

8/25/2004

Page 1

Vol.
Pages 1 - 67
Exhibits - 0 -

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, SS. SUPERIOR COURT
NO. 02-01159A

MARCIA RHODES, HAROLD RHODES, Individually,
HAROLD RHODES on behalf of his Minor Child
and Next Friend, REBECCA RHODES,
Plaintiffs

vs.

CARLO ZALEWSKI, DRIVER LOGISTICS, PENSKE
TRUCK LEASING CORPORATION and BUILDING
MATERIALS CORPORATION OF AMERICA d/b/a
GAF MATERIALS CORPORATION,
Defendants

vs.

JERRY MACHILLIAN'S PROFESSIONAL TREE
SERVICE, INC.,
Third-Party Defendant

DEPOSITION of REBECCA RHODES, a witness
called by and on behalf of the Defendant, GAF Materials
Corporation, pursuant to the provisions of the
Massachusetts Rules of Civil Procedure, before Heather
S. Cruz, a Registered Professional Reporter and Notary
Public in and for the Commonwealth of Massachusetts, at
the Radisson Hotel, 11 Beaver Street, Milford,
Massachusetts, on Wednesday, August 25, 2004,
commencing at 3:20 p.m.

C.J. REPORTING
A5 Colonial Drive, Unit No. 7
Andover, Massachusetts 01810
(978) 409-9090/fax (978) 409-9091
www.cjreporting.com

Page 4

PROCEEDINGS

REBECCA RHODES, a minor whose identity was
attested to by her attorney, Margaret M. Pinkham upon
production of a Massachusetts driver's license, was
duly sworn by the notary public and testified as
follows:

MR. POLLOCK: Do you want to go by the usual
stipulations, all objections except as to form and
motions to strike reserved?

MS. PINKHAM: That is fine.

MR. POLLOCK: Reserving the right to read and
sign?

MS. PINKHAM: Yes, she will read and sign.
Waive notary.

MR. POLLOCK: I will waive the notary. Sign
under the pains of penalties of perjury, if it makes it
easier.

EXAMINATION BY MR. POLLOCK:

Q Good afternoon, Rebecca. My name is Russell Pollock.
I'm a lawyer with the law firm Campbell, Campbell,
Edwards and Conroy. I represent one of the defendants
in the lawsuit you and your family have brought against
a few of the defendants.

I'll ask you a bunch of questions, pretty

Page 2

1 APPEARANCES:

2 BROWN RUDNICK BERLACK ISRAELS, LLP

3 By Attorney Margaret M. Pinkham

4 By M. Frederick Pritzker, Esquire

5 One Financial Center

6 Boston, Massachusetts 02111

7 On behalf of the Plaintiffs

8 MORRISON MAHONEY, LLP

9 By Lawrence F. Boyle, Esquire

10 250 Summer Street

11 Boston, Massachusetts 02210

12 On behalf of the Defendants, Carlo Zalewski and Driver

13 Logistics

14 LAW OFFICE OF JAMES J. TOBIN

15 By James J. Tobin, Esquire

16 45 Wallingford Road

17 Brighton, Massachusetts 02135

18 On behalf of the Defendant, Penske Truck Leasing Corp.

19 CAMPBELL CAMPBELL EDWARDS & CONROY, P.C.

20 By Russell X. Pollock, Esquire

21 One Constitution Plaza

22 Boston, Massachusetts 02129

23 On behalf of GAF Materials Corp.

24 NIXON PEABODY, LLP

25 By Attorney Grace C. Wu

26 100 Summer Street

27 Boston, Massachusetts 02110

28 On behalf of GAF Materials Corp.

29 Also Present: Marcia Rhodes

30

31

32

33

34

C.J. REPORTING
www.cjreporting.com

Page 5

much about your background and your hobbies and
enjoyments and the like. If at any time you don't
understand any of my questions, let me know, I'll ask a
different question or a better question or break it
down.

If you don't hear any of my questions,
there's ambient noise up here, I'll repeat my question
or ask the court reporter to do that. If you don't
know something or don't remember something, just tell
us.

A Okay.

Q Everything that you communicate to us has to be verbal.
The court reporter cannot type out a nod, a shrug, or a
gesture. Okay?

A Yeah.

Q If you do your best just to try to let me finish my
question before you answer, it makes it easier for her
to get down a question and answer. Okay?

A Yup.

Q Okay. Why don't you tell us your full name.

A Rebecca Elizabeth Rhodes.

Q And do you have any nicknames or other names you like
to use?

A Becca or Becky.

Page 3

INDEX DEPOSITION OF REBECCA RHODES

Page

Examination by Mr. Pollock 4, 58
Examination by Mr. Boyle 42, 64

EXHIBITS

Nos. For I.D.
No Exhibits Marked

Page 6

Q Have you ever given testimony in this type of setting
before?

A No.

Q Have you ever testified ever before?

A No.

Q As you sit here, are you taking any medications or
anything else that could prevent you from understanding
my questions and responding to them as truthfully as
possible?

A No.

Q What is your date of birth?

A April 8, 1988.

Q What is your address?

A 11 Janock Road.

Q And how long have you lived there?

A All my life.

Q What school do you go to or are you going to start
going to when the summer is over?

A Milford High School.

Q And what grade are you going into?

A Junior year.

MR. POLLOCK: I didn't catch that.
(The previous answer was read back by the court
reporter.)

- 1 **Q What subjects are you slated to take in the junior year?**
 2 **A** Human biology. Chemistry. History. Gym. Theater arts. Fundamentals of marketing.
 3 **Q Any math?**
 4 **A** Fundamentals of trigonometry and statistics.
 5 **Q Any social studies or anything of that nature, history, did I miss that?**
 6 **A** A course on American history and a course on world history.
 7 **Q Do you have any courses you like better than others, what do you enjoy?**
 8 **A** I like science and I like maths.
 9 **Q And is taking trig and stats in your junior year sort of puts you a year ahead of some of the other kids?**
 10 **A** It's an average thing to do to take the fundamentals of trigonometry and then take trigonometry or calculus senior year. Sometimes both.
 11 **Q Do you participate in any sports at school?**
 12 **A** No.
 13 **Q Any other extra curricular activities aside from sports at school?**
 14 **A** Science club.
 15 **Q Any others?**

- 1 **A** I'll be taking SAT courses next month.
 2 **Q When do you take the SATs, do you know when that is suppose to occur?**
 3 **A** I don't remember when specifically it is.
 4 **Q Sometime during your junior year of high school?**
 5 **A** Yes.
 6 **Q And what year are you scheduled to graduate?**
 7 **A** Senior year.
 8 **Q 2005 would be -- no, 2006?**
 9 **A** 2006.
 10 **Q Have you ever been employed, have you held a job?**
 11 **A** I worked as a volunteer at Milford Hospital.
 12 **Q What did you do as a volunteer?**
 13 **A** I didn't hear you.
 14 **Q What did you do as a volunteer, can you describe that for us?**
 15 **A** I would run errands and deliver objects or charts or files between departments. Occasionally I'd work in the departments making folders or helping or making packets that they may need for the week.
 16 **Q When did you start volunteering?**
 17 **A** The summer of freshman year.
 18 **Q And just during the summers?**
 19 **A** Yes.

- 1 **A** Occasionally I try out for the theatre arts club.
 2 **Q Plan on doing that in the fall?**
 3 **A** Yeah.
 4 **Q Are you involved with any of the town activities, like what do they have, 4H or Girls Scouts or something of that nature?**
 5 **A** No.
 6 **MR. POLLOCK:** What are you laughing about?
 7 **MS. PINKHAM:** 4H?
 8 **MR. BOYLE:** Farm boy.
 9 **Q Have you had any scholastic difficulties, any problems you've had in school?**
 10 **A** (Non-verbal response)
 11 **MS. PINKHAM:** Time frame?
 12 **MR. BOYLE:** I couldn't hear you. What was the answer?
 13 **A** I said (non-verbal response)
 14 **MS. PINKHAM:** I was just asking for a time frame.
 15 **Q In the last five or six years?**
 16 **A** Some problems with some teachers that would treat students as morons and not listen to them.
 17 **Q So there's been issues with teachers occasionally talk back, you didn't appreciate how they were talking to**

- 1 **Q So you did it last summer and this summer?**
 2 **A** Yes.
 3 **Q How many days a week?**
 4 **A** Two.
 5 **Q How did you get involved with volunteering at the hospital?**
 6 **A** I found out from my parents that it was possible to volunteer at the hospital and I liked the idea, so I asked them to sign me up.
 7 **Q Can you describe for us at least in your let's say last year what your grades were like in school?**
 8 **A** Sorry, I didn't hear you.
 9 **Q Let me rephrase that. When you were in tenth grade, can you describe for us what type of grades you got? Do you know what your grade point average was, does it work that way in high school?**
 10 **A** It was -- yeah. It was a B. Usually wasn't higher or lower. It was a B.
 11 **Q Do you get like a numerical grade point average or just an A, B, or C or whatever it was in the class?**
 12 **A** When we would get the progress reports, it's a letter. When we get report cards, it's a numerical letter.
 13 **Q Do you remember what your numerical average was after your tenth grade year?**

- 1 **you?**
 2 **A** Yeah. Nothing serious.
 3 **Q Have you ever been suspended?**
 4 **A** Yes. Once.
 5 **Q When did that happen? Or what grade, do you know?**
 6 **A** Trying to remember. I think it was seventh grade for threatening a student who was threatening me.
 7 **Q And for how long were you kept out?**
 8 **A** I think it was a couple days.
 9 **Q Have you ever been suspended since then?**
 10 **A** No.
 11 **Q Have you ever had to go to the school Dean's office or the school counselor since then?**
 12 **A** No.
 13 **Q Do you plan on going to college?**
 14 **A** Yes.
 15 **Q Do you have any kind of notion of what you want to study?**
 16 **A** Genetics.
 17 **Q Do you know what kind of field you want to pursue?**
 18 **A** Biology.
 19 **Q Genetics is big nowadays. Have you taken any pre-college courses, SAT, PSATs, any sort of preparation courses yet?**

- 1 **A** It was around 85.
 2 **Q Can you tell us what that was after your ninth -- strike the question.**
 3 **Were you in the same school in ninth grade?**
 4 **A** Yes.
 5 **Q What high school is it?**
 6 **A** Milford High School.
 7 **Q Goes from ninth to twelfth?**
 8 **A** Yes.
 9 **Q Can you tell us what your grade point average was after your ninth grade?**
 10 **A** It was an 87 or an 88.
 11 **Q Gone down slightly?**
 12 **A** Yeah.
 13 **Q And those grades, those numerical averages are for the year, correct, not compounded?**
 14 **A** For the year.
 15 **Q Was there a period of time when your school work suffered because of your mom's accident?**
 16 **A** Yeah. During the first few months after the accident when she was in solitary or just getting out.
 17 **Q And why did your grades suffer during that point in time?**
 18 **A** The entire environment of my home where I would

- 1 normally study and do homework was altered between --
 2 my father was gone. I couldn't ask him for help. He
 3 was with my mother. And there was no one else that
 4 could help me.
 5 **Q And was that the regular way you would study, is you**
 6 **would ask your parents for help with your daily**
 7 **homework?**
 8 A I would normally study around my parents. If I needed
 9 help, I could ask them.
 10 **Q And what happened after that few month period?**
 11 A My father would spend all his free time with my mother,
 12 and my grandparents and my aunt came up to stay with
 13 me.
 14 **Q And would they help you with your school work?**
 15 A My grandparents, with the exception of my grandfather
 16 in science, my grandparents didn't understand the
 17 school work.
 18 **Q Did your school work then get back to normal at some**
 19 **point?**
 20 A Around the area of time when my mother came home after
 21 the hospital, it started to go back to normal.
 22 **Q And has it been that way since that point in time?**
 23 A It's been maintaining a certain level, but it's not as
 24 high as it was before.

- 1 **Q What grade were you in at the time your mom had her**
 2 **accident?**
 3 A Eighth.
 4 **Q And did they give you numerical grades back then?**
 5 A Yes.
 6 **Q Is that the middle school?**
 7 A Yes.
 8 **Q And do you know what your seventh grade numerical grade**
 9 **was?**
 10 A I can't remember.
 11 **Q But in your mind it was higher than the 85, 87 --**
 12 **A Yes.**
 13 **Q -- in the last two years?**
 14 A Yes.
 15 **Q Does either of your parents help you with your school**
 16 **work now?**
 17 A Mom will help me in history, but that's about it.
 18 **Q Why doesn't she help you in the other subjects?**
 19 A My mother is not very good in the other subjects.
 20 **Q And that would have been true before the accident as**
 21 **well?**
 22 A Yes.
 23 **Q Would somebody else in the family help you with the**
 24 **other subjects?**

- 1 A My father would be able to help me in math. But he
 2 would explain things too quickly and at a level I
 3 wasn't at yet, and it was -- just didn't help me at
 4 all.
 5 **Q Is that true, too, now?**
 6 A Yes.
 7 **Q Nowadays when you do your homework, do you do it at**
 8 **home?**
 9 A Yes.
 10 **Q Do you still ask your folks for assistance if you don't**
 11 **know something?**
 12 A If I don't know something about history, I will ask mom
 13 and she usually knows.
 14 **Q Will you ask your dad for any help?**
 15 A No.
 16 **Q Is it because he explains the things too fast?**
 17 A That, and he's too busy all the time.
 18 **Q What is he too busy doing?**
 19 A Either taking care of mom, or making preparations for
 20 the trial, or trying to make sure mom has all her
 21 doctors appointments and things like that in line.
 22 **Q And he does that all evening?**
 23 A Yeah.
 24 **Q In eighth grade, do you recall what your yearly grade**

- 1 **point average was?**
 2 A I kept it at an 88 or an 87. That was my expectation
 3 of myself.
 4 **Q So in eighth grade, the year when the accident**
 5 **happened, you expected to come out with an 87 or 88?**
 6 A Yes.
 7 **Q That was sort of your expectation based on your past**
 8 **performance?**
 9 A Yes.
 10 **Q And that's what you did when you were in ninth grade?**
 11 A Yes.
 12 **Q The 87, correct?**
 13 A Yes.
 14 **Q Okay. I have to make sure I get a response so she can**
 15 **type it.**
 16 A I know.
 17 **Q In tenth grade, it went down to an 85?**
 18 A Yes. Around high school it started to drop.
 19 **Q Do you attribute that to your mom's accident or are**
 20 **there other reasons why it declined?**
 21 A My mother can't help me as much as she could before
 22 because she's not home as much as she use to be, and my
 23 father is too busy to help me with homework.
 24 **Q Do you expect to volunteer at the hospital next summer?**

- 1 A Yes.
 2 **Q Are you anticipating getting any kind of part-time job**
 3 **aside from that?**
 4 A I've been looking into part-time jobs in stores such as
 5 like Pet Stop or a bookstore in Bellingham. Or in
 6 stores like that.
 7 **Q So you're looking to do something part-time --**
 8 **A Yes.**
 9 **Q -- for extra cash?**
 10 **Accept any offers, get any offers, how is it**
 11 **going?**
 12 A So far the only offer I've gotten is to return to the
 13 hospital.
 14 **Q When you were looking for those jobs at the Pet Stop or**
 15 **the bookstore, were you intending to do that during**
 16 **school or just in the summers?**
 17 A Both.
 18 **Q Before your mom's accident, who was your regular**
 19 **physician?**
 20 A Dr. Charlie Brown.
 21 **Q How long had you been seeing Charlie Brown for?**
 22 A My entire life.
 23 **Q All right. He's your pediatrician?**
 24 A Yes.

- 1 **Q Do you see any other health medical care providers,**
 2 **either psychiatrist or other counselors?**
 3 A Yes.
 4 **Q Who do you see? Who did you see before your mom's**
 5 **accident?**
 6 A Before. Harriet Melrose and Dr. Virginia Merritt.
 7 **Q Harriet Melrose is some sort of social worker?**
 8 A Yes.
 9 **Q And Dr. Merritt is your psychiatrist?**
 10 A Yes.
 11 **Q Did you ever see a Dr. Linda Eisenberg?**
 12 A Occasionally for family counseling.
 13 **Q Can you describe for us why you saw Dr. Eisenberg for**
 14 **family counseling?**
 15 A We had --
 16 MS. PINKHAM: I'm going to instruct the
 17 witness not to disclose any communications with your
 18 counselor.
 19 THE WITNESS: Okay.
 20 MR. POLLOCK: Instructing her not to answer
 21 that question?
 22 MS. PINKHAM: Yes.
 23 **Q Who recommended you see Dr. Eisenberg?**
 24 A I can't remember.

- 1 Q When you see Dr. Eisenberg, do you go with your parents
2 or do you sometimes go alone?
3 A I don't see her anymore.
4 Q When did you stop seeing Dr. Eisenberg?
5 A I can't remember.
6 Q Was it before your mom's accident?
7 A No.
8 Q Was it within the last year?
9 A I don't remember.
10 Q You mentioned a Dr. Melrose. A social worker named
11 Melrose. When did you start seeing her?
12 A I think fifth grade.
13 Q Do you still see her?
14 A Yes.
15 Q With what frequency do you have visits with her?
16 A Once a week.
17 Q And that's been true since the fifth grade?
18 A Yes.
19 Q And after I ask my question, just pause a little bit
20 because your attorney may want to make a statement on
21 the record. Why is it you are seeing Ms. Melrose?
22 MS. PINKHAM: I'm going to instruct the
23 witness not to answer that question.
24 Q Who recommended that you see Ms. Melrose?

- 1 A I can't remember anymore.
2 Q Is Ms. Melrose affiliated with any school?
3 A Not that I know of.
4 Q When you see Ms. Melrose, do your folks come with you?
5 A Occasionally.
6 Q You mentioned a Dr. Merritt. How often do you see
7 Dr. Merritt?
8 A Roughly once every three months.
9 Q When did you start seeing Dr. Merritt?
10 A I can't remember.
11 Q Was it before your mom's accident?
12 A Yes.
13 Q Do you still see her every three months or so?
14 A Yes.
15 Q Why is it you're seeing Dr. Merritt?
16 MS. PINKHAM: I instruct the witness not to
17 answer.
18 Q Who recommended that you start seeing Dr. Merritt?
19 A I can't remember.
20 Q When you see Dr. Merritt, does anybody go with you to
21 the sessions?
22 A Usually my father.
23 Q Did there come a period of time when you were having
24 family problems?

- 1 A I don't understand the question.
2 Q Let me rephrase it. Did there come a period when you
3 were having difficulty with either of your parents?
4 A Around the time of the accident and difficulties
5 because of the accident.
6 Q Did you have difficulties with either of your parents
7 or your communicating with them or getting along with
8 them before your mom's accident?
9 A Not outside of normal.
10 Q Before your mom's accident, were you having difficulty
11 getting along with your peers?
12 A Occasionally.
13 Q Can you describe that for us?
14 A They were just acting the way they would always act.
15 Q Which was how?
16 A Occasional teasing, occasional just picking on. Wasn't
17 anything serious.
18 Q Did that stop at some point?
19 A Yes. Around the time of my mother's accident.
20 Q How did you find out about your mom's accident?
21 A I was in school and I was in gym class and the school
22 counselor came into the gym and told me that my mother
23 had been in a car accident.
24 Q Who was the school counselor that told you that?

- 1 A Ms. Julian.
2 Q And you were in gym class at the time?
3 A Yes.
4 Q And did she tell you -- do you remember the words she
5 used?
6 A Your mother has been in a car accident.
7 Q Did she expound on that at all?
8 A She only said that my father was coming to pick me up.
9 Q Did she describe for you how serious it was or anything
10 of that nature?
11 A No.
12 Q What did you do at that point?
13 A I went with her to the office, her office to wait for
14 my father.
15 Q You mentioned she was the school counselor. Guidance
16 counselor, what was her title?
17 A Guidance.
18 Q There was one guidance counselor back at the middle
19 school at that point?
20 A It was a school just for eighth graders and she was the
21 only guidance counselor at the school.
22 Q I didn't hear you. It was a school what, for only
23 eighth --
24 A Set aside for only eighth graders.

- 1 Q The school itself?
2 A Yes.
3 Q So what was it called?
4 A Middle School East.
5 Q And that just had one grade in it?
6 A Yes.
7 Q What school did you go to before that?
8 A Stacy Middle School.
9 Q And what grades did that go from?
10 A Fifth, sixth and seventh.
11 Q How long did you wait with the guidance counselor until
12 your dad came to pick you up?
13 A It was no more than 10 minutes.
14 Q And when you saw your father, what did he say?
15 A He just said that we need to go home.
16 Q Did he tell you about your mother's accident?
17 A No. But I asked him about it. I thought something was
18 seriously wrong because he never liked me to skip
19 school for any reason.
20 Q Did you ask him how bad is it?
21 A I just asked him where mom was and what happened.
22 Q What did he say?
23 A He just said that mom was in a car accident and we
24 needed to go home.

- 1 Q All right. When you got in the car, you and he went
2 home?
3 A Yes.
4 Q Was anybody else at home when you got there?
5 A No.
6 Q Did your father stay with you at home?
7 A Yes.
8 Q Did you go see your mother in the hospital?
9 A I didn't get to see her until I found out she was a
10 paraplegic, which wasn't until two days at least later.
11 Q How did you find out your mother was a paraplegic?
12 A I had stayed home for the two days and I had been
13 asking my father during the two days where is mom, how
14 is she, what happened. And he finally told me that
15 Thursday night that he had good news and he had bad
16 news. The good news was mom was going to live, and but
17 the bad news she was going to be in a wheelchair.
18 Q And this was the Thursday night of that week?
19 A Yes.
20 Q And the accident, is it your memory, happened on
21 Monday?
22 A Yes.
23 Q During those two days or so, did your dad tell you that
24 your mother might not live or?

- 1 A No.
 2 Q **Did he tell you anything about her condition?**
 3 A All he told me was that she was in a bad car accident
 4 and he wouldn't elaborate.
 5 Q **Was your father home with you during those three days?**
 6 A Yes. But he would keep himself in the basement of the
 7 house where he worked.
 8 Q **Where he worked you said?**
 9 A Yes.
 10 Q **That was in the eighth grade, correct?**
 11 A Yes.
 12 Q **Were you of age that your parents would let you stay**
 13 **home yourself?**
 14 A Yes.
 15 Q **And how old were you at that point?**
 16 A 13.
 17 Q **Did your father go to the hospital during those three**
 18 **days?**
 19 A No. But he made a lot of calls to the hospital.
 20 Q **Did anybody else come and stay with you during those**
 21 **three days with you and your dad?**
 22 A No. No one came until that weekend.
 23 Q **Who came during that weekend?**
 24 A My aunt Susan and my grandparents.

- 1 Q **I forget to mention, if you ever want to take a break**
 2 **or talk to your lawyers or your mom or anybody else,**
 3 **just say the word.**
 4 A All right.
 5 Q **Thursday you found out your mom was going to live but**
 6 **she was going to be in a wheelchair, correct?**
 7 A Yes.
 8 Q **When did you go to the hospital to see her?**
 9 A That Friday morning.
 10 Q **Did you talk to her at all by telephone during the**
 11 **three days --**
 12 A No.
 13 Q **-- in the interim?**
 14 A No.
 15 Q **Can you describe for us your visit to the hospital that**
 16 **Friday?**
 17 A I went to what I knew was solitary, because of the
 18 position of the hospital and all the people and
 19 machinery. I went into the large room. Mom was
 20 strapped to a metal bed. There was a big metal clamp
 21 that was holding her head in place. The bed was off
 22 the ground. It was tilted to its side. There were all
 23 these machines beeping and wires sticking everywhere
 24 and little tubes.

- 1 Q **Was she conscious?**
 2 A Yes.
 3 Q **Were you able to talk with her?**
 4 A Only one sentence. I asked her how she was.
 5 Q **Do you remember what she said?**
 6 A Get me out of here, these people are insane.
 7 Q **Okay. When you say solitary, you mean intensive care?**
 8 A Yes.
 9 Q **How long did you spend at the hospital during that**
 10 **visit?**
 11 A As soon as I talked to her, I left.
 12 Q **Did you go back and visit her periodically during her**
 13 **stay in the hospitals?**
 14 A After I was told she was stable and she was definitely
 15 going to live, then I went back.
 16 Q **How long after that Friday did you go back?**
 17 A I can't remember.
 18 Q **Who told you she was stable?**
 19 A My father.
 20 Q **And how often in those subsequent weeks or months did**
 21 **you visit her in the hospital?**
 22 A During the time she was in the hospital, all of them,
 23 my father would stay overnight at the hospital with
 24 her. I wouldn't go. I wouldn't go back very often

- 1 until I knew she was off the machine thing.
 2 Q **What machine do you mean?**
 3 A The machine with the metal bed.
 4 Q **You said your grandparents came over the weekend --**
 5 A Yes.
 6 Q **-- to stay with you. How long did they stay?**
 7 A A few months.
 8 Q **Where were they from?**
 9 A Florida.
 10 Q **These are your mom's parents?**
 11 A Yes.
 12 Q **I want to ask you quickly about your own health.**
 13 **Dr. Charlie Brown was your doctor from when you were**
 14 **younger up to the present, your pediatrician?**
 15 A Yes.
 16 Q **Did you see any other medical doctors?**
 17 A Occasionally walk-in clinics.
 18 Q **Have you ever been diagnosed with any serious or**
 19 **chronic illnesses?**
 20 A Nothing very serious.
 21 Q **Okay. Nothing but colds and flus and stuff like that?**
 22 A Besides occasional anemia, no.
 23 Q **Okay. When you say occasional anemia, who treats you**
 24 **for that?**

- 1 A They would tell me merely to eat foods with a lot of
 2 iron and take iron supplements.
 3 Q **Okay. And you'd just be real tired and see a doctor**
 4 **and that is what he would say?**
 5 A I would notice something was wrong. I wouldn't eat at
 6 all and I would be very tired all the time.
 7 Q **Are you taking any medications at all?**
 8 A Wellbutrin.
 9 Q **How often?**
 10 A Twice a day.
 11 Q **Do you know what dose you take?**
 12 A I don't know the specific dose.
 13 Q **Is it one pill twice a day?**
 14 A It's two pills in the morning and one pill in the
 15 afternoon.
 16 Q **Do you know what you're taking that for?**
 17 A Specifically, no.
 18 Q **Do you know what the pills are being given to you for,**
 19 **what is the condition?**
 20 A Anxiety and depression.
 21 Q **For how long have you been taking Wellbutrin?**
 22 A It's relatively a new thing. I just started the
 23 beginning of the summer.
 24 Q **Was there something that happened or an event that**

- 1 **triggered you taking the Wellbutrin?**
 2 A The previous medicine stopped working for me.
 3 Q **And what was the previous medicine?**
 4 A Prozac.
 5 Q **I didn't hear the first part.**
 6 A Prozac.
 7 Q **For how long had you been taking the Prozac?**
 8 A I can't remember.
 9 Q **More than a year?**
 10 A Yes.
 11 Q **More than two years?**
 12 A Yes.
 13 Q **Do you know what grade you were in when you first**
 14 **started taking Prozac?**
 15 A No.
 16 Q **Was it before or after your mom's accident?**
 17 A Before.
 18 Q **How much Prozac were you on?**
 19 A I can't remember.
 20 Q **Do you know how many pills you would take or how often?**
 21 A It was two pills twice a day.
 22 Q **Okay. Was there a medication that preceded the Prozac?**
 23 A Paxil.
 24 Q **How long were you taking the Paxil?**

- 1 A I have no idea.
 2 **Q Was it all for the same condition that you described**
 3 **for us?**
 4 A That I remember, yes.
 5 **Q I think you said your dad takes care of your mom pretty**
 6 **regularly during the day?**
 7 A Yes.
 8 **Q Do you participate in that?**
 9 A Only in trivial things, such as occasionally helping
 10 with mom's food or help her with small things like
 11 something may have dropped.
 12 **Q Does anybody else assist her?**
 13 A We have a home health aide.
 14 **Q Who is that person?**
 15 A Her name is Peggy.
 16 **Q Do you know what her last name is?**
 17 A No.
 18 **Q During the school year, when does school start for you?**
 19 A August 31.
 20 **Q And do you take a bus --**
 21 A Yes.
 22 **Q -- school bus?**
 23 **When do you leave during the day, when do you**
 24 **leave in the morning?**

- 1 A 7:00.
 2 **Q And that is when the bus comes to get you?**
 3 A Yes.
 4 **Q And when do you get home?**
 5 A Around 2:30.
 6 **Q You mentioned science club. Does that meet after**
 7 **school?**
 8 A Usually it would meet during a school activity mod
 9 which happens about twice a month. Very rarely does it
 10 meet after school.
 11 **Q Can you describe for us your after school routine?**
 12 A I would come home. If mom is there, then I would do my
 13 homework with her while she would do a puzzle. If
 14 she's not home, then I would do my homework by myself
 15 and usually go watch TV or call up a friend.
 16 **Q Can you describe for us your mom's routine when you get**
 17 **home from school or even on the weekends?**
 18 A She's usually at a doctor or something having to do
 19 with her health.
 20 **Q Let me break it down. In the afternoon she's usually**
 21 **at a doctor's appointment or something to do with her**
 22 **health?**
 23 A Yes.
 24 **Q What about on the weekends, can you describe what your**

- 1 **routine as a family is?**
 2 A We usually don't have a routine.
 3 **Q Do you do things together as a family on the weekends?**
 4 A No.
 5 **Q What do you do on the weekends?**
 6 A Call up a friend or go walk around outside of the
 7 house. Walk a couple miles to the store.
 8 **Q What do you folks do on the weekends generally?**
 9 A Generally they're talking to doctors or lawyers or
 10 something having to do with mom's health.
 11 **Q Pretty much all weekend long?**
 12 A Yes.
 13 **Q You mentioned puzzles. Is she a crossword person or a**
 14 **word search or what?**
 15 A Pretty much everything.
 16 **Q Does she do the ones in the paper or actually have**
 17 **puzzle books?**
 18 A She has puzzle books.
 19 **Q Is she good at them?**
 20 A Yes.
 21 **Q Before your mom's accident, what were your hobbies and**
 22 **what kind of things did you enjoy doing?**
 23 A I would go out with friends. I would just collect
 24 random things. Beanie Babies. I would go hang out

- 1 with my mother on the weekends and sometimes during the
 2 week days.
 3 **Q What kind of hobbies would you enjoy with your mother?**
 4 A We would go to flea markets. Yard sales. The mall.
 5 Movies. During when it was warm enough, we would go
 6 occasionally to amusement parks.
 7 **Q Would you do things with your dad?**
 8 A Yeah. He would take me to the mall. He would go to
 9 more movies than my mother would, and he would take me
 10 to places like the zoo.
 11 **Q Were you involved with your mother's antiques?**
 12 A Yes.
 13 **Q Is that when you would go to the flea markets and the**
 14 **shops and the like?**
 15 A And I would go with her if she were putting things in
 16 stores.
 17 **Q I understand you collect penguins?**
 18 A Yes.
 19 **Q What kind of penguins; statues, pictures?**
 20 A Pretty much anything having to do with penguins.
 21 **Q How did you first get into penguins?**
 22 A We had to do an animal assignment for school for
 23 biology and what we picked was random. We had to draw
 24 it out of a hat literally. And I picked penguins, and

- 1 I had to spend two months learning about penguins to do
 2 my project, and I just started liking them a lot.
 3 **Q What did that start?**
 4 A Sometime around February.
 5 **Q Of this year?**
 6 A Yes.
 7 **Q A few months ago?**
 8 A Yes.
 9 **Q Is there a name for people that have their hobby being**
 10 **researching penguins?**
 11 A Not that we could come up with.
 12 MR. BOYLE: Penguinologist.
 13 MR. POLLOCK: Penguinophile.
 14 **Q Could you describe for us in your own words inasmuch**
 15 **detail as you can how your life has changed because of**
 16 **your mother's terrible accident?**
 17 A She and I can't do as many things, even half as many
 18 things as she and I use to do; such as flea markets or
 19 yard sales or amusement parks. My father is always
 20 busy taking care of my mother or doctors appointments
 21 and things similar, so I can't be with him. My friends
 22 and I have since grown apart. They've changed and I've
 23 changed. And I'm starting to worry about other things,
 24 such as college, but I can't talk to either of them as

- 1 much, as able as I use to be.
 2 **Q Why have you grown apart with the friends you had**
 3 **before your mother's accident?**
 4 A They just started to change and I started to change and
 5 had different interests.
 6 **Q That is not related to the accident itself?**
 7 A No.
 8 **Q You mentioned you worry about things such as college.**
 9 **What are your fears or worries with respect to college?**
 10 A Well, I've never really been away from home for more
 11 than 10 days, and I've never shared a room in my life,
 12 and I've never been anywhere that could prepare me for
 13 college.
 14 **Q Would you have had those fears whether or not your mom**
 15 **had her accident?**
 16 A It would have been better if like she didn't have the
 17 accident because we were able to do things such as
 18 going away and staying places, such as Cape Cod which
 19 we would do twice every summer, and it would have made
 20 it better.
 21 **Q Are there other things you have worries about aside**
 22 **from the college issue?**
 23 A The trial. They keep talking about it. And I know mom
 24 has all these medical problems.

- 1 **Q What was your relationship with your dad before the accident?**
 2
 3 A He wasn't nearly as busy as he is now so I could just
 4 go and talk to him. If we wanted, we could
 5 spontaneously go to the mall or make plans to go on
 6 trips to visit to the zoo, and we were close and I
 7 could ask him for help on something other than school.
 8 **Q And has that ceased since the accident?**
 9 A Yes.
 10 **Q And that's because he's always taking care of your mother or making calls?**
 11 A He's always busy and always stressed out.
 12 **Q And that wasn't the case before the accident?**
 13 A No.
 14 **Q Were your folks having any type of problems, marital problems before the accident?**
 15 A Not that I know of.
 16 MR. POLLOCK: Pretty much done. I do want to
 17 go through my notes real quickly.
 18 (Off the record.)
 19 **Q I just have a couple of additional questions, and the other people have an opportunity to ask you questions, too.**
 20
 21 Where in Cape Cod would you go during the

- 1 regular vacations before the accident?
 2 A We would go to Falmouth or Hyannis.
 3 **Q I think you said you would go twice a summer?**
 4 A Yes. Once in July and once in August.
 5 **Q For how long?**
 6 A It would be three or four days.
 7 **Q At a shot?**
 8 A Yes.
 9 **Q Would you stay at the same place like people do or different places?**
 10 A Same place.
 11 **Q Where would you stay?**
 12 A It was Wellfleet Motel right across from the Wellfleet
 13 Flea Market.
 14 **Q Before the accident?**
 15 A Yeah.
 16 **Q Have you gone back to the Cape after the accident?**
 17 A We tried this summer at the beginning. But even though
 18 the hotel has handicap accessible rooms, they're not
 19 that easy for mom to maneuver in or stay in.
 20 **Q Would you stay overnight at any hotel on the Cape?**
 21 A We stayed overnight in that hotel.
 22 **Q The Wellfleet Motor Lodge?**
 23 A Yeah.

- 1 **Q And that's a similar hotel you would go to before the accident sometimes?**
 2 A Yeah.
 3 **Q You mentioned that -- I think you said that you think your grades suffered to some extent because your parents were not as available to help you with your homework after the accident --**
 4 A Yeah.
 5 **Q -- is that right?**
 6 And just so I understand, was it an issue
 7 where your homework wasn't getting done as well and
 8 handed in, you'd get criticized --
 9 A I would always --
 10 MS. PINKHAM: You have to wait until he's
 11 done.
 12 A I would always get the homework done, but I would have
 13 trouble remembering to pass it in.
 14 **Q You'd forget to give it to your teacher?**
 15 A Yeah.
 16 **Q And that is something you attribute to your folks not helping you with the homework?**
 17 A Usually when they helped me, we'd get a folder, and as
 18 soon as we were done with the homework, if it was a
 19 sheet, I put it right in the folder. After they

- 1 stopped helping me, the routine started to change and I
 2 forgot that part.
 3 **Q And by not passing it in, you wouldn't get the credit for the homework that you would otherwise get?**
 4 A Yeah.
 5 **Q And that is why your grades would come down?**
 6 A Yeah.
 7 **Q It wasn't an issue helping you learning the stuff so to speak?**
 8 A The classes that I had trouble learning before were a
 9 little worse, but classes that I would do well in
 10 before stayed the same.
 11 **Q Okay. You mentioned the puzzles. Is there anything else that your mom currently enjoys doing?**
 12 A The puzzles. She likes to like look in catalogs. We
 13 look at catalogs that have weird things in them and
 14 point them out as who would buy this.
 15 **Q Anything else you can think of?**
 16 A She tries sometimes to go to some flea markets, but
 17 usually the terrain is too rough for an electric
 18 wheelchair.
 19 **Q Are you involved at all with your mother's research into the Revolutionary War?**
 20 A Not if I can help it.

- 1 **Q Have you seen some of the stuff she's writing about?**
 2 A No.
 3 **Q What about the needlepoint, have you seen that?**
 4 A Yes.
 5 **Q Does she have talent in that regard?**
 6 A Yes.
 7 **Q Do you have some of that needlepoint at your house?**
 8 A Oh, yeah.
 9 **Q Prominently displayed?**
 10 A Yes.
 11 **Q Is it everywhere?**
 12 A Yes.
 13 **Q Any other hobbies or other things you can tell us that she likes to do to pass the time?**
 14 A She'll get jewelry that has been broken or missing a
 15 stone and she'll fix that. She does that sometimes to
 16 keep it. Sometimes to sell it. She'll take some
 17 things that are damaged or missing paint chips and
 18 repaint it. Little shelves.
 19 **Q Where does she get the jewelry from?**
 20 A Sometimes she'll buy things on eBay where she does her
 21 business. Sometimes she'll get it from flea markets.
 22 Sometimes from auctions.
 23 **Q And you mentioned shelves, that she fixes broken**

- 1 shelves?
 2 A Yeah.
 3 **Q Is that also stuff she gets on-line?**
 4 A Yes. Small shelves used to display figurines.
 5 **Q I see you have a necklace. Is that one of the items your mother purchased for you?**
 6 A No. Just --
 7 **Q Something you got yourself?**
 8 A Yeah.
 9 MR. POLLOCK: Those are my questions. Unless
 10 anybody else has follow-up.
 11 MR. BOYLE: Yes, I do.
 12 EXAMINATION BY MR. BOYLE:
 13 **Q Good afternoon, Rebecca. My name is Lawrence Boyle. I represent two of the other defendants in this case. I didn't understand some of your answers. First, you said that in the ninth grade, you had an 87 average?**
 14 A Yes.
 15 **Q And in the tenth grade, you had an 85 average?**
 16 A Yes.
 17 **Q What was your average in the eighth grade?**
 18 A I can't remember. I can't remember half of that year.
 19 **Q Did you miss any school other than the two days that**

- 1 **you missed immediately after the accident?**
 2 A I missed some school afterwards because I would get
 3 sick.
 4 Q **Sick from what?**
 5 A We don't know. Still don't.
 6 Q **What were the symptoms?**
 7 A I get severe symptom aches. I would get nauseous.
 8 Q **Did you treat with a doctor for that problem?**
 9 A We went to walk-in clinics, but they couldn't find
 10 anything immediately wrong with me.
 11 Q **How about your primary care physician?**
 12 A We couldn't because it takes too long to schedule an
 13 appointment, and I was in the transition stage where I
 14 wouldn't be seeing a pediatrician anymore.
 15 Q **Well, I have written down 88 in the eighth grade**
 16 **question mark. You didn't say anything about having an**
 17 **88 average in the eighth grade?**
 18 A I can't remember.
 19 Q **Did you get a B average?**
 20 A I can't remember.
 21 Q **You graduated from that class though, you went from the**
 22 **eighth to the ninth, correct?**
 23 A Yes.
 24 Q **You don't recall what -- or do you recall your grade**

- 1 **average in the seventh grade?**
 2 A For all of the years, I know it's been above an 85.
 3 Q **Okay. And the year after the accident in the ninth**
 4 **grade, it also was above 85?**
 5 A Yes.
 6 Q **In fact, it was 87?**
 7 A Yes.
 8 Q **You said something about having a problem with some**
 9 **teachers. They treat students like morons?**
 10 A Yes.
 11 Q **Are you talking about at the present date?**
 12 A Some teachers would not care that a student would have
 13 learning difficulties or listening difficulties and
 14 they would blame this on a student being lazy.
 15 Q **Are we talking about presently?**
 16 A Present and past.
 17 Q **So is it something that you have a problem with**
 18 **teachers today?**
 19 A No, not really.
 20 Q **When is the last time you had a problem with a teacher**
 21 **that treated students like morons?**
 22 A Freshman year.
 23 Q **Which would have been the ninth grade?**
 24 A Yeah.

- 1 Q **Any particular teacher?**
 2 A A reading teacher.
 3 Q **Do kids still pick on you?**
 4 A No.
 5 Q **Now from what I understand you have told us, after the**
 6 **accident, you've been seeing a Harriet Melrose who is a**
 7 **doctor that is a psychiatrist?**
 8 A Social worker.
 9 Q **Okay. You've also been seeing a Dr. Merritt in**
 10 **connection with emotional health problems, correct?**
 11 A Yes.
 12 Q **And lastly, you said you do not any longer see a**
 13 **Ms. Eisenberg, who had previously given you some**
 14 **counseling, correct?**
 15 A Yes.
 16 Q **And I think you told us that of those three**
 17 **individuals, Harriet Melrose, Dr. Merritt, and I think**
 18 **it's Linda Eisenberg, you had seen all of them before**
 19 **the motor vehicle accident, correct?**
 20 A Yes.
 21 Q **And at the present time, you see two of them?**
 22 A Yes.
 23 Q **So you were seeing more counselors before the accident**
 24 **than you saw after the accident, correct?**

- 1 A Yes. But it was in less frequency.
 2 Q **Okay. But we can agree by way of number you were**
 3 **seeing more counselors before the accident than after**
 4 **the accident, correct?**
 5 A Yes.
 6 Q **You also told us before the accident you had been on a**
 7 **medication Prozac?**
 8 A Yes.
 9 Q **Correct? And then before that, you had been on**
 10 **something called Paxil?**
 11 A Yes.
 12 Q **And those were for depression and anxiety conditions,**
 13 **correct?**
 14 A Yes.
 15 Q **Is it fair to say that as far back as you can remember,**
 16 **you've been taking some medications for anxiety and**
 17 **depression?**
 18 A Not in the amount it's in now. But yes.
 19 Q **Just my question is as far back as you can remember,**
 20 **you've been taking some medication for depression and**
 21 **anxiety, correct?**
 22 A Yes.
 23 Q **And how far back can you remember?**
 24 A I can't remember a lot of specific things.

- 1 Q **So is it fair to say that you were on medication for**
 2 **many years before the accident for anxiety and**
 3 **depression, correct?**
 4 A Yes.
 5 Q **And you've been on medication after the accident for**
 6 **anxiety and depression, correct?**
 7 A Yes.
 8 Q **And today you're on medication, correct?**
 9 A Yes. But it's a lot more than I use to be on.
 10 Q **Okay. We can agree today you're on medication?**
 11 A Yes.
 12 Q **And at the time of your mother's accident, you were on**
 13 **medication, correct?**
 14 A Yes.
 15 Q **Well, you said that you think you are on more**
 16 **medication today than before. How do you know that?**
 17 A Because medications that they give me now are
 18 increasingly stronger than the medications they use to
 19 be giving me.
 20 Q **How do you know that?**
 21 A Because my body continually built up tolerance to
 22 medication.
 23 Q **They have to give you stronger medication because your**
 24 **body has developed a tolerance, correct?**

- 1 A Yes.
 2 Q **And has there been any time in the past two years you**
 3 **haven't been on medication?**
 4 A No.
 5 Q **What did you get in the ninth grade for marks of**
 6 **conduct?**
 7 A I can't remember.
 8 Q **Do you have a problem getting a bad grade in conduct?**
 9 A I usually don't look at conduct. I just look at the
 10 grade itself.
 11 Q **You usually what?**
 12 A I usually don't look at conduct or effort. I look at
 13 the grade itself.
 14 Q **Don't you have a general overall grade for conduct and**
 15 **effort?**
 16 A No.
 17 Q **Do you have a grade in each subject for conduct and**
 18 **effort?**
 19 A I only have a specific average I need to reach in a
 20 numerical number for the class.
 21 Q **My question is this. If you take English, math and**
 22 **history, does each teacher give you a separate grade**
 23 **for effort and conduct?**
 24 A Yes.

<p style="text-align: right;">Page 49</p> <p>1 Q So you'll have a whole bunch of effort and conduct grades beside the numerical grade, correct?</p> <p>2 A Yes.</p> <p>3 Q Do you get a numerical grade for conduct and effort, too?</p> <p>4 A No.</p> <p>5 Q What do you get?</p> <p>6 A You get little comments, such as needs improvement or satisfactory or excellent.</p> <p>7 Q No letter grade?</p> <p>8 A No.</p> <p>9 Q And what were the comments that you got last year for conduct and effort with your grades?</p> <p>10 A Depends on the class.</p> <p>11 Q Tell me --</p> <p>12 A Well, in some classes I would get excellent, or at least a satisfactory. Some classes that I had trouble remembering bringing homework would say has trouble bringing in homework.</p> <p>13 Q What about conduct, any problems with your behavior in school?</p> <p>14 A No.</p> <p>15 Q Other than the issue where you were suspended for two days, have you had any problems with your conduct in</p>	<p style="text-align: right;">Page 52</p> <p>1 Q And is that one of the reasons why you are a little reluctant to get a driver's license?</p> <p>2 A I didn't understand.</p> <p>3 Q Is the fact that you witnessed a violent accident one of the reasons you would be not anxious to get a driver's license?</p> <p>4 A No.</p> <p>5 Q Has nothing to do with it?</p> <p>6 A No.</p> <p>7 Q You drive every day on a bus to school?</p> <p>8 A Yes.</p> <p>9 Q You drive frequently with your father, correct?</p> <p>10 A Yes.</p> <p>11 Q You sit in the front seat?</p> <p>12 A In the back.</p> <p>13 Q Ever sit in the front seat?</p> <p>14 A No. Not usually.</p> <p>15 Q Why not?</p> <p>16 A I don't like sitting in the front seat.</p> <p>17 Q Why not?</p> <p>18 A Just don't like sitting in the front seat.</p> <p>19 Q Why not?</p> <p>20 A Because it's not my preference.</p> <p>21 Q Okay. Do you know why it's not your preference?</p>
<p style="text-align: right;">Page 50</p> <p>1 school?</p> <p>2 A No.</p> <p>3 Q Did you have problems getting along with your father before the accident?</p> <p>4 A Not really.</p> <p>5 Q Clashes because you have the same type of personality?</p> <p>6 A Only minor things.</p> <p>7 Q What were the minor things?</p> <p>8 A Such as he wanted me to study for four hours and I only wanted to study for two hours.</p> <p>9 Q This is before the accident?</p> <p>10 A Yes.</p> <p>11 Q Did you argue with your father before the accident?</p> <p>12 A Occasionally.</p> <p>13 Q Did you have more difficulty getting along with him than your mother?</p> <p>14 A Yeah.</p> <p>15 Q Did you have problems with your interacting with your father after the accident?</p> <p>16 A Yes.</p> <p>17 Q Fair to say that both before and after the accident, of the two parents, you had more conflict with your father?</p> <p>18 A Yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 A No.</p> <p>2 Q Okay. And you also have occasion to drive in your mother's -- strike that -- family van?</p> <p>3 A Yes.</p> <p>4 Q Is it fair to say that where you live doesn't have a lot of public transportation?</p> <p>5 A Yes.</p> <p>6 Q Can't walk down the street and take the green line, right?</p> <p>7 A Yeah.</p> <p>8 Q Meaning you don't?</p> <p>9 A We don't have any public transportation outside of the school bus.</p> <p>10 Q Basically it's your dad or somebody driving you places?</p> <p>11 A Yes.</p> <p>12 Q That is how you get along to the places you go?</p> <p>13 A Yes.</p> <p>14 Q How you get to your friends' house, correct?</p> <p>15 A I usually don't go to my friends' house. Usually come to me.</p> <p>16 Q You go sometimes, correct?</p> <p>17 A Occasionally.</p> <p>18 Q Occasionally go to the mall?</p> <p>19 A Yes.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Have you ever applied to get a learners permit?</p> <p>2 A No.</p> <p>3 Q Do you intend to?</p> <p>4 A Eventually.</p> <p>5 Q When?</p> <p>6 A When I get over my fear of driving.</p> <p>7 Q What fear of driving do you have?</p> <p>8 A That I'm going to hit by someone or be in a car accident.</p> <p>9 Q Did you have a fear of driving before the accident?</p> <p>10 A No.</p> <p>11 Q Have you ever witnessed an accident?</p> <p>12 A Yes.</p> <p>13 Q What accident did you witness?</p> <p>14 A Outside of the school, a car hit another car and flipped over and landed on the car.</p> <p>15 Q When was this?</p> <p>16 A Sixth grade.</p> <p>17 Q Was that upsetting to you?</p> <p>18 A Yes.</p> <p>19 Q Did that give you a fear of automobiles?</p> <p>20 A No. It just sort of freaked me out.</p> <p>21 Q Because of the violence of the collision?</p> <p>22 A Yes.</p>	<p style="text-align: right;">Page 54</p> <p>1 Q Occasionally go to the dentist?</p> <p>2 A Yes.</p> <p>3 Q Occasionally go to the doctor?</p> <p>4 A Yes.</p> <p>5 Q Occasionally go to the therapist you told us about?</p> <p>6 A Yes.</p> <p>7 Q Occasionally go to the movies?</p> <p>8 A Yes.</p> <p>9 Q You said that you have gone to flea markets with your mother since the accident?</p> <p>10 A A couple times.</p> <p>11 Q Okay. Where were those flea markets located?</p> <p>12 A Grafton.</p> <p>13 Q How long did you stay at the flea market?</p> <p>14 A An hour.</p> <p>15 Q Have you gone shopping with your mother?</p> <p>16 A Sometimes.</p> <p>17 Q Where do you go?</p> <p>18 A Mall.</p> <p>19 Q Which mall is that?</p> <p>20 A Natick.</p> <p>21 Q Did your parents ever go to your school last year other than normal teacher parent conferences?</p> <p>22 A No.</p>

- 1 Q You have a computer?
 2 A Yes.
 3 Q And is that something that you're interested in using?
 4 A Yes.
 5 Q In fact, you have two computers, right?
 6 A Yes.
 7 Q You have one in your bedroom?
 8 A No. I have one in an office area.
 9 Q Okay. And then you have a laptop?
 10 A Yes.
 11 Q You take that with you when you go places?
 12 A Yes.
 13 Q And you use that for chat rooms, things like that?
 14 A Yeah. Chat rooms. Sometimes write on it.
 15 Q You write on it?
 16 A Yeah.
 17 Q What do you write?
 18 A Stories. Poems.
 19 Q Things for school work or by way of personal interest?
 20 A School work.
 21 Q You also have a cell phone?
 22 A Yes.
 23 Q You went down recently with your dad to Philadelphia to visit a friend?
 24

- 1 A Yes.
 2 Q That is someone you met in a chat room?
 3 A Yes.
 4 Q Have you done that on other occasions?
 5 A Yeah. Once.
 6 Q Where did you go?
 7 A New York.
 8 Q When was that?
 9 A A year. Probably a year and a half ago.
 10 Q That would be after the motor vehicle accident?
 11 A Yes.
 12 Q You were connecting with people before the accident, too, over the internet, right?
 13 A Not a lot.
 14 Q Were you using the computer before the accident?
 15 A Yes.
 16 Q And were you using it to meet people?
 17 A No. Play video games.
 18 Q You said not a lot. Fair to say you did it sometimes?
 19 A With my friends.
 20 Q Talking about the chat rooms that you would meet people from New York and Philadelphia.
 21 A No.
 22 Q No. Any reason why you started doing that?
 24

- 1 A There was nothing else to do.
 2 Q You also use it to communicate with your friends from school?
 3 A Yes.
 4 Q And you do have girlfriends in school?
 5 A Yes.
 6 Q Now you said that today your mother has less time, she's at home less time now than before the accident?
 7 A Yes.
 8 Q You come home from school at about what, 2:30?
 9 A Yes.
 10 Q How many days a week is your mother not there?
 11 A It depends on what is going on that week.
 12 Q Right.
 13 A She's usually not home when I get home.
 14 Q Is she usually home by 5 o'clock?
 15 A Yes.
 16 Q Fair to say she's home every single night?
 17 A Yes.
 18 Q You said your father was less busy before?
 19 A Yes.
 20 Q But he spends a lot more time in the house now than he did before, right?
 21 A Yes.
 22

- 1 Q So he's available to you a lot more frequently now than before?
 2 A No, because he usually ignores me.
 3 Q Okay. Putting that aside, he's in the same house with you more now than before the accident?
 4 A Yes. Yes.
 5 Q He has an office downstairs?
 6 A Yes.
 7 MS. PINKHAM: Larry, it's little after 4:30, so I hope you're close to the end.
 8 MR. BOYLE: Yes, I am. That's all I have.
 9 Thank you.
 10 MR. TOBIN: I have no questions.
 11 MR. POLLOCK: I have a quick follow-up.
 12 EXAMINATION BY MR. POLLOCK:
 13 Q Do you know what your dad does down in the basement on his computer?
 14 A His business.
 15 Q What business is that?
 16 A I have no idea.
 17 Q He works on the computer and your understanding is it's something to do with business?
 18 A Yes.
 19 Q How much time does he spend down there?
 20

- 1 A Most of the day. When he's not with mom, he's in the basement.
 2 Q But what he's doing -- does he have his own computer down there?
 3 A Yes.
 4 Q What he's doing on it, you just don't know?
 5 A Yes.
 6 Q You spoke of a trip to New York City a year or so ago?
 7 A Yeah.
 8 Q How long did you go down there for?
 9 A Not even a day.
 10 Q It was a one day trip?
 11 A Yeah.
 12 Q Who went with you?
 13 A My father.
 14 Q He drove?
 15 A Yes.
 16 Q You mentioned it's not your preference to sit in the front seat.
 17 A Yes.
 18 Q Does that have anything to do with anybody telling you it's not good for you to be there with the air bag in the front seat?
 19 A No. I just don't like being that close to the front of
 20

- 1 the car.
 2 Q Your dad and your mom have never told you --
 3 A No.
 4 Q -- someone your size shouldn't be in the front seat?
 5 A No.
 6 Q You just don't like being close to the front of the car?
 7 A Yeah.
 8 Q That has been solely your decision?
 9 A Yes.
 10 Q And have you heard anything about the issue with respect to air bags in the front seat and smaller people?
 11 A I know that someone my size shouldn't be in the front because of the air bag, but that didn't influence my decision to just usually sit in the back.
 12 Q All right. You mentioned you sometimes play games on-line?
 13 A Yes.
 14 Q What type of games do you play?
 15 A Solitaire. Checkers.
 16 Q Do you like compete against other people in other cities wanting to play that game?
 17 A Yes. Yes.
 18

- 1 Q Any other solitaire, checkers, anything else?
- 2 A Card games with trading cards.
- 3 Q Did you ever try to get your learner's permit yet?
- 4 A No.
- 5 Q Am I correct you can get a learner's permit when you turn 16?
- 6 A Yes.
- 7 Q It's a matter of going down to the -- what do you call it, the DMV or the Registry?
- 8 A Yes.
- 9 Q To take a test?
- 10 A You pick up the book, booklet on driving, and you study it, depending how long it takes you to learn. Then you return to the DMV and you take a written exam. And if you pass, you get your permit.
- 11 Q Have you ever picked up the book?
- 12 A Yes.
- 13 Q Just haven't gone and taken the test yet?
- 14 A Yes.
- 15 Q Are you eligible to take the test on your last birthday?
- 16 A Yes.
- 17 Q That is when you were first eligible to do that, turning 16, is that right?

- 1 A Yes.
- 2 Q My question is have the pills gone up in dosage or have you been told to take more of those pills to increase the dosage?
- 3 A Both.
- 4 Q The pills are getting bigger and they're telling you to take more?
- 5 A Yes.
- 6 Q You mentioned a reading teacher you clashed with at school. That was the most significant clash. Who is that teacher?
- 7 A Ms. Morin.
- 8 Q Ms?
- 9 A Morin.
- 10 MR. POLLOCK: That's all I have. Thank you.
- 11 MR. BOYLE: Well, just a few.
- 12 EXAMINATION BY MR. BOYLE:
- 13 Q Allergic reaction you said?
- 14 A Yes. I have a lot of food allergies.
- 15 Q Does that cause you to have upset stomach and other symptoms?
- 16 A Some. Yes.
- 17 Q With whom do you treat for the food allergies?
- 18 A I don't get treated for food allergies. I just stay

- 1 A Yes.
- 2 Q You mentioned your friends usually come to you, why is that?
- 3 A I don't like being in my house if I can help it. I prefer to go to their house.
- 4 Q Well, maybe I misunderstood. I thought you said your friends usually come to your house. Did I hear that wrong?
- 5 A Yes, but we're not in the house. We go to the mall.
- 6 Q So they come to your house, pick you up, and you go to the mall?
- 7 A Yes.
- 8 Q How do you get to the mall when your friends pick you up?
- 9 A Usually their parents are driving them.
- 10 Q Do you have a bike by the way?
- 11 A No.
- 12 Q Have you ever had a bicycle?
- 13 A No.
- 14 Q Did you ever learn to ride a bicycle?
- 15 A I may have once and since then forgotten.
- 16 Q Is there a reason why you don't have a bicycle?
- 17 A I never saw the need to learn.
- 18 Q You spoke of stomach nausea that no one has been able

- 1 away from the food.
- 2 Q What foods?
- 3 A Cashews. Almonds. Carrots.
- 4 Q Do you have an allergy to peanuts?
- 5 A Outside of almonds and cashews, no.
- 6 MR. BOYLE: Just for the record, it's my understanding that you have instructed the witness not to answer questions about why she is treated for certain matters.
- 7 MS. PINKHAM: That's correct.
- 8 MR. BOYLE: And I won't waste any time asking her about why her dosage was increased or decreased because you're going to instruct her not to answer.
- 9 MS. PINKHAM: Right.
- 10 MR. BOYLE: All right. Nothing further.
- 11 MR. POLLOCK: Thanks.
- 12 (Whereupon, at 4:35 p.m., the deposition was adjourned.)
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

- 1 to diagnose?
- 2 A Yes.
- 3 Q How long is it you've been suffering from that?
- 4 A About two years. I've been getting sick-like ailments, but no one has been able to figure out why.
- 5 Q Did you start having those symptoms before your mom's accident or after?
- 6 A After. I would only get sick-like ailments if I had an allergic reaction before.
- 7 Q Can you tell us how long after your mom's accident you started noticing those symptoms?
- 8 A I don't know. I didn't put that together.
- 9 Q Do you attribute it to your mom's accident?
- 10 A In a way.
- 11 Q How so?
- 12 A Stress.
- 13 Q Has anybody told you that it's stress related --
- 14 A No.
- 15 Q -- because of your mom's accident?
- 16 A No.
- 17 Q That is something you feel it yourself?
- 18 A Yes.
- 19 Q You mentioned your pills have gotten stronger because of tolerance.

1 COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

2

3 I, Heather S. Cruz, a Registered Professional
Reporter, Certified Shorthand Reporter and Notary
Public in and for the Commonwealth of Massachusetts, do
hereby certify:

4 That REBECCA RHODES, the witness whose
deposition is hereinbefore set forth, appeared before
me and was duly sworn by me to testify to the truth,
the whole truth, and nothing but the truth of her
knowledge concerning the matters in controversy in this
case, and that such deposition is a true record of the
testimony given by the said witness, taken to the best
of my skill and ability.

5 I further certify that I am neither attorney
or counsel for, nor related to or employed by any of
the parties to the action in which this deposition is
taken; and further, that I am not a relative or
employee of any attorney or counsel employed by the
parties hereto or financially interested in this
action.

6 IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this _____ day of
_____, 2007.

7

8

9

10

11

12

13

14

15

16

17 Heather S. Cruz, RPR, CSR

18 My commission expires on

19 March 22, 2007

20 CSR # 1416F95

21

22

23

24