

IN THE FIRST JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF CADDO
STATE OF LOUISIANA

COREY WILLIAMS,

VERSUS

CIVIL CASE NO: 556,250-A

KENNETH WAYNE BIRD and
STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY

TRANSCRIPT OF THE PROCEEDINGS HAD in
the hearing of the above-styled and numbered cause before HIS
HONOR, ROY BRUN, Judge of the First Judicial District Court, in
and for Caddo Parish, at Shreveport, Louisiana, on the 16th day
of May, 2013, A.D.

APPEARANCES:

Counsel for the Plaintiff:
Dean Lucius, Jr.

Counsel for the Defendants:
Theodore J. Casten

EXCERPT

Judge's Ruling

COPY

Reported by:

Jennifer Zanmiller

Official Court Reporter

P R O C E E D I N G S

THE COURT: All right. The Court's listened carefully to the testimony of the witnesses, been able to make credibility determinations based on the Court's personal observation of the witnesses as they've testified, and the Court's further looked at the exhibits that have been introduced by both sides. Based on the exhibits, the testimony, and the Court's credibility determinations, the Court finds the following:

The first is that Mr. Jackson has almost no credibility. In fact, I'm revoking his designation as an expert witness. His record keeping is unbelievable. His testimony, I think, and his record keeping is deceptive. I, frankly, couldn't, after listening to him and the way he handles his office, I don't think it's anything but a litigation mill. And as I said, I wish I hadn't qualified him as an expert, but I think based on the tender of the Direct and Cross, I made the right decision at the time. But I can tell you after hearing his testimony, I do not accept him as an expert.

I don't believe that any expert physical therapist, first of all, would take anybody who complains of pain at a high rate, post accident, and start to lay hands on them without immediately sending them to a doctor. That tells me either, number one, he knew it was a crock when he was visiting with him, and

palpating him, or whatever he does, or he doesn't know what he's doing, one of the two. And he is not an expert. This is, as I said, I believe this is a litigation mill. I find it incredible that he summons doctors to his office instead of taking referrals from doctors' offices, and it smells to high heaven.

So, that said, go to the testimony of the Plaintiff and the Defendant. I believe the testimony of the Defendant was straightforward. It struck me as being very credible. I have no reason to doubt anything he said.

The testimony of the Plaintiff was not credible. He told several different stories, or variations of stories to several different people. He obviously, under any circumstance, exaggerated the situation. Referencing the Willis-Knighton records, what he appears to me to be is a street level drug user who managed to get a dose of Morphine and a bottle of Lortab. I don't believe him, and I'm going to say very gently, as gently as I know how, he is accident prone. And I don't believe he has any credibility.

I think that what happened was an unfortunate minor accident. I think he was on the area adjacent to the street. I think the Defendant was proceeding in a sedate and entirely appropriate manner, approaching a stop sign. And I think this man wasn't

watching what he was doing. When I say this man, I mean the Plaintiff, and he backed out far enough to where his backpack got struck by the vehicle.

I don't think he was knocked anywhere. I think he went up on the hood, and then walked away from it, and then feigned a serious injury. That's exactly what occurred. I think the most he got was a bruise from his backpack on his back, and he's trying to milk it into a lawsuit, into a big lawsuit, and it's just not going to fly.

I believe the accident was his fault for not watching what he was doing. And that's the best I could say for it, that it was an accident. I don't think there is any liability to begin with, and it's not necessary to address the minor issue of damages.

I'll ask Mr. Casten to prepare a judgment in accordance with that, and send it to opposing counsel for approval as to form. I want to see the lawyers for a minute.

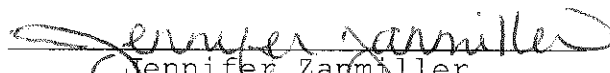
(An off-the-record bench conference was had and these proceedings were concluded.)

STATE OF LOUISIANA)

PARISH OF CADDO)

C E R T I F I C A T E

I, Jennifer Zammiller, Official Court Reporter in and for the State of Louisiana, employed as an official court reporter by the First Judicial District Court for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board or by the Supreme Court of Louisiana, and that I am not related to counsel or to the parties herein nor am I otherwise interested in the outcome of this matter.


Jennifer Zammiller
Official Court Reporter
First Judicial District Court

