

Abstracting Exercises

Duck v. Maus

On March 1, 2007, in the sleepy metropolis of Snurdly, Sticks County, Arkansas, Mickey Duck was proceeding north on North Nixon. He came to the intersection of North Nixon and East Bumblebee, and prepared to make a turn. The light was red at the time. The light turned green, according to Mr. Duck, and he pulled out to make his left turn. At that time, he was struck by Donald Maus, who was proceeding in a westerly direction on East Bumblebee. The witnesses differ in their statements of how the accident occurred.

Bruce Wayne, who was driving the car right behind Mr. Duck, testified that he stopped behind Mr. Duck and, at that time, the light was red. He looked up when he saw Mr. Duck's car proceed into the intersection and he says the light was green. Clark Kent was looking out the window of his office at The Snurdly Planet. The Snurdly Planet is on the southwest corner of Bumblebee and Nixon. Mr. Kent says that he looked at the scene of the accident right after he heard the crash, and noticed that the light was still red for Mr. Duck.

Mr. Maus testifies that he had a green light throughout.

Police Chief Pat O'Hara investigated the accident. He noted that the cars were stopped in the intersection. He was unable to find any skid marks, but he did find some scuff marks where Mr. Duck's car moved after the accident. There was glass all over the place. Ambulances took both Mr. Maus and Mr. Duck to the Snurdly General Hospital. Each of the persons in the accident went and saw their own doctors after their visit to the emergency room. There were "words" in the emergency room, and the orderly, Barry Allen, will be prepared to testify about those.

Mr. Duck filed the lawsuit in this matter against Mr. Maus. Mr. Maus counter-claimed, and the case went to trial.

IN THE CIRCUIT COURT OF STICKS COUNTY, ARKANSAS

MICKEY DUCK

PLAINTIFF/
COUNTER-DEFENDANT

V.

NO. 2008-CV-00003

DONALD MAUS

DEFENDANT/
COUNTER-PLAINTIFF

JURY TRIAL

Be it remembered, that on the 23rd day of April, 2009, before the Honorable Harvey Dent, Circuit Judge, the above styled matter came on for trial by jury with counsel appearing as follows:

On Behalf of the Plaintiff/Counter-Defendant:

Myron Lerner
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On Behalf of the Defendant/Counter-Plaintiff:

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DIRECT EXAMINATION OF MICKEY DUCK

DIRECT EXAMINATION OF

DONALD MAUS

BY MR. MURDOCK

Q. Mr. Maus, can you state your name for the jury, please, sir?

A. My name is Donald Maus.

Q. Mr. Maus, we have sued you for an automobile accident that occurred on March 1, 2007, at twelve noon. And you've counterclaimed. Can you tell me what you were doing that day?

A. Yes. I was making a delivery.

Q. What do you deliver?

A. Snakes.

Q. There must not be too much call for that?

A. Well, I don't always deliver snakes. I deliver whatever the zoo needs me to.

Q. You work for the zoo, then?

A. Yes, I work for the Snurdly Zoo.

Q. Why were you delivering snakes?

A. It was for some kind of a birthday party. I'm not sure what.

Q. I understand that you say that you had the green light.

A. I did.

Q. Were you injured in the accident?

A. Yes I was.

Q. Did you suffer an injury to your head in the accident?

A. Well, I was bleeding from the head, if that's what you mean. But I never lost consciousness.

Q. When you first got out of your vehicle, did you see my client, Mr. Duck?

A. Yes.

Q. What was the first thing you said to him?

A. I asked him why he ran the red light?

Q. What did he say?

A. He asked me if I'd hurt my head. Obviously I'd hurt my head. But he asked me if I'd hurt my head because he said I'd run the red light. He was wrong. The news reporter saw it all.

MR. LERNER: Objection. Move to strike. Your Honor, please ask the witness to answer my questions.

THE COURT: Please just answer the questions. Your attorney will have a chance to ask you any questions he wants to ask you.

THE WITNESS: Okay.

Q. At the scene of the accident, did you each tell each other that you had run the red light?

A. Yes.

Q. And did the man in the car behind my client join in the conversation.

A. Yeah, he butted in. He was a hothead too.

Q. And who did he say had the light.

MR. MURDOCK: Objection. Calls for hearsay.

MR. LERNER: Present sense impression and excited utterance.

THE COURT: I don't think so. Besides, he's in the witness room. I'm going to sustain that objection. Proceed.

Q. Were you taken to the emergency room?

A. Yes.

Q. And were you asked to leave?

A. We both were.

Q. Where did you go?

A. I had to call a cab. My wife was at her mother's. I went to my doctor's office.

MR. LERNER: No further questions.

CROSS EXAMINATION

BY MR. MURDOCK

Q. I want you to tell the jury what happened in this accident?

A. Well, I was driving west on Bumblebee, and I had green lights all the way through. I've driven this route a lot, so I know that if you go down the road about 25 miles an hour, once you get a green light, you'll hit all the lights. Anyway, I was looking as I went down Bumblebee. When I got to the intersection of Nixon, this guy pulled out in front of me in this little red Opel. I couldn't stop. I didn't even have time to put on the brakes.

Q. What kind of car were you driving?

A. I was driving a 1976 Cadillac.

Q. Was there any damage to your car?

A. No.

Q. Were you hurt?

A. Yeah, it shook me up quite a bit. I sprained my leg, I rammed my head against the windshield, and got a bad cut, but I didn't get a concussion or go unconscious or anything like that.

Q. Have you had any medical treatment for this?

A. Yes I have.

Q. What happened?

A. Well, the ambulance came to get us from the scene of the accident but, unfortunately, the guy in the little car with the big mouth smarted off to me and asked if I'd hurt my head in the accident when I asked him why he ran the red light. Well, I didn't run the red light--he did.

Q. Are you sure of that?

A. No question in my mind. He just came through there like a bat out of hell, not paying any attention to where he was going. I couldn't stop. I'll admit, I said something like that there's nothing you can do with nuts like him driving around on the street. I shouldn't have said that, but I was hurt.

Q. Did you say something like that to him at the hospital?

A. No. I think I may have been a little bit brusque with him there, too.

Q. Can you tell me what happened?

A. Well, I didn't get any treatment there. This orderly came in and told that if we were well enough to fight, we were well enough to get out of there, so I went right to my doctor.

Q. Who is your doctor?

A. Dr. Bruce Banner.

Q. Where is his office?

A. It's over on Green Street.

Q. What kind of doctor is Dr. Banner?

A. He is just a family doctor?

Q. What kind of treatment did Dr. Banner give you?

A. Well, first he sewed up my head, and he checked my leg.

Q. Did you miss any work?

A. Yes. I missed about six weeks of work.

Q. Why is that?

A. Well, part of my job is to feed the animals, and I couldn't do that. Another part of my job is to make deliveries, and I couldn't do that.

Q. Why not?

A. Because I couldn't carry anything. Any time I'd try to carry something, I'd drop it because I was working with these blasted crutches.

Q. Have you returned to work now?

A. Yes.

Q. Are you having any trouble now?

A. Well, my knee still hurts me, especially when the weather's bad.

Q. Do you have any relatives here in Sticks County?

Q. Are you telling me that you are absolutely sure that you had a green light?

A. Yes I am. Why would I drive through a red light?

Q. Did you notice if there was any damage to Mr. Duck's car?

A. Yeah, it was smashed to pieces. There wasn't much of it to start with.

Q. Do you know Clark Kent, a reporter over there at the newspaper?

A. I do now. I didn't then. I guess I'd read some of his articles.

Q. Thank you. I have no further questions. I will reserve the rest of my questions for my case in chief.

DIRECT EXAMINATION OF BRUCE WAYNE

BY MR. LERNER

Q. Can you state your name for me, please, sir?

A. My name is Bruce Wayne.

Q. What do you do for a living?

A. I'm a computer repairman. I'm a member of the Geek Squad.

Q. Did you witness an accident that occurred March 1, 2007, at twelve noon?

A. Yes, sir, I did.

Q. Can you tell me what you saw?

A. Well, I pulled up behind this little red car at Bumblebee and Nixon, and he was stopped 'cause he was going to make a left turn. The light turned green and he pulled into the intersection, and he got hit by this Cadillac.

Q. Is there anything else you remember about this accident?

A. Yeah, the guy in the Cadillac had a car full of snakes. I couldn't believe it.

Q. And you're convinced that the light was green for Mr. Duck when he pulled into the intersection?

A. Yes.

Q. Did anyone say anything at the scene of the accident?

A. When I got up to the two guys, they had already gotten out of their cars and were already arguing. I said the guy in front of me had the green light.

Q. That's all I have.

CROSS EXAMINATION

BY MR. MURDOCK

Q. Mr. Wayne, do you remember if anyone was hurt in the accident?

A. The guy in the Cadillac had a bloody head. That's all I remember.

Q. What was the most memorable thing about this accident.

A. The snakes. That made the biggest impression.

Q. Bigger than the argument?

A. Oh yes.

Q. Bigger than Mr. Maus's bloody head.

A. Yes. I've seen head wounds.

Q. Bigger than the color of the light.

A. Way bigger.

Q. Bigger than the damage to the cars.

A. I don't remember if the cars were damaged or not. I think the red one was, but it was a clunker to begin with.

MR. LERNER: I call Mr. Barry Allen

MR. MURDOCK: May we approach?

THE COURT: Yes.

MR. MURDOCK: At this point I would like to renew my objection to this witness.

The only reason he is being called is to show that Mr. Maus initiated the discussion of who ran the red light when that discussion started back up at the hospital. First, that fact is admitted. Second, this is being done only to influence the jury to decide this case on an improper basis, my client's alleged impolite behavior after the accident, which is not relevant to any of the legitimate issues in this case. It does not tend to prove or disprove any material element in the case. For this reason I object.

THE COURT: For the reasons discussed earlier I think this evidence has some probative value, and that it is not clearly outweighed by prejudicial effect. I will overrule the objection.

DIRECT EXAMINATION OF BARRY ALLEN

BY MR. LERNER

Q. Can you state your name for the jury?

A. Yes. My name is Barry Allen.

Q. What do you do for a living?

A. I'm an orderly at the Snurdly General Hospital.

Q. Can you tell me about an incident that occurred there on March 1, 2007?

A. Yes. I was in the emergency room, and they brought in two accident victims. I was not present when the argument started, but I heard a lot of yelling and screaming, and not a small amount of cursing. I came in and found that Mr. Mickey Duck and Mr. Donald Maus were laying on their stretchers, yelling at each other about who caused the accident. I asked them to please be quiet. This is a hospital situation and they were

disturbing the other patients, but they simply wouldn't stop. Finally, I told them that if they were well enough to argue like that, they were well enough to go home, and I asked them to leave the hospital. They did. Both of them had to call somebody to pick them up. Actually, I think Mr. Maus took a cab, and they got out of my hospital.

Q. Which of the patients started the discussion?

A. I don't remember.

Q. Did you record anything about it in your notes?

A. I might have.

Q. Did I serve a subpoena duces tecum on you?

A. What? Do you mean the papers the deputy gave me? With the check for witness fee and mileage?

Q. Yes.

A. Let me look at it. It says subpoena ducks tecum.

Q. Did it ask you to bring the clinic notes regarding the incident/

A. Yes.

Q. Did you bring your notes today?

A. Yes. Let me get them out.

Q. Thank you.

A. I have them here.

Q. Which of the patients started the discussion?

A. It looks like I said Mr. Maus.

Q. Could you read your note?

A. Okay, it says, "Two accident victims were brought to the emergency room by ambulance. One victim, Donald Maus, began accusing the other, Mickey Duck, of running the red light and driving like a maniac. Mickey Duck said Donald Maus had hit his head too hard, and that he ran the light. I told them to stop talking to each other and left the room. When I came back a minute later they were still conversing about it. I told them that if they were well enough to argue about it they were well enough to go home and ordered them discharged. After they were gone, Dr. Reed Richards told me that I should have just separated them."

MR. LERNER: No further questions.

DIRECT EXAMINATION OF PATRICK O'HARA

BY MR LERNER

Q. Can you state your name for the record, sir?

A. Yes. My name is Patrick O'Hara.

Q. What do you do for a living, sir?

A. I am the Chief of Police in Snurdly.

Q. I understand that you investigated an accident which occurred March 1, 2001?

A. Yes, that's right.

Q. Can you tell me what happened?

A. When I arrived at the scene, I observed a red Opal, license plate BR-549, in the middle of the intersection of Bumblebee and Nixon. He was about five or seven feet into Bumblebee at the time of the accident. His car was actually more--it wasn't even much on Nixon anymore, it was barely on Nixon. I noticed some scuff marks where his car had

obviously been. It looked like the car must have been trying to turn left. The other vehicle was a blue Cadillac. There was not much damage to the blue Cadillac. Both men appeared to be injured, and I noted that on my police report. I called the ambulance and they came and picked up the two men.

Q. Did you get the names of any witnesses?

A. Yes, sir, I did. There was a man named Bruce Wayne, who was apparently in the car behind Mr. Duck. Clark Kent, over at The Planet, was looking out his window and saw it. The two men were taken to the hospital, and that's really about all I can say.

Q. Thank you very much, Chief.

DIRECT EXAMINATION OF MICKEY DUCK

BY MR. LERNER

Q. Please tell the ladies and gentlemen of the jury your name?

A. Mickey Duck.

Q. Where do you live, Mr. Duck?

A. 400 Drury Lane.

Q. Are you employed, Mr. Duck?

A. Yes.

Q. What is your job?

A. I'm a lumberjack.

Q. How are you feeling today?

A. I'm okay, but my neck still hurts a little bit.

Q. Do you have any relatives that live here in Sticks County?

A. No, I moved here from Arizona not long before the wreck.

Q. Is there much work for a lumberjack in Arizona?

A. No, that's why I'm here.

Q. Can you tell me what you did on the morning of March 1, 2007?

A. I woke up at about 6 o'clock. I got dressed, shaved, put on my clothing, and went to work. I worked until about 12 noon, and we were finished for the day, so I started to head home.

Q. Were you heading home at the time of this accident?

A. Yes.

Q. When did the accident happen?

A. Around twelve noon.

Q. Tell me, in your own words, what happened?

A. I was proceeding along North Nixon on my way home. I can up to the corner of East Bumblebee and stopped at the red light. When the light turned green, I started to make a left turn onto Bumblebee when, suddenly, my car was struck. I had no warning. I did not ever see the other car coming.

Q. What color was the other car?

A. It was a blue Cadillac.

Q. And what kind of car were you driving at that time?

A. I was driving my 1962 red Opal.

Q. Was there any damage to your car?

A. Yes, there was quite a bit of damage. The windshield and both left windows were broken, the door was dented in, and all the hubcaps fell off.

Q. Do you still have that car?

A. No. It was totaled.

Q. About how much damage to you think there was?

A. I really don't know. The car was only worth about \$300, and I was paid that . .

Q. Hold on, just answer my questions

MR. MURDOCK: Objection. May we approach?

THE COURT: Please come forward.

MR. MURDOCK: I hate to do this, but I don't think I have much of a choice. I'm going to have to move for a mistrial. Mr. Duck just told the jury that his car was paid for.

MR. LERNER: I stopped him before he said who paid it.

MR. MURDOCK: The jury is going to guess.

THE COURT: Who did pay it?

MR. MURDOCK: My client's insurance company. That's the problem. They paid the bill because it was only \$300. If the jury guesses that my client will be prejudiced, and I don't think any instruction from the court could possibly cure the prejudice.

THE COURT: I didn't get the idea that it was your client's insurer.

MR. LERNER: I'm sorry, Your Honor. I was trying to get my client to testify as to the value of his vehicle. But he did not get to say who paid for the vehicle. I don't think the jury would guess. If there is any concern at all, I would have no objection to an instruction to the jury that they should disregard any comment my client made about the car being paid for and that they should not speculate as to who paid for it.

THE COURT: Mr. Murdock, I think you're entitled to an instruction not to speculate if you want one.

MR. MURDOCK: I think that would just highlight it for the jury. I think the only remedy is a mistrial.

THE COURT: I'm not going to grant a mistrial. Do you want a limiting instruction?

MR. MURDOCK: No. Your Honor. I'm standing on the motion for a mistrial.

THE COURT: That will be denied. Proceed.

MR. LERNER: May I have a brief consultation with my client.

THE COURT: That would be in order.

DIRECT EXAMINATION CONTINUED, BY MR. MURDOCK:

Q. Are you sure the light was green when you entered the intersection?

A. No doubt about it.

Q. Were you injured in the accident?

A. Yes, I was. My head was split open, and I needed three stitches. My neck still hurts, and I think I chipped a tooth.

Q. Did you see a doctor about this accident?

A. Yes. I was taken to the emergency room at Snurdly General Hospital.

Q. What happened there?

A. Well, the guy that hit me, Mr. Maus was there, and Mr. Maus started back on who had run the red light. At the scene we got in an argument about whether the light was red. Well, at the emergency room he started in on it again. I didn't want to talk about it, but I wasn't going to just lie there and let him say it was my fault. I said no, he ran the red light. Anyway, I couldn't get any treatment there. There was an orderly--a real nasty guy--who told me that if I was well enough to get in an argument, I was well enough to go home.

Q. Do you know the orderly's name?

A. No. He had blond hair, and he was about 6 feet tall, and he was real fast about doing everything. He didn't want to take any time with me. I called a friend from work and he took me to my doctor.

Q. So you went to your doctor?

A. Yes, I went right over to my doctor.

Q. Who is your doctor?

A. Dr. Horace Demento?

Q. What kind of doctor is Dr. Demento?

A. He is a general practice doctor.

Q. What did Dr. Demento do for you?

A. He gave me therapy for my neck, and gave me some muscle relaxers.

Q. Did you miss any work?

A. Yes, I missed about two months of work.

Q. Why did you miss so much work?

A. Well, maybe, but I'm a lumberjack, and you've got to be in top shape to be a lumberjack.

Q. Why is that?

A. Well, we have to do a lot of lifting, a lot of carrying, and we have to very nimble on our feet because if a tree's falling, it's advisable to get out of the way.

Q. What kind of medication were you taking?

A. I don't know the name of it. It was some kind of muscle relaxer.

Q. Did you have any medicine for pain?

A. I did for about a week, but I didn't like it, so I flushed it down the toilet.

Q. Have you returned to work?

A. Yes, I went back to work after about two months. I have now returned to work full time without any problems.

Q. Did you have any trouble after you went back to work?

A. Yes, I still had pain in my neck every once in awhile. The first month, I went back, I missed maybe three days, or five days, because of my neck. And you know Dr. Demento said that I had permanent damage.

MR. MURDOCK: Objection. Hearsay.

THE COURT: Sustained.

Q. Don't tell me what the doctor told you, remember?

A. Oh, yeah.

Q. After the first month, did you have any problems?

A. I made it through the rest of the summer okay, then I had some trouble in, around, oh, I don't remember exactly when it was, I think it was, well, it was after school started back for the kids, before Hallowe'en.

Q. Was it early October?

MR. MURDOCK: Objection, leading.

THE COURT: Overruled. You may answer.

A. Yeah. That was it.

Q. Tell the ladies and gentlemen of the jury what happened.

A. I could hardly get out of bed. My back was real stiff. I called Dr. Demento's office. I went in and he told . . . oh yeah. He gave me some pain killers and muscle

relaxers and kept me off for a week. I took about two pain killers and flushed them again. I did keep taking the muscle relaxers, though. I really haven't had any trouble since then, but I keep worrying that something like that might happen again.

Q. I'm going to give you a document that has been marked for identification only as Plaintiff's Exhibit 1 and ask you if you can identify it. May I approach the witness, Your Honor. This exhibit is one of the pre-marked ones that was exchanged before trial.

MR. MURDOCK: There will be no objection.

THE COURT: You may approach.

A. This is a list of my medical bills.

MR. LERNER: I move the introduction of Plaintiff's Exhibit 1.

THE COURT: It will be introduced without objection.

WHEREUPON, Plaintiff's Exhibit No. 1 was admitted into Evidence. Plaintiff's Exhibit No. 1 is attached to the transcript at page 171.

MR. LERNER: No further questions.

THE COURT: Mr. Murdock.

CROSS EXAMINATION BY MR. MURDOCK

Q. Mr. Duck, you testified that you moved here from Arizona.

A. Yes.

Q. And that you were a lumberjack.

A. Yes.

Q. How long did you live in Arizona?

A. Three years.

Q. And did you ever work as a lumberjack in Arizona?

A. No.

Q. What did you do in Arizona?

A. Various odd jobs.

Q. What kind of odd jobs?

A. Hotel manager, greeter at Wal-Mart, receptionist at a dentist's office, assistant curator at the Museum of the Paranormal, let's see, I worked at a car wash for a while, I worked at a donut shop, I was a night disk jockey at a country western radio station.

Q. Some of those jobs were pretty light duty, weren't they.

A. Sure. Especially the receptionist job, and at the Museum—I wasn't there very long—I really never did much of anything.

Q. Could you have done some of that kind of work while you were off?

A. I didn't think I'd be off that long. I kept going in for therapy every week thinking the next week I could be going back to work.

Q. Did you see my client at the scene of the accident?

A. Sure.

Q. Did he say anything?

A. Yes. He accused me of running the light.

Q. Did you say anything to him?

A. I asked him if he'd hit his head in the accident. He was the one who ran the red light.

Q. Did you continue to discuss who ran the red light?

A. Yes. We did. Honestly, we argued about it until the police chief showed up. He separated us and took our statements.

Q. Were you hostile?

A. I got hostile. He was hostile first.

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PLAINTIFF RESTS

DIRECT EXAMINATION OF CLARK KENT

BY MR MURDOCK.

Q. Can you tell me your name, please, sir?

A. My name is Clark Kent.

Q. What do you do for a living, Mr. Kent?

A. I am a reporter at The Snurdly Planet.

Q. Mr. Kent, how old are you?

A. I'm 45.

Q. Mr. Kent, did you witness an automobile accident that took place on March 1, 2007 at twelve o'clock?

A. Yes, sir, I did.

Q. Where were you at that time?

A. I was at The Snurdly Planet office.

Q. What were you doing?

A. Well, I had been proofreading a story that I had just written. It was an expose, and I had to rest my eyes. So, I looked out the window, and kinda stretched and stared, just like I always do. And, as I was watching, there was a guy that pulled up to a red light. And then while the light was still red, he pulled out in the street, and another guy hit him.

Q. Let's try to get these 'guys' straight. First, what street was the guy that you say pulled out on the red light--what street was he on?

A. He was on Nixon, and he pulled out into Bumblebee, and he was hit by a guy in a big blue car. I've forgot what kind of car it was, but it was big and blue.

Q. What color was the other car?

A. It was either orange or yellow, something like that.

Q. What did you do after you saw the accident?

A. I called 9-1-1, and nobody was there, but Chief O'Hara picked up, and I told him about the accident, and he came on over.

Q. You know Chief O'Hara?

A. Oh, yes, very well. I'm a reporter here. You get to know the police.

Q. Now, are you certain that, when the orange or yellow car that you described that pulled out into the street, the light to him was red?

A. Yes, sir. I'm certain of it.

CROSS EXAMINATION

BY MR. LERNER

Q. Mr. Kent, you're a reporter?

A. Yes.

Q. Do you ordinarily take notes when you are writing a story, to refresh your memory?

A. Yes.

Q. Did you take any notes of this wreck?

A. No.

Q. Why not?

A. I wasn't going to do a story about a car wreck on Bumblebee and Nixon. I mean, we've had slow news days, but come on!

Q. You don't remember what color my client's car was.

A. I don't know who your client is.

Q. Mr. Duck.

A. That doesn't help. I don't know who the people are.

Q. The little car.

A. That's right. I don't remember. Orange or yellow.

Q. The big car, you remember it was blue?

A. Yes. I think so.

DIRECT EXAMINATION OF MR. MAUS

BY MR. MURDOCK

THE COURT: You are still under oath, Mr. Maus.

Q. Mr. Maus, were you injured in this accident?

A. Yes, I was.

Q. Did you incur any medical expenses?

A. Yes, I did.

Q. I'm going to show you a document which has been pre-marked for identification only as defendant, counter plaintiff's exhibit number one and ask you if you can identify this document.

MR. MURDOCK: May I approach the bench Your Honor?

THE COURT: You may.

MR. MURDOCK: This was the exhibit that Mr. Lerner complained about just before the lunch break.

MR. LERNER: No, Your Honor, this was not the exhibit at all. It was the one that included the medical records from Dr. Banner's physical therapist.

MR. MURDOCK: Are you saying that you have no objection to this exhibit?

MR. LERNER: Let me make sure, but I don't think I have an objection to this one. No. None. It's just the medical bills.

THE COURT: I am not inclined to sustain the objection that Mr. Lerner made at the lunch break even as to the physical therapy records.

MR. MURDOCK: I have decided to avoid that problem completely. The physical therapist is in the witness room.

MR. LERNER: I will reserve my objection until the physical therapist takes the stand, then. I do not think any of that testimony is relevant.

THE COURT: Let us move along. Mr. Maus is on the stand now.

Q. Do you recognize this document?

A. No. It looks like some kind of a legal paper.

Q. Excuse me. I've given you the wrong paper in all the confusion. Now, do you recognize this document?

A. Yes. This is a list of all of the medical bills that I received in the mail for the treatment that I got because of this car wreck. All of these bills attached to this list are the actual bills.

MR. MURDOCK: I move for the admission of defendant, counter-plaintiff's Exhibit
1.

THE COURT: It will be introduced without objection.