**DEPOSITION SUMMARY OF KENDAL YYY**

**August 1, YYYY**

**Venue:** *Via videoconference*

**Counsel for plaintiff (Andrew XXX):** Joseph AAAA, Esquire

**Counsel for defendant (Kendal YYY):** Tyler MMMM, Esquire

**Court reporter:** Flor Lopez

**Also present:** Shakeena Lubin, Videographer

**EXHIBITS**

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| **Exhibit Number** | **Exhibit** | **Pg. No.** |
| 1 | Photograph | 12 |
| 2 | Affirmative Defenses | 17 |

| **Page: Line** | **Summary** | **Subject** |
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| **Direct Examination by Mr. AAAA (Counsel for plaintiff)** | | |
| 6:7 – 9:7 | Kendall YYY was provided with ground rules of the deposition process. Currently he was retired and he had provided this deposition out of the State of Washington. He stated they had a winter home in Winter Haven, Florida. He briefed about the reason of his stay at Winter Haven, Florida.  *There was a non substantiative discussion between Mr. YYY and the attorney.* | Current residence of Mr. YYY |
| 9:8-11:9 | Mr. YYY did recall that the accident had occurred on February 8, 2022. At the time of the accident they were returning back to Auburndale from Bok Tower area as they had guests from Washington. He did not what day it was of the week. The accident occurred around the midafternoon time. At Bok Tower, he was accompanied with his wife, neighbors Marty FFF and Vicki BBB. At the time of the collision, these people were accompanied with him in the vehicle. | The people who were also present with Mr. YYY in the vehicle at the time of the collision. |
| 11:10-12:3 | With regard to the collision, Mr. YYY detailed that they turned off of Highway 17 to take Shipp Drive, the link road to get them over to Recker Highway. This highway led them to Auburndale. While Mr. YYY showed Mr. FFF the inlets that allowed people to access to Lake Shipp, he did look away from the traffic for a minute. When he looked back, he saw the traffic stop for a left-turn person and was not able to hit the brakes of his vehicle at the right time. The weather on the day of the collision was drizzling and the roads were damp. The weather condition aided his impend of ability to stop at the right time.  He had to angle for the left rear corner of Mr. XXX’s vehicle in attempt to minimize the impact on both vehicles. | Mr. YYY description of the collision |
| 12:4-13:19 | Plaintiff’s exhibit 1 was marked for identification. It was a photograph of Mr. XXX’s vehicle that was involved in the collision. There was a rear-end damage to Mr. XXX’s vehicle. Mr. YYY agreed that it was the front of his vehicle that impacted the rear left of his vehicle. He had not seen Mr. XXX before the collision. He also did not know if Mr. XXX wore his seat belt at the time of the collision. He stated that approximately there were about four to five vehicles in front of Mr. XXX when the traffic was at stop. The vehicle at the left-hand turn was a sedan type passenger vehicle similar to Mr. XXX’s vehicle.  He did not know if the front of Mr. XXX’s vehicle impacted the vehicle in front of him. | The impact of the collision  Damages occurred to the vehicles involved in the collision |
| 13:20-14:17 | Mr. YYY commented immediately after the impact, he pulled over a little strip center across the street followed by Mr. XXX. They did not want to block the traffic. Mr. XXX shared his concern regarding the recent change of the taillights of his vehicle from previous accident he had encountered. Mr. XXX suggested a need of not turning the issue in to insurance and wanted to settle it within them. Mr. YYY had no issues with the offer and they both traded contact information. Mr. YYY was not sure, but assumed that he would have apologized to Mr. XXX. | Agreement between Mr. XXX and Mr. YYY of settling the issue and not involving the insurance. |
| 14:18-17:10 | Mr. YYY stated for a humor purpose that the left-turning vehicle ahead of them was also at fault for this accident. However he did accept that he was completely responsible for the accident. Pursuant the affirmative defenses, Number 4, “Defendant asserts, without admitting liability, that the plaintiff was negligent in the operation of Plaintiff's motor vehicle, including improper lane change, sudden stopping, and otherwise careless driving, and such negligence proximately caused or contributed to the accident and damages complained of”, Mr. YYY agreed he was one hundred percent liable for the accident and was not sure if Mr. XXX had worn his seatbelt or not at the time of the collision. | Mr. YYY admits to be the sole person liable who caused the accident. |
| **Cross Examination by Mr. MMMM (Counsel for defendant)** | | |
| 17:13-18:2 | Mr. YYY commented he was probably travelled at five miles an hour at the time of the impact. He was on the brakes and slid into him just prior to the stop. He added he could have stopped at time, if the roads had not been wet. He commented it would be incorrect if the other driver stated that Mr. YYY traveled at the speed of 35 miles per hour at the time of impact. | Mr. YYY travelled at the speed of five miles per hour at the time of impact. |
| **Re-Direct Examination by Mr. AAAA (Counsel for plaintiff)** | | |
| 18:3-20:14 | Mr. XXX mentioned he had not seen Mr. YYY’s vehicle prior to the impact. Currently Mr. YYY’s vehicle (Jeep 2020 year) was located in Winter Haven, Florida and it had been repaired. He was briefed about the process of black box download of the vehicle and he had no objection to do so of his vehicle.  (Deposition concluded at 1:22 p.m.) | Discussion about Mr. YYY’s vehicle (Jeep 2020) |