

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS. SUPERIOR COURT

C.A. NO. 05-1360-BLS2
(Gants, J.)

MARCIA RHODES, HAROLD RHODES,
Individually and on Behalf of His Minor
Child and Next Friend, REBECCA RHODES,
Plaintiffs,

vs.

AIG DOMESTIC CLAIMS, INC., f/k/a AIG
TECHNICAL SERVICES, INC., NATIONAL
UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA, and ZURICH AMERICAN
INSURANCE COMPANY,
Defendants.

DEPOSITION OF REBECCA E. RHODES,
taken pursuant to Notice under the applicable
provisions of the Massachusetts Rules of Civil
Procedure on behalf of the Defendants, AIG
Domestic Claims, Inc., f/k/a AIG Technical
Services, Inc., National Union Fire Insurance
Company of Pittsburgh, PA, before Simonne J.
Elwood, R.P.R. and a Notary Public in and for
the Commonwealth of Massachusetts, at the
Radisson Hotel, 11 Beaver Street, Milford,
Massachusetts, commencing on Friday, August 25,
2006 at 11:05 a.m.

NEAL A. SALLOWAY - COURT REPORTERS
FIVE CARDIGAN ROAD
WEST PEABODY, MA 01960
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APPEARANCES:

M. FREDERICK PRITZKER, ESQ.
MARGARET M. PINKHAM, ESQ.
BROWN RUDNICK BERLACK ISRAELS LLP
ONE FINANCIAL CENTER
BOSTON, MA 02111
REPRESENTS THE PLAINTIFFS

MARK E. COHEN, ESQ.
THE McCORMACK FIRM, LLC
ONE INTERNATIONAL PLACE
BOSTON, MA 02110
REPRESENTS AIG DOMESTIC CLAIMS, INC., f/k/a
AIG TECHNICAL SERVICES, INC., NATIONAL UNION
FIRE INSURANCE COMPANY OF PITTSBURGH, PA

GREGORY P. VARGA, ESQ.
ROBINSON & COLE LLP
280 TRUMBULL STREET
HARTFORD, CT 06103-3597
REPRESENTS ZURICH AMERICAN INSURANCE COMPANY

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I N D E X

DEPONENT DIRECT REDIRECT CROSS RECROSS

REBECCA E. RHODES

By Mr. Cohen 5

By Mr. Varga --

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E X H I B I T S

EXHIBIT NO. DESCRIPTION PAGE NO.

1 Answer to Defendant Zurich American Insurance Company's First Set of Interrogatories Rebecca Rhodes 39

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S T I P U L A T I O N S

It is hereby stipulated and agreed by and between counsel for the respective parties that all objections, except as to form, are reserved until the time of trial, including motions to strike.

It is further stipulated and agreed that the reading and signing of the deposition are not waived and to be read and signed under the pains and penalties of perjury.

It is further stipulated and agreed that the filing and sealing of the deposition are waived.

R E B E C C A R H O D E S

A witness called on behalf of the Defendants, AIG Domestic Claims, Inc., f/k/a AIG Technical Services, Inc., National Union Fire Insurance Company of Pittsburgh, PA, having been satisfactorily identified by counsel and duly sworn, under oath, by the Court Reporter and Notary Public, was

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1 examined and testified as follows:
2
3 MS. PINKHAM: For the record, Rebecca
4 Rhodes is the witness today. Rebecca does
5 not have a photo form of I.D., but I have
6 known her for years, and I can certify that
7 she is who she says she is, and I will hold
8 the court reporter and the firm that employs
9 her harmless from any responsibility.
10 MR. COHEN: Would you like the witness
11 to read and sign the deposition?
12 MS. PINKHAM: Sure.
13 MR. COHEN: Okay.
14
15 DIRECT EXAMINATION
16 Q (By Mr. Cohen) Good morning, Rebecca.
17 A **Good morning.**
18 Q My name is Mark Cohen. I'm going to be
19 asking you some questions today. I don't
20 expect it's going to take very long at all.
21 I'm just going to try and find out what the
22 basis is for your lawsuit against my client;
23 and, hopefully, we'll be out of here pretty

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1 quickly.
2 If you have any questions or if you'd
3 like to talk to your lawyer about anything,
4 feel free to do so; take a break; whatever.
5 We're not trying to trick you. If you don't
6 understand the question, make sure you ask
7 me. Do you have any questions before we
8 start?
9 A **No.**
10 Q Okay. You're 18 years old now as I
11 understand it?
12 A **Yes.**
13 Q And you turned 18 this April sometime?
14 A **Yes.**
15 Q And your father told us a couple of days ago
16 that you're going to Hampshire College very
17 soon?
18 A **Yes.**
19 Q Okay. Are you excited about that?
20 A **Yes.**
21 Q Okay. And you're going to live at school?
22 A **Yes.**
23 Q What is your understanding as to what the

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1 this lawsuit is all about?
2 A **It's my understanding that this lawsuit is in
3 regards how long it took to receive the money
4 from the first trial.**
5 Q Okay. And do you understand who the
6 defendants are in this lawsuit?
7 A **Yes.**
8 Q What's your understanding in that regard?
9 A **It is my understanding that the defendants
10 are the insurance companies, Zurich and AIG.**
11 Q Okay. Now, is it fair to say that you didn't
12 have any participation in the settlement
13 negotiations in the accident case involving
14 your mother's auto accident?
15 A **Yes.**
16 Q Okay. Were there any communications that you
17 had with your mom or dad regarding what
18 settlement demands were being made or what
19 settlement offers were being made?
20 A **Not until after I turned 18 in which case I
21 was only told enough to be in regards to how
22 much I received from the first trial.**
23 Q Okay. So — And you turned 18 this April,

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1 correct?
2 A **Yes.**
3 Q So when the first case was going on, there
4 weren't any discussions as to what would be a
5 fair offer and what wouldn't be a fair offer
6 that you had with anybody, correct?
7 A **No.**
8 Q And you testified at the first trial, right,
9 the accident trial?
10 A **Yes.**
11 Q That was in Dedham about September of 2004,
12 two years ago, correct?
13 A **Yes.**
14 Q How long do you recall testifying at that
15 trial?
16 A **I really don't know.**
17 Q Was it less than a day?
18 A **Yes.**
19 Q Was it less than a morning or an afternoon,
20 or was it an entire morning or afternoon?
21 A **I believe it was an entire afternoon.**
22 Q Okay. And I take it that your lawyers were
23 asking you questions for a part of that time,

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1 correct?

2 **A Yes.**

3 **Q** And then did the defense lawyers ask you any

4 questions as well?

5 **A Yes.**

6 **Q** About how long did the defense lawyers ask

7 you the questions?

8 **A** **From what I remember, it was, roughly, twice**

9 **as long as when my lawyers asked me**

10 **questions.**

11 **Q** Okay. And what subjects do you recall

12 testifying about during the trial of the

13 accident case?

14 **A** **I was asked about how my life had changed now**

15 **that my mother was in a wheelchair; what**

16 **damage there was between her and my**

17 **relationship; what damage there might have**

18 **been between my father and my relationship**

19 **or, in general, with my parents; the day of**

20 **the accident itself and how I found out about**

21 **it and what we could no longer do together as**

22 **a family.**

23 **Q** Okay. And you understood that you or your

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1 of that?

2 **A Yes, they are.**

3 **Q** Okay. What is your understanding of what

4 damages you're claiming in connection with

5 this present case that we're here for today?

6 **A** **It's my understanding that I'm claiming**

7 **damages for how my health and how, in**

8 **general, I was harmed by how long it took to**

9 **receive the money and to move on with our**

10 **lives.**

11 **Q** Okay. Anything else?

12 **A** **Not to my knowledge.**

13 **Q** Let me just go back to your testimony at the

14 first trial. You said that you testified

15 about how the accident had changed your life.

16 Can you summarize what you testified about

17 during that trial?

18 **A** **My mother and I had a very close relationship**

19 **together; but after the accident, we lost,**

20 **collectively, about a year together just from**

21 **her being in the hospital. Once she returned**

22 **home, we couldn't do nearly as many things**

23 **together as we wanted or attempted or used to**

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1 father, on your behalf, had brought suit in

2 that accident case against the people who

3 were responsible for the accident, the truck

4 driver and owner and employer of -- the truck

5 driver, correct?

6 **A Yes.**

7 **Q** And that you were awarded some money as a

8 result of your testimony in that case?

9 **A Yes.**

10 **Q** And what's your understanding as to how much

11 money you were awarded by the jury?

12 **A** **Before tax and lawyers fees, roughly,**

13 **\$500,000.**

14 **Q** Okay. And after any taxes and attorneys'

15 fees were taken out and including the

16 interest you were paid, what did you do, or

17 what did your parents do with that money;

18 where is it now?

19 **A** **It's my understanding that it's in a bank**

20 **gaining interest to be used how I see fit**

21 **once I turn 21.**

22 **Q** It's not being used to pay for your college

23 education now; your parents are taking care

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1 **be able to do. Because of that, we aren't as**

2 **close anymore, and we're not happier; we're**

3 **not any happier than like we used to be.**

4 **Q** You're not as happy as you used to be?

5 **A Yes.**

6 **Q** In your relationship with your mother because

7 of her injuries and the accident?

8 **A Yes.**

9 **Q** And you testified to that at the trial of the

10 accident case, correct?

11 **A Yes.**

12 **Q** And you, presumably, received compensation

13 for that, right?

14 **A Yes.**

15 **Q** Okay. And you also said you -- and I guess

16 this was part of the first answer as well,

17 but you said that the accident -- you had

18 testified in the first case that the accident

19 had interfered with your relationship with

20 your mother and father. Can you explain -- I

21 think you've told us how it interfered with

22 your relationship with your mother already,

23 but can you explain how you feel it

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1 interfered with your relationship with your
 2 dad, or what you testified at the trial as to
 3 how it interfered with your relationship with
 4 your father?
 5 **A My father was very concerned about my**
 6 **mother's health, my mother's safety and how**
 7 **she was adjusting to her new lifestyle. He**
 8 **was also very busy meeting or talking with**
 9 **lawyers about what was going on now in**
 10 **regards to a lawsuit for compensation and to**
 11 **take care of mom for the rest of her life;**
 12 **and because of this, he didn't have a lot of**
 13 **time for me anymore, and I had to become much**
 14 **more independent.**
 15 **Q** So that's all stuff that you testified to at
 16 the first trial, right?
 17 **A** Yes.
 18 MS. PINKHAM: Objection.
 19 **A** Yes.
 20 **Q** And you were compensated for damages
 21 resulting from that at the first trial,
 22 correct?
 23 **A** Yes.

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1 **she can't either get into the building or**
 2 **navigate the building.**
 3 **Q** Okay. And that's all stuff that you
 4 testified to at the trial of the accident
 5 case, correct?
 6 **A** Yes.
 7 **Q** And that's -- And then the jury went out and
 8 compensated you for what they thought that
 9 was worth in monetary terms, right?
 10 **A** Yes.
 11 **Q** Now, you don't have a driver's license today?
 12 **A** No.
 13 **Q** Are you planning on getting a driver's
 14 license at some point in the future?
 15 **A** Yes, once I go to college.
 16 **Q** Why haven't you gotten a driver's license
 17 before now?
 18 **A** To get a driver's license, it requires that
 19 there be another adult with me in the car so
 20 that I may attempt driving. Mom cannot be in
 21 the car with me due to her handicap, and my
 22 father is very busy trying to adjust to going
 23 back to work and speaking with people in

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1 MS. PINKHAM: Objection.
 2 **Q** Now, the last thing I think that you told us
 3 about you testified at the first trial was
 4 that as a result of your mother's accident
 5 and everything involved in it, you were
 6 unable to do certain things together as a
 7 family, correct?
 8 **A** Yes.
 9 **Q** Can you explain in more detail what you mean
 10 by that?
 11 **A** My mother and I used to go on vacation
 12 together to Cape Cod during the summer. We
 13 can no longer do that due to hotels being not
 14 very wheelchair friendly. We are unable to
 15 go to the movies because of how the setup is
 16 of the movie theater and it not being very
 17 wheelchair friendly.
 18 We also can't go to many places such
 19 as flea markets that we used to go because of
 20 the landscape and her not being able to
 21 navigate on it, and she has a large amount
 22 of trouble taking me to places such as
 23 doctors' appointments or my dentist because

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1 regards to the lawsuit that he cannot take a
 2 break long enough to spend the couple hours
 3 in a car with me directing me on how to
 4 drive.
 5 **Q** Do they have a driver education program at
 6 Milford High School?
 7 **A** No.
 8 **Q** Do they have private driver education classes
 9 that kids in your school take?
 10 **A** No.
 11 **Q** Okay. Now, you testified that as a result of
 12 this case, as opposed to the accident case,
 13 you're seeking damages because of your health,
 14 and you had to wait to receive the money?
 15 **A** Yes.
 16 **Q** Okay. Is there anything else that you can
 17 think of now, as we've gone through it a
 18 little more, that you believe you've suffered
 19 damages from as a result of the conduct of
 20 the insurance companies as opposed to the
 21 accident?
 22 MS. PINKHAM: Objection. I think the
 23 record will reflect that the witness'

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- 1 previous testimony referenced damage to her
2 health and how she was damaged in general by
3 the lawsuit, but the record will reflect
4 that, not my memory or your characterization
5 of it.
- 6 Q Okay. Why don't you just repeat what your
7 recollection is of how you felt you were
8 damaged by the insurance companies' failure
9 to settle the lawsuit as quickly as you would
10 have liked?
- 11 A **Because we could not move on with our lives
12 because this part of our life had not yet
13 closed. My health was damaged because no one
14 was available to take me to necessary
15 doctors' appointments; and because of that,
16 I -- I became more injured in several areas
17 of my life that I'm only now recovering from.**
- 18 Q Okay. Why don't we start talking about that
19 then. What, specifically, has your health
20 been affected by not settling the accident
21 case earlier?
- 22 A **Around the time of the accident, I developed
23 an H. pylori infection in my stomach.**

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- 1 A **Sometime after the trial, though, I'm not
2 sure exactly how long after; but as soon as
3 the trial was over, my mother was able,
4 almost immediately, to attempt her permit and
5 then, proceedingly, her license.**
- 6 Q Okay. And the trial was in September of
7 2004, correct?
- 8 A Yes.
- 9 Q And so was it sometime in late 2004 that you
10 saw the doctor with your stomach problem?
- 11 A **I believe it was like 2004, early 2005.**
- 12 Q Okay. What doctor did you go to to diagnose
13 that problem?
- 14 A **Dr. Jennifer Moniz.**
- 15 Q And in what manner were you treated for the
16 stomach infection?
- 17 A **I was given two weeks worth of antibiotics
18 that I had to take three times daily.**
- 19 Q And did that clear up the problem?
- 20 A **Yes. After a small complication involving a
21 small reaction with one of the medicines, it
22 was straightened out.**
- 23 Q What was the nature of the reaction, a rash

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- 1 **Because mom, obviously, could not drive, and
2 my father either could not leave my mother
3 alone for that long or could not find the
4 time necessary to take me to a doctor and
5 wait for me and wait for the results, the
6 infection remained in my stomach, and we
7 weren't able to even see a doctor about it
8 until after the trial and mom was able to get
9 her permit and then license and then take me
10 herself.**
- 11 Q Okay. When do you believe you first suffered
12 from this stomach infection?
- 13 A **I believe it was in the summer of my mother's
14 accident.**
- 15 Q So that would have been sometime in 2002?
- 16 A Yes.
- 17 Q Okay. And what do you base that on?
- 18 A **I suffered all the symptoms of it. I had
19 indigestion, constant nausea and stomach
20 pains; and once we were finally able to see a
21 doctor, we confirmed it with a blood test.**
- 22 Q Okay. And when were you finally able to see
23 the doctor and have this condition diagnosed?

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- 1 or something?
- 2 A **I had extreme nausea that almost forced me to
3 have to stop taking it. We quickly switched
4 the medicine, and we cleared up the
5 infection.**
- 6 Q Okay. So two weeks after you saw Dr. Moniz,
7 the infection had cleared up, and you haven't
8 had any reoccurrence since then?
- 9 A **No, but because the infection had been in my
10 stomach for so long, certain parts of my
11 stomach are now inflamed, and I have some
12 lasting damage such as I am unable to eat
13 meat that is heavier than poultry, or I
14 become violently ill, and I have to limit
15 what I drink to juices, light juices and
16 water. If I had, say, a coke, I would become
17 similarly ill than if I ate meat.**
- 18 Q Okay. Where is Dr. Moniz located?
- 19 A **Medway.**
- 20 Q And what type of doctor is she?
- 21 A **General practitioner.**
- 22 Q Has she been your general practitioner since
23 you were a child?

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- 1 A No.
- 2 Q You're still a child but since a younger
3 child?
- 4 A No.
- 5 Q When did you first start seeing Dr. Moniz?
- 6 A **We originally went to see her because of the
7 H. pylori infection; and because we were so
8 pleased with how she handled it, we started
9 to see her regularly.**
- 10 Q Okay. Can you spell for the stenographer the
11 type of infection that you suffered from.
- 12 A **H, period, P-Y-L-O-R-I. Dr. Moniz, M-O-N-I-Z.**
- 13 Q Okay. And prior to Dr. Moniz, who was your
14 doctor; did you have a pediatrician?
- 15 A Yes.
- 16 Q Who was that?
- 17 A **Dr. Charlie Brown.**
18 MS. PINKHAM: For real.
- 19 Q I guess he must get lots of jokes.
20 Where is Dr. Brown located?
- 21 A **I believe Newton.**
- 22 Q Do you recall what street in Newton he's
23 located?

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- 1 Q And who -- What was the name of the counselor
2 that you were treating with before 2004?
- 3 A **Harriet Melrose and Dr. Virginia Merit
4 (phonetic).**
- 5 Q Is Dr. Merit (phonetic) a psychiatrist?
- 6 A Yes.
- 7 Q When did you start seeing her?
- 8 A **I don't remember.**
- 9 Q Is it before the accident?
- 10 A Yes.
- 11 Q And what type of counselor is Harriet
12 Melrose?
- 13 A **She's a social worker.**
- 14 Q And when did you first start seeing her?
- 15 A **I believe I was 10 or 11.**
- 16 Q Do you still see both of them?
- 17 A **I still see Dr. Merit (phonetic).**
- 18 Q When did you stop seeing Harriet Melrose?
- 19 A **February of 2006.**
- 20 Q Where is Harriet Melrose located?
- 21 A **Milford, Massachusetts.**
- 22 Q How close to your house is that?
- 23 A **Roughly, 20 minutes.**

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- 1 A No.
- 2 Q Have you seen him since 2004?
- 3 A No.
- 4 Q When was the last time that you saw him
5 before you went to see Dr. Moniz?
- 6 A **I last saw him when I was 13. He could no
7 longer see me because his policy states that
8 he can only see -- he can only see children
9 until puberty.**
- 10 Q Okay. So that would have been about 2001 you
11 last saw him, correct?
- 12 A Yes.
- 13 Q And that would have been before your mom's
14 accident, right?
- 15 A Yes.
- 16 Q Did you see any physician at all between 2001
17 and the time you went to see Dr. Moniz in
18 late 2004?
- 19 A No.
- 20 Q Prior to the time you went to see Dr. Moniz
21 in late 2004, had you been to a mental health
22 counselor of some sort?
- 23 A Yes.

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- 1 Q 20-minute drive?
- 2 A Yes.
- 3 Q How about Dr. Virginia Merit (phonetic),
4 where is she located?
- 5 A **I honestly can't remember.**
- 6 Q Is it in Milford?
- 7 A No.
- 8 Q Is it near Milford?
- 9 A **I believe she's in Franklin.**
- 10 Q Okay. Now, at any time after the accident
11 and before the trial, did you see Harriet
12 Melrose?
- 13 A Yes.
- 14 MS. PINKHAM: It's a yes or no
15 question.
- 16 A Yes.
- 17 Q How frequently did you see her between the
18 accident and the trial?
- 19 A **Once a week.**
- 20 Q Okay. Who took you to those appointments?
- 21 A **My father.**
- 22 Q And how about Virginia Merit (phonetic), how
23 frequently did you see her between the time

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- 1 of the accident and the time of the trial of
2 the accident case?
3 **A Once every four months.**
4 **Q** And who took you to those appointments?
5 **A Usually, my father.**
6 **Q** And when your father didn't, who would take
7 you?
8 **A Usually, a friend who happened to be going**
9 **that way would take me for a ride.**
10 **Q** Any particular friend or various friends?
11 **A Various.**
12 **Q** Okay. During the period between when you
13 first started experiencing the stomach
14 symptoms in 2002 and the time that you went
15 to see Dr. Moniz in late 2004 or early 2005,
16 did you tell your father that your stomach
17 was bothering you?
18 **A Yes.**
19 **Q** And did he suggest to you, or did you suggest
20 to him that maybe you should see a doctor for
21 that?
22 **A I suggested it to him.**
23 **Q** And he said what?

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- 1 to the walk-in clinic for your stomach pain
2 during that period of time?
3 **A I think twice.**
4 **Q** Okay. And I take it they hadn't diagnosed
5 what the problem was?
6 **A They didn't have much time to see me.**
7 **Q** Who took you to those appointments?
8 **A My friend, Lisa.**
9 **Q** What's her last name?
10 **A Kallin.**
11 **Q** Is that C-A-L-L-E-N?
12 **A K-A-L-L-I-N.**
13 **Q** Did she go to Milford High with you?
14 **A Yes.**
15 **Q** Okay. How far away is the walk-in clinic
16 from where you live?
17 **A About 15 minutes, I think.**
18 **Q** A 15-minute drive?
19 **A Yes.**
20 **Q** Okay. All right. So getting back to the
21 injuries you say that you sustained as a
22 result of the failure to settle the accident
23 case on time, is there any other damage to

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- 1 **A That he didn't have enough time to take me to**
2 **a new doctor let alone find a new doctor.**
3 **Q** Okay. Do you recall testifying at a
4 deposition in the accident case; I think it
5 was two years ago today?
6 **A Yes.**
7 **Q** Do you recall, during that deposition, you
8 testified about the stomach problems that you
9 were having?
10 **A Yes.**
11 **Q** And do you recall that you testified in that
12 deposition that you had gone for medical
13 treatments and that they hadn't been able to
14 figure out what was the problem?
15 **A Yes.**
16 **Q** Okay. But you just told me before that you
17 hadn't gone to any medical treatment for your
18 stomach problem until after the trial?
19 **A That was to a walk-in clinic.**
20 **Q** Well, what walk-in clinic did you go to?
21 **A I don't remember its name. I just remember**
22 **it's in Milford.**
23 **Q** Do you recall on how many occasions you went

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- 1 your health that you're claiming as a result
2 of that other than the stomach?
3 **A Due to the increased stress in my life and**
4 **simply because of my body type, I developed**
5 **an irritated nerve in my neck which led to**
6 **carpal tunnel syndrome and repeated back**
7 **problem in my upper back.**
8 **Q** When did you first develop those symptoms?
9 **A I believe two years ago.**
10 **Q** So that would have been in 2004 sometime?
11 **A Yes.**
12 **Q** Around the -- around August of 2004?
13 **A I think July.**
14 **Q** And I see that you have a brace on your right
15 hand as we're sitting here today of some
16 sort?
17 **A Yes.**
18 **Q** That's for the carpal-tunnel problem?
19 **A Yes.**
20 **Q** And have you been treated by a physician or
21 some other medical practitioner for that
22 problem?
23 **A Yes.**

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1 Q Who has been treating you for that?
 2 A **Dr. Pearson.**
 3 Q And is he an orthopedic surgeon or a hand
 4 specialist, or what's his specialty if you
 5 know?
 6 A **She's a neurologist.**
 7 Q Okay. Is Pearson P-E-A-R-S-O-N?
 8 A **P-E-A-R-S-O-N.**
 9 Q Where is she located?
 10 A **Is in Medway.**
 11 Q And when did you first see Dr. Pearson for
 12 the nerve problem?
 13 A **In the winter of 2005.**
 14 Q And what has Dr. Pearson told you is the
 15 cause of the problem?
 16 A **The irritated nerve in my neck which was**
 17 **caused by tension probably stress related.**
 18 Q Okay. Is the nerve problem and the numbness
 19 in your arm, is that something that you
 20 testified about in the trial of the accident
 21 case?
 22 A **I don't remember.**
 23 Q Okay. So you believe and Dr. Pearson told

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1 **life in almost every aspect.**
 2 Q Were you concerned that if you didn't testify
 3 in some manner that that would affect the
 4 amount of damages that your mother received?
 5 A **Yes.**
 6 Q And were you concerned that it would affect
 7 the amount of damages that you received?
 8 A **I wasn't aware I was receiving any damages**
 9 **until Margaret came out to set up --**
 10 MS. PINKHAM: Objection. Don't
 11 disclose any communications that we had.
 12 Okay? Your discussions with me are
 13 privileged.
 14 THE WITNESS: Okay.
 15 Q When did you first become aware that you
 16 would be receiving damages or might be
 17 receiving damages?
 18 A **My 18th birthday.**
 19 Q So that was four months ago, right?
 20 A **Yes.**
 21 Q Were you there when the verdict was read?
 22 A **No.**
 23 Q How much of the trial did you attend, just

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1 you that part of the cause of the nerve
 2 problem was stress?
 3 A **Yes.**
 4 Q And what issues were causing you stress in
 5 2004?
 6 A **Mostly the trial.**
 7 Q More the trial than your mother's paralysis
 8 and injury?
 9 A **Yes.**
 10 Q Why was that?
 11 A **By then, I had -- I had mostly adjusted to my**
 12 **mother's new lifestyle.**
 13 Q And what about the trial was causing you such
 14 stress?
 15 A **I learned I had to be deposed and most likely**
 16 **testify, and I was told in great detail that**
 17 **this trial would affect the rest of my**
 18 **mother's life.**
 19 Q Can you explain why that caused you stress?
 20 A **Because my mother and I were still very**
 21 **close, and it concerned me greatly that part**
 22 **of something that I had a part in would**
 23 **decide how she would live the rest of her**

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1 the day you testified or more than that?
 2 A **Just the day I was testifying.**
 3 Q Okay. And in addition to the damage to your
 4 health, your testimony today is that the
 5 failure of the insurance companies to settle
 6 the accident case has caused you not to be
 7 able to move on with your life, correct?
 8 A **Yes.**
 9 Q And in what way was that?
 10 A **My parents are still very concerned with the**
 11 **trial and part of their life that should be**
 12 **focused on moving on and getting back to some**
 13 **sense of normality is still stuck on the fact**
 14 **that we weren't paid and the delay that**
 15 **because we weren't paid was forced on to us.**
 16 Q Okay. Your parents are still concerned today
 17 with the trial of the accident case?
 18 A **No. They're concerned with the current**
 19 **lawsuit.**
 20 Q Okay. What have they told you about that?
 21 A **I have been told that because of how much**
 22 **time had been stalled that my mother cannot**
 23 **fully recover as quickly because things that**

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- 1 should have happened two years ago or a year
2 ago are only happening now, and it's just
3 more delays in her health.
4 Q Things such as what that should have happened
5 a year ago or two years ago are only
6 happening now with respect to this current
7 lawsuit?
8 A We're only now getting a second home health
9 aid for a night shift that, previously, my
10 father and I had to fill.
11 Q What does that have to do with this lawsuit?
12 A We couldn't afford a second home health aid
13 to come in and take care of mom before we
14 received the money; and because of the
15 current lawsuit, there's a lot of work that
16 has to be done for preparation and gathering
17 facts that would take at least two people.
18 Q What would take at least two people, the
19 preparation for the lawsuit would take two
20 people?
21 A Gathering facts and gathering evidence, I
22 guess. They haven't spoken to me much about
23 it besides what we only are now able to do.

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- 1 Q How about Kim?
2 A Kim comes in, I think, once a week for the
3 night shift which starts from 7:00 and ends
4 at 9:00.
5 Q Okay. How about Sue?
6 A Sue comes in about twice a week, but she
7 might have to cut down on her hours due to
8 home illness.
9 Q And is she also a night person?
10 A Yes.
11 Q And how about Tammy?
12 A Tammy comes in, I believe, Wednesdays and
13 Fridays. She, too, is a night person.
14 Q Okay. So as things currently stand, do Kim,
15 Sue and Tammy switch off, or are there two of
16 them there now?
17 A They usually switch off, but Peggy sometimes
18 comes in at night to help put mom to bed in
19 things that would take two people.
20 Q Okay. So when you say you got a second
21 evening home health aid, who is that?
22 A That's usually Sue.
23 Q Okay. I think you just told me she was only

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- 1 Q Okay. Which two people do you understand are
2 spending their time gathering facts and
3 gathering evidence that has interfered with
4 the ability to get a home health aid or a
5 second home health aid?
6 A Because my father is so -- he is very focused
7 on this trial. We had to hire another home
8 health aid; and because he hired the other
9 home health aid, a lot of my mother's care is
10 split between two people, and he doesn't
11 believe that she's getting the full amount of
12 care from both people that she could be
13 getting.
14 Q Okay. So tell me what home health aids work
15 with or for your mother now?
16 A Although I don't know their last names,
17 there's Peggy, Kim, Sue and Tammy.
18 Q When does Peggy come in?
19 A She usually comes in from 8:00 a.m. until
20 noon or 2:00 p.m., though, sometimes she
21 stays longer.
22 Q And is that five days a week?
23 A Yes.

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- 1 in two nights a week.
2 A Yes, but because of the home illness, she now
3 needs extra money and had volunteered to come
4 in extra nights, but that has not yet taken
5 affect to my knowledge.
6 Q So Sue is going to be coming in to provide a
7 second home health aid for nighttime because
8 she needs more money because of an illness in
9 her family, correct?
10 A Yes.
11 Q Is there any other reason why you're having
12 Sue come in five nights a week or more, seven
13 nights a week, whatever it is?
14 A My father requires more sleep because he has
15 gotten back to work; and, thus, he can't be
16 awake to, say, put mom to bed which is a
17 two-person job.
18 Q So he usually goes to bed before your mom?
19 A Yes.
20 Q And maybe I'm not understanding this, but
21 what's the relationship between that and this
22 current lawsuit?
23 A He is very focused now on this lawsuit, and

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1 it's draining him during the day which makes
2 him excessively tired; and because he's
3 excessively tired, he can't fully take care
4 of mom, and a lot of the tasks he used to do
5 such as getting her dinner or making sure she
6 had something to drink at night then failed
7 (sic) to the home health aid; and if they're
8 not around, me.

9 Q Okay.

10 MS. PINKHAM: Mark, for the record, as
11 I said during Mrs. Rhodes' testimony, to the
12 extent that the Rhodes family are
13 experiencing emotional distress related to
14 this pending lawsuit, we're not seeking
15 recovery for in the pending lawsuit. We're
16 only seeking emotional distress for those
17 events that happened because of the other
18 lawsuit. So I don't know how much more time
19 you want to spend on it, but the emotional
20 distress associated with having these
21 depositions and responding to the
22 interrogatories that have been marked as
23 exhibits in these depositions are not the

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1 Q I think if you look at the last page, you'll
2 see that you signed them on June 2nd of this
3 year.

4 A (Reviewing document) Yes.

5 Q First off, could you read through the answer
6 to Question No. 3 and take as much time as
7 you need?

8 MS. PINKHAM: Read it to your
9 yourself.

10 Q Read it to yourself.

11 A (Reviewing document)

12 Q Now, you signed these interrogatory answers
13 yourself; interrogatories means questions;
14 but you signed these yourself in June of this
15 year?

16 A Yes.

17 Q And let me just go through them a little bit
18 with you. First off, the question was --

19 MS. PINKHAM: Have we marked this as
20 an exhibit yet? Why don't we do that?

21 (Whereupon the Stenographer marked as
22 Exhibit No. 1 - Answer to Defendant Zurich
23 American Insurance Company's First Set of

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1 focus of our claim for emotional distress.

2 MR. COHEN: Okay. Well, I'm going to
3 ask her what she's seeking to recover in this
4 lawsuit, and that's what she told me. Then I
5 asked her a question.

6 MS. PINKHAM: Sure. And I just want
7 you to be clear that perhaps Rebecca doesn't
8 understand exactly what's being sought in
9 this lawsuit. So I wanted to put that on the
10 record.

11 MR. COHEN: Okay. That's fine. No
12 problem.

13 Q All right. Is there anything else that you
14 can think of that you believe or it's your
15 understanding that you're seeking recovery
16 for in this lawsuit?

17 A No, not that I know of.

18 Q Okay. Let me show you these Answers to
19 Interrogatories that you signed in connection
20 with this lawsuit, and why don't you take a
21 minute and look at them, and we'll mark them
22 as Exhibit 1. (Indicating)

23 A (Reviewing document)

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1 Interrogatories Rebecca Rhodes.)

2 Q Okay. The question was: Describe the nature
3 of, itemize and state the amount of all
4 actual damages that you, Rebecca Rhodes,
5 claims to have sustained as a result of the
6 conduct of Zurich, which is Mr. Varga's
7 client, and describe the method by which such
8 alleged damages were calculated?

9 And in the first sentence, you said
10 that, "Zurich's delay in making any
11 settlement offer meant that parts of my life
12 were 'on hold' while Zurich controlled the
13 defense of the Underlying Action. The same
14 was true during the time period in which the
15 other insurance company controlled the
16 defense." Unquote. Correct?

17 A Yes.

18 Q And have you told us everything already today
19 about the manner in which you believe that
20 parts of your life were on hold as a result
21 of the failure to settle the accident case?

22 A That I know of.

23 Q Well, I guess you would be the one to know,

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- 1 right?
- 2 **A Usually. Sometimes I forget things. That I**
- 3 **remember.**
- 4 **Q** The next sentence says, "Because of her
- 5 injuries, my mother was not capable of
- 6 driving me to places or appointments, like
- 7 she had before the Accident." And did I read
- 8 that correctly?
- 9 **A Yes.**
- 10 **Q** And your mother's inability to drive had to
- 11 do with the fact that she had been in an
- 12 accident and was paralyzed, correct?
- 13 **A Yes.**
- 14 **Q** Now, the next sentence says, "My father was
- 15 consumed with taking care of my mother and
- 16 the Underlying Action." Did I read that
- 17 correctly?
- 18 **A Yes.**
- 19 **Q** Going on, it says, "He was always busy
- 20 attending to issues for my mom, or dealing
- 21 with lawyers for the case." Correct?
- 22 **A Yes.**
- 23 **Q** And is that a fair statement; do you still

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- 1 want to bother them with my issues since I
- 2 knew they were both stressed and depressed
- 3 about the changes in our lives and our
- 4 financial situation." Correct?
- 5 **A Yes.**
- 6 **Q** The changes in your mother's life and her
- 7 medical issues and medical appointments and
- 8 medical care, that was due to the car
- 9 accident that she had, correct?
- 10 **A Yes.**
- 11 **Q** And that really didn't have anything to do
- 12 with what the insurance companies did or
- 13 didn't do, correct?
- 14 **A No. We couldn't figure out the full extent**
- 15 **of how much care she would need for the rest**
- 16 **of her life until we were able to fully**
- 17 **assess how much it would cost, go to**
- 18 **appointments with doctors that specialized in**
- 19 **paraplegic and paraplegic care, and we**
- 20 **weren't able to start researching just how**
- 21 **in-depth this would be until we were able to**
- 22 **move on; and even now, we are not able to**
- 23 **have necessary surgeries that mom will need,**

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- 1 believe that's true?
- 2 **A Yes.**
- 3 **Q** How often was your father dealing with
- 4 lawyers on the case during the period of time
- 5 before the trial and after the accident?
- 6 **A I would say at least a couple times a week.**
- 7 **Q** And would he be having meetings a couple of
- 8 times a week?
- 9 **A He would call, or he would be called a couple**
- 10 **times a week at least, but his office is in**
- 11 **the basement, and I'm usually upstairs. So**
- 12 **these were only the times that I went**
- 13 **downstairs, and he happened to be on the**
- 14 **phone. So it's possible it was more.**
- 15 **Q** So is it fair to say you don't really know
- 16 exactly how long he spent talking to lawyers
- 17 about the case?
- 18 **A Yes.**
- 19 **Q** And then the next sentence says, "My mom and
- 20 dad were so overwhelmed with dealing with her
- 21 many medical issues, medical appointments and
- 22 her care, that there was little of their time
- 23 or attention left over for me, and I didn't

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- 1 **and that will have to be put off for at least**
- 2 **a few months.**
- 3 **Q** Okay. What necessary surgeries are you
- 4 unable able to have that your mother needs?
- 5 **A She will need a colostomy and is, at this**
- 6 **time, unable to get one because of everything**
- 7 **she has to do and because a colostomy would**
- 8 **require her to be in the hospital and then be**
- 9 **in -- then she would have to learn how to**
- 10 **live her new lifestyle.**
- 11 **Q** Okay. But that has nothing to do with the
- 12 manner in which the accident case was
- 13 defended by the insurance companies, correct?
- 14 **A From what I know, we weren't able to afford a**
- 15 **colostomy because I don't think it's covered**
- 16 **by our insurance.**
- 17 **Q** Rebecca, are you aware of when your family
- 18 and you first received money for this case?
- 19 **A No.**
- 20 **Q** Okay. At any time, did you become aware that
- 21 there was a tree service that was a party to
- 22 the underlying case that was called McMillan
- 23 Tree Service?

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- 1 A No.
- 2 Q Did anybody ever tell you that your family
3 settled with the tree service in August of
4 2004 for \$550,000?
- 5 A No.
- 6 Q Did anybody ever tell you that Zurich, Mr.
7 Varga's client, paid your family
8 approximately \$2.3 million in December of
9 2004?
- 10 A No.
- 11 Q Did anybody ever tell you that my clients,
12 AIG, paid your family approximately
13 \$9 million in the middle of 2005?
- 14 A Yes.
- 15 Q Okay. When were you first told that?
- 16 A **I was told it when I asked my mother the
17 status of the trial. This was about the time
18 I asked if I would have to go to trial.**
- 19 Q Go to the underlying trial?
- 20 A Yes.
- 21 Q But AIG didn't pay the money until after the
22 underlying trial.
- 23 A Yes.

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- 1 her health, she can't very well take a few
2 days and go to certain doctors' appointments
3 because her time is already wrapped up in
4 going to meeting with someone about this.
- 5 MS. PINKHAM: Can we take a little
6 break?
- 7 MR. COHEN: Sure.
8 (Break takes place at 11:52 a.m.)
9 (Back on the record at 12:00 p.m.)
- 10 MR. COHEN: We're going to go back on
11 the record.
- 12 MS. PINKHAM: Before we begin, Mark,
13 to further try to get the point across with
14 the reference to the fact that we're not
15 seeking emotional distress damages for what
16 the Rhodes family is going through because of
17 this trial, if you could distinguish when
18 you're asking — Rebecca is getting confused
19 about which lawsuit she's being asked to
20 describe her family's reaction to.
- 21 So if you could make it clear that
22 when you're asking about, you know, a lawsuit
23 or a claim, distinguish between, you know,

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- 1 Q Does that refresh your recollection as to
2 when you were told that AIG paid the money?
- 3 A No.
- 4 Q All right. But getting back to your answer
5 to the previous question about how your
6 mother and father were overwhelmed dealing
7 with medical issues and medical appointments
8 and her care, and I asked you that it had to
9 do with her injuries and the accident and not
10 the failure to settling the underlying case,
11 and then you started talking about how she
12 couldn't get a colostomy because of this case
13 and not the accident case. So bearing that
14 in mind, how did the fact that she had
15 medical issues and how to go to medical
16 appointments relate to the fact that the
17 insurance companies didn't settle the
18 accident case earlier if you know?
- 19 A **I know her time was very limited and is still
20 very limited in when appointments run around
21 the new trial and the new case and because —
22 because she is constantly needed for
23 verifying facts or getting information about**

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- 1 the old lawsuit and the pending lawsuit; and
2 since we're not seeking emotional distress
3 damages for Rebecca for right now for having
4 to go through a deposition, I don't know if
5 you'll have any questions about the pending
6 lawsuit but try to make it clear when you ask
7 the question.
- 8 MR. COHEN: I thought I was clear and
9 with the interrogatories that we've been
10 talking about for the last 15 or 20 minutes
11 asked for the nature of the damages sustained
12 as a result of the conduct of Zurich which
13 is — she's described as failing to settle
14 the underlying lawsuit. So I don't think it
15 should be unclear.
- 16 Q But why don't we go back and based on what
17 your lawyer said, and I take it that you have
18 had an opportunity to talk to your lawyers
19 over the break, correct?
- 20 A Yes.
- 21 Q Based on that, is there anything that you'd
22 like to change about any of your answers up
23 until this point?

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1 A No.
2 Q Okay. I think that we were talking about the
3 portion of the answer to Interrogatory 3
4 which, again, asked what -- in what manner,
5 in essence, did the conduct of Zurich in
6 connection with failing to settle the first
7 lawsuit cause you, Rebecca, to suffer
8 damages? And you talked about how your
9 mother and father were overwhelmed in dealing
10 with her many medical issues and medical
11 appointments and care, and there's little
12 time or attention left over for you and just
13 to go back a second with what I had asked you
14 was: Considering that Zurich didn't cause
15 your mother's medical condition, paralysis,
16 how would the fact that your mother and
17 father were overwhelmed in dealing with
18 medical issues and medical appointments have
19 anything to do with anything that Zurich did
20 or didn't do in failing to settle the first
21 lawsuit; maybe you can explain that a little
22 more?
23 A It affected only as far as how long it took

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1 Peggy you're talking about?
2 A Yes.
3 Q And there were times when she would be able
4 to give you rides to places that you had to
5 go to?
6 A The statement is in reference to when I was
7 in school and I would start menstruating, I
8 would get cramps to a severity that I could
9 not stay in school. The statement is in
10 reference to the fact she would come and pick
11 me up and bring me home.
12 Q Okay. And this was during a period of time
13 that your father wasn't working or was
14 working at home, correct?
15 A Yes.
16 Q Why wouldn't he come pick you up at school?
17 A Although the drive to Milford High School is
18 only 15 minutes, it's another 10 minutes to
19 get inside the building and then sign a
20 student out which is necessary; and now that
21 it's a half an hour, it would be about an
22 hour total for him to get there and then
23 drive me back, and he was not comfortable

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1 us to be able to go to certain appointments
2 and get certain things fixed and taken care
3 of.
4 Q Okay. And right now, I'm just asking about
5 how it damaged Rebecca, and I'm not going to
6 ask you about how it damaged your mother and
7 father, and you've told us that you couldn't
8 get treatment for your stomach problems and
9 that you couldn't get treatment for the
10 carpal tunnel syndrome that you developed and
11 numbness that you developed in 2004. Is
12 there anything else that you want to add to
13 that subject?
14 A No.
15 Q Okay. By the way, what's Dr. Pearson's first
16 name if you know?
17 A Dawn.
18 Q All right. And continuing on with -- go over
19 to the next page in Interrogatory Answer No.
20 3, it says that, "Sometimes my mom's home
21 health aide would take me places, but she
22 wasn't supposed to take care of me, she was
23 supposed to take care of my mom." And that's

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1 with leaving my mother unattended for an
2 hour.
3 Q So he sent the home health aid instead?
4 A Yes.
5 Q Okay. How far is Milford High School, do you
6 know, in terms miles from your house?
7 A No, but I believe it's across town.
8 Q What street is it on?
9 A I believe School Street, but I'm not entirely
10 sure.
11 Q Okay. Then the next sentence goes on to say,
12 "I wanted to take karate lessons but couldn't
13 because getting there and back would
14 interfere with my mom's care or all the
15 things my dad had to do." Where did you --
16 When did you first want to take karate
17 lessons?
18 A I wanted to take it about the time the
19 initial trial was coming to a close, but the
20 only places available were in Bellingham.
21 Q Okay. So that would have been in September
22 or so of 2004?
23 A Yes.

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- 1 Q And had you ever taken karate lessons before?
- 2 A **When I was very young; but other than that,**
- 3 **no.**
- 4 Q What made you decide you wanted to go back
- 5 and take some more karate lessons?
- 6 A **I wanted to do a sport that would help me get**
- 7 **in better shape but didn't involve real**
- 8 **over-competition.**
- 9 Q Okay. And were there any sports other than
- 10 karate that you were contemplating?
- 11 A **I was contemplating going back to archery,**
- 12 **but that was in Bellingham also, but it was**
- 13 **in a harder place to access than karate was,**
- 14 **and I thought I would enjoy karate more**
- 15 **because I had never done it.**
- 16 Q And did you eventually take karate lessons?
- 17 A **Yes.**
- 18 Q What period of time did you take them?
- 19 A **I believe in the summer of '05.**
- 20 Q Okay. And why did you -- once the trial was
- 21 over, why did you not sign up for the karate
- 22 lessons again?
- 23 A **Because my father was very busy. Apparently,**

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- 1 **9:00.**
- 2 Q Easier in what sense?
- 3 A **It would give my mother a chance to gather**
- 4 **things together that she would want the home**
- 5 **health aid to do or that she had to do in her**
- 6 **office which is in a different part of the**
- 7 **house that she doesn't have easy access to,**
- 8 **and it gave her a time to have some time**
- 9 **alone and take care of needs that were just**
- 10 **her needs.**
- 11 Q Okay. By the way, how was -- what was your
- 12 relationship with your father like before the
- 13 accident; did you have a good relationship
- 14 with him?
- 15 A **Yes.**
- 16 Q Did you argue with him?
- 17 A **Only over little things. If I wanted to go**
- 18 **to the mall on Saturday, but he had to go on**
- 19 **a business trip, that sort of thing.**
- 20 Q Okay. Do you still have a good relationship
- 21 with him?
- 22 A **Yes.**
- 23 Q How has it gotten better or worse since the

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- 1 **there was some sort of problem after the**
- 2 **trial which he wouldn't discuss much, but he**
- 3 **was very focused on it, and although the**
- 4 **drive to Bellingham is only about a**
- 5 **half-an-hour, the lesson itself is an hour to**
- 6 **an hour and-a-half and getting -- and if he**
- 7 **went home while I was at my appointment, he**
- 8 **would have to just turn around again. So he**
- 9 **would have to be waiting there for me. So it**
- 10 **would be, in total, him being out of the**
- 11 **house for about two hours at a time when no**
- 12 **home health aid was there.**
- 13 Q And that was because you no longer had a home
- 14 health aid in the afternoons, right?
- 15 A **Yes.**
- 16 Q And you still don't, correct, or your mother
- 17 still doesn't?
- 18 A **No.**
- 19 Q Do you know why she stopped having a home
- 20 health aid in the afternoon?
- 21 A **I believe we thought it was easier if we had**
- 22 **Peggy in the morning until noon or 2:00 and**
- 23 **then had a night one come in from 7:00 to**

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- 1 accident?
- 2 A **It's more strained now. It takes more effort**
- 3 **to have a better relationship with him**
- 4 **because he's very focused on everything on**
- 5 **hand but not me; and since I'm going off to**
- 6 **college soon, that's more stress on me. So**
- 7 **it takes a lot more effort for us to have a**
- 8 **good relationship, but we still maintain it.**
- 9 Q Okay. Going back to the answer to
- 10 Interrogatory 3 in which you were describing
- 11 the damages that have been caused by Zurich
- 12 as a result of the handling of the accident
- 13 case, it says that, "On the weekends, my dad
- 14 had to take care of my mom, and I didn't want
- 15 to bother him for things like going to an
- 16 amusement park, or taking me to the movies,
- 17 or picking me up from school programs or
- 18 clubs. As a result, I lost the opportunity
- 19 to do fun things with my friends after school
- 20 or on the weekends." Did I read that
- 21 correctly?
- 22 A **Yes.**
- 23 Q Okay. When you say, "taking me to the

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- 1 movies," I find with my own kids, they
2 wouldn't be caught dead in the movie theater
3 with their parents, and they just want to go
4 with their friends, right; I assume that you
5 mean going to the movies with your friends
6 and not your parents, right?
- 7 **A** Yes.
- 8 **Q** Okay. And before the accident, how often
9 would you go amusement parks with friends or
10 parents?
- 11 **A** Usually, we would go to an amusement park
12 once a month, at least, depending on which of
13 my friends went to summer camp and which ones
14 had stayed home. Dad was always the one that
15 drove us because their parents still worked
16 in an office or something similar, and dad
17 worked at home and, thus, he could take the
18 time off to go take us to some place.
- 19 **Q** What amusement parks did you like to go to?
- 20 **A** We liked Six Flags quite a bit.
- 21 **Q** Okay. Any other ones, or was that the one
22 you pretty much went to?
- 23 **A** Well, we also went to some places that normal

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- 1 saying, "Okay. We'll go the Aquarium this
2 weekend, no problem.", would say, "Well, we
3 can't go this week. We'll probably be able
4 to go next week; but if not, we'll definitely
5 go the week after that."
- 6 **Q** Okay. The longer they're separated, you mean
7 he's out of the house and she's at home?
- 8 **A** Yes.
- 9 **Q** Okay. And he's worried that she'll injure
10 herself in some way?
- 11 **A** He's worried that she will, for example, drop
12 something breakable and then have glass all
13 over the house, or she will attempt to pick
14 it up herself and cut herself in the process,
15 or she will need him for something that he
16 needs to be there for such as reaching
17 something in a cabinet which are all above
18 her height.
- 19 **Q** But he's off working full-time outside of the
20 house now, correct?
- 21 **A** Yes.
- 22 **Q** And he's been working outside of the house
23 for how long?

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- 1 people, I guess, would not consider amusement
2 parks, but we liked going to -- my best
3 friend and I liked going to the Museum of
4 Science and the Aquarium in Boston, and we
5 had a great time doing that, but that's at
6 least an hour drive, and that was before the
7 tunnel that sped things up.
- 8 **Q** Okay. And so is your complaint that you
9 weren't able to do that after your mother's
10 accident?
- 11 **A** Yes.
- 12 **Q** And has that changed up through the present
13 time; have you been able to do those things
14 again at some point?
- 15 **A** We have more time to do it, but we haven't
16 had nearly as much time as we wished.
- 17 **Q** Okay. And why is that?
- 18 **A** Recently, mom would try and go out and do
19 more independent things, and dad is very
20 concerned that the longer he and mom are
21 separated, there more likely there is that
22 something will happen because that's what
23 happened in the past. So dad, instead of

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- 1 **A** I really don't remember.
- 2 **Q** Okay. So, as a result of the failure of
3 Zurich and my company, my clients to settle
4 the accident case earlier, to what extent do
5 you feel that you missed out on doing fun
6 things like going to the amusement park or to
7 the movies?
- 8 **A** I wasn't able to join many after-school clubs
9 because they do take place after that, just
10 after school; and depending on the club,
11 could run from 3:00 p.m. to 5:00 p.m.; and
12 because my father would be at home and, at
13 this time, he would be -- he was still making
14 my mother's dinners, he wasn't able to, say,
15 drop making the dinner and then come pick me
16 up. So I had to limit what clubs I joined on
17 when they ended or when they took place.
- 18 **Q** Okay. How did you usually -- when you were
19 in high school, how did you get back and
20 forth to the school?
- 21 **A** I took a bus.
- 22 **Q** Okay. And were there not buses for kids who
23 went to after-school activities?

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- 1 A No.
2 Q Okay. Reading on on Page 5 of your Answers
3 to Interrogatories, it says, "We also had to
4 put off doing things as a family until after
5 'The Trial.' My parents did not want me to
6 worry about the Underlying Action or 'The
7 Trial,' but the case was always a source of
8 stress and suspense for me, especially once I
9 knew that The Trial would happen in
10 September. The atmosphere in our house was
11 very stressful before the trial - I knew my
12 mom was nervous and that my dad was anxious.
13 The Trial was described to me as something
14 that would affect the rest of our lives."
15 I've read that correctly, correct?
16 A Yes.
17 Q And when did you first learn that there was
18 going to be a trial of the accident case?
19 A I don't remember.
20 Q Do you recall how long before the trial it
21 was?
22 A No.
23 Q Was it a matter of the weeks or months?

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- 1 parents talked a lot while you were present
2 about what the amount of the verdict might be
3 in the underlying case; in the accident case?
4 MS. PINKHAM: Objection. I don't
5 believe the witness testified that her
6 parents talked a lot, but she can answer.
7 MR. COHEN: I think the record will
8 reflect what she testified about.
9 Q Go ahead.
10 A Can you repeat the question?
11 Q Your parents talked to you or among
12 yourselves or among themselves in your
13 presence about what the verdict would be in
14 the accident case, is that correct?
15 A They did, but I usually didn't listen.
16 Q Okay. On the occasions that you did listen,
17 do you recall what they said about that
18 subject?
19 A Only as far as dad saying that he hoped it
20 would just be enough for mom to be able to
21 live the life, the rest of her life without
22 having to worry about needing money for
23 surgeries or health aids or other things that

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- 1 A I believe a couple months before.
2 Q And at some point, and I believe it was
3 August 25th, two years ago today, you had
4 your deposition taken in the accident case,
5 correct?
6 A Yes.
7 Q And how long before that did you learn that
8 your deposition was going to be taken?
9 A A few days, a week.
10 Q Would it be fair to say that before you
11 learned that the trial was going to take
12 place, you weren't stressed out about the
13 trial?
14 A I was stressed out because I had to watch my
15 parents be stressed out, and they had to
16 prepare with things such as A Day in the Life
17 Video, and I had to listen to them talk about
18 what they would do when it came to trial and
19 what happens if the verdict is something that
20 would satisfy them both; if it's not
21 satisfying them both; and this would be the
22 common topic if we, say, ate dinner together.
23 Q So you and your parents talked a lot or your

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- 1 would involve her health or comfort.
2 Q And do you recall anything else that was
3 discussed about the hope of what the amount
4 of the verdict was or was worried what it
5 might turn out to be?
6 A No.
7 Q Do you remember them talking about any
8 numbers as to what they hoped it would be or
9 what they were worried it wouldn't be?
10 A No. Dad was always making sure that if he
11 talked to my mother about numbers, it was not
12 in my presence.
13 Q Okay. Did he have any discussions, before
14 the trial of the accident case, about what
15 you could expect to earn as a result of the
16 verdict?
17 A No.
18 Q Okay. Did you have any expectations as to
19 whether you were going to get any money as a
20 result of the trial of the accident case?
21 A No.
22 Q Have you had any conversations with your
23 parents about what sort of money you can

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1 expect to receive in connection with this
 2 present case?
 3 **A The only discussion we had with it was when I**
 4 **asked if whatever amount I got would be**
 5 **enough for me to be able to purchase a house**
 6 **since I was an adult and out of college, and**
 7 **they assured me that if it wasn't enough for**
 8 **a downpayment, then the house would probably**
 9 **be too big that I wanted, anyway.**
 10 **Q I'm going to skip down a little; but in the**
 11 **last paragraph on Page 5, it says that: You**
 12 **used to go to the Cape every summer for**
 13 **family vacation. You went in 2003, and it**
 14 **was kind of a disaster, but we learned a lot,**
 15 **and knew what to expect for the next time;**
 16 **and we didn't go to the Cape in the summer of**
 17 **2004 because of things that were happening at**
 18 **the trial with the depositions and special**
 19 **meetings and trial preparation. I'm**
 20 **paraphrasing here.**
 21 **Did you go to the Cape in the summer**
 22 **of 2005?**
 23 **A Briefly.**

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1 **earlier, many things had gone wrong, not with**
 2 **just the hotel room but in navigating Cape**
 3 **Cod which is very close as far as buildings**
 4 **and sidewalks and such that we didn't want to**
 5 **stay there longer than three days just**
 6 **because of how uncomfortable it made mom that**
 7 **she couldn't, say, maneuver on a sidewalk .**
 8 **because it was built solely for one person**
 9 **walking and not really a wheelchair.**
 10 **Q Okay. And this summer, did you go to the**
 11 **Cape?**
 12 **A Yes.**
 13 **Q How long did you go for?**
 14 **A Two days.**
 15 **Q Also Wellfleet?**
 16 **A We went to Provincetown.**
 17 **Q Okay. And was it also the same reason you**
 18 **only stayed for two days because it's tough**
 19 **for your mom to get around?**
 20 **A Yes.**
 21 **Q Then continuing on with the answer to your**
 22 **interrogatory, you talk about how the day you**
 23 **had to testify at trial was one of the**

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1 **Q Where did you go?**
 2 **A We went to Wellfleet.**
 3 **Q And is that where you had gone before?**
 4 **A Very close to, yes.**
 5 **Q How long did you go to Wellfleet in 2005 very**
 6 **briefly; was it less than a week?**
 7 **A Yes.**
 8 **Q Was it more than two days?**
 9 **A Yes.**
 10 **Q Do you recall exactly how long it was?**
 11 **A I believe it was two nights, three days.**
 12 **Q Okay. And did you have a fun time in**
 13 **Wellfleet?**
 14 **A Yes.**
 15 **Q Why didn't you go longer in the summer of**
 16 **2005?**
 17 **A Although hotels often say that they are**
 18 **handicap accessible, that doesn't necessarily**
 19 **mean they're handicap friendly, and it's very**
 20 **exhausting to have to have to accommodate the**
 21 **room which is supposed to be handicap**
 22 **accessible into a handicap-friendly room.**
 23 **The last time we had gone two years**

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1 **hardest days of your life, and I think we**
 2 **already talked about your trial testimony in**
 3 **the accident case, right?**
 4 **A Yes.**
 5 **Q Other than the stomach problem and the nerve**
 6 **problem, the carpal tunnel that you told us**
 7 **about, is there any other physical or bodily**
 8 **injury that you claim that you suffered as a**
 9 **result of anything that either Zurich or AIG**
 10 **did or failed to do in connection with the**
 11 **accident case?**
 12 **A No.**
 13 **Q Okay. In the last paragraph of your**
 14 **interrogatory answer, I think you already**
 15 **mentioned this briefly, but you said that**
 16 **you -- because of the trial, you missed the**
 17 **beginning of school and had to track down**
 18 **your teachers and explain why you missed**
 19 **class, is that correct?**
 20 **A Yes.**
 21 **Q And that was the one day that you went and**
 22 **testified, correct?**
 23 **A Yes.**

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1 Q And you also said that you were a member of
 2 the Science Club, and you missed some
 3 meetings because of trial preparation and the
 4 trial, and you had to explain to the
 5 President and the advisor why you missed the
 6 meetings, right?
 7 A Yes.
 8 Q How many meetings did you miss?
 9 A I believe three.
 10 Q And how frequently does the Science Club at
 11 Milford High School meet?
 12 A At the time I was a Junior, about four times
 13 a week. When I was a Senior, twice.
 14 Q Okay. That's a lot.
 15 A Yes.
 16 Q What do you do at the meetings?
 17 A We generally discuss what we're going to do
 18 for the rest of the year, field trips, what
 19 kind of fundraisers we would have. Now that
 20 Milford High School started my Senior year
 21 banned, like, food sales, so we had to
 22 discuss what kind of fundraisers. We wanted
 23 to discuss what kind of general things we

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1 would just do as a club such as recycling
 2 program so we could cut down on the litter of
 3 Milford High School and general weird things
 4 like that.
 5 Q Okay. Had you been a member of the Science
 6 Club in your Sophomore year?
 7 A Yes.
 8 Q And were you a member of the Science Club in
 9 your Freshman year?
 10 A Yes.
 11 Q And that was when those meetings were four
 12 times a week?
 13 A Yes.
 14 Q How did you get back and forth; how did you
 15 get back from the Science Club meetings in
 16 your Freshman and Sophomore years?
 17 A Once a week, we would meet during school
 18 hours; but the other three times a week, mom
 19 would come pick me up.
 20 Q In your Freshman and Sophomore years in high
 21 school?
 22 A Yes.
 23 Q Okay. Wasn't that during the period after

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1 her accident?
 2 A Yes.
 3 Q How would she pick you up then?
 4 A We were testing a van that was handicap
 5 accessible, and there was someone there in
 6 the van.
 7 Q Okay. How long were you testing the van for?
 8 A Not very long. There was something about the
 9 ramp we didn't like.
 10 Q Okay. And who would be driving the van?
 11 A I think my father, but I'm not sure.
 12 Q And so that your father would drive the van
 13 to Milford High School three days a week to
 14 pick you up from the Science Club?
 15 A Yes.
 16 Q And the last sentence says, "I didn't start
 17 going to my own series of medical
 18 appointments about some numbness in my arm or
 19 seeing an allergist until The Trial was over
 20 and the case was resolved." Correct?
 21 A Yes.
 22 Q Okay. And you've already told us about the
 23 numbness in your arm issue, and I don't think

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1 you've told us about the allergist. What's
 2 that all about?
 3 MS. PINKHAM: For the record, I think
 4 that's all about me making a mistake.
 5 MR. COHEN: Let's see if she can
 6 answer as well.
 7 A I believe that was about a gastrologist and
 8 not an allergist, and the gastrologist was in
 9 relation to the H. pylori infection.
 10 Q Okay. We've already talked about that,
 11 right?
 12 A Yes.
 13 Q When did your mother first get her driver's
 14 license for driving handicapped-accessible
 15 vehicles?
 16 A I believe in the winter of 2005 and then the
 17 spring of 2006, but I'm not entirely sure.
 18 Q She got one license in the winter of 2005 and
 19 another in the spring of 2006?
 20 A No. She had her permit in the winter of 2005
 21 and then her license in the early -- in the
 22 late winter/spring.
 23 Q Okay. And was she beginning to take driving

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1 lessons before the trial of the accident case
 2 in September of 2004?
 3 **A No.**
 4 **Q** Prior to the time that you testified at the
 5 trial, -- Strike that.
 6 Prior to the time you testified at
 7 your deposition two years ago today in the
 8 accident case, how frequently were you
 9 suffering from the stomach problem?
 10 **A Usually, when I woke up or after I ate some**
 11 **sort of citrusy or spicy sort of meal or**
 12 **anything very heavy.**
 13 **Q** And would that be something that you were
 14 experiencing every day or less than that?
 15 **A Several times a day.**
 16 **Q** Okay. And how would you characterize the
 17 pain; was it mild or severe?
 18 **A It was like having severe indigestion.**
 19 **Q** And how long would the pain last for?
 20 **A It depended on what the cause was. If it was**
 21 **just for me waking up, it would be gone in**
 22 **ten minutes; but if it was from me eating, it**
 23 **could last a couple of hours.**

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1 **A I think so. I'm very vague on dates.**
 2 **Q** Okay. Was that the first time that the
 3 school nurse told you you should go see a
 4 gastroenterologist, or was that not the first
 5 time?
 6 **A That was the first time a nurse had told me**
 7 **for the school.**
 8 **Q** Okay. And what was the walk-in clinic that
 9 you went to?
 10 **A That was a clinic that we had sometimes gone**
 11 **to when I was younger, but they were not**
 12 **equipped at handling what was wrong with me.**
 13 **Q** Okay. What's the name of it, do you know?
 14 **A No, I don't know.**
 15 **Q** Do you know where it's located?
 16 **A I believe somewhere in Milford.**
 17 **Q** And is it close to your home?
 18 **A I think it's in the center of town which**
 19 **would put it about a 20-minute drive away.**
 20 **Q** Okay. And did the doctor at the walk-in
 21 clinic recommend that you see anybody else
 22 for the stomach problem?
 23 **A When he learned that I didn't have a**

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1 **Q** Okay. And this went on for a couple of
 2 years?
 3 **A Yes.**
 4 **Q** And during that period of time, did you go to
 5 the school nurse about the stomach aches that
 6 you were having?
 7 **A Yes.**
 8 **Q** How frequently did you go to the school nurse
 9 about the stomach aches?
 10 **A Only a few times.**
 11 **Q** And did she make any recommendations as to
 12 what you should do like go see a doctor?
 13 **A She recommended I see a gastrologist; but**
 14 **other than that, there was nothing she could**
 15 **do for me.**
 16 **Q** And did you tell your mom and dad that the
 17 school nurse had recommended you see a
 18 gastroenterologist?
 19 **A Yes.**
 20 **Q** And when did you tell them that?
 21 **A I believe in September or October of 2005.**
 22 **Q** Okay. So that's about a year after the trial
 23 of the accident case, right?

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1 **physician, he recommended that I get one and,**
 2 **in turn, get that checked out.**
 3 **Q** But you didn't do that until after the trial
 4 of the accident case, right?
 5 **A The only physicians available in Milford were**
 6 **for either adults of a certain age or**
 7 **children of a certain age. There was no**
 8 **physician that would take my age group, so we**
 9 **had to expand our search which we didn't have**
 10 **time to do.**
 11 **Q** Okay.
 12 **MR. COHEN: I think I might be done,**
 13 **but let me just look at my notes for a**
 14 **second.**
 15 **(Pause)**
 16 **Q** Okay. I don't have anymore questions. Nice
 17 to meet you, Rebecca.
 18 **A Nice to meet you, too.**
 19
 20 **CROSS EXAMINATION**
 21 **Q** (By Mr. Varga) Rebecca, I have a few
 22 questions for you. It shouldn't take us very
 23 long to get through the rest of this. You're

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- 1 almost done.
2 My name is Greg Varga. I represent
3 Zurich American Insurance Company in this
4 case.
5 Rebecca, am I correct in understanding
6 that all of the damages, that the injuries
7 and forth that you've described in the
8 deposition so far today that you're claiming
9 in this case, not the accident case but this
10 case as against the insurance companies, am I
11 correct in understanding that all of those
12 damages that you claim against my client,
13 Zurich American, are because of Zurich's
14 failure to settle the accident case and pay
15 your family money sooner?
16 **A Yes.**
17 **Q** Okay. Are there any particular types of
18 damages, Rebecca, that you claim against my
19 client, Zurich, as opposed to National Union
20 Fire Insurance Company and AIG?
21 **A** **If this had been settled sooner as opposed to**
22 **how long it took, then a lot of the symptoms**
23 **that I feel now I wouldn't be feeling. I**

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- 1 an offer of settlement prior to the trial of
2 the accident case?
3 **A** **I believe two years after it was filed.**
4 **Q** After the lawsuit was filed?
5 **A** **Yes.**
6 **Q** When did you first learn of the timing that
7 an offer had been made by Zurich?
8 **A** **I believe a year ago.**
9 **Q** Okay. So sometime around August of 2005?
10 **A** **Yes.**
11 **Q** In your answer to Interrogatory No. 3, which
12 Mr. Cohen had gone through with you, and I
13 won't go through the whole thing again, but
14 you say, in the first sentence, "Zurich's
15 delay in making any settlement offer meant
16 that parts of my life were 'on hold' while
17 Zurich controlled the defense of the
18 Underlying Action."
19 How long did Zurich delay the
20 resolution of the underlying accident case?
21 **A** **I have to assume that it's how long it ever**
22 **took my parents to be able to take me to a**
23 **doctor.**

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- 1 **would probably be able to eat meat without**
2 **stomach pain, and my irritated nerve would**
3 **most likely never have gotten as bad as it**
4 **did and require me to wear a brace to prevent**
5 **my wrist from moving.**
6 **Q** Those are opinions that you hold, correct?
7 **A** **They're opinions my doctor holds.**
8 **Q** Okay. And the doctor has communicated those
9 to you?
10 **A** **Yes.**
11 **Q** Okay. But, again, my question is a little
12 bit different. Are there particular injuries
13 or damages that you are claiming here in this
14 case that you attribute to Zurich's conduct
15 as opposed to the conduct of National Union
16 and AIG? It's a yes or no answer.
17 **A** **No.**
18 **Q** Do you know when Zurich American Insurance
19 Company first made an offer of settlement in
20 the trial of the accident -- I'm sorry.
21 Strike that.
22 Do you know at what point in time
23 Zurich American Insurance Company first made

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- 1 **Q** For the stomach ailment that you had
2 described earlier today?
3 **A** **Yes.**
4 **Q** Rebecca, you had spoken of taking karate
5 lessons or being involved in karate and the
6 Science Club. I want to ask you, at this
7 point in time today, are there any other
8 activities, sports, dance, anything like that
9 that you engage in now at this point in time?
10 **A** **No.**
11 **Q** In your Senior year of high school, were
12 there any such activities that you engaged in
13 apart from karate and perhaps the Science
14 Club?
15 **A** **In the summer of all of my high school years,**
16 **I volunteered at the hospital.**
17 **Q** At Milford-Whitinsville Hospital?
18 **A** **Yes.**
19 **Q** Okay. Anything else apart from that in terms
20 of activities or things that you did outside
21 of the school?
22 **A** **No.**
23 **Q** You said you're attending Hampshire College

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- 1 beginning next week, correct?
 2 **A Yes.**
 3 **Q** Did you visit schools in your search for
 4 colleges; did you, physically, go to certain
 5 schools?
 6 **A Not until after I had applied there.**
 7 **Q** Okay. Not until after you had applied where?
 8 **A To the colleges.**
 9 **Q** Okay. What time frame was it when you
 10 applied to colleges?
 11 **A I had applied in --**
 12 **Q** Approximately?
 13 **A -- November and December of last year.**
 14 **Q** Okay. And was that around the time when all
 15 the rest of your friends were applying to
 16 colleges as well?
 17 **A They started a little after me. I had**
 18 **applied early action which requires me to**
 19 **apply a few months early.**
 20 **Q** I see. And so after you applied, that's the
 21 point in time when you started to visit
 22 colleges?
 23 **A Yes.**

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- 1 **A Yes. And I applied to Smith College?**
 2 **Q** Also in Massachusetts?
 3 **A Yes.**
 4 **Q** Okay. And you said you made a trip with your
 5 father, one trip to visit Hofstra and
 6 Syracuse?
 7 **A Yes.**
 8 **Q** And the trips to Wheaton and Smith were
 9 separate trips?
 10 **A Yes.**
 11 **Q** So was it four trips in all for those
 12 schools?
 13 **A I think so, yes.**
 14 **Q** I'm sorry. Three trips?
 15 **A It was probably -- I think so.**
 16 **Q** Okay.
 17 **A It's very vague. It's been a long time.**
 18 **Q** Did you have sufficient time to visit those
 19 schools and make your decision as far as
 20 where you wanted to attend?
 21 **A The ones in Massachusetts were all-day trips,**
 22 **and those went by relatively quickly. We**
 23 **stayed for an interview at each school, and**

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- 1 **Q** And how many colleges did you visit?
 2 **A I think three or four.**
 3 **Q** Okay. Who accompanied you on your visits to
 4 the colleges?
 5 **A My father.**
 6 **Q** Your mother did not?
 7 **A No.**
 8 **Q** On any occasion?
 9 **A She went after my father and I had gone to**
 10 **Hampshire to look at it. After I had gotten**
 11 **into Hampshire, she went with me.**
 12 **Q** Okay. So she didn't go to any -- Your mother
 13 did not accompany you to any college visit
 14 prior to you being accepted and agreed to
 15 matriculate at Hampshire College?
 16 **A No.**
 17 **Q** All right. Where were the other -- What
 18 other schools did you apply to?
 19 **A I applied to Hofstra University in New York;**
 20 **Syracuse University also in New York. This**
 21 **was the same trip. I applied to Wheaton**
 22 **College.**
 23 **Q** In Norton, Massachusetts?

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- 1 **we stayed for a tour, and then we went home.**
 2 **The ones in New York were -- we stayed for**
 3 **three days; two of the days were at the**
 4 **school; one of the days was driving between**
 5 **the schools and then home.**
 6 **Q** Okay. And are you satisfied with your choice
 7 of the college you're going to go to?
 8 **A Yes.**
 9 **Q** Did you get in, by the way, early acceptance?
 10 **A Yes.**
 11 **Q** Congratulations.
 12 **A Thank you.**
 13 **Q** Did you visit all of the schools that you
 14 wanted to visit?
 15 **A No.**
 16 **Q** Which schools did you not visit that you
 17 wanted to visit?
 18 **A I wanted to see Mount Holyoke, but I was,**
 19 **basically, told by my father that we didn't**
 20 **have enough time to visit both all of Smith,**
 21 **Hampshire and Mount Holyoke. So I could only**
 22 **pick two of those schools, so I picked Smith**
 23 **and Hampshire which I had a better chance of**

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- 1 getting into.
2 Q Why did you -- Strike that.
3 Did your father tell you why you
4 didn't have enough time to see Mount Holyoke
5 or the third school?
6 A There would be no one home; or if there was
7 someone home, they wouldn't be there long
8 enough to take care of mom.
9 Q After the trial in the underlying accident
10 case, were you kept informed about what was
11 happening with that case?
12 A No.
13 Q After the accident occurred, Rebecca, did
14 your father talk to you about your family's
15 finances, sit down and have any discussions
16 with you on that subject?
17 A No. He told me about the finances on a
18 need-to-know basis.
19 Q And explain what you mean by that, please?
20 A When we couldn't afford something such as
21 Peggy's initial hours and I would ask why, he
22 would tell me that we weren't able to afford
23 her hours. When we weren't able to afford

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- 1 A Yes. We couldn't afford to drive down there
2 to stay the night; this would be a night
3 trip; then see the college and then drive
4 back.
5 Q Okay. I may be construing a word you're
6 using differently than the way you intend it.
7 When you say, "afford," do you mean that he
8 was saying he couldn't afford to be away from
9 mom or couldn't financially afford the trip
10 to Ithaca College?
11 A It was a little of both. The hotels nearby
12 to Ithaca are all of the relatively expensive
13 nature. There weren't any hotels such as
14 Motel 6. They're all mostly Radisson or
15 better, and we couldn't afford, really, to
16 stay in the hotel, but he also didn't want to
17 be away from mom for the night.
18 Q Okay. Prior to the accident, Rebecca, were
19 there particular, what I'll loosely call,
20 father/daughter activities that you and your
21 dad would do with any regularity prior to the
22 accident, anything that stands out in your
23 mind?

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- 1 certain trips simply out of the ability to
2 afford a trip such as Ithaca College, he told
3 me that we weren't able to afford that
4 either; but so anything he told me was based
5 on when it happened.
6 Q Okay. Was Ithaca a college that you wanted
7 to visit in your college search?
8 A Yes, but not -- it wasn't in my first choice.
9 Q Okay. And, again, in considering Ithaca, at
10 the point in time when you considered Ithaca,
11 that was, again, November of last year?
12 A Yes.
13 Q Okay. 2005?
14 A Yes.
15 Q And that's the same -- the same is true for
16 Mount Holyoke, correct?
17 A Yes.
18 Q And just to be clear because I was a little
19 confused by something you said. You said
20 your father, when you brought up the subject
21 of visiting Ithaca, he said that you couldn't
22 afford to go to Ithaca College; to visit
23 Ithaca College?

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- 1 A We did often go to New York because I like
2 the state a lot, and he wanted me to be very
3 open in other states. He didn't want me to
4 only spend time in Massachusetts. He and I,
5 during the summer, would often go visit
6 another state that I was interested in just
7 to see the state itself. We would go to the
8 amusement parks and to the Museum of Science
9 and the Aquarium; but mostly, he and I would
10 go for a random day go to the movies together
11 to see something we just both wanted to see
12 as a daddy/daughter thing and then go to the
13 mall.
14 Q Okay. You had testified earlier that you, I
15 think, prior to the accident, used to go to
16 amusement parks, the Museum of Science and
17 the Aquarium with your friends as well?
18 A Yes.
19 Q You remember that testimony?
20 A Yes.
21 Q Okay. Was there a point in time, prior to
22 the accident, when you stopped going to those
23 kinds of places with your dad and started to

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- 1 go with your friends as teenagers often do?
- 2 **A No. When we went, he would always be there.**
- 3 **He didn't walk around with us. He would be**
- 4 **somewhere in the building just because he**
- 5 **liked the Museum of Science.**
- 6 **Q I see. Okay. So, usually, he'd let you hang**
- 7 **out with your friends?**
- 8 **A Yes.**
- 9 MR. VARGA: I don't have anything else
- 10 at this moment.
- 11 MR. COHEN: I have a couple of
- 12 follow-up questions.
- 13
- 14 REDIRECT EXAMINATION
- 15 **Q (By Mr. Cohen) You told Mr. Varga that you**
- 16 **volunteered every summer at the**
- 17 **Milford-Whitinsville Hospital?**
- 18 **A Yes.**
- 19 **Q What did you do there?**
- 20 **A I was a candy striper; and most of the day, I**
- 21 **would run, say, a package from one area of**
- 22 **the hospital to another area of the hospital**
- 23 **which would save the doctors and nurses a lot**

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- 1 **A Yes. It was, typically, you could work one**
- 2 **day for eight hours or two days for four**
- 3 **hours, and the two days for four hours was**
- 4 **easier on everyone.**
- 5 **Q So, usually, you did the two days for four**
- 6 **hours apiece?**
- 7 **A Yes.**
- 8 **Q And if you did 15 or 16 hours, how would you**
- 9 **break that up?**
- 10 **A Sometimes I would go in four days; but rather**
- 11 **than spend all the four hours coming**
- 12 **constantly working and moving around, I could**
- 13 **opt to, say, do filing which they desperately**
- 14 **needed us to do such as stapling packets for**
- 15 **newborn mothers or delivering letters to**
- 16 **patients or flowers to patients which was**
- 17 **always more enjoyable and easier.**
- 18 **Q How far away is the hospital from your house?**
- 19 **A Without traffic, I believe about a 20- or**
- 20 **25-minute drive.**
- 21 **Q And who would drive you back and forth to the**
- 22 **hospital?**
- 23 **A My father.**

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- 1 **of time; but if they didn't have a lot of**
- 2 **deliveries like that, they would ask a**
- 3 **volunteer to stay in a certain area of the**
- 4 **hospital where, say, a nurse might be absent,**
- 5 **so I could be doing either/or. It depended**
- 6 **on what my supervisor decided.**
- 7 **Q Okay. And you spent the last four summers**
- 8 **doing that job?**
- 9 **A Yes.**
- 10 **Q That's a volunteer position, I take it?**
- 11 **A Yes.**
- 12 **Q How many hours a week did you work there?**
- 13 **A Starting eight; but if I chose to work more,**
- 14 **which I often did, I could do that.**
- 15 **Q Starting at eight hours a week, and it could**
- 16 **be more than eight hours a week?**
- 17 **A Yes.**
- 18 **Q What was the most it would be?**
- 19 **A The most I ever worked in one week was, I**
- 20 **believe, 15 or 16.**
- 21 **Q Okay. So would you work one or two days a**
- 22 **week at the hospital volunteering as a candy**
- 23 **striper?**

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- 1 **Q And one other question. You have an aunt**
- 2 **down -- who lives on the Cape somewhere?**
- 3 **A Yes.**
- 4 **Q Would she ever come up after the accident and**
- 5 **help you and your dad out around the house?**
- 6 **A No. She was very busy with her own life and**
- 7 **her husband who was sick.**
- 8 **Q That's all the questions I have. Thank you.**
- 9 MR. PRITZKER: Give us a minute before
- 10 we break.
- 11 (Break takes place at 12:47 p.m.)
- 12 (Back on the record at 12:50 p.m.)
- 13 MS. PINKHAM: Back on the record.
- 14 I don't have any questions.
- 15 MR. COHEN: We're done.
- 16 (Whereupon the deposition of Rebecca
- 17 E. Rhodes concluded at 12:50 p.m.)
- 18
- 19
- 20
- 21
- 22
- 23

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C E R T I F I C A T E

I, REBECCA E. RHODES, do hereby certify that I have read the foregoing transcript of my testimony and further certify that said transcript is a true and accurate record of said testimony and signed under the pains and penalties of perjury.

Dated this ____ day of _____ 2006.

REBECCA E. RHODES

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ERRATA SHEET

Date of Deposition: August 25, 2006

Case Name: Marcia Rhodes, et al vs. AIG Domestic Claims, Inc., et al C.A. No. 05-1360-BLS2 (Gants J.)

Deponent's Name: Rebecca E. Rhodes

I, the undersigned, do hereby certify that I have read the foregoing deposition transcript and that to the best of my knowledge, said deposition transcript is true and accurate (with the exceptions of the following changes listed below):

REBECCA E. RHODES

Dated _____

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C E R T I F I C A T E

I, Simone J. Elwood, R.P.R. and a Notary Public within and for the Commonwealth of Massachusetts, duly commissioned, qualified and authorized to administer oaths and to take and certify depositions, do hereby certify that heretofore, to wit, on the 25th day of August 2006, personally appeared before me Rebecca E. Rhodes, at the Radisson Hotel, 11 Beaver Street, Milford, Massachusetts, in the aforecaptioned cause pending in the Suffolk County Superior Court, Commonwealth of Massachusetts; that the witness was by me duly sworn to testify to the truth, the whole truth and nothing but the truth; that thereupon and while said witness was under oath, the within deposition was taken down by me in shorthand at the time and place herein named and was thereafter reduced to computer transcription under my supervision. I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this ____ day of _____, 2006.

Simonne J. Elwood REGISTERED PROFESSIONAL REPORTER

My Commission Expires: February 14, 2008

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