

10 1 stop. Everything is consistent with her going 20
2 miles an hour prior to impact. Perception/reaction
3 occurs at best before impact, and then you have a
4 hard braking after impact or from Impact to final
5 rest which corresponds to the distance shown here,
6 about 25 to 30 feet.

7 Q. Doctor, that's all I have. Thank you very much.

8 THE COURT: Mr. Economus.

9 - - -

10 CROSS-EXAMINATION

11 BY MR. ECONOMUS:

12 Q. Doctor, would you resume the witness chair, please.

13 A. Sure.

14 Q. Thank you.

15 How are you this morning, Dr. Uhrich?

16 A. Pretty good. How are you?

17 Q. Fine.

18 Doctor, earlier in your testimony you said
19 that you had been told that the vehicle that Mr.
20 Rinehart was driving was a brown Oldsmobile?

21 A. No, not a brown one. I didn't know it was brown,
22 but an '84 Cutlass.

23 Q. Right. What -- how recently did you learn that?

24 A. Yesterday.

25 Q. Yesterday.

- 11 1 So you had formulated your opinions about
2 this case long before you learned about what kind
3 of car Mr. Rinehart had?
- 4 A. I assumed it was a normal car, a normal sedan; and
5 it turns out the Cutlass is a normal sedan.
- 6 Q. But you didn't know what it was when I took your
7 deposition about a week ago?
- 8 A. That's correct.
- 9 Q. Okay. You've testified in court what, between 125,
10 150 times?
- 11 A. I think that's a little high. I think the total
12 number of times I've testified, including
13 deposition, has been a little over a hundred fifty
14 times,
- 15 Q. You recall I took your deposition on February 8th,
16 1995, at your home?
- 17 A. Yes.
- 18 MR. ECONOMUS: This is page 20, line 4,
19 gentlemen.
- 20 BY MR. ECONOMUS:
- 21 Q. And I asked you how many times have you testified
22 In court live. You recall that?
- 23 A. 125, 150 times, yes.
- 24 Q. Now, you charge, what is it, \$800 for all or part
25 of a day to come to court?

- 11 1 A. Yes.
- 2 Q. So if you're here an hour, you charge \$800?
- 3 A. Yes.
- 4 Q. If you're here all day, you charge \$800?
- 5 A. Yes.
- 6 Q. **And** before you came to court here, you conducted an
- 7 investigation of this incident, didn't you?
- 8 A. Yes.
- 9 Q. And you charge \$120 an hour for your time for
- 10 Investigation, don't you?
- 11 A. Yes.
- 12 Q. And that's on top of what you charge for coming to
- 13 court; is that correct?
- 14 A. Of course.
- 15 Q. In most cases, when you testify live in court, you
- 16 write a report to the person who hires you, don't
- 17 you?
- 18 A. Well, not all the time. I would say the majority
- 19 **of** cases, but not all of them.
- 20 Q. Greater than 50 percent of the time?
- 21 A. I would say greater than 50 percent, yes.
- 22 Q. And you charge \$125 an hour for rendering a report,
- 23 don't you?
- 24 A. Yes.
- 25 Q. You didn't write --

- 11 1 A. 120.
- 2 Q. 150 an hour?
- 3 A. 120. You said, "125."
- 4 Q. Okay. Did you write a report in this case?
- 5 A. No, I wasn't asked to.
- 6 Q. Mr. Mazgaj didn't ask you to write a report?
- 7 A. No.
- 8 Q. Okay. Now, for your deposition, if somebody wants
- 9 to take your deposition, you charge \$650 for that,
- 10 don't you?
- 11 A. Yes, if they come to my house.
- 12 Q. And 750 if you have to travel?
- 13 A. Yes.
- 14 Q. Dr. Uhrich, that's irregardless of how long your
- 15 deposition takes, too, correct?
- 16 A. Yes.
- 17 Q. So if it takes 15 minutes, you charge 650; if it
- 18 takes all day, you charge 650?
- 19 A. If it takes 15 minutes, I usually go with --
- 20 Q. And as Mr. Mazgaj indicated in your deposition
- 21 examination, you are hired from time to time and
- 22 paid by insurance companies; is that correct?
- 23 A. Of course.
- 24 Q. And, Doctor, you're now an emeritus professor,
- 25 which means you don't teach full-time?

11 1 A. It means I'm old and have free parking.

2 Q. Have free parking.

3 And you put on courses and seminars on
4 accident reconstruction, don't you?

5 A. Yes.

6 Q. All right. Do you provide proposed questions to
7 attorneys who hired you to ask you in court?

8 A. I have a list of questions, if they ask, I provide,
9 sure. Usually just qualification questions.

10 Q. I understand.

11 (Plaintiff's Exhibits 9 and 10
12 were marked for identification.)

13 BY MR. ECONOMUS:

14 Q. Dr. Uhrich, these are Plaintiff's Exhibits 9 and
15 10. I'm going to hand them to you and ask you
16 whether you recognize them.

17 A. They're a list of questions that I prepared and
18 hand out with my, or have in the past handed out
19 with my course notes for my evidentiary analysis
20 class.

21 First, 9 is -- the first page is a list of
22 qualification questions, giving my background and
23 such to questions the lawyer could ask me if he
24 chooses. And the rest is to -- for a particular
25 case showing how the questions came out.

12 1 Q. Now, Exhibit 9, one of the questions specifically,
 2 for example, at 13, is, quote, "Have you been
 3 called to court by both defense and plaintiffs in
 4 civil cases and by both prosecution and defense in
 5 criminal cases?" Right?

6 A. Yes.

7 Q. That's one of the questions Mr. Mazgaj asked you
8 here in court today?

9 MR. MAZGAJ: Your Honor, I don't know
10 what the insinuation is, that I've seen this or
11 something. I won't object.

12 THE COURT: Make your objection If
13 you want to.

14 MR. MAZGAJ: No objection, Your Honor

15 THE COURT: Let's quit arguing and
16 editorializing, gentlemen.

17 Ask your question.

18 Y MR. ECGNOMUS:

19 Q. Correct, Doctor?

20 A. I don't think he asked me that specific question.

21 Q. Doctor, when did you go out to do your
22 investigation in this incident?

23 A. January 22nd, 1995.

24 Q. When did this accident happen?

25 A. May 14, 1993.

- 12 1 Q. So how long is that, about 20 months?
- 2 A. Probably, yes.
- 3 Q. And you weren't aware, were you, before I deposed
- 4 you, that that intersection had changed between the
- 5 time that the incident happened and the time you
- 6 went out and did your investigation, were you?
- 7 A. I'm not aware of any changes, no.
- 8 Q. You weren't aware that there was major construction
- 9 there and that there was a total resurfacing of
- 10 that roadway, were you?
- 11 A. No.
- 12 Q. As a matter of fact, when you went out to the
- 13 scene, you didn't take notice of this yellow
- 14 crosswalk sign that was there, did you?
- 15 A. That's right.
- 16 Q. Now, you also didn't contact the City of Akron
- 17 Traffic Engineering Department to get a diagram of
- 18 the scene before you gave your opinions, did you?
- 19 A. That's correct.
- 20 Q. And would you agree with me that a copy of the
- 21 engineering drawing of an intersection where an
- 22 accident occurred would be useful in accident
- 23 reconstruction?
- 24 A. Sometimes, yes.
- 25 Q. As a matter of fact, you put out materials with

- 12 1 your name on them that says that, haven't you?
- 2 A. Sure, sometimes it's useful. In this case, I don't
- 3 think it was useful.
- 4 Q. I understand, but you didn't go and get a diagram
- 5 of the scene, did you?
- 6 A. No, I measured it myself.
- 7 Q. And you assumed that the scene, as you investigated
- 8 when you were there In January of 1995, was
- 9 basically the same as it was at the time of -- the
- 10 accident happened?
- 11 A. It agrees in general with what's in the police
- 12 report.
- 13 Q. You didn't interview any witnesses, did you?
- 14 A. No.
- 15 Q. You didn't interview any police officers, did you?
- 16 A. That's right.
- 17 Q. You didn't interview Adam, did you?
- 18 A. No, read his deposition.
- 19 Q. You didn't Interview **Miss** Madden either, **did** you?
- 20 A. No, I read her deposition.
- 21 Q. When **I** took your deposition, you didn't know how
- 22 high off the ground a jeep vehicle, 1990 Jeep
- 23 Cherokee sat, did you?
- 24 A. That's correct. Higher than a normal car, but I
- 25 didn't know how high.

- 12 1 Q Do you know now?
- 2 A Not specifically, no
- 3 Q Okay And you don't know what the eight signs are
- 4 for a driver of a deep vehicle proceeding on
- 5 Glenwood drive and looking to her right over a
- 6 normal-sized car, do you?
- 7 A I don't think she can look over a normal-sized car
- 8 That's not the question The question is, do you
- 9 know what the eight signs are?
- 10 A Over a car I don't think she could see over a car,
- 11 so it's a nonsense question
- 12 Q. You don't?
- 13 A. No.
- 14 Q. And when I proposed you, you didn't know how high
- 15 r. Rinehart's car sat off the ground?
- 16 A That's right
- 17 Q Now, you've testified about perception/reaction
- 18 time?
- 19 A Yes
- 20 Q Now, if I'm not mistaken, reaction time is layman's
- 21 terms is how long it takes your brain to tell your
- 22 feet what to do?
- 23 A No, it's -- no, that's part of it Reaction time
- 24 involves, once you've detected a hazard, it's the
- 25 decision-making time, plus the time to do the

- 12 1 physical activities of moving your foot, for
 2 example, from the gas pedal to the brake pedal.
- 3 Q. During reaction time is the body actually doing
 4 something?
- 5 A. Well, it's making a decision, and also after the
 6 end of the decision, then you do something. You
 7 make a motion to bring your foot to the brake
 8 pedal, for example.
- 9 Q. That would be at the end of the decision-making
 10 process?
- 11 A. Yeah. I doubt if you can move your foot before you
 12 make the decision.
- 13 Q. During reaction time, before the decision is made
 14 by the brain, the car is still rolling toward its
 15 target, isn't it?
- 16 A. The reaction time is the decision-making time.
 17 Plus, you said before the decision-making time.
 18 The reaction doesn't come before the decision.
- 19 Q. Before an action occurs, before the foot is applied
 20 to the brake, if something happens during reaction
 21 time, is that car still going toward its target?
- 22 A. Sure, it's going whatever speed it's going.
- 23 Q. During perception time is that car still rolling
 24 toward its target?
- 25 A. Of course.
- 13

- 13 1 Q. Now, that car, that jeep car you now know to be
 2 about 3,000 pounds, correct?
- 3 A. Yes.
- 4 Q. Jeep Cherokee, 1990.
- 5 Okay. There is -- in accident
 6 reconstruction, is mass or weight of a vehicle
 7 important?
- 8 A. Sometimes.
- 9 Q. Okay. As the weight of the vehicle or the mass of
 10 a vehicle increases, the potential for damage
 11 increases, correct?
- 12 A. Sure.
- 13 Q. And there's no evidence of skid marks on the police
 14 report?
- 15 A. That's correct,
- 16 Q. We expect the damage in a collision for a vehicle
 17 to be more extensive the higher the speed of the
 18 vehicle is, correct?
- 19 A. Yes.
- 20 Q. And the less braking that occurs, correct?
- 21 A. I'm not sure what you mean, the higher the speed.
 22 Yes, braking can go on beforehand and you still --
 23 you can start at 80 miles an hour and start down to
 24 60; but if you hit it at 60, that's the important
 25 thing.

- 13 1 Q. Now, here's what we know. We know that Mr.
- 2 Rinehart was stopped at the Intersection --
- 3 A. Yes.
- 4 Q. -- based upon the information that you were
- 5 provided?
- 6 Have you ever seen this diagram before,
- 7 Doctor?
- 8 Do you want to step down here?
- 9 A. I don't believe so.
- 10 Q. Why don't you step down here and take a look at it
- 11 because I'm going to ask you some questions about
- 12 It.
- 13 Take a minute to look at it and tell us
- 14 whether you've ever seen it before.
- 15 A. I don't believe so.
- 16 Q. I represent to you that that is an enlargement of
- 17 the City of Akron Department of Traffic Engineering
- 18 record indicating what that intersection looked --
- 19 that we're talking about, what it looked like on
- 20 May 14th, 1993, okay?
- 21 A. Okay.
- 22 Q. All right. You'll note that there are crosswalks
- 23 all the way around?
- 24 A. Yes.
- 25 Q. Now, based upon the information you have, we know

- 13 1 that this was a school day when this happened,
2 correct?
- 3 A. Yes.
- 4 Q. And we know that Adam was ten, correct?
- 5 A. Yes.
- 6 Q. And we know that he stopped at this corner here
7 before going across the street?
- 8 A. Yes.
- 9 Q. And we know --
- 10 A. I don't know if he stopped.
- 11 Q. I thought you said you read his -- you read Mr.
12 Rinehart's deposition?
- 13 A. Yeah, okay, he stopped to a slower motion, but he
14 didn't stop motion moving.
- 15 Q. So based upon what you recall, Mr. Rinehart was
16 moving when Adam went into the street?
- 17 A. No, Adam was moving.
- 18 Q. When Mr. Rinehart stopped?
- 19 A. Mr. Rinehart stopped, and Adam moved into the
20 street.
- 21 Q. Was Mr. Rinehart stopped before **Adam** moved into the
22 street?
- 23 A. I believe so, yes.
- 24 Q. Was Adam stopped before he entered the street?
- 25 A. Stopped, I think his forward motion stopped, yes.

- 13 1 Q. And he entered on a crosswalk -- in a crosswalk?
- 2 A. Yes.
- 3 Q. And entered on a red light?
- 4 MR. MAZGAJ: Objection.
- 5 A. I don't know the color of the light.
- 6 BY MR. ECONOMUS:
- 7 Q. You don't know the color of the light.
- 8 He proceeded across the street, right?
- 9 A. **Yes.**
- 10 Q. And he has testified and another witness has
- 11 testified that this X Is where he was struck?
- 12 A. Okay.
- 13 Q. That In fact comports with your opinions about
- 14 where he was struck, doesn't it?
- 15 A. Sure.
- 16 Q. So you're saying he was struck in the **crosswalk**?
- 17 A. That's consistent with being struck in the
- 18 crosswalk.
- 19 Q. Thank you, Doctor. Nothing else.
- 20 THE COURT: Are you finished?
- 21 MR. ECONOMUS: Yes, sir.
- 22 THE COURT: Mr. Davidson.
- 23 MR. DAVIDSON: I have no questlons, Your
- 24 Honor.
- 25 THE COURT: Any redirect?

13

1

MR. MAZGAJ: Yes, Your Honor.

2

- - -

3

REDIRECT EXAMINATION

4

BY MR. MAZGAJ:

5

Q. Dr. Uhrich, everything you've heard, does that change your opinion concerning perception and reaction that was involved here?

6

7

8

A. Not at all.

9

Q. Dr. Uhrich, could you come down here, please, and bring your ruler?

10

11

Now, it's just been represented to you that Plaintiff's Exhibit 1 is a true and accurate copy of the intersection as it existed on the date that this collision happened?

12

13

14

15

A. Yes.

16

Q. And, Doctor, you can see the measurement here of 22 feet as shown on this diagram. Using that as an analysis of 22 feet or as the measurement, can you tell us what the distance is from this curb to where that X is, sir?

17

18

19

20

21

A. Sure. It's just a little over an inch to get to 22 feet; and from the curb, straight edge of the curb to there, it's a little less than an inch, so it's a little less than 52 feet.

22

23

24

25

Q. Doctor, on your diagram that you have, what did you

- 14 1 find that measurement to be?
- 2 A. Eighteen feet.
- 3 Q. So it's virtually the same thing?
- 4 A. Sure.
- 5 Q. And, Doctor, I'd ask you to go ahead and use this
- 6 diagram that depicts the way it existed that day
- 7 and measure from this crosswalk to right in this
- 8 area here where my client came to a stop. And
- 9 using this diagram, what was that distance?
- 10 A. Well, we go to the center of Dan Street. It's a --
- 11 it's 1.12 inches, so it's 25, 26 feet.
- 12 Q. How does that match up with the diagram you did?
- 13 A. Exactly. We had, after impact, the Madden vehicle
- 14 going about 25 feet, 27 feet after impact.
- 15 Q. Doctor, now that you've had a chance to review the
- 16 diagram that shows exactly the way It existed on
- 17 the day of the collision, does it change your
- 18 opinions at all about perception and reaction and
- 19 the speed of my client's vehicle?
- 20 MR. ECONOMUS: Objection.
- 21 THE COURT: Overruled.
- 22 A. Not at all. The speed is less than 25 miles an
- 23 hour, and she didn't have a chance to avoid him.
- 24 MR. ECCNOMUS: Objection. Move to
- 25 strike that.

14 1 THE COURT: Overruled.

 2 ME?. MAZGAJ: That's all I have. Thank

 3 you, Doctor.

 4 THE COURT: Anything further before I

 5 release the witness?

 6 MR. ECONOMUS: Yes, sir, if I may.

7 - - -

8 RECROSS-EXAXINATION

9 BY MR. ECONOMUS:

10 Q. Doctor, the opinion you just gave is based upon

11 assumptions, correct?

12 A. For example?

13 Q. Statistical assumptions?

14 A. Tell me what you're talking about.

15 Q. You don't know exactly where it was that Cheryl

16 Madden first saw young Adam, do you?

17 A. Exactly. I don't know exactly when.

18 Q. And your -- your opinions based upon perception and

19 assumptlon are derived from statistical norms that

20 you talked about, correct?

21 A. The perception/reaction times that I talked about

22 are longer than the time that Adam was visible to

23 an oncoming car prior to impact.

24 Q. But they're based upon statistics, right?

25 A. No, they're based on experiments with real people

- 14 1 and real cars.
- 2 Q. Where do you get the information?
- 3 A. Tho University of Michigan did a study.
- 4 Q. Isn't that -- aren't there statistics In that
- 5 experiment?
- 6 A. Sure, there's a mean. That's why I talked about a
- 7 normal perception/reaction **time**, 1.1 to 1.3
- 8 seconds. **As** I mentioned, they go all the way from
- 9 .9 to 1.25 seconds.
- 10 Q. If a driver is warned in advance of a crosswalk, a
- 11 child crosswalk ahead, his or her perception/
- 12 reaction time would **by** definition increase because
- 13 you would know to look out ahead of you, wouldn't
- 14 you?
- 15 A. I assume in all of these situations the driver is
- 16 alert, whether there's a sign there or not.
- 17 Q. What does this crosswalk sign mean?
- 18 A. It means that there's a crosswalk.
- 19 Q. Ahead?
- 20 A. Yes.
- 21 Q. It also means school children? It's a school
- 22 crosswalk?
- 23 A. Yes, sure.
- 24 Q. Thanks. Nothing else.

25 THE COURT: Thank you very much,