

EXHIBIT F

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs.

No. CV-05-399-EFS

THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS d/b/a
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, a
Utah corporation, d/b/a CORPORATION
OF THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS,
a Utah corporation; DONALD C. FOSSUM;
and STEVEN D. BRODHEAD,

Defendants.

DEPOSITION OF STEVEN D. BRODHEAD

BE IT REMEMBERED that on the 11th day of
December 2006, at the hour of 5:08 p.m., the deposition
of STEVEN D. BRODHEAD was taken at the request of the
Plaintiff, before Caryn E. Winters, RPR, a notary public and
court reporter, Washington CCR No. 2496, Idaho CSR No. 237,
at 717 West Sprague Avenue, Suite 1200, Spokane, Washington,
pursuant to the Washington Rules of Civil Procedure.

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Page 18

1 Q That's fair.
 A -- told me how to go.
 Q All right. And I understand that they wanted you to
 4 avoid Sprague Avenue because of traffic; is that correct?
 5 A They said not to take 16th.
 6 Q 16th. And, well, explain to me why you ended up on 8th
 7 Avenue.
 8 A We were driving back. We were going to go see one of
 9 Sheila's friends before Sheila left for Las Vegas. So I was
 10 going to take them there. And so I -- since I didn't know
 11 where this girl's house was, they were, you know, going to
 12 tell me how to get there.
 13 I was just going to take 16th because Dallas
 14 lives off of 16th over by Evergreen, and so, you know, I was
 15 more familiar with that road. And they said to take 8th, so
 16 I took 8th.
 17 Q Okay. So if I understand you correctly, someplace up on
 18 North Pines, North of Sprague, you picked up some school
 19 books for them?
 20 A Dropped them off.
 21 Q Dropped them off? And you had all three of the girls in
 22 the car at that time?
 23 A Yes.
 24 Q Sheila was in the shotgun passenger seat? Was that
 25 right?

Page 19

1 A Yes.
 2 Q And where was Rochelle and where was Rebecca?
 3 A I can't remember if Rochelle or Rebecca was in the back
 4 right.
 5 Q Okay. But they were in the back, the twins?
 6 A Yes, they were in the back.
 7 Q Okay. The twins? And you had bucket seats in the
 8 Honda?
 9 A Yes. It had -- well, there was a bench in the back.
 10 Q Okay. Bench in the back, bucket seats in the front?
 11 A Yes.
 12 Q Stick or automatic?
 13 A Automatic.
 14 Q And then they told you to take 8th Avenue?
 15 A Yes.
 16 Q So you were on Pines Road and you turned east off onto
 17 8th; is that correct?
 18 A Yes.
 19 Q My understanding, you'd never been on 8th Avenue before?
 20 A Yes, it was the first time.
 21 Q Okay. Not familiar with it at all?
 22 A No.
 23 Q All right. You drive over to Evergreen and --
 A Yes.
 Q And do you remember what the configuration of Evergreen

Page 20

1 is as far as stop signs?
 2 A Later I figured out what the configuration was. When I
 3 got to the stop sign I thought it was a four-way stop for
 4 some reason. And that's why then I proceeded through the
 5 intersection.
 6 Q You were upset at somebody?
 7 A Yeah. Well, I -- a car came, you know, towards me,
 8 almost T-boned me. And so I got mad and yelled and floored
 9 it.
 10 Q So that's why I was a little confused. So as you sit
 11 here today you remember, though, it was stop signs stopping
 12 you on 8th Avenue, correct?
 13 A Yes.
 14 Q But so the right-of-way without a stop sign was on
 15 Evergreen, correct?
 16 A Yes.
 17 Q And so you started after you -- did you stop at the stop
 18 sign at Evergreen?
 19 A Yes.
 20 Q All right. And you entered into the intersection, and
 21 you were almost hit by a car that was traveling north or
 22 south on Evergreen?
 23 A North.
 24 Q North? And almost got hit. And you thought they were
 25 supposed to stop, and is that why you were upset?

Page 21

1 A Yes.
 2 Q All right. And you yell something. Do you remember
 3 what you yelled?
 4 A I don't remember what I yelled. But I yelled. I
 5 remember that.
 6 Q But you were upset?
 7 A Yes.
 8 Q And I understand, had you already had your conversation
 9 with your girlfriend prior to this time?
 10 A Yes, about ten minutes prior.
 11 Q Okay. So about ten minutes? Did you have a cell phone?
 12 A Yes.
 13 Q Okay. So you had a cell phone with you. You'd been on
 14 the cell phone before you turned, at some point in time
 15 before you turned off onto 8th Avenue. But my understanding
 16 is you did not have a cell phone, you didn't use the cell
 17 phone once you got on 8th Avenue; is that correct?
 18 A I didn't use it at all when I was driving.
 19 Q Okay. That's fair. But there wasn't any type of
 20 collision on Evergreen and 8th Avenue at that point?
 21 A No.
 22 Q But you yelled, and I understand you honked your horn.
 23 Do you recall doing that?
 24 A Yes.
 25 Q All right. Do you recall for how long you honked your

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6 (Pages 18 to 21)

EXHIBIT G

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EASTERN DISTRICT OF WASHINGTON

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Page 22

1 horn?
 A I don't.
 Q All right. And at that point in time I also understand
 4 you floored the accelerator?
 5 A Yes.
 6 Q And you hadn't taken any medication that day?
 7 A Yeah, I didn't take any.
 8 Q Were you feeling pretty upset, or can you kind of give
 9 me a feel of how you were feeling at that point? I know you
 10 told the police officer frustrated, but can you tell me any
 11 other words that may describe how you felt?
 12 A Well, with the Zolofit it -- you know, any medication, it
 13 takes awhile to cycle through your system and to actually
 14 start working. And, you know, I'm taking 250 milligrams
 15 now. So that's --
 16 Q You were taking a hundred milligrams at that point in
 17 time, though?
 18 A I was taking 50.
 19 Q 50?
 20 A That's what I started out at. And after that day of the
 21 accident is when I -- I bumped my medication up myself and
 22 talked to my doctor about it.
 23 Q Okay. I just was reading -- it just had indicated -- in
 24 fact, maybe I can -- I don't need to mark this, but let me
 25 just show you, maybe if this will refresh your recollection.

Page 23

1 And I'm not even sure if it's accurate. It's in this
 2 paragraph right here. It just indicates --
 3 MR. REKOFKE: Is this page four?
 4 MR. NORDSTROM: You should have it.
 5 MR. REKOFKE: I'm there.
 6 Q (By Mr. Nordstrom) "He said he was taking 100
 7 milligrams a day, but did not take any on 8-2-03."
 8 A Yeah, and I never caught that. And it should have been
 9 --
 10 Q 50?
 11 A -- 50.
 12 Q Okay.
 13 A Because that's the starting off.
 14 Q You floor the Honda?
 15 A Yes.
 16 Q Does it have a four cylinder in it or six?
 17 A Four cylinder.
 18 Q Four cylinder? And you floored it, and you indicate
 19 that you actually saw the needle hit 70 miles per hour?
 20 A Yes.
 21 Q All right. And then it's your testimony -- or, is it
 22 your testimony then you let your foot off of the accelerator
 23 and started slowing down about halfway down the road?
 A Yes.
 Q Okay. Can you tell me, when you say about halfway down

Page 24

1 the road, what are we talking? Are we talking about halfway
 2 between when you left Evergreen before the impact at
 3 McDonald -- or, I mean, Adams?
 4 A At that time I don't -- since, you know, I don't really
 5 know that area, I can't really say what halfway is. Just a
 6 way to explain it. I don't know exactly, you know, halfway
 7 of that road.
 8 Q Okay. So as we sit here today, when you told the police
 9 officer "slowing about halfway down the road" you're not
 10 sure what you meant?
 11 A That was just the best I could explain it.
 12 Q Okay. Now, when you had left Pines Road you did have to
 13 cross, first of all, McDonald Road where there was a stop
 14 sign. Do you remember that?
 15 A Not vaguely.
 16 Q Let me just ask a bit further. Between Pines and before
 17 you got to Evergreen, when you yelled at this guy, do you
 18 remember traveling between Pines Road and McDonald Road?
 19 A Once again, I wasn't too familiar with the roads.
 20 Q Okay.
 21 A So I'm sure I came -- well, of course I came through it,
 22 you know.
 23 Q Okay.
 24 A If that's in between. But --
 25 Q And then traveled down to Evergreen Road. But none of

Page 25

1 that stands out in your mind as we sit here today, before
 2 you get to Evergreen when you yell at this guy that almost
 3 hit you?
 4 A No, just Evergreen is the one that stands out.
 5 Q Okay. That's fair. But you do recall at some point in
 6 time slowing down. Do you hit the brakes or do you just
 7 take your foot off the accelerator, do you remember?
 8 A I took my foot off the accelerator and had my foot still
 9 over the accelerator, but I wasn't pressing that.
 10 Q Okay. All right. And it indicates in the police report
 11 -- you indicated you looked at it -- it said that "He saw
 12 the stop sign at Adams and hit the brakes."
 13 Do you recall at some point in time seeing stop
 14 signs, a stop sign at Adams Road?
 15 A That was the first time I had been down towards Adams.
 16 Q No. But, I mean, before the collision occurred, at some
 17 point in time you remember seeing a stop sign on this date
 18 as you're traveling -- now just talking about this date, so
 19 the very first time you've been on the road. But I'm
 20 talking about as you were approaching Adams Road on this
 21 occasion, at some point in time you do remember seeing a
 22 stop sign for you?
 23 A Yes.
 24 Q All right. And do you recall, I believe one of the
 25 girls in the car with you yelled something about a stop

7 (Pages 22 to 25)

Page 54

1 braking or were you talking just when you were driving at 35
 2 or 40 miles an hour?
 3 A Just driving --
 4 Q Okay.
 5 A -- at 35. Not -- I don't believe that I was describing
 6 it when I was braking.
 7 Q The next sentence, "He said the car had no brake
 8 problems."
 9 A Yeah.
 10 Q Okay.
 11 A But --
 12 Q You had never -- well, let me ask you this: Had you
 13 ever taken the car up between 65 and 70 miles an hour prior
 14 to that time and applied the brakes?
 15 A On the freeway, yes.
 16 Q Okay. I asked you two questions.
 17 A Oh, sorry.
 18 Q Let me break it down. You had driven the car on the
 19 freeway at 65 to 70 miles an hour prior to the accident?
 20 A Yes.
 21 Q Had you ever, while driving at 65 to 70 miles an hour,
 22 slammed the brakes on?
 23 A Not slammed the brakes.
 24 Q Okay. Let me go back to a couple of statements in the
 25 report from the accident.

Page 55

1 And just so the record's clear, it's the Spokane
 2 County Sheriff's Office. It says, "Additional report, case
 3 number 03-274571." And it appears to be authored by
 4 Detective R. Miya, M-I-Y-A, from the Spokane County
 5 Sheriff's Office.
 6 On page four of the document, I just want to
 7 read some statements to you. And if you have a copy maybe
 8 you can follow along.
 9 A Yes, I have it.
 10 Q Okay. Go to the last paragraph on page four about
 11 halfway down. And it says, "Brodhead said he saw the needle
 12 hit 70 MPH. Then he let off soon after."
 13 Is that accurate?
 14 A Yes.
 15 Q Okay. "He said he knew he was going at least 70 miles
 16 per hour and started slowing about halfway down the road."
 17 Is that accurate? I know you mentioned about
 18 whether it was halfway or not.
 19 A Yes.
 20 Q But you were going at least 70 miles an hour, took your
 21 foot off the accelerator but did not apply your brakes at
 22 that time; is that correct?
 23 A Yes.
 24 Q Okay. "Brodhead said he saw the stop sign at Adams and
 25 hit the brakes." Is that correct?

Page 56

1 A Yes.
 2 Q So is my understanding correct, that what made you hit
 3 the brakes was your realization there was a stop sign ahead?
 4 A Yes.
 5 Q Okay. Last, "He said he skidded and slammed into the
 6 truck." Is that accurate?
 7 A Yes.
 8 Q Okay. Now, were you -- there's some questions about the
 9 statements of, I guess, the Hamilton twins, and was it
 10 Sheila Brown?
 11 A Yeah.
 12 Q Were you present when they gave their statements to one
 13 of the officers?
 14 A No, I wasn't.
 15 Q Did they separate you out and everybody gave what they
 16 could recall?
 17 A Yes.
 18 Q Okay. I understand you were a little shook up?
 19 A Yes. Very.
 20 Q And how about the passengers, the Hamilton twins and
 21 Sheila Brown? Were they shook up?
 22 A Yes, we were all crying pretty hard and --
 23 Q That being said, do you have any idea how many number of
 24 seconds it was from the first time you saw the truck until
 25 impact?

Page 57

1 A It seemed almost instantly. But you know how it happens
 2 fast. I -- but I can't -- I don't know if I can put a
 3 number on it.
 4 Q Okay. That's all the questions I have. Thanks.
 5 A (Nods head).
 6 MR. NORDSTROM: We'll order it up.
 7 MR. REKOFKE: Copy please.
 8 MR. SMYTHE: We can waive signature.
 9 (Deposition concluded at
 10 6:15 p.m.)
 11 (Signature is waived.)
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15 (Pages 54 to 57)

EXHIBIT H

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EASTERN DISTRICT OF WASHINGTON

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 22 that time; is that correct?
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15 (Pages 54 to 57)

EXHIBIT I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

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Plaintiff,

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CHRIST OF LATTER DAY SAINTS,
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CORPORATION OF THE PRESIDENT OF
THE CHURCH OF JESUS CHRIST OF
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and STEPHEN D. BRODHEAD,
Defendants.

DEPOSITION OF JOHN HUNTER

Deposition upon oral examination of JOHN HUNTER, taken at
the request of the Defendant before David Storey, a Notary
Public, CSR No. STORED*566QO, at the law offices of Eymann,
Allison, Hunter & Jones, 2208 W. Second Avenue, Spokane,
Washington, commencing at or about 11:00 a.m., on March 16,
2007, pursuant to the Washington Rules of Civil Procedure.

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JOHN HUNTER

WAITE v LDS

MARCH 16, 2007

Page 18

1 Q. Okay. You would agree that depending on where
2 Mr. Fossum stopped, a calculation could be done as to how
3 far down the road he could see, based on the road design?
4 A. You could probably do it off the aerial too, yes, you
5 can. You are talking about the view obstruction on the left
6 and how far he can see depending on where he stopped?
7 Q. Yes.
8 A. Sure. The closer he gets to the intersection, the more
9 his visibility increases.
10 Q. Okay. Do you have an opinion as to whether you believe
11 Mr. Fossum should have stopped?
12 A. Well, yes, he should have stopped in a position where he
13 can check for traffic in both directions.
14 Q. Okay. And do you know where that is on that road?
15 A. A specific point?
16 Q. Yes.
17 A. No. I know that he can stop and clear the sight
18 obstruction before entering the intersection, but I don't
19 know where his exact position would be, no.
20 Q. Okay. So at time of trial you are not going to render
21 an opinion either as to where, in fact, where he stopped or
22 where you believe he should have stopped?
23 MR. NORDSTROM: I'll object. I think he addressed that
24 in his report that he would.
25 Q. (BY MR. REKOFKE) Then I'm asking where it is then. You

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1 can address anything you want, but I need to know what it
2 is.
3 A. Well, what I'm stating is that had he pulled forward to
4 look to the left, sufficient to clear traffic, he could have
5 seen this approaching vehicle in a braking mode at high
6 speed trying to reduce its speed. That's, and there is a
7 point at which he can see beyond the view obstructions.
8 Q. Where is that spot? Can you mark it on Exhibit 1.
9 A. I cannot mark it on Exhibit 1, because that road, that
10 drawing is not to scale. It would have to be done on a
11 scale diagram or an aerial photograph, and I have not done
12 that yet.
13 Q. Do you -- your report has an aerial photograph?
14 A. It does, yes.
15 Q. I assume that is a shrunken picture?
16 A. That is just a screen capture, yes.
17 Q. Do you have that aerial photograph with you today?
18 A. Well, I have a copy of it, yes.
19 Q. Okay. And I don't mean to direct your work effort in
20 this case, but do you plan on testifying at time of trial
21 where you are going to pinpoint a spot on a map, on a photo,
22 on a diagram of where you believe Mr. Fossum should have
23 stopped?
24 A. I wasn't asked to do that, no.
25 Q. Okay.

Page 20

1 MR. NORDSTROM: Well, I can tell you we'll be asking him
2 to do that at trial.
3 Q. (BY MR. REKOFKE) Well, I guess we'll have to do that
4 and we'll reconvene at some point in time.
5 Mr. Hunter, do you agree -- how many years were you
6 involved as an officer in the State Patrol?
7 A. 25.
8 Q. 25? Do you agree based on that experience, and I guess
9 other experience you have had since you left the WSP, that
10 Mr. Brodhead violated various laws?
11 A. He did, yes.
12 Q. Okay. Had you investigated, when you were working with
13 the WSP had you investigated accidents like this?
14 A. I've investigated lots of crashes. I don't know if I
15 ever had one skidding 260 feet, though, that's a little
16 unusual.
17 Q. You investigated crashes at four-way stops?
18 A. I have had a number of them. A lot of our crashes were
19 on higher-speed roadways.
20 Q. Can you tell me or list for me the various laws, if you
21 had been the investigating officer, what laws Mr. Brodhead
22 violated, prior to the accident?
23 A. Obviously speed and failure to stop for the stop sign,
24 because he didn't stop for it. And then if you could
25 determine what his braking efficiency was on the truck, you

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1 could cite him for defective brakes as well. He has to be
2 at least, I think it is 52.8 percent efficient if I remember
3 right, under RCW 46.61.351, I think it is, he has a certain
4 efficiency he has to meet, .48 is certainly below that
5 efficiency.
6 Q. Anything else?
7 A. No, no, those are pretty much it.
8 Q. Okay. Are there recognized rules of the road for
9 four-way intersections?
10 A. Yes, there are.
11 Q. Okay. Can you briefly describe them for me?
12 A. You're supposed to stop and yield to, as stated in the
13 statute, to traffic that could pose a potential hazard.
14 Q. Is there a certain amount of time when you're the
15 favored driver at four-way intersections? In other words,
16 you have arrived first and there's nobody on your right to
17 yield to, is there a certain period of time that you have to
18 wait at the intersection before proceeding?
19 A. Not that I'm aware of.
20 Q. Is there any rules as far as how long you have to look
21 in a certain direction?
22 A. Not that I'm aware of, no.
23 Q. When you're stopped as a favored driver at a four-way
24 stop, it seems to me common sense would be that there is
25 sort of three choices where to look?

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EXHIBIT J

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FOR THE EASTERN DISTRICT OF WASHINGTON

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Allison, Hunter & Jones, 2208 W. Second Avenue, Spokane,
Washington, commencing at or about 11:00 a.m., on March 16,
2007, pursuant to the Washington Rules of Civil Procedure.

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1 violating the law?
 2 A. Correct. If he has no opportunity to detect or identify
 3 the potential hazard, then how can he react to it?
 4 Q. As the driver stopped at an intersection, do you agree
 5 Mr. Fossum does not have to assume Mr. Brodhead is going to
 6 go twice the speed limit and have bad brakes?
 7 A. Oh, I would agree with that, yes.
 8 Q. I think I saw this in your report, maybe I didn't, but
 9 do you agree that if Mr. Brodhead had been going 35 miles an
 10 hour he could have actually run the stop sign and there
 11 would have been no collision?
 12 A. Well, it depends on where you are going to start the
 13 clock. I mean, he entered the intersection sliding through
 14 he stop sign to the point of impact in those speed ranges,
 15 so if you want to start at the time that he enters the
 16 intersection, they are going to crash. So it just depends
 17 on where you want to start your zero point.
 18 Q. Let's just assume that instead of going 70 miles an hour
 19 Mr. Brodhead obeys the law and doesn't hit 70, he could have
 20 gone 35 miles an hour from, I guess, when he crossed
 21 Evergreen and gone through the stop sign, there would have
 22 been no accident?
 23 MR. NORDSTROM: I'll object to the form.
 24 A. Obviously if you start at different time frames, people
 25 aren't going to end up at the same spot at the same time

1 so --
 2 Q. (BY MR. REKOFKE) You do agree if Mr. Brodhead had been
 3 going 35 miles an hour and still run the stop sign, there
 4 would have been no accident?
 5 MR. NORDSTROM: Same objection.
 6 A. No, the way you're phrasing the question, I can't agree
 7 with it, because there's the evidence that by the time he
 8 started to go through the intersection, he probably was
 9 doing somewhere around 35 miles an hour, and he still got
 10 involved in the crash. But if you're saying if you start
 11 back at a different time, they don't end up at the same spot
 12 at the same time, I'd agree with that.
 13 Q. (BY MR. REKOFKE) That's all I'm asking.
 14 A. Okay.
 15 Q. I believe this was in your report, but let me ask, do
 16 you agree that if Mr. Brodhead's brakes had been working
 17 properly he could have done all the speeding that actually
 18 he did, in other words, gone twice the speed limit and had
 19 his brakes been working, he still could have stopped short
 20 of the crash?
 21 A. You give him good brakes and the collision does not
 22 occur because he will in fact stop before he enters the
 23 intersection.
 24 Q. So if the brakes were --
 25 A. Working properly.

1 Q. -- were working properly, Mr. Brodhead could have gone
 2 70 miles an hour, everything could have occurred that did in
 3 fact occur and if he would have had brakes that worked, that
 4 he would have stopped short of the collision?
 5 A. I think I figured about 60 feet short or something like
 6 that.
 7 Q. Okay. Will you be rendering an opinion at time of trial
 8 as to what made Mr. Brodhead slam on his brakes?
 9 A. Well, if, the opinion I would render based on the
 10 information I have right now is that he either saw or was
 11 told of the stop sign and he stopped before the stop sign.
 12 Q. So the cue or the clue was either an oral one from, I
 13 think one of the girls in the car screaming or that he
 14 actually saw the stop sign?
 15 A. Correct. Based on the data I've seen so far is what it
 16 seems to be.
 17 Q. Okay. Will you be rendering an opinion at time of trial
 18 as to how far Mr. Brodhead was from the intersection when he
 19 first saw Mr. Fossum's truck?
 20 A. I can't give you the specifics because I don't know. We
 21 know that he saw it stopped there at some time, but I don't
 22 know the exact point in time. So at this point, no, I can't
 23 tell you.
 24 Q. You mention in your report that you believe 410 feet is
 25 the soonest that Mr. Brodhead could see the stop sign?

1 A. No, I didn't think I said that. I said, what I analyzed
 2 was his speed at the beginning of the tire mark, and then I
 3 backed him up assuming a one and a second perception/
 4 reaction time. Obviously if you change that you will change
 5 distance. And I added the reaction distance to the skidding
 6 distance, and that's where you get the 410 feet.
 7 So that would be approximate point of notice, if you
 8 assume a one and a half second detection/
 9 identification/reaction period.
 10 Q. Whatever that number is, you've done it by working
 11 backwards?
 12 A. Correct, off the end of the skid marks.
 13 Q. Have you gone out and done a site visit?
 14 A. I did go out there, yes.
 15 Q. Did you do measurements?
 16 A. I did not.
 17 Q. Okay. When did you go out and visit the site?
 18 A. This morning, before the deposition.
 19 Q. Okay. I want to ask some of the numbers that are in
 20 your report, make sure I understand them.
 21 What in your opinion was the minimum speed that
 22 Mr. Brodhead achieved just prior to applying the brakes?
 23 A. At time that he --
 24 MR. NORDSTROM: Just, are you referring to a specific
 25 figure? You said within the report.

EXHIBIT K

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON

THOMAS A. WAITE,

Plaintiff,

vs.

No. CV-05-399-EFS

THE CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS d/b/a
CORPORATION OF THE PRESIDING
BISHOP OF THE CHURCH OF JESUS
CHRIST OF LATTER DAY SAINTS, a
Utah corporation, d/b/a CORPORATION
OF THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER DAY SAINTS,
a Utah corporation; DONALD C. FOSSUM;
and STEVEN D. BRODHEAD,

Defendants.

DEPOSITION OF STEVEN D. BRODHEAD

BE IT REMEMBERED that on the 11th day of
December 2006, at the hour of 5:08 p.m., the deposition
of STEVEN D. BRODHEAD was taken at the request of the
Plaintiff, before Caryn E. Winters, RPR, a notary public and
court reporter, Washington CCR No. 2496, Idaho CSR No. 237,
at 717 West Sprague Avenue, Suite 1200, Spokane, Washington,
pursuant to the Washington Rules of Civil Procedure.

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1 A USAA.
 2 Q The insurance company that you had insurance on this
 3 vehicle?
 4 A Yes.
 5 Q With about either one of the other occupants, those
 6 three girls, were any of them injured?
 7 A I believe there was a settlement for Rochelle and
 8 Rebecca.
 9 Q Okay. For both of them?
 10 A But -- I believe so. I didn't hear much about that.
 11 But I know that they had to go to the doctor a couple of
 12 times at least.
 13 Q Okay. But you don't -- as you sit here today, you don't
 14 know whether there was a settlement or not?
 15 A I don't know exactly what, you know, what happened with
 16 that.
 17 Q Okay. And just finally, you mentioned the public
 18 defender. Were you represented by a public defender in this
 19 case?
 20 A Yes.
 21 Q And I shouldn't say finally. I've got a couple
 22 follow-up questions. Who was that?
 23 A Now I can't remember.
 24 Q All right.
 25 A I know it's written down somewhere or in some of the

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1 records. But I can't remember his name.
 2 Q How was that resolved?
 3 A Do you mean --
 4 Q Did you make a plea?
 5 A Yes.
 6 Q And what was the plea?
 7 A To attempted assault and reckless driving.
 8 Q Okay. Was there anything called vehicular assault?
 9 A No.
 10 Q Okay. So it was called reckless driving?
 11 A And attempted assault.
 12 Q And attempted assault?
 13 A Yes.
 14 Q And what was the -- any type of punishment associated
 15 with that?
 16 A It was three days in jail with 362 days that I would
 17 have had to serve if I broke probation violation. You know.
 18 Q Okay. So you had 365 days, three days served, 362
 19 suspended?
 20 A Two years -- I had 30 days license suspension, two years
 21 probation. And so if I did anything against my probation I
 22 would have had to serve the other 362 days.
 23 Q Okay. Any specific terms with your suspension or with
 24 your probation? Community service, anything like that?
 25 A I had a 760 dollar fine. That was -- that was it. I

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1 didn't have any community service.
 2 Q Was that fine paid?
 3 A Yes.
 4 Q All right. Let me just make sure, after the collision
 5 you said -- just at the scene itself, did you talk with --
 6 well, let me start all over again.
 7 Do you remember the impact itself?
 8 A Yes.
 9 Q Okay. What do you recall about the impact?
 10 A Just slamming into the back of the truck. And I saw --
 11 I can't remember if I saw both individuals, but I know I saw
 12 at least one fly out of the back of the truck.
 13 Q What about the canopy on the pickup?
 14 A That flew off as well.
 15 Q All right.
 16 A I saw that fly off as well.
 17 Q Okay. And did you go over to see anyone that was -- any
 18 of the individuals that had been in the pickup?
 19 A I'd gotten out of my car right after it happened. I was
 20 really dizzy. Just about fell over. And I -- I just kind
 21 of -- I looked around and just broke down. I didn't know
 22 what to do.
 23 Q Sure.
 24 A I called 911 and someone was already --
 25 Q Had called it?

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1 A Called it in.
 2 Q All right.
 3 A So but besides that, I didn't know what to do. I was
 4 scared.
 5 Q Do you remember having a conversation with anyone there
 6 at the scene?
 7 A Well, there was a guy that came up and started yelling
 8 at me, you know, asking what -- you know, what I was
 9 thinking and stuff. And I started yelling at him. I can't
 10 remember all that I said, but something to the effect of,
 11 you know, "You don't know what -- you know, how I'm feeling
 12 right now" or something. And he apologized later because he
 13 realized, you know, that I was -- you know, I wasn't just
 14 some punk kid just, you know, --
 15 Q When you say "apologized later," that same afternoon?
 16 A Like ten minutes later.
 17 Q Okay. Do you recall a conversation with anyone else?
 18 A Well, Rochelle and Rebecca's mom drove over. And she
 19 was just comforting me. I didn't -- yeah, I was just
 20 crying. I didn't have any conversations.
 21 Q All right. Do you know who called her?
 22 A I believe -- well, it was either Rochelle or Rebecca. I
 23 think it might have been Rebecca. I don't know.,
 24 Q Did you realize there were seven Mormon missionaries in
 25 that truck?

11 (Pages 38 to 41)

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