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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 801819

KENNETH LEE JOHNSON,
Appellant,

V

BRANDON I. HAAS, who sues by
and through her mother and next friend
CANDACE W. HAAS,
Appellee

APPENDIX FOR APPELLEE

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TABLE OF CONTENTS

EXCERPTS FROM TRANSCRIPT

	Appendix Page
TESTIMONY OF DAVID DUNBAR	1A
TESTIMONY OF KENNETH LEE JOHNSON.	2A
TESTIMONY OF DOUGLAS J. PLUDE	5A

morning when you left church?

A Yes, we did.

Q When you say we, you and who else?

A Me and Mr. Johnson.

Q All right. And for what purpose did you and Mr. Johnson leave the church?

A Well, we were on our way to his house. He was driving his car and I was driving mine, and we were going to take his car to his wife so that she would have a way back later because she was coming at a later time in day to church and he was going to ride back with me.

Q Ride where with you?

A Ride back to church with me.

Q Well, after you left the church, what roadway did you get -- were you on before you got on Virginia Beach Boulevard?

A Birdneck Road.

Q And when you came to Virginia Beach Boulevard, did you have to make a turn?

A Yes, at the intersection we had to make a left-hand turn.

Q And who was -- where was your car with reference to Mr. Johnson's car?

A Uhm, I was the third car in line.

Q And Mr. Johnson's car was which car in

1 A He was following me home. He was going
2 to give me a ride back because Sunday school hadn't finished
3 when we left.
4 Q You heard him testify yesterday, did you
5 not?
6 A Yes.
7 Q And did he tell it right about how he's
8 known you and that sort of thing?
9 A Yes.
10 Q All right. Mr. Johnson, when you left
11 church heading back towards your home, what route did you
12 take?
13 A South Birdneck Road and I made a left
14 on Virginia Beach Boulevard at the stoplight at Seatack.
15 Q When you first were at that traffic light
16 at South Birdneck Road and Virginia Beach Boulevard, what was
17 the color of the light for you?
18 A It was red.
19 Q So what did you do?
20 A Stopped.
21 Q And at that time where was Mr. Dunbar?
22 A Mr. Dunbar was behind me.
23 Q Was there any traffic ahead of you?
24 A Yes.
25 Q Who?

1 A Yes.

2 Q And when the roadway went from one lane

3 to two lanes for you, how far from the accident scene itself

4 was that?

5 A Hum. That is approximately about two

6 hundred and fifty yards, I'd say.

7 Q Are there any -- are there any places of

8 business on the highway that you could use as a point of

9 reference for this jury as to where the roadway became two

10 lanes for you?

11 A Yes, it opens up near the Rocks. I believe

12 it's Rocks, uhm, Restaurant on Virginia Beach Boulevard.

13 Q Well now, when the road became two lanes

14 for you, what did you do?

15 A I didn't pull out immediately, although

16 I was planning to, uhm -- to pass, you know, if it's -- if

17 his speed didn't increase. And when he didn't, I began my

18 passing about the hotel. There's a Rocks Hotel right next

19 to the restaurant.

20 Q Well -- and did you have to accelerate

21 to pass Mr. Dunston?

22 A Yes.

23 Q Well, what speed did you get up to?

24 A About thirty-five -- thirty-five or forty.

25 Q What would you say to the jury was your

1 Q Was that the view that you had on the
2 morning of June 11th?
3 A Yes.
4 Q Are you suffering from any physical
5 disability which would cause you to have anything but normal
6 reactions?
7 A No.
8 Q As a matter of fact, you appear to be in
9 pretty good shape. Were you in good shape on June 11th?
10 A Yes.
11 Q Had you been using any prescriptive
12 medication on June 11th as you approached the intersection of
13 Shipp Lane on Virginia Beach Boulevard?
14 A No.
15 Q Were you under the influence of any
16 alcohol?
17 A No.
18 Q Was the roadway dry?
19 A Yes.
20 Q And I believe the traffic conditions were
21 light that morning, were they not?
22 A Yes.
23 Q Other than the Dunston vehicle in front
24 of you that you eventually passed, Mr. Dunbar's car, and some
25 oncoming traffic eastbound on Virginia Beach Boulevard, did

Q Do you recall stopping then?

A Yes.

Q Would you describe for us what the traffic conditions were that morning?

A Relatively light. There was a blue Volkswagen behind me at the stoplight.

Q And as I understand it, you came to a stop then?

A Yes, the light was red.

Q As you stopped at the stoplight, what vehicles, if any, were proceeding in front of you?

A None that I recall.

Q Can you describe the roadway for me, how it is at that particular intersection?

A The road is good, well paved. It was a clear day.

Q Weather conditions?

A Yes, sir.

Q Which would have been what?

A It was Sunday morning.

Q Okay. But the weather -- was it rainy, sunny --

A Sunny.

Q Had it rained, to the best of your knowledge, in that area at any time, say, within the past six