

EA12-005

TOYOTA

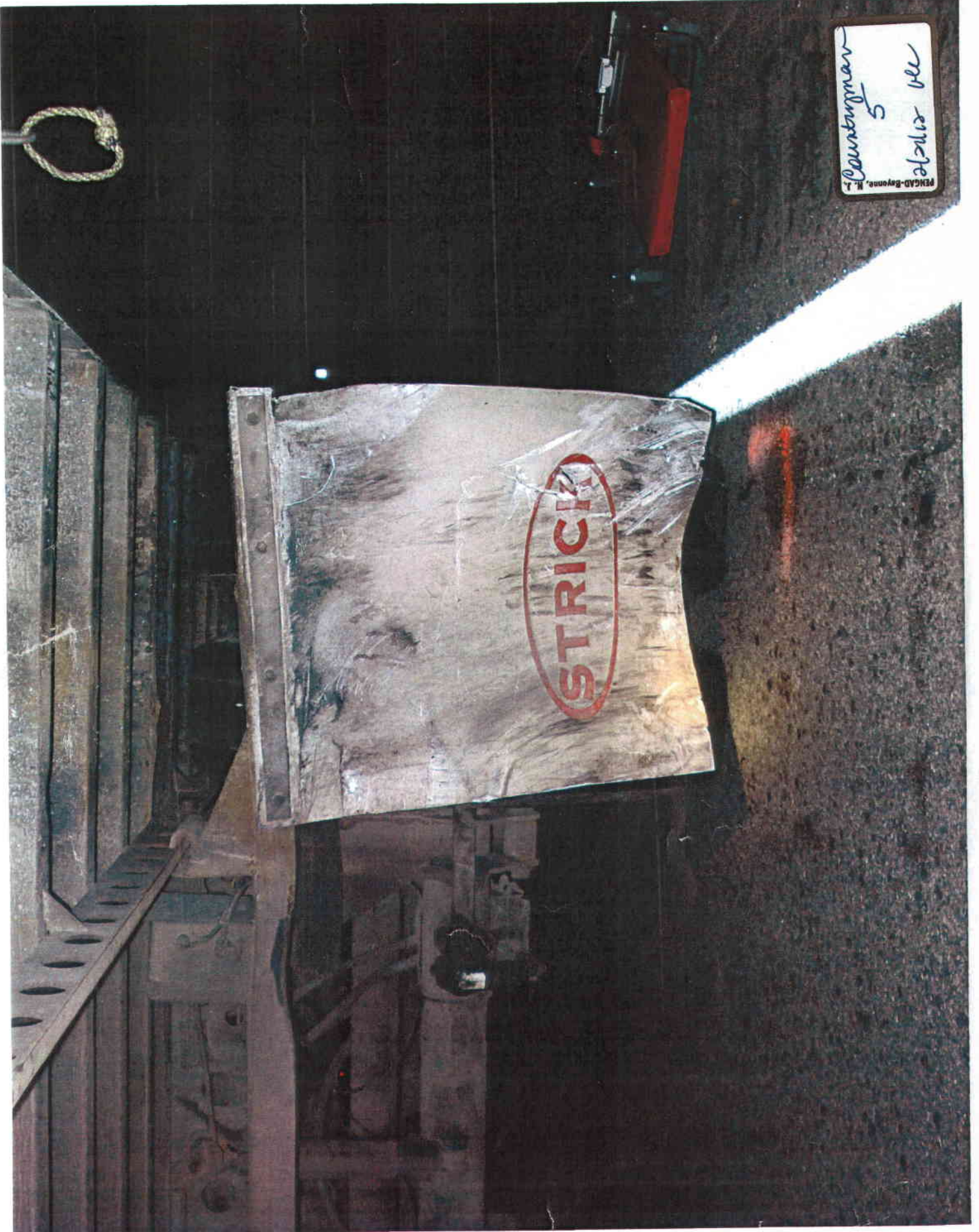
2/15/2013

Attachment-Response 4

d. Expert Deposition  
Transcripts

Trooper Countryman

1634365-WE - 1 - Exhibit005



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EA12-005

TOYOTA

2/15/2013

Attachment-Response 4

d. Expert Deposition  
Transcripts

Trooper Countryman

1634366-WE - 1 - Exhibit001

2-9-2012

UNITED STATES DISTRICT COURT

for the

Northern District of Texas

Ollie Greene, et al

Plaintiff

v.

Toyota Motor Corporation, Toyota Motor Manufacturing North America, Inc., et al

Defendant

Civil Action No. 3-11CV-0207-N

(If the action is pending in another district, state where: )

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Christopher Countryman

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place (Holiday Inn Express, 300 Tanger Drive, Terrell, TX 75160 972.563.7888) and Date and Time (02/21/2012 2:30 pm)

The deposition will be recorded by this method: Oral and Videotaped

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

SEE ATTACHED: EXHIBIT "A"

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/27/2012

CLERK OF COURT

OR

\s\ Kurt C. Kern

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Def. Toyota Motor Corp., Kurt C. Kern, Bowman and Brooke, LLP, 2711 N. Haskell Avenue, #650, Dallas, TX 75204, 972.616.1700, who issues or requests this subpoena, are:

Handwritten signature box containing 'Countryman', '1', and '2/21/12 ble' with a stamp 'FBI/CAD - Bygonne, M. J.'

Civil Action No. 3-11CV-0207-N

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).



Defendant, Strick Corporation, Inc., by and through its attorneys of record, S. Todd Parks and Jason L. Wren, Walters, Balido & Crain, 900 Jackson Street, Suite 600, Dallas, Texas 75202.

Defendant, John Fayard Moving & Warehouse, LLC, by and through its attorneys of record, Michael P. Sharp and Scott W. Self, Fee, Smith, Sharp & Vitullo, LLP, Three Galleria Tower, 13155 Noel Road, Suite 1000, Dallas, Texas 75240.

Defendant, Dolphin Lines, Inc., by and through its attorneys of record, John S. Kenefick and Jason Tapp, MacDonald Devin, PC, 3800 Renaissance Tower, 1201 Elm Street, Dallas, Texas, 75270.

Please take notice that Defendant Toyota Motor Corporation ("Defendant") in the above-entitled and numbered cause, by and through its attorneys of record, will take the oral and videotaped deposition of **CHRISTOPHER COUNTRYMAN** on **February 21, 2012**, starting at **2:30 p.m.**, and continuing from day to day thereafter until completed. Said deposition will take place at the Holiday Inn Express, 300 Tanger Drive, Terrell, TX, 75160, 972-563-7888, at which time and place you are notified to appear and take such part in the examination as shall be proper.

Said deposition shall be taken before Merrill Corporation, 214-720-4567, a court reporter authorized to administer oaths and report oral deposition testimony. Said deposition will be videotaped and continued from day to day until completed.

The witness is hereby ordered to bring a copy of those items listed in Exhibit "A", attached hereto.

All parties are invited to attend and propound such questions to the witness as may be appropriate under the Federal Rules of Civil Procedure.



Respectfully submitted,



**KURT C. KERN**

State Bar No. 11334600

**DAVID P. STONE**

State Bar No. 19289060

**CRAIG D. DUPEN**

State Bar No. 24065177

**BOWMAN AND BROOKE LLP**

2711 North Haskell Avenue, Suite 650

Dallas, Texas 75204

Telephone: 972.616.1700

Facsimile: 972.616.1701

**ATTORNEYS FOR DEFENDANT  
TOYOTA MOTOR CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in accordance with the Federal Rules of Civil Procedure on this 27<sup>th</sup> day of January, 2012.



**Exhibit "A"**

1. Any and all documents, records, and materials regarding the accident involving Wyndell Greene and Lakeysha Greene that occurred on May 28, 2010, including, but not limited to, the accident report, correspondence, videotapes, original photographs, CD/DVD's, statements, memorandums, dispatch logs, reports, measurements, handwritten diagrams, or any other documents or records in your possession regarding the accident and/or all persons involved in the accident including but not limited to Wyndell Greene and Lakeysha Greene.

EA12-005

TOYOTA

2/15/2013

Attachment-Response 4

d. Expert Deposition  
Transcripts

Trooper Countryman

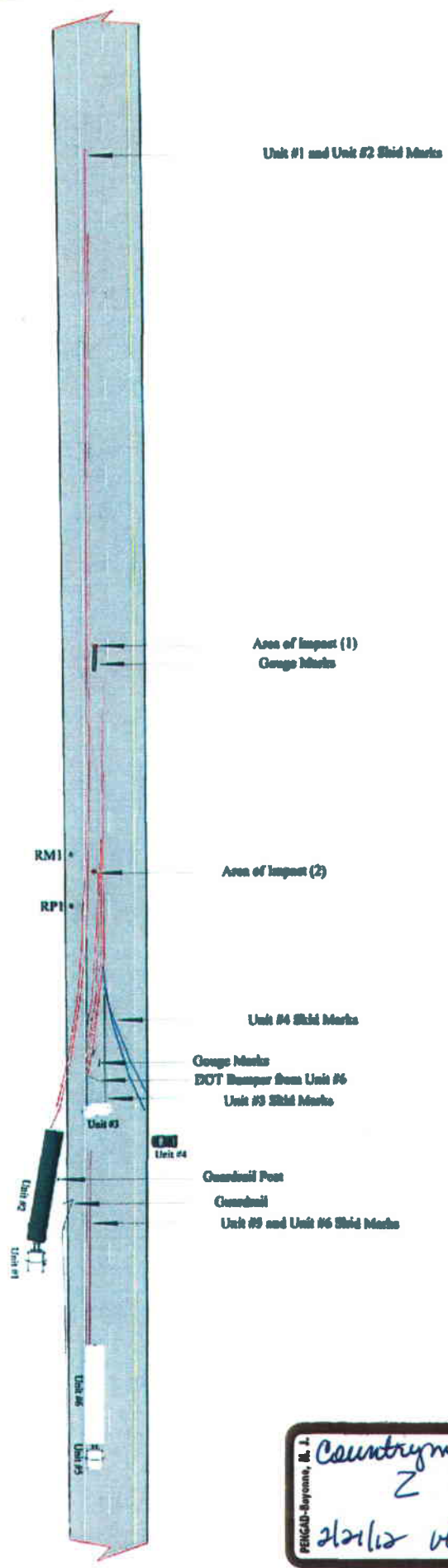
1634367-WE - 1 - Exhibit002



Texas Highway Patrol Division



Type of Crash:	Three Fatality Crash Involving CMV	Date of Crash:	May 28, 2010	Time of Crash:	6:29 PM
Driver Unit #1:	[REDACTED]	Driver Unit #3:	[REDACTED]		
Driver Unit #4:	[REDACTED]	Driver Unit #5:	Sprinkle, Daniel Palmer		
Deceased Passenger from Unit #3:	[REDACTED]				
County:	Kaufman County				
Investigating Trooper:	Trooper D. Barkley				
Drawn By:	Trooper T. Anderson II				
Scale of Diagram:	1" = 70'				



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Point	X	Y	Z	Description	Protec	Audio	History	Note
1	0.000	0.000	100.000	RP1	<input type="checkbox"/>			
99	0.000	24.529	100.095	RM1	<input type="checkbox"/>			
1000	-5.799	413.847	97.064	EP1	<input type="checkbox"/>			
1001	6.408	413.404	98.005	FL1	<input type="checkbox"/>			
1002	18.539	412.536	98.241	CL1ST	<input type="checkbox"/>			
1003	18.382	402.243	98.230	CL1	<input type="checkbox"/>			
1004	30.600	414.212	98.435	YL	<input type="checkbox"/>			
1005	36.072	415.832	97.960	EP2	<input type="checkbox"/>			
1006	8.783	357.762	99.159	SM1	<input type="checkbox"/>			
1007	10.091	319.190	99.319	SM1	<input type="checkbox"/>			
1008	8.192	308.221	99.324	SM1	<input type="checkbox"/>			
1009	9.652	307.188	99.380	SM2	<input type="checkbox"/>			
1010	8.064	266.748	99.507	SM1	<input type="checkbox"/>			
1011	9.708	266.513	99.537	SM2	<input type="checkbox"/>			
1012	9.356	193.843	100.019	SM2	<input type="checkbox"/>			
1013	7.593	125.659	99.928	SM1	<input type="checkbox"/>			
1014	9.045	125.312	99.966	SM2	<input type="checkbox"/>			
1015	7.088	41.008	100.264	SM1	<input type="checkbox"/>			
1016	8.497	40.852	100.266	SM2	<input type="checkbox"/>			
1017	6.166	10.153	100.402	SM1	<input type="checkbox"/>			
1018	6.183	10.178	100.405	FL1	<input type="checkbox"/>			
1019	7.742	10.197	100.408	SM2	<input type="checkbox"/>			
1020	5.232	-1.363	100.315	SM1	<input type="checkbox"/>			
1021	7.732	-1.417	100.451	SM2	<input type="checkbox"/>			
1022	4.828	-18.943	100.306	SM1	<input type="checkbox"/>			
1023	6.714	-19.984	100.454	SM2	<input type="checkbox"/>			
1024	2.602	-45.654	100.243	SM1	<input type="checkbox"/>			
1025	-0.015	24.530	100.101	RM1	<input type="checkbox"/>			
1026	3.764	-45.932	100.338	SM2	<input type="checkbox"/>			
1027	-1.980	-73.037	100.152	SM1	<input type="checkbox"/>			
1028	-0.761	-73.729	100.211	SM2	<input type="checkbox"/>			
1029	-7.580	-95.179	99.231	SM1	<input type="checkbox"/>			
1030	-6.224	-95.747	99.579	SM2	<input type="checkbox"/>			
1031	-10.766	-105.995	98.143	SM2	<input type="checkbox"/>			
1032	-12.792	-105.870	99.117	RTC1	<input type="checkbox"/>			
1033	-4.568	-107.020	99.976	LTC1	<input type="checkbox"/>			
1034	12.116	122.570	100.037	AOI	<input type="checkbox"/>			
1035	10.661	124.632	100.050	GOU1	<input type="checkbox"/>			
1036	10.701	122.300	100.034	GOU1	<input type="checkbox"/>			
1037	12.947	121.670	100.030	GOUBOX	<input type="checkbox"/>			
1038	12.323	111.238	100.077	GOUBOX	<input type="checkbox"/>			
1039	10.798	111.274	100.022	GOUBOX	<input type="checkbox"/>			
1040	11.309	121.884	100.021	GOUBOX	<input type="checkbox"/>			
1041	18.297	85.815	100.215	CS1ST	<input type="checkbox"/>			
1042	18.237	75.687	100.265	CS1	<input type="checkbox"/>			
1043	18.221	44.985	100.401	CS1ST	<input type="checkbox"/>			
1044	18.229	34.930	100.441	CS1	<input type="checkbox"/>			
1045	18.258	4.223	100.571	CS1ST	<input type="checkbox"/>			
1046	18.323	-5.963	100.607	CS1	<input type="checkbox"/>			
1047	10.989	16.197	100.409	AOI2	<input type="checkbox"/>			
1048	39.048	-109.308	100.435	RF4	<input type="checkbox"/>			
1049	41.117	-108.795	100.282	RFT4	<input type="checkbox"/>			

Point	X	Y	Z	Description	Protec	Audio	History	Note
1050	-0.015	24.530	98.202	RM1	<input type="checkbox"/>			
1051	49.827	-108.692	99.708	RRT4	<input type="checkbox"/>			
1052	51.148	-109.061	98.623	RRC4	<input type="checkbox"/>			
1053	50.821	-114.376	99.750	LRC4	<input type="checkbox"/>			
1054	50.072	-114.968	99.813	LRT4	<input type="checkbox"/>			
1055	42.080	-114.646	100.318	LFT4	<input type="checkbox"/>			
1056	39.047	-113.907	100.469	LFC4	<input type="checkbox"/>			
1057	13.561	-72.446	100.733	GOU2	<input type="checkbox"/>			
1058	13.221	-76.013	100.761	GOU2	<input type="checkbox"/>			
1059	7.762	-80.272	100.690	BUMP6	<input type="checkbox"/>			
1060	15.524	-83.758	100.817	BUMP6	<input type="checkbox"/>			
1061	5.301	-94.871	100.660	UNIT3	<input type="checkbox"/>			
1062	7.414	-94.375	100.860	UNIT3	<input type="checkbox"/>			
1063	9.868	-93.487	100.798	UNIT3	<input type="checkbox"/>			
1064	16.128	-93.118	100.913	UNIT3	<input type="checkbox"/>			
1065	18.646	-93.543	100.976	UNIT3	<input type="checkbox"/>			
1066	19.458	-95.991	101.026	UNIT3	<input type="checkbox"/>			
1067	18.586	-98.394	101.010	UNIT3	<input type="checkbox"/>			
1068	16.338	-99.603	100.999	UNIT3	<input type="checkbox"/>			
1069	11.938	-98.968	99.054	UNIT3	<input type="checkbox"/>			
1070	7.602	-100.614	99.686	UNIT3	<input type="checkbox"/>			
1071	5.496	-99.878	98.663	UNIT3	<input type="checkbox"/>			
1072	4.977	-97.763	100.631	UNIT3	<input type="checkbox"/>			
1073	15.584	105.777	100.117	SM3	<input type="checkbox"/>			
1074	14.537	26.910	100.422	SM3	<input type="checkbox"/>			
1075	-0.014	24.520	98.205	RM1	<input type="checkbox"/>			
1076	14.547	-19.615	100.587	SM3	<input type="checkbox"/>			
1077	11.288	-54.608	100.854	SM3	<input type="checkbox"/>			
1078	6.216	-79.824	100.726	SM3	<input type="checkbox"/>			
1079	15.651	62.533	100.239	SM4	<input type="checkbox"/>			
1080	15.154	27.130	100.434	SM4	<input type="checkbox"/>			
1081	15.728	-24.287	100.629	SM4	<input type="checkbox"/>			
1082	10.596	-84.650	100.705	SM4	<input type="checkbox"/>			
1083	7.609	-80.268	100.705	SM4	<input type="checkbox"/>			
1084	8.237	-50.931	100.543	GQU3	<input type="checkbox"/>			
1085	7.806	-53.840	100.571	GQU3	<input type="checkbox"/>			
1086	7.745	-56.515	100.576	GQU3	<input type="checkbox"/>			
1087	9.868	-52.594	100.602	GQU4	<input type="checkbox"/>			
1088	9.777	-54.634	100.618	GQU4	<input type="checkbox"/>			
1089	11.065	-68.374	100.703	GQU5	<input type="checkbox"/>			
1090	10.280	-70.610	100.709	GQU5	<input type="checkbox"/>			
1091	14.164	31.108	100.382	SM5	<input type="checkbox"/>			
1092	13.039	-11.060	100.539	SM5	<input type="checkbox"/>			
1093	11.598	-45.484	100.581	SM5	<input type="checkbox"/>			
1094	6.312	-75.171	100.660	SM5	<input type="checkbox"/>			
1095	12.969	15.658	100.452	SM6	<input type="checkbox"/>			
1096	12.128	-11.048	100.528	SM6	<input type="checkbox"/>			
1097	9.765	-44.665	100.561	SM6	<input type="checkbox"/>			
1098	8.886	-53.921	100.584	SM6	<input type="checkbox"/>			
1099	7.309	-63.767	100.615	SM6	<input type="checkbox"/>			
1100	-0.027	24.520	100.105	RM1	<input type="checkbox"/>			
1101	15.481	-29.291	100.596	SM7	<input type="checkbox"/>			

Point	X	Y	Z	Description	Protec	Audio	History	Note
1102	16.406	-38.658	100.652	SM7	<input type="checkbox"/>			
1103	19.888	-55.546	100.759	SM7	<input type="checkbox"/>			
1104	27.951	-80.739	101.036	SM7	<input type="checkbox"/>			
1105	35.512	-86.553	100.865	SM7	<input type="checkbox"/>			
1106	15.538	-38.163	100.638	SM8	<input type="checkbox"/>			
1107	18.509	-48.743	100.685	SM8	<input type="checkbox"/>			
1108	28.845	-74.306	101.046	SM8	<input type="checkbox"/>			
1109	36.340	-88.390	100.685	SM8	<input type="checkbox"/>			
1110	16.059	-41.979	100.680	SM9	<input type="checkbox"/>			
1111	16.022	-71.531	100.758	SM9	<input type="checkbox"/>			
1112	16.210	-92.768	100.950	SM9	<input type="checkbox"/>			
1113	7.314	-15.429	100.442	GOU6	<input type="checkbox"/>			
1114	7.166	-94.114	100.802	GOU6	<input type="checkbox"/>			
1115	7.783	-116.558	100.871	SM10	<input type="checkbox"/>			
1116	9.093	-115.762	100.860	SM11	<input type="checkbox"/>			
1117	8.512	-211.350	101.149	SM11	<input type="checkbox"/>			
1118	7.095	-211.291	101.204	SM10	<input type="checkbox"/>			
1119	15.071	-211.473	101.333	LRT6	<input type="checkbox"/>			
1120	14.901	-269.428	101.527	LFT6	<input type="checkbox"/>			
1121	7.403	-269.379	101.415	RFT6	<input type="checkbox"/>			
1122	6.849	-211.269	101.245	RRT6	<input type="checkbox"/>			
1123	-12.520	-169.247	99.442	LRD1	<input type="checkbox"/>			
1124	-13.283	-174.164	99.533	LRD2	<input type="checkbox"/>			
1125	-0.028	24.520	100.099	RM1	<input type="checkbox"/>			
1126	-13.346	-174.169	99.452	LFC1	<input type="checkbox"/>			
1127	-22.184	-173.911	99.147	RFC1	<input type="checkbox"/>			
1128	-6.487	-129.606	99.900	POST	<input type="checkbox"/>			
1129	-4.354	-141.249	100.293	GRX	<input type="checkbox"/>			
1130	0.668	-139.291	100.647	GRX	<input type="checkbox"/>			
1131	-1.908	-145.881	100.590	GR	<input type="checkbox"/>			
1132	-4.402	-154.732	100.465	GR	<input type="checkbox"/>			
1133	-3.483	-179.562	100.417	GR	<input type="checkbox"/>			
1134	-0.926	-303.742	101.204	GR	<input type="checkbox"/>			
1135	-0.926	-303.742	101.203	EP1	<input type="checkbox"/>			
1136	6.439	-304.522	101.597	FL1	<input type="checkbox"/>			
1137	30.987	-306.053	101.938	YL	<input type="checkbox"/>			
1138	36.970	-305.281	101.465	EP2	<input type="checkbox"/>			
1139	-0.036	24.520	100.104	RM1	<input type="checkbox"/>			
					<input type="checkbox"/>			

EA12-005

TOYOTA

2/15/2013

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1634368-WE - 1 - Exhibit003





Crash Site 015.JPG



Crash Site 016.JPG

EA12-005

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2/15/2013

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Trooper Countryman

1634369-WE - 1 - Exhibit004



PENGLAND-BAYONNE, N. J.  
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