CF * MID)$$

KE Equivalent Speed (Front/Rear/Side) = 21 CF

Bullet vehicle IMPACT SPEED estimation
 based on TARGET VEHICLE damage ONLY = 27 CF
 (Tested for Rear/Side Impact only)

These CF values are based upon analysis of NHTSA Barrier Crash data, and from over 1000 vehicle accidents where independent evaluation of speed was possible. (These are NOT 'A', 'B', 'C', or 'G' values)

The Rear Impact data with more than 2-3 inches of crush damage should be looked at carefully, since some vehicles have very weak trunk & fender strength. Therefore, on some cars, esp. GM, your estimate from the rear crush data may be high by as much as 4-5 mph (on a crush of 18 inches).

Reg. To: COASTAL MAIT - SOUTH CAROLINA H S/N:08R-941129AQ03403

EXPERT VIN DeCoder

The VIN Number is 1FB JS31H 3 RH B95843

The vehicle should be a 1994 Ford Bus
The model: E350 Super Club Wagon XL
The Restraint system: Manual Belts
The assembly plant: Lorain, OH.

The vehicle GVWR is : 9001-10000 lbs.
The brake system is : Hydraulic
The OEM engine was : V-8 cylinder with Overhead Valve
Engine Displacement/Type = 5.8 L / 351 cu.in., V8, OHV
Brake Horsepower (SAE) = 210 @ 3800 rpm
Torque (SAE) = 315 lb-ft at 2800 rpm
Engine manufacturer = Ford

The fuel distribution system : Electronic Fuel Injection (EFI)
Fuel pump/line pressure = 35-45 psi
The ignition system = electronic

This is a Rear Wheel Drive vehicle.

The first three characters {1, F, B} indicate the vehicle
was a Ford Bus made in the U.S.A.

The fourth character {J} indicates the GVWR is: 9001-10000 lbs.
and The brake system is: Hydraulic
The restraint system: Manual Belts

The fifth through seventh character {S31} indicates a
E350 Super Club Wagon XL

The eighth character {H} indicates the OEM engine :
5.8 L / 351 cu.in., V8, OHV

The 9th Character { the Check Digit } is 3
The calculated Check Digit value is 3

The tenth character {R} indicates the Model Year was 1994

The eleventh character {H} indicates it was made
at the assembly plant in Lorain, OH.

The twelveth through the seventeenth characters {B95843} is
the Serial Number unique to this vehicle.

02-01-2010 S/N: 060517VD02001
Reg. User: SC Department of Public Safety



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

ARPro / Recall

☐ N/A

☒ ARPro

☒ Recall

☐ None for Unit # _____

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the truck during the skidding phase of the collision.

* * SLIDING WORK ENERGY * *

$$W_s = w \times f \times D$$

$$W_s = 80000.00 \times 0.50 \times 96.30$$

$$W_s = 3852000.00$$

 f = The Acceleration/Drag Factor.

 W_s = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds.

 D = The Distance in Feet.

INPUTS

The Total Veh Wt in Pounds is:	80000.00
The Acceleration/Drag Factor is:	0.50
The Distance in Feet is:	96.30

RESULTS

The Sliding Work Energy is:	3852000.00
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Russell Scott Ashe
 South Carolina Highway Patrol
 8740 North Park Boulevard
 North Charleston, South Carolina 29406
 Phone: 843-953-6044
 Fax: 843-953-6054
www.schp.org

Printed: 2/25/2010

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the truck during the sliding phase of the collision.

* * SLIDING WORK ENERGY * *

$$W_s = w \times f \times D$$

$$W_s = 80000.00 \times 0.40 \times 40.77$$

$$W_s = 1304640.00$$

 f = The Acceleration/Drag Factor.

 W_s = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds.

 D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	80000.00
The Acceleration/Drag Factor is:	0.40
The Distance in Feet is:	40.77

RESULTS:

The Sliding Work Energy is:	1304640.00
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Printed: 2/25/2010

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XK0DB9X34J068086

Comments: Energy loss for the van during the sideways skidding phase of the collision.

* * SLIDING WORK ENERGY * *

$$Ws = w \times f \times D$$

$$Ws = 6590.00 \times 0.70 \times 55.95$$

$$Ws = 258097.35$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	6590.00
The Acceleration/Drag Factor is:	0.70
The Distance in Feet is:	55.95

RESULTS:

The Sliding Work Energy is:	258097.35
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www.schp.org

Printed: 2/25/2010

CASE NUMBER: CL-004-10

em # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: Energy loss for the van during the overturning phase of the collision.

* * SLIDING WORK ENERGY * *

$$Ws = w \times f \times D$$

$$Ws = 6590.00 \times 0.45 \times 85.05$$

$$Ws = 252215.77$$

 f = The Acceleration/Drag Factor.

Ws = The Sliding Work Energy.

 w = The Vehicle Weight in Pounds. D = The Distance in Feet.

INPUTS:

The Total Veh Wt in Pounds is:	6590.00
The Acceleration/Drag Factor is:	0.45
The Distance in Feet is:	85.05

RESULTS:

The Sliding Work Energy is:	252215.77
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Printed: 2/25/2010

CASE NUMBER: CL-004-10

Item # 2: 2004 Kenworth truck, blue in color, VIN 1XKDD89X34J068086

Comments: KE is total of all 4 energy losses.

* * SPEED W/ KINETIC ENERGY AND WEIGHT/MASS * *

$$S = \sqrt{\frac{30 \times KE}{W}}$$

KE = The Kinetic Energy in ft-lbs or Joules.

W = The Weight in Pounds.

S = The Speed in MPH.

30 = A Constant.

$$S = \sqrt{\frac{30 \times 5666953.12}{86590.00}}$$

$$S = \sqrt{\frac{170008593.60}{86590.00}}$$

$$S = \sqrt{1963.37}$$

$$S = 44.30$$

INPUTS:

The Kinetic Energy (ft-lb or Joules) is:	5666953.12
The Weight in Pounds is:	86590.00

RESULTS:

The Speed in MPH is:	44.30
The Velocity in FPS is:	64.97

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Printed: 2/25/2010



OFFICE OF DEFECTS INVESTIGATION (ODI)

Recalls - Search Results

1 Record(s) Displayed.

Report Date : February 1, 2010 at 08:56 AM
Search Type : VEHICLE
Make: FORD
Model or Model No.: CLUB WAGON
Model Year: 1994

Make: FORD

Model: CLUB WAGON

Model Year: 1994

Manufacturer: FORD MOTOR COMPANY

Mfr's Report Date: JUL 27, 2006

NHTSA CAMPAIGN ID Number: 06V286000

NHTSA Action Number: EA05005

Component: VEHICLE SPEED CONTROL

Potential Number of Units Affected: 1200000

Summary:

ON CERTAIN TRUCKS EQUIPPED WITH SPEED CONTROL, GASOLINE OR NATURAL GAS ENGINES, THE SPEED CONTROL DEACTIVATION SWITCH MAY OVERHEAT.

Consequence:

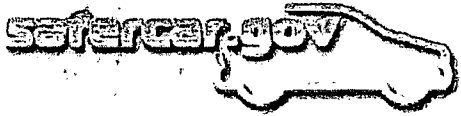
OVERHEATING COULD RESULT IN SMOKE OR BURN AND AN UNDERHOOD FIRE.

Remedy:

DEALERS WILL INSTALL A FUSED WIRING HARNESS INTO THE SPEED CONTROL SYSTEM FREE OF CHARGE. THE RECALL BEGAN ON AUGUST 7, 2006. OWNERS MAY CONTACT FORD AT 1-866-436-7332. (NOTE: ALSO SEE RECALLS 05V017 AND 05V388)

Notes:

FORD RECALL NO. 05S28. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

**OFFICE OF DEFECTS INVESTIGATION (ODI)****Recalls - Search Results**

12 Record(s) Displayed.

Report Date : **February 1, 2010 at 09:00 AM**Search Type : **VEHICLE**Make: **KENWORTH**Model or Model No.: **T800**Model Year: **2004****Make:** KENWORTH**Model:** T800**Model Year:** 2004**Manufacturer:** PACCAR INCORPORATED**Mfr's Report Date:** APR 12, 2004**NHTSA CAMPAIGN ID Number:** 04V174000**NHTSA Action Number:** N/A**Component:** ELECTRICAL SYSTEM:WIRING**Potential Number of Units Affected:** 25**Summary:**

CERTAIN TRUCKS EQUIPPED WITH EATON FULLER ULTRASONIC TRANSMISSIONS FAIL TO COMPLY WITH THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 102, "TRANSMISSION SHIFT LEVER SEQUENCE, STARTER INTERLOCK AND TRANSMISSION BRAKING EFFECT." THE CAB TRANSMISSION HARNESS COULD HAVE BEEN INCORRECTLY WIRED DURING PRODUCTION INSTALLATION.

Consequence:

THIS COULD CAUSE THE NEUTRAL START FEATURE OF THE TRANSMISSION TO DISABLE ALLOWING THE VEHICLE TO START IN GEAR INCREASING THE POTENTIAL FOR A CRASH.

Remedy:

DEALERS WILL REPAIR THE CONNECTIONS IN THE WIRING HARNESS IF NECESSARY. OWNER NOTIFICATION BEGAN ON MAY 7, 2004. OWNERS SHOULD CONTACT KENWORTH AT 1-425-828-5440.

Notes:

KENWORTH RECALL NO. 04KW1. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH**Model:** T800**Model Year:** 2004**Manufacturer:** PACCAR INCORPORATED**Mfr's Report Date:** JUL 14, 2004**NHTSA CAMPAIGN ID Number:** 04V356000**NHTSA Action Number:** N/A**Component:** EQUIPMENT:OTHER:LABELS**Potential Number of Units Affected:** 92**Summary:**

CERTAIN TRUCKS FAIL TO CONFORM TO THE REQUIREMENTS OF FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 120, 'TIRE SELECTION AND RIMS FOR MOTOR VEHICLES OTHER THAN PASSENGER CARS.' THE TIRE PRESSURE WAS OMITTED FROM THE VEHICLE'S CERTIFICATION LABEL.

Consequence:

IF THE TIRE IS OPERATED IN AN UNDER-INFLATED CONDITION, THE LOAD CARRYING CAPACITY OF THE VEHICLE MAY BE COMPROMISED, INCREASING THE RISK OF A CRASH.

Remedy:

OWNERS WILL BE PROVIDED WITH A CORRECTED LABEL. THE RECALL BEGAN AUGUST 12, 2004. OWNERS SHOULD CONTACT KENWORTH AT 1-425-828-5440.

Notes:

PACCAR/KENWORTH RECALL NO. 04KW2. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH**Model:** T800**Model Year:** 2004**Manufacturer:** PACCAR INCORPORATED**Mfr's Report Date:** JUL 20, 2004**NHTSA CAMPAIGN ID Number:** 04V360000**NHTSA Action Number:** N/A**Component:** ELECTRICAL SYSTEM:WIRING:FRONT UNDERHOOD**Potential Number of Units Affected:** 15**Summary:**

ON CERTAIN TRUCKS EQUIPPED WITH A COMBINATION OF CATERPILLAR C11/C13 ENGINES AND AN OPTIONAL LEECE NEVILLE BRUSHLESS ALTERNATOR, A CHAFFING POINT MAY EXIST BETWEEN A HEAT SHIELD ON THE ENGINE AND THE WIRING FOR THE ALTERNATOR.

Consequence:

THIS COULD LEAD TO AN ELECTRICAL SHORT OR ARC SITUATION WHICH COULD RESULT IN AN ENGINE FIRE.

Remedy:

DEALERS WILL CHANGE THE ALTERNATOR TO A BRUSH-TYPE ALTERNATOR THAT IS SHORTER IN LENGTH AND PROVIDE THE NECESSARY CLEARANCE TO ALL SURROUNDING COMPONENTS. THE RECALL BEGAN AUGUST 31, 2004. OWNERS SHOULD CONTACT KENWORTH AT 1-425-828-5440.

Notes:

PACCAR/KENWORTH RECALL NO. 04KW3. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH**Model:** T800**Model Year:** 2004**Manufacturer:** PACCAR INCORPORATED**Mfr's Report Date:** SEP 13, 2004**NHTSA CAMPAIGN ID Number:** 04V449000**NHTSA Action Number:** N/A**Component:** POWER TRAIN:DRIVELINE:UNIVERSAL JOINT**Potential Number of Units Affected:** 203**Summary:**

ON CERTAIN TRUCKS BUILT WITH THE OPTIONAL DANA SPL DRIVELINE, THE U-JOINT FASTENERS AT THE OUTPUT YOKE OF THE TRANSMISSION WERE NOT PROPERLY TIGHTENED.

Consequence:

IF THE U-JOINTS WERE TO BECOME LOOSE, A PORTION OF THE DRIVELINE COULD BECOME DETACHED FROM THE VEHICLE AND FALL OUT FROM UNDER THE VEHICLE, WHICH COULD CAUSE A CRASH.

Remedy:

DEALERS WILL VERIFY THE TORQUE OF THE U-JOINT FASTENERS. PARTS SHOWING EXCESSIVE WEAR WILL BE REPLACED. THE RECALL BEGAN ON NOVEMBER 12, 2004. OWNERS SHOULD CONTACT KENWORTH AT 1-425-828-5440.

Notes:

KENWORTH RECALL NO. 04KW6. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: OCT 20, 2004

NHTSA CAMPAIGN ID Number: 04V533000

NHTSA Action Number: N/A

Component: STRUCTURE

Potential Number of Units Affected: 2851

Summary:

ON CERTAIN TRUCKS, SOME OF THE HUCK BOLTS ON THE CAB MAY NOT HAVE BEEN PROPERLY INSTALLED.

Consequence:

IF THE HUCK BOLTS ARE NOT PROPERLY INSTALLED, IN AN EXTREME LOADING CONDITION (SUCH AS FRONTAL AND/OR SIDE IMPACT OR A VEHICLE ROLLOVER SITUATION), THE CAB STRUCTURE COULD BE COMPROMISED AND NOT PROVIDE ADEQUATE PROTECTION FOR THE OCCUPANT INCREASING THE RISK OF PERSONAL INJURY.

Remedy:

DEALERS WILL INSPECT AND REPLACE THE HUCK BOLTS ON THE CAB ATTACHING STRUCTURE OF THE LEFT-HAND DOOR APERTURE, IF NECESSARY. THE RECALL BEGAN ON NOVEMBER 19, 2004. OWNERS SHOULD CONTACT KENWORTH AT 425-828-5440.

Notes:

KENWORTH'S RECALL NO. 04KW7. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: DEC 09, 2004

NHTSA CAMPAIGN ID Number: 04V580000

NHTSA Action Number: N/A

Component: ELECTRICAL SYSTEM:WIRING

Potential Number of Units Affected: 4322

Summary:

ON CERTAIN TRUCKS, THE POWER FEED HARNESS P92-1993 TERMINALS WERE NOT PROPERLY CRIMPED.

Consequence:

THIS COULD LEAD TO INTERMITTENT POWER LOSS AFFECTING THE ELECTRICAL SYSTEM AND POSSIBLY RESULT IN A FIRE.

Remedy:

DEALERS WILL REPLACE THE HARNESS. THE RECALL BEGAN JANUARY 13, 2005. OWNERS SHOULD

CONTACT KENWORTH AT 1-425-828-5440.

Notes:

PACCAR/KENWORTH RECALL NO. 04KW8. CUSTOMERS CAN ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S AUTO SAFETY HOTLINE AT 1-888-DASH-2-DOT (1-888-327-4236).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: MAR 04, 2005

NHTSA CAMPAIGN ID Number: 05V084000

NHTSA Action Number: N/A

Component: ENGINE AND ENGINE COOLING

Potential Number of Units Affected: 39

Summary:

ON CERTAIN TRUCKS EQUIPPED WITH WEBASTO HEATERS, THE BURNER TUBES ARE MADE OF MATERIAL THAT DOES NOT MEET SPECIFICATIONS AND COULD FAIL PREMATURELY.

Consequence:

SHOULD THE BURNER TUBE FAIL, THE COOLANT HEATER COULD OVERHEAT, POSSIBLY RESULTING IN A FIRE.

Remedy:

DEALERS WILL REPLACE THE SUSPECTED DEFECTIVE PARTS FREE OF CHARGE. THE RECALL BEGAN ON APRIL 4, 2004. OWNERS MAY CONTACT KENWORTH AT 425-828-5440 OR PETERBILT AT 940-591-4201.

Notes:

KENWORTH'S RECALL NO. 05KW1 & PETERBILT'S NO. 305-A. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: APR 27, 2005

NHTSA CAMPAIGN ID Number: 05V189000

NHTSA Action Number: N/A

Component: SUSPENSION

Potential Number of Units Affected: 1026

Summary:

ON CERTAIN HEAVY DUTY CLASS 8 TRUCKS, THE SUSPENSION HAS TRANSVERSE BEAM CASTINGS THAT MAY FRACTURE UNDER NORMAL LOADS. IF A CASTING BREAKS WHEN THE VEHICLE IS TRAVELING ON A ROADWAY THERE IS THE POTENTIAL FOR PIECES OF THE CASTING TO BECOME PROJECTILES AND THE SUSPENSION'S TRANSVERSE BEAM MAY DROP DOWN LOW ENOUGH TO CONTACT THE ROAD SURFACE.

Consequence:

THIS COULD CAUSE SPARKS THAT COULD POTENTIALLY IGNITE AND CAUSE A FIRE.

Remedy:

DEALERS WILL INSPECT AND REPLACE THE DEFECTIVE TRANSVERSE BEAM ASSEMBLIES FREE OF CHARGE. THE RECALL BEGAN ON JUNE 10, 2005, WITH LETTERS BEING MAILED TO PETERBILT OWNERS; AND ON JUNE 17, 2005, FOR KENWORTH OWNERS. OWNERS MAY CONTACT PETERBILT AT 940-591-4201 OR KENWORTH AT 425-828-5440.

Notes:

PETERBILT RECALL NO. 405-B AND KENWORTH RECALL NO. 05KW3. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: DEC 21, 2005

NHTSA CAMPAIGN ID Number: 05V570000

NHTSA Action Number: PE05049

Component: ENGINE AND ENGINE COOLING

Potential Number of Units Affected: 30995

Summary:

ON CERTAIN TRACTORS EQUIPPED WITH CATERPILLAR DIESEL ENGINES, THE VARIABLE VALVE ACTUATION OIL LINE MAY WEAR AGAINST THE SHARP EDGE OF THE CYLINDER HEAD IF NOT POSITIONED CORRECTLY.

Consequence:

THE OIL LINE MAY BE CUT ON THE CYLINDER HEAD CAUSING AN OIL LEAK AND A POSSIBLE FIRE.

Remedy:

CATERPILLAR, IN CONJUNCTION WITH PACCAR, WILL BE CONDUCTING THE OWNER NOTIFICATION AND REMEDY FOR THIS CAMPAIGN FREE OF CHARGE. OWNERS MAY CALL CATERPILLAR AT 309-675-6496, KENWORTH AT 425-828-5440; OR PETERBILT AT 940-591-4201.

Notes:

KENWORTH RECALL NO. 05KW7 AND PETERBILT RECALL NO. 1205E. CUSTOMERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: MAR 14, 2007

NHTSA CAMPAIGN ID Number: 07V107000

NHTSA Action Number: N/A

Component: POWER TRAIN:AUTOMATIC TRANSMISSION

Potential Number of Units Affected: 4592

Summary:

ON CERTAIN TRUCKS, THE WIRING, PARTS, OR TRANSMISSION PROGRAMMING REQUIRED FOR THE AUTO NEUTRAL FEATURE TO FUNCTION AS DESIGNED WERE EITHER NOT INSTALLED, CONNECTED, OR PROGRAMMED PROPERLY.

Consequence:

IF ANY OF THESE CONDITIONS EXISTS, THE TRANSMISSION WILL NOT AUTOMATICALLY SHIFT INTO NEUTRAL WHEN LEFT IN DRIVE WITH THE PARKING BRAKE SET ENGAGED. THE VEHICLE COULD MOVE WITHOUT WARNING INCREASING THE RISK OF A CRASH.

Remedy:

DEALERS WILL INSPECT THE AFFECTED VEHICLES TO ENSURE THE AUTO NEUTRAL FEATURE FUNCTIONS PROPERLY AND, IF NEEDED, WILL MAKE THE NECESSARY REPAIRS FREE OF CHARGE. THE RECALL BEGAN ON MAY 9, 2007. OWNERS MAY CONTACT KENWORTH AT 425-828-5440.

Notes:

KENWORTH RECALL NO. 07KW3. CUSTOMERS MAY CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY: 1-800-424-9153); OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: SEP 23, 2008

NHTSA CAMPAIGN ID Number: 08V485000

NHTSA Action Number: N/A

Component: SUSPENSION

Potential Number of Units Affected: 130

Summary:

PACCAR IS RECALLING 130 MY 2004-2009 T2000, T800, T600, W900 AND T660 KENWORTH TRUCKS BUILT WITH AN AG400 REAR SUSPENSION, LONG STROKE BRAKE CHAMBERS, AND WIDE BASE TIRES (SUPER SINGLES). THESE VEHICLES MAY DEVELOP AN INCREASE IN LATERAL AND VERTICAL AXLE MOVEMENT. THIS MOVEMENT MAY CAUSE PART OR PARTS OF THE BRAKE ASSEMBLY (BRAKE CAM TUBE SUPPORT, BRAKE CHAMBER BRACKET, BRAKE CHAMBER, BRAKE SPIDER) TO DEVELOP FATIGUE CRACKS, POSSIBLY RESULTING IN THE FAILURE OF THE PART OR PARTS WITHIN THE BRAKE ASSEMBLY.

Consequence:

A FAILURE MAY REDUCE VEHICLE BRAKE PERFORMANCE, INCREASING THE RISK OF A CRASH.

Remedy:

DEALERS WILL INSTALL THE CAM TUBE SUPPORT BRACKETS ON ALL OF THE REAR AXLE WHEEL ENDS. INSPECT THE REAR AXLE BRAKE ASSEMBLY AND REPLACE IT IF CRACKED. THE RECALL IS EXPECTED TO BEGIN DURING NOVEMBER 2008. OWNERS MAY CONTACT KENWORTH AT 1-425-828-5440.

Notes:

KENWORTH RECALL NO. 08KWB. CUSTOMERS MAY CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY: 1-800-424-9153); OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).

Make: KENWORTH

Model: T800

Model Year: 2004

Manufacturer: PACCAR INCORPORATED

Mfr's Report Date: JUN 23, 2009

NHTSA CAMPAIGN ID Number: 09V239000

NHTSA Action Number: N/A

Component: SERVICE BRAKES, AIR

Potential Number of Units Affected: 3423

Summary:

KENWORTH IS RECALLING 3,423 MY 2004-2009 T2000, T800, T600, W900 AND T660 VEHICLES. INCREASED BRAKE EXCITATION IN A CERTAIN VEHICLE CONFIGURATION WHICH INCLUDES BENDIX DRUM BRAKES, WIDE BASE LOW PROFILE SINGLE TIRES, AND AN AG400 OR AG460 REAR SUSPENSION, DUE TO ITS UNIQUE BRAKE CLOCKING AND CAM TUBE LENGTH, CAN CAUSE FATIGUE AND CRACKING TO BRAKE ASSEMBLY COMPONENTS.

Consequence:

CRACKING CAN CAUSE A COMPLETE FRACTURE OF THE CAM TUBE, WHICH COULD INCREASE STOPPING DISTANCE AND DECREASE PARKING BRAKE HOLD CAPABILITY.

Remedy:

DEALERS WILL INSPECT THE REAR AXLE BRAKES ASSEMBLY, REPLACE CRACKED REAR AXLE BRAKES

ASSEMBLY COMPONENTS WHERE REQUIRED, AND INSTALL CAM TUBE SUPPORT BRACKETS ON ALL REAR AXLE WHEEL ENDS FREE OF CHARGE. THE RECALL IS EXPECTED TO BEGIN OR BEFORE JULY 25, 2009. OWNER MAY CONTACT KENWORTH AT 1-425-828-5440.

Notes:

PACCAR RECALL NO. 09KW7. OWNERS MAY ALSO CONTACT THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION'S VEHICLE SAFETY HOTLINE AT 1-888-327-4236 (TTY 1-800-424-9153), OR GO TO [HTTP://WWW.SAFERCAR.GOV](http://www.safercar.gov).



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Mechanical

- ☐ N/A
- ☐ Mechanical Notes
- ☒ General Vehicle Examination Notes
- ☐ Motorcycle Examination Notes
- ☒ CMV Examination Notes
- ☒ Lamp Analysis
- ☐ CDR Report
- ☒ Other STP Driver/Vehicle examination report
- ☐ Other _____
- ☐ Other _____

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
GENERAL VEHICLE EXAMINATION**



MAIT CASE #: CL-004-10		DATE OF EXAMINATION: 1-27-2010	
YEAR / MAKE / MODEL / COLOR 1994/Ford/Club Wagon/White		TAG # / STATE BPL724/SC	
EXAMINED BY: Miller		VIN: ☒ Dash ☐ Door ☐ Other 1FBJ531H3RHB95843	
EXAMINED AT: ☒ SCENE ☐ TOW YARD		☒ FINAL REST ☐ AFTER BEING MOVED	
VEHICLE PHOTOGRAPHED BY: Brinson			
LEFT FRONT MAKE / MODEL / SIZE Nankang/NK4X4WD/265-75R16		PRESSURE / TREAD DEPTH	
DOT #:		0 psi 8/32	
RIGHT FRONT MAKE / MODEL / SIZE Nankang/NK4X4WD/265-75R16		PRESSURE / TREAD DEPTH	
DOT #: 10W1 315 0509		48 psi 11/32	
LEFT REAR MAKE / MODEL / SIZE Nankang/NK4X4WD/265-75R16		PRESSURE / TREAD DEPTH	
DOT #:		0 psi 11/32	
RIGHT REAR MAKE / MODEL / SIZE Nankang/NK4X4WD/265-75R16		PRESSURE / TREAD DEPTH	
DOT #: 10W1 315 0309		48 psi 10/32	
ADDITIONAL TIRES / NOTES		PRESSURE / TREAD DEPTH	
DOT #:			
BRAKE PEDAL: ☒ TIGHT ☐ FREE TO FLOOR ☐ UNABLE TO CHECK			
STEERING WHEEL: ☐ TIGHT ☒ TURNS FREELY ☐ UNABLE TO CHECK ☐ IMPACT DAMAGE ☐ OCCUPANT DAMAGE			
MECHANICAL FAILURE SUSPECTED: ☐ YES ☒ NO IF YES: ☐ STEERING ☐ BRAKES ☐ TIRES ☐ SUSPENSION ☐ OTHER: _____			
MECHANIC NOTIFIED: ☐ YES ☐ NO DATE OF MECHANICAL EXAMINATION: _____			
ACM DOWNLOADABLE: ☐ YES ☒ NO DOWNLOADED: ☐ YES ☐ NO on: _____			
BULB ANALYSIS NEEDED: ☐ YES ☒ NO		TIRE /WHEEL EXAMINATION NEEDED: ☐ YES ☒ NO	
AIRBAGS DEPLOYED: ☒ N/A ☐ NO ☐ DRIVER ☐ PASSENGER ☐ DRIVER SIDE CURTAIN ☐ PASSENGER SIDE CURTAIN ☐ OTHER _____			
SEATBELT USAGE REQUESTED: ☐ YES ☒ NO			
DRIVER: ☐ YES ☐ NO ☐ N/A	MIDDLE: ☐ YES ☐ NO ☐ N/A	RIGHT: ☐ YES ☐ NO ☐ N/A	
2nd ROW: ☐ YES ☐ NO ☐ N/A	2nd ROW: ☐ YES ☐ NO ☐ N/A	2nd ROW: ☐ YES ☐ NO ☐ N/A	
3rd ROW: ☐ YES ☐ NO ☐ N/A	3rd ROW: ☐ YES ☐ NO ☐ N/A	3rd ROW: ☐ YES ☐ NO ☐ N/A	
OTHER: ☐ YES ☐ NO ☐ N/A	OTHER: ☐ YES ☐ NO ☐ N/A	OTHER: ☐ YES ☐ NO ☐ N/A	
EJECTION ANALYSIS NEEDED: ☐ YES ☒ NO			

NOTES: _____

CL-44-10

[illegible]

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
BRAKE AND TIRE DATA (UNIT# 2)**



MAIT CASE #: CL-004-10		DATE OF EXAMINATION: 1-27-2010	
EXAMINED BY: Miller		PHOTOGRAPHED BY: Brinson	
EXAMINED AT: ☒ SCENE ☐ TOW YARD		☒ FINAL REST ☐ AFTER BEING MOVED	
BRAKES TYPE: ☐ N/A ☒ AIR ☐ ELECTRIC ☐ HYDRAULIC ☐ OTHER			
MECHANICAL FAILURE SUSPECTED: ☐ YES ☒ NO IF YES: ☐ BRAKES ☐ TIRES			
MECHANIC NOTIFIED: ☐ YES ☐ NO DATE OF MECHANICAL EXAMINATION:			
TIRE /WHEEL EXAMINATION NEEDED: ☐ YES ☒ NO		BRAKE EXAMINATION NEEDED: ☐ YES ☐ NO	
BRAKE / TIRE / DATA			
LIMITING VALVE: ☐ NONE ☒ AUTOMATIC ☐ MANUAL		ABS: ☒ YES ☐ NO	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Steelmark/AHD II/11R24.5		PRESSURE / TREAD DEPTH 22/32	
TIRE LOCATION: Left drive outside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Bridgestone/R195/11R24.5		PRESSURE / TREAD DEPTH 13/32	
TIRE LOCATION: Forward rear outside right		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Sumitomo/ST908/11R24.5		PRESSURE / TREAD DEPTH 10/32	
TIRE LOCATION: Forward rear inside right		DOT # U24F6X3W4906	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Bridgestone/R195/11R24.5		PRESSURE / TREAD DEPTH 11/32	
TIRE LOCATION: Forward rear inside left		DOT # 2C4F3AW2208	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Bridgestone/R195/11R24.5		PRESSURE / TREAD DEPTH 12/32	
TIRE LOCATION: Forward rear outside left		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Hankook/All season Radial/11R24.5		PRESSURE / TREAD DEPTH 7/32	
TIRE LOCATION: Right rear outside		DOT #	
NOTES:			
Mitchell MAIT 062			
BRAKE DATA NEEDED: ☐ YES ☒ NO		ADDITIONAL TIRES / BRAKES: ☒ YES ☐ NO	

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
ADDITIONAL BRAKE AND TIRE DATA (UNIT# 2)**



Mitchell
MAIT 063

CASE #: CL-004-10		DATE OF EXAMINATION: 1-27-1010	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 16/32	
TIRE LOCATION: Right front		DOT # A34F1KE1609	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 16/32	
TIRE LOCATION: Left front		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 16/32	
TIRE LOCATION: Right intermediate outside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Bridgestone/R195?11R24.5		PRESSURE / TREAD DEPTH 22/32	
TIRE LOCATION: Right intermediate inside		DOT # 2C4F3AW0908	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 23/32	
TIRE LOCATION: Left intermediate inside		DOT # A34F1KE4107	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Steelmark/AHD II/11R24.5		PRESSURE / TREAD DEPTH 21/32	
TIRE LOCATION: Left intermediate outside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Bridgestone/R195?11R24.5		PRESSURE / TREAD DEPTH 22/32	
TIRE LOCATION: Right rear drive outside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 22/32	
TIRE LOCATION: Right rear drive inside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☒ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE: 1.5
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: 30/30	
MAKE / MODEL / SIZE Continental/HSR/11R24.5		PRESSURE / TREAD DEPTH 22/32	
TIRE LOCATION: left rear drive insid		DOT #	
BRAKE DATA NEEDED: ☐ YES ☒ NO		ADDITIONAL TIRES / BRAKES: ☒ YES ☐ NO	
PAGE 2 OF 3			

**SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM
ADDITIONAL BRAKE AND TIRE DATA (UNIT# 2)**



MAIT CASE #: CL-004-10		DATE OF EXAMINATION: 1-27-2010	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Goodyear/GZ32EHD/11R24.5		PRESSURE / TREAD DEPTH 7/32	
TIRE LOCATION: Right rear inside		DOT #	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Sumitomo/ST908/11R24.5		PRESSURE / TREAD DEPTH 9/32	
TIRE LOCATION: Left rear inside		DOT # U24F6X3W4406	
☒ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☒ AUTO	LENGTH:	PUSHROD STROKE: 2
DRUM SIZE: 16"	LINING CLASS: EE	CHAMBER SIZE: Type 30	
MAKE / MODEL / SIZE Michelin/XZA2/11R24.5		PRESSURE / TREAD DEPTH 10/32	
TIRE LOCATION: Left rear outside		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
☐ S CAM ☐ WEDGE ☐ DISC	SLACK ADJUSTER: ☐ MAN ☐ AUTO	LENGTH:	PUSHROD STROKE:
DRUM SIZE:	LINING CLASS:	CHAMBER SIZE:	
MAKE / MODEL / SIZE		PRESSURE / TREAD DEPTH	
TIRE LOCATION:		DOT #	
BRAKE DATA NEEDED: ☐ YES ☒ NO		ADDITIONAL TIRES / BRAKES: ☐ YES ☒ NO	
PAGE 3 OF 3			

CL-44-10

Mitchell
MAIT 065

CL-104-10

Mitchell
MAIT 066

CL-104-10

The seal of the United States Customs and Border Protection is centered. It features an eagle with spread wings, a shield on its chest, and a banner in its beak. The words "UNITED STATES" are on the banner, and "CUSTOMS AND BORDER PROTECTION" is written around the eagle.

Mitchell
MAIT 067

DRIVER/VEHICLE EXAMINATION REPORT



State Transport Police
PO Box 1993
http://www.scdps.org
Blythewood, SC 29016
Phone: (803)896-5500, Fax: (803)896-5526

Report Number: SCD213000571
Inspection Date: 01/27/2010
Start Time: 08:33 AM End Time: 09:50 AM
Inspection Level: III - Driver Only
HM Inspection Type: None

THREE GEN INC
4373 LOWCOUNTRY HWY
YEMASSEE, SC 29945

USDOT#: 01182656 Phone#: (843)844-8282
MC/MX#: Fax#: State#:

Location: US 601 COLLETON COUNTY
Highway: 601
County: COLLETON, SC

MilePost: Shipper:
Origin: EHRHARDT, SC Bill of Lading:
Destination: HAMPTON, SC Cargo: O - UNMFG FORESTRY PROD

Driver: MITCHELL, RICKY S
License#: 008189255 State: SC
Date of Birth: 03/24/1962
CoDriver:
License#: State:
Date of Birth:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Company #	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	KW	2004	SC	P779580	7	1XKDD89X34J068086	50,000			
2	ST	UNK	2009	SC	PV38506	JLC-15	1292E42289T199015	80,000			

BRAKE ADJUSTMENTS No Brake Measurements Required For Level 3

VIOLATIONS

Section Code	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
395.8(f)(1)	F	D	N		N	N	Driver/Mitchell-Log Book not current last entry at 4:15pm on 01/26/2010

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: No Data for Special Checks

State Information:

CDL Check: Y. Driver Mailing Address: 14538 LOW COUNTRY HWY, Driver City, State, Zip: RUFFIN, SC 29475 Driver Race: B, Driver Sex: M

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues up to a total of \$10,000

Signature Of Repairer X: _____ Facility: _____ Date: _____

CARRIER CERTIFICATION: The undersigned certifies that all violations on this report have been corrected and action has been taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. This certification MUST BE SIGNED by the Motor Carrier and RETURNED WITHIN 15 days to the South Carolina State Transport Police, P.O. Box 1993, Blythewood, South Carolina 29016.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Mitchell
MAIT 068





SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Miscellaneous

- ☐ N/A
- ☒ DMV Driving Record(s)
- ☒ DMV Vehicle Record (s)
- ☐ Warrants
- ☐ SLED Reports
- ☐ Coroner's Report
- ☐ Autopsy Report
- ☒ Other Interpreter's Notes
- ☒ Other Fire Dept. report
- ☒ Other Climatology
- ☐ Other _____

TO: SCSHP601-00240517 20100201 08:37:11 00088101FC
 FROM: NLETS 20100201 08:37:10
 KR.GAGBI0051
 06:33 02/01/2010 61226
 06:33 02/01/2010 45572 SCSHP0600
 *264900FC27
 TXT
 OLN/051475906.PUR/C.ATH/TRP BC MILLER.
 NAME:LOPEZHERNANDEZ, BERNARDO
 ADDR:PO BOX 1041
 TRENTON GA 30752
 LIC NUM:051475906 ADAP:N
 SEX:M DOB:11/21/1982 HGT:504 WGT:180 EYE:BRO

CLASS: C ISSUE DT:01/07/2004 EXPIRE DT:11/21/2007
 TYPE:REGULAR SURR DT:08/17/2007
 RESTRICTION:A/NONE
 ENDORSEMENT:NONE
 COMMERCIAL STATUS:NOT LICENSED
 NON-COMMERCIAL STATUS:EXPIRED
 PERMIT STATUS:NONE
 ACTIVE SUSPENSIONS:NONE

DRIVER LICENSE HISTORY REPORT

*SUSPENSION: GA SERIOUS COMMERCIAL ACD CODE: W01
 SUSP DT:10/21/2008 SERV TYPE:UNKNOWN VIOL DT:09/08/2008
 SERV DT: EXPIRED DT:2008-12-20 LENGTH:00-00-00
 WITHDRAWAL TYPE:DISQUALIFIED WITHDRAWAL EXT:CDL

*CITATION:SPEEDING (72 IN 55) VIOL DT:09/08/2008 COMM OFF:N
 CRAWFORD PROBATE COURT DISP DT:10/15/2008 HAZD OFF:N
 POINTS: 02 ACC-INVOLVED:N DISP:BOND FORFEITURE ST JURIS:GA
 CONVICTION OFFENSE REFERENCE:406181 ACD CODE: S92

*SUSPENSION: SERIOUS VIOLATIONS, COMMERCIAL ACD CODE: W30
 SUSP DT:03/31/2007 SERV TYPE:UNKNOWN VIOL DT:02/16/2006
 SERV DT: EXPIRED DT:2007-05-30 LENGTH:00-00-00
 WITHDRAWAL TYPE:DISQUALIFIED WITHDRAWAL EXT:CDL

*CITATION:SPEEDING (71 IN 55) VIOL DT:02/16/2006 COMM OFF:N
 LAFAYETTE MUNICIPAL COURT DISP DT:04/17/2006 HAZD OFF:N
 POINTS: 02 ACC-INVOLVED:N DISP:BOND FORFEITURE ST JURIS:GA
 CONVICTION OFFENSE REFERENCE:406181 ACD CODE: S92

*CITATION:SPEEDING (90 IN 70) VIOL DT:07/04/2005 COMM OFF:N
 BRYAN STATE COURT DISP DT:08/23/2005 HAZD OFF:N
 POINTS: 03 ACC-INVOLVED:N DISP:BOND FORFEITURE ST JURIS:GA
 CONVICTION OFFENSE REFERENCE:406181 ACD CODE: S92

THIS RECORD IS FROM THE GEORGIA DEPARTMENT OF DRIVER SERVICES FILES AND IS TO BE USED FOR OFFICIAL COURT OR LAW ENFORCEMENT USE ONLY. GA.LAW 24-3-17 AND 40-5-2 AS AMENDED, PROVIDES FOR ANY COURT OR CLERK OF COURT ELECTRONICALLY CONNECTED BY A TERMINAL DEVICE TO THE DEPARTMENT OF DRIVER SERVICES TO RECEIVE AND USE INFORMATION OBTAINED BY THE TERMINAL WITHOUT THE NEED FOR ADDITIONAL CERTIFICATION.

END OF LICENSE NUMBER INQUIRY.

TO: SCSHP601-00240514 20100201 08:36:25 00088101F6
FROM: NLETS 20100201 08:36:25
DR.GAGS10051
06:32 02/01/2010 61212
06:32 02/01/2010 45566 SCSHP0600
*284900FC24

TXT

NAME: BERNARDO LOPEZHERNANDEZ
RESIDENCE ADDRESS: PO BOX 1041; TRENTON GA 30752.
COUNTRY: UNITED STATES
DATE OF BIRTH: 1982-11-21
HEIGHT: 504
WEIGHT: 180
EYE COLOR: BROWN
GENDER: MALE

*** DRIVER LICENSE DETAILS ***

DRIVER AUTHORIZATION ID: 051475906
JURISDICTION AUTHORITY CODE: GA
ISSUE DATE: 2004-01-07
EXPIRATION DATE: 2007-11-21
DRIVER LICENSE PERMIT QUANTITY: 0
DRIVER LICENSE COMMERCIAL CLASS CODE: C
DRIVER LICENSE NON-COMMERCIAL CLASS: MOTOR VEHICLES WITH GVWR LESS THAN 26,001 POUNDS
AND ALL VEHICLES NOT INCLUDED WITHIN CLASSES A, B, AND M.
DRIVER LICENSE NON-COMMERCIAL CLASS CODE: C
LICENSED COMMERCIAL DRIVER INDICATOR: N
DRIVER LICENSE COMMERCIAL STATUS: NOT LICENSED
LICENSED NON-COMMERCIAL DRIVER INDICATOR: N
DRIVER LICENSE NON-COMMERCIAL STATUS: EXPIRED



10 YEAR DRIVER RECORD



Customer No: 24704958		Driver License No: 8189255	
Name: MITCHELL, RICKY STANLEY			
Address: 14538 LOWCOUNTRY HWY			
City: RUFFIN	State: SC	Zip: 294754088	
County: COLLETON			
SSN: 250-39-8527	DOB: 03/24/1962	Height: 5'11	Weight: 220
Driver Training: N		Sex: M	Race: BLACK
Status - DL: NO SUSPENSION		CDL: NO DISQUALIFICATION	

License Information

Type	Class	Function	Issued	Expires	First Issued	Restrictions	Endorsements
Current							
CDL	A	Renewal	03/06/2009	03/24/2014	05/04/1992	N	N
Prior							
CDL	A	Renewal	03/22/2004	03/24/2009	05/04/1992	N	N
CDL	A	Renewal	02/14/2000	03/24/2004	05/04/1992	N	N
DL	F	Returned	03/04/1992	03/24/1996	07/20/1988	N	N

Address Change -

Date Changed: 05/05/2003

Address: 14538 LOWCOUNTRY HWY
City: RUFFIN **State:** SC **Zip:** 294754088

Point Summary

Total Current Points: 1
Driver Credit: -0
Adjusted Current Points: 1

VIOL: 421 - Speeding 10-mph or less
Violation: 05/15/2008 **Conviction:** 06/24/2008
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: D223546
Recd: 07/09/2008 **Post:** 07/10/2008
Conviction Reference:
Court Type: MAG
Violation Points: 2 **Current Points:** 1

Mitchell
 MAIT 072

10 YEAR DRIVER RECORD

Customer No: 24704958
Name: MITCHELL, RICKY STANLEY

Driver License No: 8189255

VIOL: 421 - Speeding 10-mph or less
Violation: 11/25/2006 **Conviction:** 12/07/2006
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: 52562DN
Recd: 12/19/2006 **Post:** 12/29/2006
Conviction Reference:
Court Type: MUN
Violation Points: 2 **Current Points:** 0

VIOL: 426 - Operating with improper lights
Violation: 12/14/2002 **Conviction:** 02/04/2003
ACD: E34 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: A556364
Recd: 03/17/2003 **Post:** 03/17/2003
Conviction Reference:
Court Type: MAG
Violation Points: 2 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 08/19/2002 **Conviction:** 09/12/2002
ACD: S51 **Conviction Loc Ref:**
Conviction State: SC

Ticket#: A406128
Recd: 12/16/2002 **Post:** 12/16/2002
Conviction Reference:
Court Type: MAG
Violation Points: 2 **Current Points:** 0

VIOL: 441 - Speeding more than 10 mph but LT 25 mph
Violation: 06/01/2001 **Conviction:** 06/27/2001
ACD: S92 **Conviction Loc Ref:** RL=05038 FR=11810
Conviction State: SC

Ticket#: Y793814
Actual Speed: 71 **Posted Speed:** 55
Recd: 10/16/2001 **Post:** 10/16/2001
Conviction Reference:
Court Type: MAG
Violation Points: 4 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 05/05/2001 **Conviction:** 05/24/2001
ACD: S51 **Conviction Loc Ref:** RL=05016 FR=06336
Conviction State: SC

Ticket#: 43053BW
Recd: 10/01/2001 **Post:** 10/01/2001
Conviction Reference:
Court Type: MUN
Violation Points: 2 **Current Points:** 0

VIOL: 421 - Speeding 10-mph or less
Violation: 09/04/2000 **Conviction:** 09/21/2000
ACD: S51 **Conviction Loc Ref:** RL=04567 FR=10989
Conviction State: SC

Ticket#: Y248836
Recd: 10/23/2000 **Post:** 10/23/2000
Conviction Reference:
Court Type: MAG
Violation Points: 2 **Current Points:** 0

End of Report



Current Plate

VIN: 1FBJS31H3RHB95843
Empty Weight: 3200

Year: 1994

Make: FORD

Model: CWS

Body: VN

Title Number: 770150164720966D
Status: CURRENT TITLE

Issue Date: 09/06/2006

Dup: N

Owner Number: 31318762
Owner Name: MARIN RIGHT OF WAY SERVICES, LLC
Owner Address: 817 PHILLIPS RD WALTERBORO SC, 294888381

Last Transaction: REPLACE PLATE/DECAL

Plate Number: BPL724
Date of Issue: 09/29/2008
GVW: 0
County: 15 - COLLETON
Vehicle Housed Address: 817 PHILLIPS RD WALTERBORO SC, 294888381

Plate Class: RP1, REGULAR PLATE
Plate Exp Date: 09/30/2010
Empty Weight: 3200
Municipality: 0

Vehicle Type: 1
Decal Exp Date: 09/30/2010
Equip Number:
School District: 00

Annual Fee: \$24.00

End of Report

Mitchell
MAIT 074

CL-004-10



Current Title

VIN: 1FBJS31H3RHB95843
New/Used: USED

Year: 1994 Make: FORD Model: CWS
Empty Weight: 3200

Body: VN

Title Number: 770150164720966D
Purchase Date: 08/28/2006
Odometer: 0
Sale Price: \$0.00
Vehicle Brands:
None.

Status: CURRENT TITLE
Issue Date: 09/06/2006
Legend: EXEMPT
Trade-In Amount: \$0.00

Dup: N
Salvage %: 0
Sales Tax Number: 2275362

Print Date: 09/11/2006

Owner Number: 31318762
Owner Name: MARIN RIGHT OF WAY SERVICES, LLC
Owner Address: 817 PHILLIPS RD WALTERBORO SC, 294888381

Prior Title State: SC

Prior Title Number: 770390159031587

End of Report

Mitchell
MAIT 075

CL-004-10



Insurance Information

VIN: 1FBJS31H3RHB95843
Empty Weight: 3200

Year: 1994 Make: FORD Model: CWS

Body: VN

Title Number: 770150164720966D
Status:

Issue Date: 09/06/2006

Issue Date: 09/06/2006

Dup:

Plate Number: BPL724

Owner Number: 31318762
Owner Name: MARIN RIGHT OF WAY SERVICES, LLC
Owner Address: 817 PHILLIPS RD WALTERBORO SC, 294888381

Insurance Company: 0 No current insurance on file for this vehicle
Insurance Policy:

End of Report

Mitchell
MAIT 076

UL-004-10



Current Plate

VIN: 1XKDD9X34J068086
Empty Weight: 16940

Year: 2004

Make: KW

Model: T800B

Body: TK

Title Number: 770760137297783A
Status: CURRENT TITLE

Issue Date: 01/24/2005

Dup: N

Owner Number: 30535106
Owner Name: THREE GEN INC
Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Last Transaction: IRP SERVICE

Plate Number: P779580
Date of Issue: 01/29/2010
GVW: 80000
County: 15 - COLLETON
Vehicle Housed Address: 4373 LOW COUNTRY HWY YEMASSEE SC 2994541277

Plate Class: AP APPORTIONED TRUCK
Plate Exp Date: 01/31/2011
Empty Weight: 16940
Municipality: 0

Vehicle Type: 5
Decal Exp Date: 01/31/2011
Equip Number: 7
School District: 00

Annual Fee: \$0.00

End of Report

Mitchell
MAIT 077

CL-004-10



Current Title

VIN: 1XKDDDB9X34J068086
New/Used: NEW

Year: 2004 Make: KW
Empty Weight: 16940

Model: T800B

Body: TK

Title Number: 770760137297783A
Purchase Date: 12/28/2004
Odometer: 323
Sale Price: \$0.00
Vehicle Brands:
None.

Status: CURRENT TITLE
Issue Date: 01/24/2005
Legend: ACTUAL MILEAGE
Trade-In Amount: \$0.00

Dup: N
Salvage %: 0
Sales Tax Number: 40452081

Print Date: 01/31/2005

Owner Number: 30535106
Owner Name: THREE GEN INC
Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Prior Title State:

Prior Title Number:

Lien No: 1
Lien Holder Name: PACCAR FINANCIAL CORP
Lien Holder Address: 3805 CRESTWOOD PKWY NW 300 DULUTH GA, 300967164
Lien Date: 12/28/2004

Lien Satisfaction Date:

End of Report

Mitchell
MAIT 078

CL-004-10



Insurance Information

VIN: 1XKDDDB9X34J068086
Empty Weight: 16940

Year: 2004

Make: KW

Model: T800B

Body: TK

Title Number: 770760137297783A
Status:

Issue Date: 01/24/2005

Issue Date: 01/24/2005

Dup:

Plate Number: P779580

Owner Number: 30535106

Owner Name: THREE GEN INC

Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Insurance Company: 25054 HUDSON INSURANCE COMPANY

Insurance Policy: HOD20017901

End of Report

Mitchell
MAIT 079

CL-004-10



Current Plate

VIN: 1Z92E42289T199015
Empty Weight: 10450

Year: 2009

Make: INNT

Model: IWS-42

Body: TL

Title Number: 770150194712496A
Status: CURRENT TITLE

Issue Date: 07/25/2008

Dup: N

Owner Number: 30535106
Owner Name: THREE GEN INC
Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Last Transaction: COUNTY RENEW ERROR

Plate Number: PV38506
Date of Issue: 07/25/2008
GVW: 0

Plate Class: PT PERMANENT TRAILER

Plate Exp Date:

Empty Weight: 10450

Municipality: 0

Vehicle Type: 6

Decal Exp Date:

Equip Number:

School District: 00

Annual Fee: \$87.00

Vehicle Housed Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

End of Report

Mitchell
MAIT 080

CL-004-10



Current Title

VIN: 1Z92E42289T199015
New/Used: NEW

Year: 2009 Make: INNT Model: IWS-42
Empty Weight: 10450

Body: TL

Title Number: 770150194712496A
Purchase Date: 06/12/2008
Odometer: 0
Sale Price: \$33,500.00
Vehicle Brands:
None.

Status: CURRENT TITLE
Issue Date: 07/25/2008
Legend: EXEMPT
Trade-In Amount: \$0.00

Dup: N
Salvage %: 0
Sales Tax Number: 0

Print Date: 07/30/2008

Owner Number: 30535106
Owner Name: THREE GEN INC
Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Prior Title State:

Prior Title Number:

Lien No: 1
Lien Holder Name: CENTER CAPITAL CORP
Lien Holder Address: 3 FARM GLEN BLVD FARMINGTON CT, 060321960
Lien Date: 07/18/2008 Lien Satisfaction Date:

End of Report

Mitchell
MAIT 081

CL-004-10



Insurance Information

VIN: 1Z92E42289T199015
Empty Weight: 10450

Year: 2009

Make: INNT

Model: IWS-42

Body: TL

Title Number: 770150194712496A
Status:

Issue Date: 07/25/2008

Issue Date: 07/25/2008

Dup:

Plate Number: PV38506

Owner Number: 30535106

Owner Name: THREE GEN INC

Owner Address: 4373 LOW COUNTRY HWY YEMASSEE SC, 299454127

Insurance Company: 0 No current insurance on file for this vehicle

Insurance Policy:

End of Report

Mitchell
M/IT 082

UL-004-10

Myrick, Joyce A.

From: Cardona, Jaime A.
 At: Friday, January 29, 2010 5:55 AM
 To: Rush, Paul D.; Barnhill, Michael P.; Martin, Kevin B.
 Cc: Myrick, Joyce A.; Lee, David W.
 Subject: Colleton 10-7 10-14
 Attachments: Document.pdf

After reading his Miranda rights an hour or so long interview was conducted on Mr. Bernardo Lopez Hernandez at Colleton County Hospital Room 320 on January 28th, 2010.

The interview was conducted in Spanish and simultaneously translated into English. It has all the details about the collision. The interview was recorded by Cpl. Myrick of the Coastal MAIT and it is currently in her possession.

Driver:
 Bernardo Lopez Hernandez
 726 Phillips Road
 Walterboro, SC 29488
 843-538-5905
 843-909-2232
 DOB: 11/21/1982
 Georgia DL: 051475906 (Expired 11-21-2007)
 Wife: Mirian Marin (same address and ph # as above)

Occupants:
 Front row passenger: Jose Manuel Vasques (approx age 25) Hotel Mike Buckled Second row far left: Vladimir Morales (approx age 25) Hotel Mike Not Buckled Second row far right: Agustin Garcia (approx age 50) Hotel Mike Not Buckled 10-7.
 Third row Middle: Paul Vasques (approx age 24) Hotel Mike, not buckled 10-7, unknown address
 Wife: Elizabeth Lopez Marin 843-539-1599 Third row far right: Esteban Alvarado (approx age 25) Hotel Mike Not Buckled 10-7 Fourth row far left: Umberto Fuentes (approx age 23) Hotel Mike Not Buckled Fourth row far right: Emilio Fuentes (approx age 24) Hotel Mike Not Buckled (the two Fuentes in the last row were family uncle and nephew)

Owner of van and their boss who might have more details about the occupants as far as exact birthdays and addresses: Carlos Marin 817 Phillips Rd. Walterboro, SC.
 843-538-7257

I've attached a copy of his Georgia driving record and photo copies of his Mexican ID and US Social Security Card.

It's all in detail on the recorded interview, but to summarize it, he told me that they left their home early headed to Georgia to plant trees. He was approaching the intersection and saw a small white car with its headlights coming but that it looked like it was a very long distance away. He said he stopped at the blinking stop sign waited between 1-4 seconds. He said his windows were very foggy and he never saw anything but the headlights of what he thought was till the small white car very far away. He then pulled out and that is when they were struck by the tractor trailer. At no point did he say he ever saw the tractor trailer.

If I can be of any further assistance please let me know.

Jaime

A		MM DD YYYY		FDID		State		Incident Date		Station		Incident Number		Exposure		NFIRS -1 Basic	
				15501		SC		01 27 2010		18		10-0000485		000			
				FDID *		State *		Incident Date *		Station		Incident Number *		Exposure *			
B																	
Location*		☐ Street address ☒ Intersection ☐ In front of ☐ Rear of ☐ Adjacent to ☐ Directions															
		Confederate HWY Ruffin SC 29475 Broxton Bridge HWY															
C																	
Incident Type *		352 Extrication of victim(s) from Incident Type															
D																	
Aid Given or Received*		1 ☐ Mutual aid received 2 ☐ Automatic aid recvd. 3 ☐ Mutual aid given 4 ☐ Automatic aid given 5 ☐ Other aid given N ☒ None															
E1																	
Date & Times		Midnight is 0000 Check boxes if dates are the same as alarm Alarm * 01 27 2010 07:14:48 Arrival * 01 27 2010 07:16:59 Controlled 01 27 2010 09:01:17 Last Unit 01 27 2010 09:01:17 Cleared 01 27 2010 09:01:17															
E2																	
Shift & Alarms		01 18 Shift or Alarm															
E3																	
Special Studies		Special Study ID# Special Study Value															
F																	
Actions Taken *		33 Provide advanced life 34 Transport person 23 Extricate, disentangle															
G1																	
Resources *		Apparatus Personnel Suppression EMS Other 0014 0016															
G2																	
Estimated Dollar Losses & Values		LOSSES: Required for all fires if known optional for non fires Property \$ 000,000 Contents \$ 000,000 PRE-INCIDENT VALUE: optional Property \$ 000,000 Contents \$ 000,000															
Completed Modules																	
		Fire-2 Structure-3 Civil Fire Cas.-4 Fire Serv. Cas.-5 EMS-6 HazMat-7 Wildland Fire-8 ☒ Apparatus-9 ☒ Personnel-10 ☐ Arson-11															
H1																	
Casualties		Deaths Injuries Fire Service Civilian H2 Detector 1 ☐ Detector alerted occupants 2 ☐ Detector did not alert them 0 ☐ Unknown															
H3																	
Hazardous Materials Release		1 ☐ Natural Gas: slow leak, no evacuation or HazMat actions 2 ☐ Propane gas: 11 lb. tank (as to home BBQ grill) 3 ☐ Gasoline: vehicle fuel tank or portable container 4 ☐ Kerosene: fuel burning equipment or portable storage 5 ☐ Diesel fuel/fuel oil: vehicle fuel tank or portable 6 ☐ Household solvents: home/office spill, cleanup only 7 ☐ Motor oil: from engine or portable container 8 ☐ Paint: from paint cans totaling < 15 gallons 0 ☐ Other: Special HazMat actions required or spill > 55gal. Please complete the HazMat form															
I																	
Mixed Use Property		NN ☐ Not Mixed 10 ☐ Assembly use 20 ☐ Education use 33 ☐ Medical use 40 ☐ Residential use 51 ☐ Row of stores 53 ☐ Enclosed mall 58 ☐ Bus. & Residential 59 ☐ Office use 60 ☐ Industrial use 63 ☐ Military use 65 ☐ Farm use 00 ☐ Other mixed use															
J																	
Property Use*		Structures 131 ☐ Church, place of worship 161 ☐ Restaurant or cafeteria 162 ☐ Bar/Tavern or nightclub 213 ☐ Elementary school or kindergarten 215 ☐ High school or junior high 241 ☐ College, adult education 311 ☐ Care facility for the aged 331 ☐ Hospital Outside 124 ☐ Playground or park 655 ☐ Crops or orchard 669 ☐ Forest (timberland) 807 ☐ Outdoor storage area 919 ☐ Dump or sanitary landfill 931 ☐ Open land or field															
		341 ☐ Clinic, clinic type infirmary 342 ☐ Doctor/dentist office 361 ☐ Prison or jail, not juvenile 419 ☐ 1-or 2-family dwelling 429 ☐ Multi-family dwelling 439 ☐ Rooming/boarding house 449 ☐ Commercial hotel or motel 459 ☐ Residential, board and care 464 ☐ Dormitory/barracks 519 ☐ Food and beverage sales 539 ☐ Household goods, sales, repairs 579 ☐ Motor vehicle/boat sales/repair 571 ☐ Gas or service station 599 ☐ Business office 615 ☐ Electric generating plant 629 ☐ Laboratory/science lab 700 ☐ Manufacturing plant 819 ☐ Livestock/poultry storage(barn) 882 ☐ Non-residential parking garage 891 ☐ Warehouse 936 ☐ Vacant lot 938 ☐ Graded/care for plot of land 946 ☐ Lake, river, stream 951 ☐ Railroad right of way 960 ☐ Other street 961 ☒ Highway/divided highway 962 ☐ Residential street/driveway															
		981 ☐ Construction site 984 ☐ Industrial plant yard Property Use 961 Highway or divided highway															

K1 Person/Entity Involved

Local Option

Business name if applicable

Area Code

Phone Number

☐ If this box is checked, address is not location. Then skip the three duplicate address lines.

Mr. Ms. Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt. Suite Room	City	
State	Zip Code			

☐ More people involved? Check this box and attach Supplemental Forms (NFIRS-1S) as necessary

K2 Owner

☐ Same as person involved? Then check this box and skip the rest of this section

Business name if applicable

Area Code

Phone Number

☐ Check this box if same address as incident location. Then skip the three duplicate address lines.

Mr. Ms. Mrs.	First Name	MI	Last Name	Suffix
Number	Prefix	Street or Highway		Street Type
Post Office Box		Apt. Suite Room	City	
State	Zip Code			

L Remarks

Local Option

Station 1 - R-1 arrived on scene to provide manpower.

Station 18 - E-18 responded to above location for MVA with entrapment. On arrival U-76 instructed by command to deploy a hoseline for fire hazards. The front jumpline was deployed and charged. U-76 then assisted with pt extrication and pt care. Once all pts were extricated and receiving treatment. E-18 was released by command and returned to quarters.

R-18 responded to MVA at Broxton Bridge and Confederate Hwy intersection with confirmed entrapment. Upon arrival assumed Rescue command. Hydraulic pump, spreaders, and cutters removed from R-18 and placed on blue tarp beside van. Lodge Rescue Squad on scene attempting to gain access to pt with tools, but unsuccessful. Colleton County Fire personnel assumed extrication and gained access to pt by removing passenger side rear quarter panel and side posts of van. Four step cribbings were placed on drivers side of van. Two cribbing behind front tire and two behind rear tire. Two sawzalls also used to remove side panel of van. Pt removed on long spine board with c-spine maintained. R-18 released by command. Returned to Station 18.

Unit 21 - Unit 78 (Capt. Campbell) responded to the scene from his residence in Ehrhardt. in Truck 16 (ALS First Response Unit) He was the first emergency services unit to arrive. He found a tractor trailer overturned laying on the driver's side off the roadway, down a small embankment. The rear of the trailer was in the southbound lane. The truck had spilled a portion of it's load of wood chips onto the highway and the scene. due to the forward section of the roof failing. A white, full sized Ford van was sitting upright, off of the roadway in front of the tractor trailer. The van received heavy damage and appeared to have rolled over

L Authorization

78	Campbell, Joseph S.	LT		01	23	2010
Officer in charge ID	Signature	Position or rank	Assignment	Month	Day	Year

349	Laney, Janet G	FPA		01	23	2010
There are 11 more boxes in this section. Member making report ID of change	Signature	Position or rank	Assignment	Month	Day	Year

15501	SC	1	27	2010	18	10-0000485	000
FDMP *	State *	Incident Date *			Station	Incident Number *	Exposure *

Complete Narrative

Narrative:

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As other units arrived on the scene, Rescue 1, Truck 16, Truck 12, Truck 111, Medic 27, they were given assignments. The Rescue Sector used hydraulic rescue tools to fold down the passenger side of the van to allow full access to the patients. They were treated in the vehicle, immobilized and removed to the appropriate transport vehicle.

Omniflight Charleston and Lifenet helicopters arrived at the same time and coordinated their landings between the pilots. Both units were on the ground at the same time. The Bamberg patient was transported by Lifenet to Richland Memorial Hospital in Columbia. Medic 26 and Medic 27 transported patients to Colleton Medical Center. Two patients were flown by Omniflight Charleston and Omniflight Savannah to MUSC in Charleston. Three patients were deceased. The Coroner's Office responded and transported all three bodies to the morgue. The SCHP investigated the accident. STP, CCSO and DNR Officers were also on the scene.

The Coroner's Office provided the following names of the deceased.

Mitchell
MAIT 086

15501	SC	MM	DD	YYYY	18	10-0000485	000
MM	State *	MM	DD	YYYY	Station	Incident Number *	Exposure *

Complete
Narrative

Name: live:

Paul Vasquez Serrano, 22 year old hispanic male was found inside the van, supine with one leg outside a driver's side window.

Estaban Alvarado Rivera, 23 year old hispanic male was in front of the tractor trailer with his head slightly under the front wheel. He was prone.

Agustine Garcia Luna, 59 year old hispanic male was found RLR on the ground on the driver's side of the van.

CL-004-10

A	15301	SC	1	27	2010	18	10-0000485	000	☐ Delete ☐ Change	Vehicle Accident Information
FDID *	State *	Incident Date *	Station	Incident Number *	Exposure *					
Mobile Property Type	23 Trailer - semi. designed for					Accident Type				
Vehicle Found						Position in vehicle				
Ejection/Entrapment										
Vehicle Make	vehicle license					State				
VIN	Drivers's License#					State				
Extrication Required?	No	Minutes Required			Extrication Agency			CCPR - Colleton County		
Mobile Property Type	11 Automobile passenger car.					Accident Type				
Vehicle Found						Position in vehicle				
Ejection/Entrapment										
Vehicle Make	vehicle license					State				
VIN	Drivers's License#					State				
Extrication Required?	No	Minutes Required			Extrication Agency			CCPR - Colleton County		

15501 SC 1 27 2010 18 10-0000485 000 Incident # State Incident Date Station Incident Number Exposure		MIRS - 9 Apparatus or Resources							
B Apparatus or * Source	Date and Times (Check if same as alarm date) Month Day Year Hour Min					Sent ☒	Number of * People	Use (Check this box for each apparatus to indicate its main use at the incident.) ☐ Suppression ☐ EMS ☒ Other	Actions Taken
	1 ID 78 Type 92	Dispatch ☒ 1 27 2010 07:19 Arrival ☒ 1 27 2010 07:25 Clear ☒ 1 27 2010 09:01	☒	0	☐ Suppression ☐ EMS ☒ Other				
2 ID B1 Type 92	Dispatch ☒ 1 27 2010 07:25 Arrival ☒ 1 27 2010 07:51 Clear ☒ 1 27 2010 08:44	☒	1	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
3 ID DIST23 Type NN	Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:34 Clear ☒ 1 27 2010 09:01	☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
4 ID DIST3 Type NN	Dispatch ☒ 1 27 2010 07:28 Arrival ☒ 1 27 2010 07:28 Clear ☒ 1 27 2010 09:01	☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
5 ID DIST4 Type NN	Dispatch ☒ 1 27 2010 07:22 Arrival ☒ 1 27 2010 07:42 Clear ☒ 1 27 2010 08:38	☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
6 ID E18 Type 11	Dispatch ☒ 1 27 2010 07:22 Arrival ☒ 1 27 2010 07:45 Clear ☒ 1 27 2010 08:38	☒	1	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
7 ID E23 Type 11	Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:34 Clear ☒ 1 27 2010 09:01	☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
8 ID LIFE Type 43	Dispatch ☒ 1 27 2010 07:29 Arrival ☒ 1 27 2010 08:06 Clear ☒ 1 27 2010 08:18	☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				
9 ID M18 Type 76	Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:16 Clear ☒ 1 27 2010 08:54	☒	2	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐				

A	15501	SC	MM DD YYYY 1 27 2010	18	10-0000485	000	☐ Delete ☐ Change	NFIRS - 9 Apparatus or Resources
	FDLE *	State *	Incident Date *	Station	Incident Number *	Location *		

B Apparatus or * Resource	Date and Times Check if same as alarm date Month Day Year Hour Min	Sent ☒	Number of * People	Use Check one box for each apparatus to indicate its main use at the incident	Actions Taken
1 ID M26 Type 76	Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:39 Clear ☒ 1 27 2010 08:27	☒	2	☐ Suppression ☐ EMS ☒ Other	
2 ID M27 Type 76	Dispatch ☒ 1 27 2010 07:25 Arrival ☒ 1 27 2010 07:44 Clear ☒ 1 27 2010 08:12	☒	2	☐ Suppression ☐ EMS ☒ Other	
3 ID MEDU Type 43	Dispatch ☒ 1 27 2010 07:29 Arrival ☒ 1 27 2010 08:06 Clear ☒ 1 27 2010 08:14	☒	0	☐ Suppression ☐ EMS ☒ Other	
4 ID R1 Type 71	Dispatch ☒ 1 27 2010 07:21 Arrival ☒ 1 27 2010 07:50 Clear ☒ 1 27 2010 08:42	☒	3	☐ Suppression ☐ EMS ☒ Other	
5 ID RESCUE Type NN	Dispatch ☒ 1 27 2010 07:21 Arrival ☒ 1 27 2010 07:50 Clear ☒ 1 27 2010 08:42	☒	0	☐ Suppression ☐ EMS ☒ Other	
6 ID Type	Dispatch ☐ Arrival ☐ Clear ☐	☐		☐ Suppression ☐ EMS ☐ Other	
7 ID Type	Dispatch ☐ Arrival ☐ Clear ☐	☐		☐ Suppression ☐ EMS ☐ Other	
8 ID Type	Dispatch ☐ Arrival ☐ Clear ☐	☐		☐ Suppression ☐ EMS ☐ Other	
9 ID Type	Dispatch ☐ Arrival ☐ Clear ☐	☐		☐ Suppression ☐ EMS ☐ Other	

Type of Apparatus or Resources

Ground Fire Suppression

- 11 Engine
- 12 Truck or aerial
- 13 Quint
- 14 Tanker & pumper combination
- 15 Brush truck
- 17 ARF (Aircraft Rescue and Firefighting)
- 10 Ground fire suppression, other

Heavy Ground Equipment

- 21 Dozer or plow
- 22 Tractor
- 24 Tanker or tender
- 20 Heavy equipment, other

Aircraft

- 41 Aircraft: fixed wing tanker
- 42 Helitanker
- 43 Helicopter
- 40 Aircraft, other

Marine Equipment

- 51 Fire boat with pump
- 52 Boat, no pump
- 50 Marine apparatus, other

Support Equipment

- 61 Breathing apparatus support
- 62 Light and air unit
- 60 Support apparatus, other

Medical & Rescue

- 71 Rescue unit
- 72 Urban Search & rescue unit
- 73 High angle rescue unit
- 75 BLS unit
- 76 ALS unit
- 70 Medical and rescue unit, other

 More Apparatus?
 Use Additional
 Sheets

Other

- 91 Mobile command post
- 92 Chief officer car
- 93 HazMat unit
- 94 Type 1 hand crew
- 95 Type 2 hand crew
- 99 Privately owned vehicle
- 00 Other apparatus/resource

 NN None
 UU Undetermined

A	15501	SC	1	27	2010	18	10-0000485	000	☐ Delete ☐ Image	NFIRS - 10 Personnel
Station Incident Number Exposure										

Status or Source	Date and Times	Sent	Number of People	Use	Actions Taken
Use codes listed below.	Check off date as shown below Month Day Year Hours/mins	☐		Check ONE box for each apparatus to indicate its main use at the incident.	List up to 4 actions for each apparatus and each personnel.
1 ID 78 Type 92	Dispatch ☒ 1 27 2010 07:19 Arrival ☒ 1 27 2010 07:25 Clear ☒ 1 27 2010 09:01	Sent ☒	0	☐ Suppression ☐ EMS ☒ Other	

Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
			☒				
			☐				
			☐				
			☐				
			☐				
			☐				

2	ID B1	Type 92	Dispatch ☒ 1 27 2010 07:25 Arrival ☒ 1 27 2010 07:51 Clear ☒ 1 27 2010 08:44	Sent ☒	1	☐ Suppression ☐ EMS ☒ Other	
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Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
91	Barb, Daniel	EC	☒				

3	ID DIST23	Type NN	Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:34 Clear ☒ 1 27 2010 09:01	Sent ☒	0	☐ Suppression ☐ EMS ☒ Other	
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Personnel ID	Name	Rank or Grade	Attend	Action Taken	Action Taken	Action Taken	Action Taken
			☒				

Mitchell
MAIT 091

A	15501	SC	1	27	2010	18	10-0000485	000	☐ Delete ☐ Change	NFIRS - 10 Personnel				
B Apparatus or Resource Use codes listed below. Date and Times Check if same as alarm date Month Day Year Hours/mins Sent ☒ Number of People ☐ Use Check ME box for each apparatus to indicate its main use at the incident. Actions Taken List up to 4 actions for each apparatus and each personnel.														
1	ID DIST3		Dispatch	☒	1	27	2010	07:28	Sent	☒	0	☐ Suppression ☐ EMS ☒ Other		
	Type NN		Arrival	☒	1	27	2010	07:28						
			Clear	☒	1	27	2010	09:01						
Personnel ID	Name	Rank or Grade	Attend	☒	Action Taken	Action Taken	Action Taken	Action Taken						
				☐										
				☐										
				☐										
				☐										
				☐										
				☐										
2	ID DIST4		Dispatch	☒	1	27	2010	07:22	Sent	☒	0	☐ Suppression ☐ EMS ☒ Other		
	Type NN		Arrival	☒	1	27	2010	07:42						
			Clear	☒	1	27	2010	08:38						
Personnel ID	Name	Rank or Grade	Attend	☒	Action Taken	Action Taken	Action Taken	Action Taken						
3	ID E18		Dispatch	☒	1	27	2010	07:22	Sent	☒	1	☐ Suppression ☐ EMS ☒ Other		
	Type 11		Arrival	☒	1	27	2010	07:45						
			Clear	☒	1	27	2010	08:38						
Personnel ID	Name	Rank or Grade	Attend	☒	Action Taken	Action Taken	Action Taken	Action Taken						
5	Murdaugh, Marshall	FEM		X										

Mitchell
MAIT 092

15501	SC	1	27	2010	18	10-0000485	000	☐ Delete	NFIRS - 10 Personnel
Unit *	State *	Incident Date *			Station	Incident Number *	Exposure *	☐ Change	

Status or source	Date and Times Month Day Year Hours/mins	Sent ☒	Number of People	Use Check this box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel
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1	ID E23 Type 11	Dispatch ☒ 1/27/2010 07:14 Arrival ☒ 1/27/2010 07:34 Clear ☒ 1/27/2010 09:01	Sent ☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐
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Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
			☐				
			☐				
			☐				
			☐				
			☐				

2	ID LIFE Type 43	Dispatch ☒ 1/27/2010 07:29 Arrival ☒ 1/27/2010 08:06 Clear ☒ 1/27/2010 08:18	Sent ☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐
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Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken

3	ID M18 Type 76	Dispatch ☒ 1/27/2010 07:14 Arrival ☒ 1/27/2010 07:16 Clear ☒ 1/27/2010 08:54	Sent ☒	2	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐
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Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken
137	Parler, Matthew	FEM	X				
525	Drawdy, David III	FPA	X				

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MAIT 093

A	FDIC *	15501	SC	State *	MM DD YYYY	1	27	2010	18	Station	10-0000485	Incident Number *	000	Exposure *	☐ Delete	☐ Change	NFIRS - 10 personnel	
B Apparatus or Resource		Date and Times Check if same as alarm date								Sent ☒	Number of People 2	Use Check one box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel.					
1 ID M26 Type 76		Dispatch ☒ 1 27 2010 07:14 Arrival ☒ 1 27 2010 07:39 Clear ☒ 1 27 2010 08:27								Sent ☒	2	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐					
Personnel ID	Name		Rank or Grade		Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken									
36	Gregg, James		FPA		X													
61	Eadon, Bryan		FEM		X													
2 ID M27 Type 76		Dispatch ☒ 1 27 2010 07:25 Arrival ☒ 1 27 2010 07:44 Clear ☒ 1 27 2010 08:12								Sent ☒	2	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐					
Personnel ID	Name		Rank or Grade		Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken									
52	Heape, Benjamin		FPA		X													
93	Bouthiller, Ted		FEM		X													
3 ID MEDU Type 43		Dispatch ☒ 1 27 2010 07:29 Arrival ☒ 1 27 2010 08:06 Clear ☒ 1 27 2010 08:14								Sent ☒	0	☐ Suppression ☐ EMS ☒ Other	☐ ☐ ☐ ☐					
Personnel ID	Name		Rank or Grade		Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken									

Mitchell
MAIT 094

15501		SC	1	27	2010	18	10-0000485	000	☐ Delete ☐ Change	NFIRS - 10 Personnel
Status or source		Date and Times Check if same as alarm date				Sent ☒	Number of People 3	Use Check use box for each apparatus to indicate its main use at the incident.	Actions Taken List up to 4 actions for each apparatus and each personnel	
1 ID R1 Type 71		Dispatch ☒	1	27	2010	07:21	Sent ☒	☐ Suppression ☐ EMS ☒ Other		
		Arrival ☒	1	27	2010	07:50				
		Clear ☒	1	27	2010	08:42				
Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken			
323	Mixson, Doug	COM	☒							
335	Mixson, Doug Jr	CHF	☒							
351	Banks, Shawn	EMI	☒							
2 ID RESCUE Type NN		Dispatch ☒	1	27	2010	07:21	Sent ☒	☐ Suppression ☐ EMS ☒ Other		
		Arrival ☒	1	27	2010	07:50				
		Clear ☒	1	27	2010	08:42				
Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken			
3 ID Type		Dispatch ☐					Sent ☐	☐ Suppression ☐ EMS ☐ Other		
		Arrival ☐								
		Clear ☐								
Personnel ID	Name	Rank or Grade	Attend ☒	Action Taken	Action Taken	Action Taken	Action Taken			
			☐							
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Mitchell
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Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
78 Lieutenant Joseph Campbell	07:19:17	07:19:20	07:25:27	09:01:10

Staff ID\Staff Name	Activity	Rank	Position	Role

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
81 Battalion 1 (Supervising Officer)	07:25:10	07:25:15	07:51:53	08:44:16

Staff ID\Staff Name	Activity	Rank	Position	Role
01 Bark, Daniel A.	Other Responses		Battalion C	

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
IST23 District 23 Personnel	07:14:48	07:15:23	07:34:28	09:01:17

Staff ID\Staff Name	Activity	Rank	Position	Role

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
IST3 District 3 Personnel	07:28:34	07:28:36	07:28:36	09:01:17

Staff ID\Staff Name	Activity	Rank	Position	Role

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
IST4 District 4 personnel	07:22:03	07:29:58	07:42:33	08:38:32

Staff ID\Staff Name	Activity	Rank	Position	Role

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
118 Engine 18	07:22:03	07:34:38	07:45:46	08:38:32

Staff ID\Staff Name	Activity	Rank	Position	Role
76 Murdaugh, Marshall F	Other Responses		Firefighter	

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
123 Engine 23	07:14:48	07:19:45	07:34:28	09:01:17

Staff ID\Staff Name	Activity	Rank	Position	Role

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10-0000485

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Responding
Units/Personnel

Unit	Notify Time	Enroute Time	Arrival Time	Cleared Time
17B Westar Helicopter	07:29:29	07:30:48	08:06:55	08:18:32

Staff ID	Staff Name	Activity	Rank	Position	Role
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18 Medic 18 07:14:48 07:16:59 07:16:59 08:54:58

Staff ID	Staff Name	Activity	Rank	Position	Role
137	Parler, Matthew S.	Other Responses	Firefighter		
525	Cravdy, David III	Other Responses	Firefighter		

26 Medic 26 07:14:48 07:16:20 07:39:10 08:27:04

Staff ID	Staff Name	Activity	Rank	Position	Role
36	Gregg, James A.	Other Responses	Firefighter		
61	Eaton, Bryan W	Other Responses	Firefighter		

27 (27 07:25:55 07:25:56 07:44:03 08:12:03

Staff ID	Staff Name	Activity	Rank	Position	Role
42	Heape, Benjamin R	Other Responses	Firefighter		
93	Bouthillier, Ted A	Other Responses	Firefighter		

EDU Meducare Helicopter 07:29:22 07:29:24 08:06:51 08:14:32

Staff ID	Staff Name	Activity	Rank	Position	Role
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1 Rescue 1 07:21:27 07:23:10 07:50:59 08:42:40

Staff ID	Staff Name	Activity	Rank	Position	Role
123	Mixson, Doug	Other Responses	Commissione		
131	Mixson, Doug Jr M	Other Responses	Chief		
151	Banks, Shawn M	Other Responses	Engineer-In		

ESQ Rescue Personnel 07:21:27 07:23:10 07:50:59 08:42:40

Staff ID	Staff Name	Activity	Rank	Position	Role
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CL-004-10

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Incident Date

2010

18

Station

10-0000485

Incident Number

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Expire

Responding
Units/Personnel

15501 SC 1 27 2010 18 10-0000485 000
Incident # Date Incident Date Station Incident Number Exposure

Responding
Personnel

Staff ID	Staff Name	Unit	Activity	Position	Rank	PayScl	Hrs	HrsPd	Pts
21	McLoy, Barry W		OR Other Responses		CHF		1.79	1.79	1.00
15	Greene, David A		OR Other Responses		OC		1.79	1.79	1.00
349	Laney, Janet G		OR Other Responses		FPA		1.79	1.79	1.00
37	Stallings, Jr., Homer		OR Other Responses		BC		1.79	1.79	1.00
161	Bunton, Tyler R		OR Other Responses		FJR		1.79	1.79	1.00
91	Barb, Daniel A.	B1	OR Other Responses		BC		1.32	1.32	1.00
76	Murdaugh, Marshall T	E18	OR Other Responses		FEM		1.79	1.79	1.00
137	Parler, Matthew S.	M18	OR Other Responses		FEM		1.67	1.67	1.00
525	Drawdy, David III	M18	OR Other Responses		FPA		1.67	1.67	1.00
36	Gregg, James A.	M26	OR Other Responses		FPA		1.20	1.20	1.00
51	Eadon, Bryan W	M26	OR Other Responses		FEM		1.20	1.20	1.00
62	Heape, Benjamin R	M27	OR Other Responses		FPA		0.77	0.77	1.00
93	Bouthiller, Ted A	M27	OR Other Responses		FEM		0.77	0.77	1.00
323	Mixson, Doug	R1	OR Other Responses		COM		1.79	1.79	1.00
335	Mixson, Doug Jr M	R1	OR Other Responses		CHF		1.79	1.79	1.00
851	Banks, Shawn M	R1	OR Other Responses		ENI		1.79	1.79	1.00

Total Participants: 16

Total Personnel Hours: 24.71

Lee, David W.

From: Myrick, Joyce A.
Sent: Thursday, March 11, 2010 10:14 AM
To: Lee, David W.
Subject: FW: need favor
Attachments: SCHP_8FEB10.xls

*Cpt. J. A. Myrick
 SCAP Coastal M&M
 8740 North Park Blvd
 N. Charleston, SC 29406
 843-953-6050*

From: Mark Malsick [mailto:MalsickM@dnr.sc.gov]
Sent: Monday, February 08, 2010 10:20 AM
To: Myrick, Joyce A.
Subject: RE: need favor

Hourly data attached. I used the observations recorded at the Orangeburg municipal airport for incidents 1 and 2. Times are in EST and Civil Twilight began at 0701 and sunrise was 0728. I used the observations recorded at the Walterboro/Low Country airport for incident #3. Times are in GMT (+5 hrs) and Civil twilight began at 1157GMT and sunrise was 1224 GMT. I included a key to help read the Walterboro observations.

Let me know if you have any questions about the data.

mark

Mark Malsick
 Severe Weather Liaison
 South Carolina Department of Natural Resources
 State Climate Office
 1000 Assembly Street Columbia, SC 29202

803-734-0039
MalsickM@dnr.sc.gov



From: Myrick, Joyce A. [mailto:jamyrick@schp.org]
Sent: Monday, February 08, 2010 9:02 AM
To: Mark Malsick
Subject: RE: need favor

Thank you I have three dates if you don't mind..

1. Orangeburg County US-301 near Secondary 49 on 1-8-2010
2. Orangeburg County Secondary 33 near secondary 1308 on 1-15-2010

**Mitchell
 MAIT 100**

3. Colleton County US601 at the intersection of SC641 1-27-2010
I need 24 hour time to include sunrise visibility.

Thanks again

*Cpl. J. A. Myrick
SCHP Coastal MAIT
8740 North Park Blvd
N. Charleston, SC 29406
843-953-6050*

From: Mark Malsick [mailto:MalsickM@dnr.sc.gov]
Sent: Monday, February 08, 2010 8:45 AM
To: Myrick, Joyce A.
Subject: RE: need favor

For my friends at SCHP, no problem. Glad to help.

From: Myrick, Joyce A. [mailto:jamyrick@schp.org]
Sent: Monday, February 08, 2010 8:41 AM
To: Mark Malsick
Subject: need favor

Good morning my friend

I need a favor concerning the weather for a certain area..

Before I give you the dates please let me know if that is still available to us...

*Cpl. J. A. Myrick
SCHP Coastal MAIT
8740 North Park Blvd
N. Charleston, SC 29406
843-953-6050*

AWS ID	WBAN ID	Name	Country	State	Latitude	Longitude	Elevation			
720609	99999	WALTERBORO/LOWCOUNTRY	UNITED STATES	SOUTH CAROLINA	32.917	-80.633	+0031.0 (meters)			
USAF	WBAN	YR - MODAHRMN	DIR	SPD	GUS	CLG	SKC	L	M	H
		GMT		MPH	MPH					
720609	99999	201001270500	290	5	***	722	CLR	*	*	*
720609	99999	201001270515	300	5	***	722	CLR	*	*	*
720609	99999	201001270535	310	3	***	722	CLR	*	*	*
720609	99999	201001270600	310	3	***	722	CLR	*	*	*
720609	99999	201001270615	***	0	***	722	CLR	*	*	*
720609	99999	201001270635	280	3	***	722	CLR	*	*	*
720609	99999	201001270700	***	0	***	722	CLR	*	*	*
720609	99999	201001270715	***	0	***	722	CLR	*	*	*
720609	99999	201001270735	***	0	***	722	CLR	*	*	*
720609	99999	201001270800	***	0	***	722	CLR	*	*	*
720609	99999	201001270815	***	0	***	722	CLR	*	*	*
720609	99999	201001270835	***	0	***	722	CLR	*	*	*
720609	99999	201001270900	***	0	***	722	CLR	*	*	*
720609	99999	201001270915	***	0	***	722	CLR	*	*	*
720609	99999	201001270935	***	0	***	722	CLR	*	*	*
720609	99999	201001271000	***	0	***	722	CLR	*	*	*
720609	99999	201001271015	***	0	***	722	CLR	*	*	*
720609	99999	201001271035	***	0	***	722	CLR	*	*	*
720609	99999	201001271100	***	0	***	722	CLR	*	*	*
720609	99999	201001271115	***	0	***	722	CLR	*	*	*
720609	99999	201001271135	***	0	***	722	CLR	*	*	*
720609	99999	201001271200	***	0	***	722	CLR	*	*	*
720609	99999	201001271215	***	0	***	722	CLR	*	*	*
720609	99999	201001271235	***	0	***	722	CLR	*	*	*
720609	99999	201001271300	290	3	***	722	CLR	*	*	*
720609	99999	201001271315	***	0	***	722	CLR	*	*	*
720609	99999	201001271335	***	0	***	722	CLR	*	*	*
720609	99999	201001271400	***	0	***	722	CLR	*	*	*

720609	99999	201001271415	***	0	***	722	CLR	*	*	*
720609	99999	201001271435	***	0	***	722	CLR	*	*	*
720609	99999	201001271500	***	0	***	722	CLR	*	*	*
720609	99999	201001271515	***	0	***	722	CLR	*	*	*
720609	99999	201001271535	***	0	***	722	CLR	*	*	*
720609	99999	201001271600	***	0	***	722	CLR	*	*	*
720609	99999	201001271615	***	0	***	722	CLR	*	*	*
720609	99999	201001271635	***	0	***	722	CLR	*	*	*
720609	99999	201001271700	***	0	***	722	CLR	*	*	*
720609	99999	201001271715	290	3	***	722	CLR	*	*	*
720609	99999	201001271735	***	0	***	722	CLR	*	*	*
720609	99999	201001271800	250	6	***	722	CLR	*	*	*
720609	99999	201001271815	280	5	***	722	CLR	*	*	*
720609	99999	201001271835	280	9	***	722	CLR	*	*	*
720609	99999	201001271900	270	5	***	722	CLR	*	*	*
720609	99999	201001271915	330	7	***	722	CLR	*	*	*
720609	99999	201001271935	310	5	***	722	CLR	*	*	*
720609	99999	201001272000	360	6	***	722	CLR	*	*	*
720609	99999	201001272015	***	0	***	722	CLR	*	*	*
720609	99999	201001272035	***	0	***	722	CLR	*	*	*
720609	99999	201001272100	***	0	***	722	CLR	*	*	*
720609	99999	201001272115	***	0	***	722	CLR	*	*	*
720609	99999	201001272135	260	3	***	722	CLR	*	*	*
720609	99999	201001272200	***	0	***	722	CLR	*	*	*
720609	99999	201001272215	280	5	***	722	CLR	*	*	*
720609	99999	201001272235	300	3	***	722	CLR	*	*	*
720609	99999	201001272300	***	0	***	722	CLR	*	*	*
720609	99999	201001272315	***	0	***	722	CLR	*	*	*
720609	99999	201001272335	***	0	***	722	CLR	*	*	*
720609	99999	201001280000	***	0	***	722	CLR	*	*	*
720609	99999	201001280015	***	0	***	722	CLR	*	*	*
720609	99999	201001280035	***	0	***	722	CLR	*	*	*
720609	99999	201001280100	***	0	***	722	CLR	*	*	*
720609	99999	201001280115	***	0	***	722	CLR	*	*	*
720609	99999	201001280135	***	0	***	722	CLR	*	*	*
720609	99999	201001280200	***	0	***	722	CLR	*	*	*
720609	99999	201001280215	110	5	***	722	CLR	*	*	*
720609	99999	201001280235	***	0	***	722	CLR	*	*	*
720609	99999	201001280300	***	0	***	722	CLR	*	*	*
720609	99999	201001280315	***	0	***	722	CLR	*	*	*

720609	99999	201001280335	***	0	***	722	CLR	*	*	*
720609	99999	201001280400	***	0	***	722	CLR	*	*	*
720609	99999	201001280415	***	0	***	722	CLR	*	*	*
720609	99999	201001280435	***	0	***	722	CLR	*	*	*
720609	99999	201001280500	***	0	***	722	CLR	*	*	*
720609	99999	201001280515	***	0	***	722	CLR	*	*	*
720609	99999	201001280535	***	0	***	722	CLR	*	*	*

VSB	WW	WW	WW	W	TEMP	DEWP	SLP	ALT	STP	MAX	MIN	PCP01
Miles					F	F	Mb	inches	Mb	F	F	inches
10	**	**	**	*	39	39	*****	30.15	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	37	37	*****	30.16	*****	***	***	*****
10	**	**	**	*	36	36	*****	30.16	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.16	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.16	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.17	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.18	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.19	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.21	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.21	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.22	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.22	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.23	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.24	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.26	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.26	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.27	*****	***	***	*****
10	**	**	**	*	28	****	*****	30.28	*****	***	***	*****
10	**	**	**	*	30	****	*****	30.3	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.32	*****	***	***	*****

10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	41	41	*****	30.33	*****	***	***	*****
10	**	**	**	*	41	41	*****	30.33	*****	***	***	*****
10	**	**	**	*	43	43	*****	30.33	*****	***	***	*****
10	**	**	**	*	43	43	*****	30.33	*****	***	***	*****
10	**	**	**	*	45	43	*****	30.34	*****	***	***	*****
10	**	**	**	*	45	43	*****	30.34	*****	***	***	*****
10	**	**	**	*	46	45	*****	30.33	*****	***	***	*****
10	**	**	**	*	46	45	*****	30.32	*****	***	***	*****
10	**	**	**	*	48	46	*****	30.31	*****	***	***	*****
10	**	**	**	*	46	46	*****	30.3	*****	***	***	*****
10	**	**	**	*	50	46	*****	30.29	*****	***	***	*****
10	**	**	**	*	50	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	48	*****	30.27	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.26	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.24	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.25	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.26	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.27	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.28	*****	***	***	*****
10	**	**	**	*	52	50	*****	30.28	*****	***	***	*****
10	**	**	**	*	50	50	*****	30.29	*****	***	***	*****
10	**	**	**	*	50	50	*****	30.29	*****	***	***	*****
10	**	**	**	*	45	45	*****	30.29	*****	***	***	*****
10	**	**	**	*	45	45	*****	30.3	*****	***	***	*****
10	**	**	**	*	43	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	41	****	*****	30.31	*****	***	***	*****
10	**	**	**	*	41	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	37	****	*****	30.32	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	36	****	*****	30.33	*****	***	***	*****

10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	34	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.34	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.33	*****	***	***	*****
10	**	**	**	*	32	****	*****	30.33	*****	***	***	*****

[illegible]

*****	*****	*****	**
*****	*****	*****	**
*****	*****	*****	**
*****	*****	*****	**
*****	*****	*****	**
*****	*****	*****	**
*****	*****	*****	**

Case Number CL-004-10 Evidence Type lights

Date Impounded 1/27/2010

CL-004-10

☒ Highway Patrol

☐ Transport Police

☐ Bureau of Protective Service

☐ Other

Status Check One Only

☒ General Session Evidence

☐ Magistrate Evidence

☐ Found

☐ Recovered

☐ Safe Keeping

☐ Other

I hereby acknowledge that the listed items represent monies/ property taken from my possession and that I have received a copy of this report. Signature

Court Date: pending

Summons Warrant Number: pending

Officer P.D. Rush J.A. Myrick

Date of Incident:

1/27/2010

Time of Incident:

0710

Subject Violator's Name Bernardo Lopez, Hernandez

Phone Number (843) 538-5905

Violator's Address: 726 Phillips Rd Walterboro, SC

License Number (Tag /State)

Item #	Quantity	Description (include make, Model and serial Numbers if applicable)	Field weight	NCIC	
				Yes	No
1	1	Headlight fragment			X
2	1	right front headlight			X

DISPOSITION OF ITEM (S) ABOVE: (The item(s) above have been received in substantially the same condition as when seized.)

From	To	Location	Reason for Movement	Date
J.A. Myrick	evidence room	Coastal MAIT	STORAGE	1/27/2010
Evidence room	AS AP	Coastal MAIT	Examination	3-8-10
AS AP	Evidence room	Coastal MAIT	Storage	3-8-10
evidence	J.A. Myrick	Coastal MAIT	Transfer	4-8-10
J.A. Myrick	CEF - Pinellas	Coastal MAIT	Transfer to CEF	4-8-10

Case # CL-004-10

SCDPS EVIDENCE

Item #001

Record #MYRICI

Name 2004 KENWORTH



Case # CL-004-10

SCDPS EVIDENCE

Item #002

Record #MYRICI

areas and
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re" in ink.

ment of
fication or

isions/ Magistrate's court on:

ION OF EVIDENCE

destroyed / relinquished the above described evidence on

(Person destroying/relinquish evidence)

(Date)

(Where destroyed)

(Witness)

Person destroying evidence

CASE # _____



SOUTH CAROLINA HIGHWAY PATROL
MULTI-DISCIPLINARY ACCIDENT INVESTIGATION TEAM

Officer Notes

- ☐ N/A
- ☒ Bus / Truck Supplemental
- ☒ Case Fact Sheet
- ☒ Witness Sheet
- ☒ Supervisor Form
- ☐ Incident Report
- ☐ Other _____
- ☐ Other _____
- ☐ Other _____

Date 01-27 10	Time 0705	County 15	Route Category 1-Interstate 2-US Primary 3-SC Primary 4-Secondary 5-County	Collision Location (Route Number and Name if Any) OH 601	Auxiliary 0-Mainline 2-Alternate 5-Spur 6-Connection 7-Business
SCREENING INFORMATION				Access Control	
NUMBER OF QUALIFYING VEHICLES INVOLVED				1- No Access Control 2- Full Access Control 3- Partial Access Control	
A Truck Having a GVWR of 10,001 lbs. or More For the Power Unit → 1				1	
OR				Vehicle Information	
A Vehicle with a Hazardous Materials Placard → 0				Gross Vehicle Weight Rating	
OR				Weight Rating of the Power Unit of the Truck	
A Bus That is Designed or Used to Carry 16 or More Persons, Including the Driver → 0				01- Less Than or Equal to 10,000 Pounds 02- 10,001-26,000 Pounds 03- More Than 26,000 Pounds 99- Unknown/Nil and Run	
OR				Vehicle Configuration	
A Motor Vehicle Engaged in Interstate Commerce that is Designed or Used to Carry 9-15 Persons, Including the Driver, for Compensation → 0				00- Passenger Car (only w/ HAZMAT placard) 01- Light Truck (only w/ HAZMAT placard) 02- Bus (seats for 9-15 people) 03- Bus (seats for 16+ people) 04- Single Unit Truck (2 axles+ tires) 05- Single Unit Truck (3 or more axles) 06- Truck w/ Trailer 07- Truck-Tractor Only (Bobs) 08- Tractor w/ Semi-Trailer 09- Tractor w/ Double Trailers 10- Tractor w/ Triple Trailers 98- Other/Unable to Classify 99- Unknown/Nil and Run	
Number of Persons Involved:				Cargo Body Type	
Sustaining Fatal Injuries → 3				00- Bus (seats for 9-15 people) 01- Bus (seats for 16+ people) 02- Enclosed Box 03- Cargo Tank 04- Flat Bed 05- Dump 06- Concrete Mixer 07- Auto Transport 08- Garbage/Refuse 09- Grain, Crops, Gravel 10- Pole 11- Intermodal Container 97- Not Applicable 98- Other 99- Unknown/Nil and Run	
Transported for Immediate Medical Services → 8				09	
Number of Vehicles Towed				Trailer Length and Width	
Towed From the Scene Due to Damage → 2				Length	
Do Not Complete This Form Unless:				00- No Trailer 01- Less than 450 in (40 ft) 02- 451 in - 575 in (48 ft) 03- 577 in or more 99- Unknown/Nil and Run	
One or More Qualifying Vehicles was Involved - AND				Width	
One or More Qualifying Injuries was Sustained - OR				00- No Trailer 01- Less than 60 in (5 ft) 02- 61 in - 84 in (7 ft) 03- 85 in or more 99- Unknown/Nil and Run	
One or More Vehicles (not necessarily the truck or bus) Was Towed from the Scene				Hazardous Material Involvement	
Total Number of Supplemental Forms Required for this Collision: 1				Was This Vehicle Carrying Hazardous Materials?	
Unit Number 7 FR-10 Number Y013355				1- Yes 2- No 3- Unknown/Nil and Run 2	
Carrier Information				Did the Vehicle Have a Hazardous Material Placard?	
Name: Three Gen INC.				1- Yes 2- No 3- Unknown/Nil and Run 2	
Address: 4373 Lowcountry Hwy				If "Yes", What Class of Hazardous Material (from placard/shipping papers)?	
City: Yemassee State: SC Zip: 29445				01- Class 1 (Explosives) 05- Class 6 (Poison/Infectious Substance) 02- Class 2 (Gases) 07- Class 7 (Radioactive) 03- Class 3 (Flammable Liquids) 08- Class 8 (Corrosives) 04- Class 4 (Flammable Solids) 09- Class 9 (Misc. Goods) 05- Class 5 (Oxidizing Substance) 10- No Placard 99- Other/Unknown/Nil and Run	
Business Phone Number: 843 844 8282				If "YES", enter 4 digit HAZMAT ID (from placard/shipping papers)	
Identification Numbers				Was Hazardous Material Released From This Vehicle's Cargo?	
U.S. DOT None = 0 0				1- Yes 2- No 3- Unknown/Nil and Run 2	
ICF State: Is this vehicle an (1) Interstate or a (2) Intrastate carrier? 1				Notification of Release:	
State Number				N/A	
Was a Citation Issued to this Vehicle? 2				1- Yes 2- No 3- Unknown/Nil and Run	
Rush, P.D.				1/30/10	



SOUTH CAROLINA HIGHWAY PATROL MAJOR CASE INVESTIGATION MAIT FACT SHEET



CAD Number 009199

Date: 01/27/2010 Time: 0722 hours Troop: 6 Post: B

Primary Investigating Officer: L/Cpl. Rush Scene Supervisor: Cpl. Kelly

Incident Type Collision Number of Units Involved: 2

MAIT Associate / First Responder: n/a CRO Notified: Cpl. Brouthers

Assisting Troopers: M. Meadows

Coroner On-Scene: Yes If yes, give name and contact number: Richard Harvey 843-549-7852

Were photographs taken? Yes If yes # taken: 50 Taken by: Barry McRoy

Notes: yes

Is MAIT Assisting? Yes # of Witnesses Located 1

Will Charges Be Filed? Yes If yes complete below:

Defendants Name: Lernardo Lopez Hernabdez

Charges: Pending

Summons / Warrant Numbers: _____

Was the Solicitors Office Contacted? Yes. If yes, complete below:

Contact Name: S. Thorton Number: _____

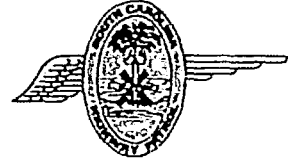
Other Agencies on the Scene and Names of Their Personnel (If Applicable):

Agency	Name
Colleton Fire &Resque	Barry McRoy
S.C. Transport Police	L.A. Davis
Colleton County SO	Brain Ackerman
D.N.R.	John P. Jones
Collecton Coroner	Richard Harvey

Notes:



Witnesses



CAD Number 009199

Name: _____

Address: _____

City / State / Zip: _____

Home Phone: _____ Work Phone: _____

Notes:

Name: _____

Address: _____

City / State / Zip: _____

Home Phone: _____ Work Phone: _____

Notes:

Name: _____

Address: _____

City / State / Zip: _____

Home Phone: _____ Work Phone: _____

Notes:

Name: _____

Address: _____

City / State / Zip: _____

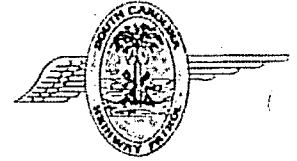
Home Phone: _____ Work Phone: _____

Notes:

Additional Witness? _



SOUTH CAROLINA HIGHWAY PATROL
MAJOR CASE INVESTIGATION
SUPERVISOR CHECKLIST
(MAIT Response)



CAD Number 009199

Deferred MAIT Response

☒ Yes	No	Scene Secured
☒ Yes	No	Determine Initial MAIT Need
☒ Yes	No	Evidence Photographed
☒ Yes	No	Evidence Marked
☒ Yes	No	Witnesses Identified / Interviewed
☒ Yes	No	Field Sketch Completed
☒ Yes	No	Scene Photographed
☒ Yes	No	Vehicles Photographed
☒ Yes	No	Primary Investigator Form(s) Completed
☒ Yes	No	South Carolina Traffic Collision Report (TR-310) Completed Neatly
☒ Yes	No	Media Downloaded to Proper Folder

Notes:

Immediate MAIT Response

☒ Yes	No	Scene Secured
☒ Yes	No	Determine Initial MAIT Need
☒ Yes	No	Short Lived Evidence Marked
☒ Yes	No	Short Lived Evidence Photographed
☒ Yes	No	Witnesses Identified / Interviewed
☒ Yes	No	Primary Investigator Form(s) Completed
☒ Yes	No	South Carolina Traffic Collision Report (TR-310) Completed Neatly
☒ Yes	No	Media Downloaded to Proper Folder

Notes:

CP/L J.W. K. R.
Scene Supervisor or Designee Signature

1/17/10
Date

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

RICKY S. MITCHELL,,
Plaintiff,

v.

MARIN RIGHT OF WAY SERVICE, LLC,
AND BERNARDO L. HERNANDEZ,,
Defendants.

BERNARDO L. HERNANDEZ,
Third-Party Plaintiff,

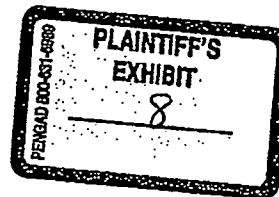
v.

Three Gen, Inc.,
Third-Party Defendant.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO.: 2011-CP-15-020

**AFFIDAVIT OF
JOHN E. PARKER**



2011 DEC 19 PM 4:43
PATRICIA D. GRIFFIN
COLLETON COUNTY
COMMON PLEAS

Upon penalty of perjury, I, John E. Parker, having first been duly sworn, depose and say that the following is true and correct:

1. I have personal knowledge of the facts set forth in this Affidavit. I am over the age of eighteen (18) and a citizen of Hampton County, South Carolina. I am competent to swear to the matters set forth below and do so of my own free will.

2. I am presently in trial in a case in Tennessee and cannot attend the hearing on the motion to disqualify Peters, Murdaugh, Parker, Eltzroth, & Detrick, PA in the representation of Ricky Mitchell.

3. I was present at a meeting at our office in Walterboro, SC in which Skip Utsey, Jamie Copeland, Dorcas Tuten, and Mr. Marin were present. I do not remember the exact date of this meeting.

4. The purpose of the meeting was to discuss our representation of one of Mr. Marin's employees and to inquire as to whether the other employees had legal representation.

5. At that time of the meeting Skip Utsey had been asked to represent the family of one of the deceased employees and had a contract of representation signed by a family member.

6. It was explained to Mr. Marin that we could not represent him nor his company and that if we represented any of his employees or their families that we would be making a claim against his workers' compensation carrier and his company.

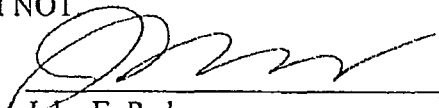
7. Mr. Marin could not have mistakenly thought we were going to represent him or his company.

8. During this meeting, Mr. Marin did mention that criminal charges had been filed against his driver and he needed an attorney for the driver.

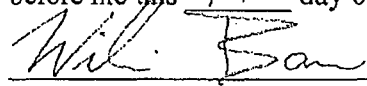
9. Skip Utsey told Mr. Marin that our firm could not represent the driver.

10. There was a bond hearing set and it is my understanding that Dorcas Tuten attended the bond hearing with the driver.

AS TO ANYTHING FURTHER, THE AFFIANT SAITH NOT


John E. Parker

SWORN TO AND SUBSCRIBED
before me this 17 day of December, 2011.


Notary Public for the State of South Carolina
My Commission Expires: 7/10/2017

STATE OF SOUTH CAROLINA

CONTRACT OF REPRESENTATION

COUNTY OF COLLETON

(Contingency Fee Agreement)

I hereby retain the law firm of PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK, P.A. (hereafter referred to as "PMPED") to institute, prosecute, and adjust such claims and actions as it may deem advisable to recover damages against Countryside Logging Co., SCDOT, and/or any other responsible parties resulting from a motor vehicle collision which occurred on or about January 27, 2010.

In consideration of the services rendered and to be rendered, I agree that PMPED shall retain, as a fee, thirty-three and one-third (33-1/3%) percent of any judgment, verdict, or settlement or, if an appeal is taken, forty (40%) percent of any judgment, verdict, or settlement. The attorney's fee shall be computed before expenses are deducted. I further agree that PMPED shall deduct from any judgment, verdict, or settlement all expenses (including the cost of filing fees, subpoenas, depositions, court reporters, witness fees, and other investigation and litigation expenses) which it reasonably and necessarily incurs in the performance of its legal services.

I understand and acknowledge that I am not retaining PMPED to provide me with tax advice, nor does PMPED hold itself out as having any expertise in tax matters. While any recovery I may receive in this matter may have tax implications, I am not and will not be relying upon PMPED to provide me with advice regarding such potential tax implications.

I understand that, while not obligated to do so, PMPED may associate another attorney or law firm to assist in my representation concerning this matter. I consent to PMPED doing so under the following conditions: PMPED will advise me of any attorney or law firm it associates; that both PMPED and the associated attorney or law firm accept joint responsibility for my representation; that the total fee charged to me is not more than that provided in this agreement; and that the fee is divided by agreement of PMPED and the associated attorney or law firm.

In recognition of PMPED's co-ownership interest in the proceeds of this legal matter and to secure payment by me to PMPED of all expenses and attorney's fees I am obligated to pay under this agreement, I hereby grant to PMPED a charging lien applicable to any and all recoveries on my claims, whether by settlement, verdict, judgment, or otherwise. I understand that the charging lien may be used to protect PMPED's fee for work done in the event I discharge PMPED. I further agree that, as of the date of this contract, the value of any of my claims is speculative and is dependent upon the services of PMPED for its potential to be realized.

If I assign any portion of my potential recovery in this matter, I will notify PMPED of such assignment and understand that PMPED may be obligated to pay my assignee directly from the proceeds of any recovery in this matter rather than paying that portion of the recovery to me. I understand and agree that PMPED shall have no obligation to honor an assignment of which it has no knowledge and that payment of such an assignment is my sole responsibility.

PMPED shall have the right to terminate its representation at no expense to me if, after investigating the claim, it is of the opinion that the claim does not have sufficient merit to proceed to file suit. I agree to inform PMPED of any changes in my name, address, or telephone number, to keep all appointments, and to call my attorney as soon as possible to notify him in the event I am unable to keep an appointment. PMPED may stop representing me if I fail to comply with this agreement.

I have read and fully understand this contract. I acknowledge that I am entitled to a copy of this contract upon request.

Dated at Walterboro, South Carolina, this 27 day of January, 2010.

WITNESS:

CLIENT:

Cynthia M. [Signature]

FRANCISCO LOPEZ

FRANCISCO LOPEZ

father-in-law of PAUL VAZQUEZ VAZQUEZ
deceased

I have explained this in Spanish
to Mr. Lopez.

